

IONIA COUNTY BOARD OF COMMISSIONERS
Regular Meeting
May 14, 2013
4:00 p.m.

Vice-Chair Banks called the meeting to order and led with the Pledge of Allegiance.

Members present: Lynn Mason, Larry Tiejema, Brenda Cowling-Cronk, Jack Shattuck and Jim Banks

Members absent: Scott Wirtz and Julie Calley

Others present: Tom Thelen, Don Jandernoa, Charles Babcock, Karen Bota, Jim Valentine, David Wood, Don Ransom, Judy Clark, Janae Cooper, Stephanie Hurlbut and Tonda Rich

The Vice Chair noted two additional items to be added to the agenda: Added approval of the Closed Session minutes from April 23, 2013 to the Consent Calendar and added Item A. Approval of Heffron PA 116 to Unfinished Business. Moved by Mason, supported by Cowling-Cronk, to approve the amended agenda. Motion carried by voice vote.

Public Comment

David Wood, with the Ionia County Soil Conservation District, discussed the establishment of a Lake Creek Watershed.

Consent Calendar

- A. Approve minutes of the previous meeting(s)
- B. Approve Closed Session minutes from April 23, 2013

The Closed Session minutes were presented to the Board for their review. Hearing no objections, the Vice Chair declared the Consent Calendar approved.

Unfinished Business

- A. Moved by Tiejema, supported by Shattuck, to approve the PA116 Farmland Agreement, local file number 13-003FA, filed by Dennis Heffron for property located in Easton Township. Motion carried by voice vote.

New Business

- A. Don Jandernoa, Chairman of the Green View Point Park Committee, updated the Board on the status of the pending improvements to the park, as well as, shared his recommendations for the park. Moved by Mason, supported by Tiejema, to approve the long-range landscape plan at a cost of \$22,000 and to install an irrigation sprinkler system with all expenses paid by the Green View Point Park Restoration and Improvement Committee. Motion carried by voice vote.

- B. Moved by Shattuck, supported by Cowling-Cronk, to adopt the Village of Lyons Michigan Community Resolution and Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program. The Resolution was adopted 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: Village of Lyons **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.
- C. Moved by Tiejema, supported by Mason, to authorize the purchase of concealed pistol licensing hardware for the County Clerk's Office in the amount of \$3,283 and to further authorize the concealed pistol licensing photo fee to be increased from \$8 to \$10. Motion carried by voice vote.
- D. Moved by Shattuck, supported by Cowling Cronk, to authorize filling the Administrative Assistant position in the Buildings and Grounds Department, starting at a Grade 5, Step 1. Motion carried by voice vote.

- E. Moved by Shattuck, supported by Tiejema, to approve the Intergovernmental Agreement between the West Michigan Shoreline Regional Development Commission and Ionia County that will able municipalities within the County to be reimbursed for approved Homeland Security related expenses. Motion carried by voice vote.

The Vice Chair called for a brief recess at 4:47 p.m. and reconvened at 4:50 p.m.

Moved by Mason, supported by Cowling-Cronk, to enter into Closed Session at 4:50 p.m. to discuss an attorney/client privilege letter. Motion carried by the following roll call vote: yes – all.

Moved by Shattuck, supported by Mason, to adjourn Closed Session and return to regular session at 5:01 p.m. Motion carried by voice vote.

- F. Moved by Banks, supported by Tiejema, that the Ionia County Board of Commissioners over-rule the administrative decision concerning the denial of the pension benefits to the family of Nancy Hickey and to determine that the election made by Nancy Hickey was valid and to further adopt Resolution 2013 – 10. The Resolution was adopted by the following roll call vote: yes – all. The Resolution is as follows:

**RESOLUTION
2013-10**

WHEREAS, on November 19, 2012, County Treasurer Nancy Hickey submitted her resignation, effective immediately, having previously filed an Election of Optional Forms of Benefit Payment electing the joint and 100% survivor annuity form of benefit payment on retirement; and

WHEREAS, the Ionia County Board of Commissioners, after careful consideration and with advice of counsel, pursuant to Section 9.1 of the County of Ionia Pension Plan, hereby finds that the benefit election of Nancy Hickey was made after she had attained the age of 60, after she had completed eight (8) years of service, and that her employment had terminated, and that she retired effective November 19, 2012, prior to her death; and

WHEREAS, the Ionia County Board of Commissioners further finds that the reference in the Pension Plan to the first day of the month following the election is not a term of vesting or forfeiture, but is simply a reference to the commencement of the schedule of payments for the convenience of the County.

NOW, THEREFORE, BE IT RESOLVED, that the decision made in December 2012 denying Nancy Hickey's election for a joint and 100% survivor spousal annuity because of her death prior to the first day of the month following such election, be and is hereby overruled.

IT IS FURTHER RESOLVED that the Ionia County Board of Commissioners does hereby determine that the election of Nancy Hickey for a joint 100% survivor

annuity is valid and that monthly benefit payments may be made to her named survivor in accordance with the terms of said benefit election.

County Administrator's Report

- 1) Doug DeVries will be attending the Committee-of-the-Whole to discuss the status of the flood cleanup;
- 2) The Employee Compensation requirement for Revenue Sharing has been submitted to the Department of Treasury.
- 3) Circuit Court did their first video arraignment

Moved by Shattuck, supported by Cowling-Cronk, to adjourn the meeting at 5:13 p.m. Motion carried by voice vote.

James L. Banks, Vice Chair

Tonda Rich, Clerk

Minutes approved on:
