



STEVE MILLER, MAYOR  
MITCH FOSTER, CITY MANAGER  
DEBORAH LUSKIN, CITY CLERK  
TOM EZDEBSKI, CITY TREASURER

## CITY OF LUDINGTON

400 S HARRISON STREET  
LUDINGTON, MI 49431  
(231) 845-6237 FX (231) 845-1146  
[WWW.LUDINGTON-MI.GOV](http://WWW.LUDINGTON-MI.GOV)

1/17/2020

Michigan Economic Development Corporation  
Community Development Block Grant Program  
300 North Washington Square  
Lansing, Michigan 48913

Re: Exempt Activities Determination

Dear Madelaine Clapp,

The City of Ludington is hereby requesting release of funds provided under the Rental Rehabilitation Project at 327 S James Street.

The owners of 327 S James Street will provide funds for architectural and engineering needs which are an eligible activity. Such activities are exempt from environmental review requirements under 24 CFR 58.34(a).

In addition, the City of Ludington has reviewed and documented that we are in compliance with the requirement of 24 CFR 58.6 as follows:

1. The project will not involve property acquisition or construction residing in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards. (A copy of the flood insurance policy must be attached if the project is located in this type of area.)
2. The project will not take place in an area designated as part of the Coastal Barrier Resources System.
3. The project will not involve the sale or acquisition of an existing property in a Runway Clear Zone or Clear Zone, as defined in 24 CFR Part 51. (A signed disclosure statement must be attached if the project is located in this type of area.)

Please call if you need any additional information.

Sincerely,

Mitch Foster, City Manager

*On the Shores of Lake Michigan*

**FINDING OF EXEMPT ACTIVITY**  
**24 CFR 58.34**

---

Grantee City of Ludington  
Grant No. \_\_\_\_\_

I hereby certify that the following activities comprising the 327 S James Street Rental Rehabilitation Project have been reviewed and determined to be an Exempt Activity per 24 CFR 58.34(a) as follows:

- (1) Environmental and other studies, resource identification and the development of plans and strategies;
- (2) Information and financial services;
- (3) Administrative and management activities;
- (4) Public services that will not have a physical impact or result in any physical change, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
- (5) Inspections and testing of properties for hazards or defects;
- (6) Purchase of insurance;
- (7) Purchase of tools;
- (8) Engineering or design costs;
- (9) Technical assistance and training;
- (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disasters, imminent threats or physical deterioration;
- (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
- (12) Any of the categorical exclusions listed in 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in 58.5. Such activities are documented as exempt by the Statutory Checklist.

**Flood Insurance/Flood Disaster Protection Act**

1. Does the project involve the acquisition, construction, or rehabilitation of structures, buildings, or mobile homes?

- No. Flood insurance is not required. The review of this factor is completed.
- Yes. Continue Review.

2. Is the structure or part of the structure located in a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area?

- No. Cite Source Documentation: *Fema map Panel 229 of 425 #26581 8/26/19*  
Proceed with project.
- Yes. Cite Source Documentation:  
Continue Review.

3. Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

- Yes. Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declaration must be maintained in this Environmental Review Record.
- No. Federal assistance may not be used in the Special Flood Hazard Area.

**Coastal Barriers Resources Act**

1. Is the project located in a coastal barrier resource area?

- No. Cite Source Documentation:
- Yes. **Federal assistance may not be used in such an area.**

**Airport Runway Clear Zones and Clear Zones Disclosures**

1. Does the project involve the sale or acquisition of existing property within a Civil Airport's Runway Clear Zone, Approach Protection Zone or a Military Installation's Clear Zone?

- No. Cite Source Documentation:
- Yes. **Disclosure statement must be provided** and a copy of the signed disclosure statement must be maintained in this Environmental Review Record.

In accordance with 24 CFR 58.34(b), no further environmental approval form from HUD or the State is necessary for the drawdown of funds to implement this program.

Mitch Foster City Manager                                            1/21/2020  
 Name and Title of Certifying Officer                      Signature of Certifying Officer                      Date

Heather Tykaski    231 845 6237  
 Name of person preparing this form    Phone #

For State Use Only	Reviewed	Date
Compliance Specialist		

## DETERMINATION OF LEVEL OF ENVIRONMENTAL REVIEW

---

### CERTIFYING OFFICER

Mitch Foster, City Manager is designated the environmental certifying officer for the CDBG project described below. I certify that

---

### PROJECT INFORMATION

Grantee (Unit of General Local Government)      City of Ludington

Grantee Address      400 S Harrison Street

Grantee Contact Person  
Name and Phone      Heather Tykoski 231-845-6237

Other Project Contact Person  
Name and Phone      Mitch Foster 231-845-6237

Grant Number (if assigned)      \_\_\_\_\_

Project Title      Downtown Rental Rehabilitation

Project Description (provide in separate, attached sheets)

*The project description is a clear, concise overview of the project that enables the reader to understand the scale, scope, and extent of the project, and supports the reasons for determination of level of environmental review. The description should include information on all of the proposed activities (listed by funding source), describe the existing environment at and around the project site(s), and include any relevant maps, photos or other supporting documentation necessary to describe the project.*

---

### PROJECT DETERMINATION (completed by the Environmental Review Officer)

All project activities have been reviewed and the project meets the following environmental determination:

- Exempt
- Categorically Excluded Not Subject To §58.5
- Categorically Excluded Subject To §58.5
- Environmental Assessment
- Environmental Impact Statement

  
\_\_\_\_\_  
Certifying Officer Signature  
Mitch Foster

1/21/2020  
\_\_\_\_\_  
Date

## Project Description:

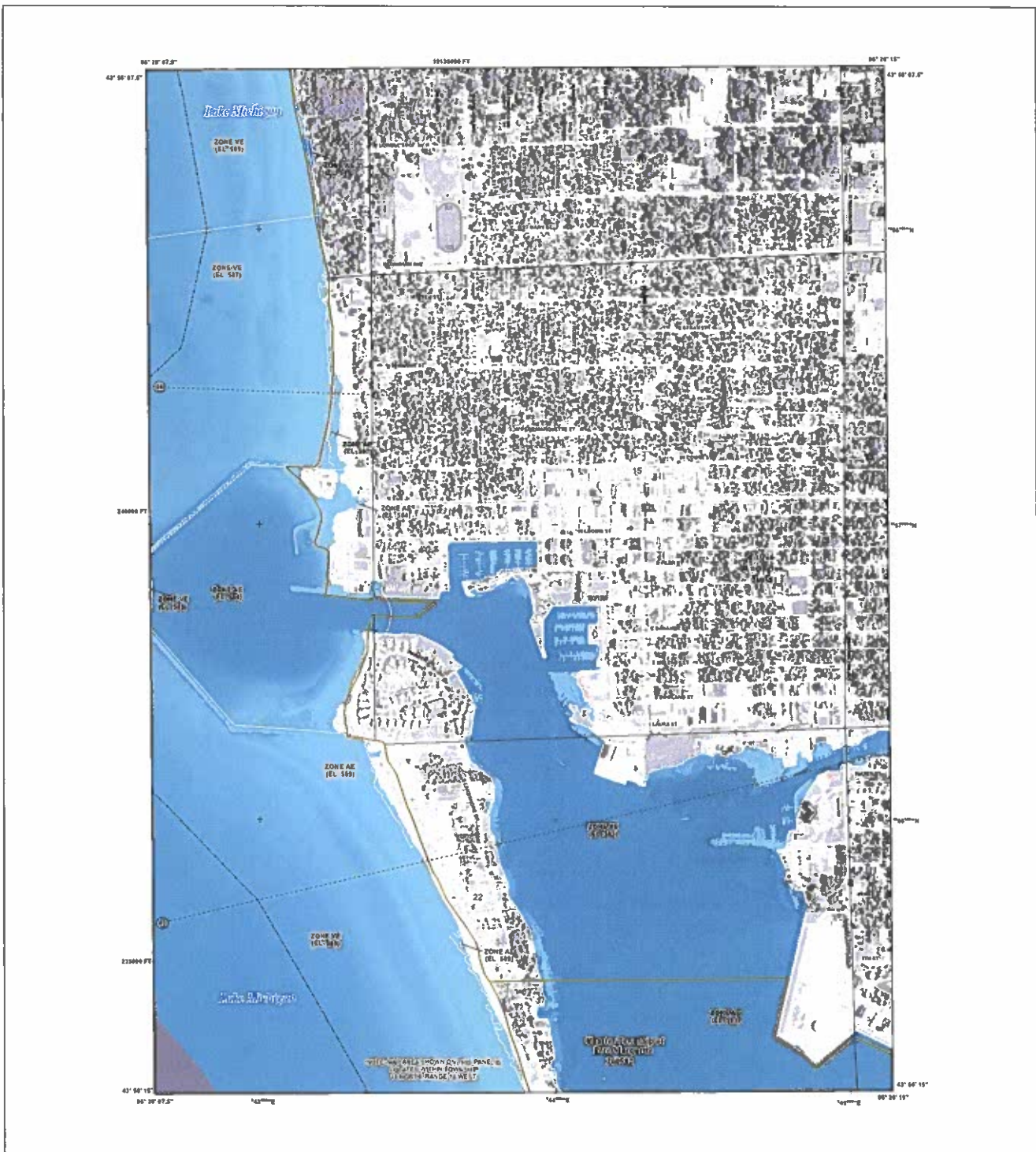
The need for affordable housing in the City of Ludington is outlined in the target market analysis completed in 2015. While some progress has been made toward affordable housing, a large gap still remains in what has been built and what is needed to address the housing crisis. The Target Market Analysis identified a need for 423 rental units annually in the City of Ludington. It stated that "Units above street-front retail and/or located in downtown areas will be well-received by the target markets. In transitional areas around the downtowns, low-rise buildings and row houses might be more appropriate. Detached houses, duplexes, and triplexes could be used as infill and transitional formats for urban neighborhoods proximate to the downtown." The units being added and rehabilitated in this application will help chip away at the additional units needed as it related to the Downtown Core. Adding and continuing to add affordable units in the Downtown area addresses the needs identified in the Target Market Analysis and addressed in Chapter 4 of the City's Master Plan. The need for affordable units with price range break downs was provided by the target market analysis which found that, "Among the target markets, most of the renter-occupied household will seek contract rents of up to \$600 per month, and 55% will be seeking monthly contract rents of \$400 or less. In addition, over 8% of the households will have a propensity to choose higher rents in the ranges of \$530 to \$1,170 (or median contract rents in the range of \$760 to \$990). Variations will reflect household income brackets across the diverse target markets. Just over 4% of the new renter households will have a tolerance for monthly contract rents of higher than \$900 in 2012 dollars." As you can see the need for affordable housing is very prevalent in the housing gap that exists in the Ludington area.

This project will put 12 units on the market, 8 new and 4 rehabilitated. This allows for 12 quality affordable housing units to be accessible to those who need this bracket of housing.

The buildings in question have been used largely for commercial purposes on the first floor and office or apartments on the second floors. One building has units that will be renovated, the other two have empty upper floors that do not contribute to the property or the community. This program will allow property owners to reenergize those second stories, making them financially viable to their property and provide a community benefit of affordable housing the Downtown area. The downtown area is an important factor because many services are within walking distance of this area. Grocery stores, restaurants, professional services, entertainment, quality parks, and public beaches are all in or adjacent to the downtown area.

As Identified in the City's Master plan and supported by the Target Market Analysis, "the City must continue to seek out and invest in new housing options. These new housing options should include the types of housing desired by young professionals, empty nesters and seniors, including duplexes, townhouses and live/work apartments. Recent market studies have shown that individuals in these age groups are increasingly looking for these types of housing units instead of detached, single-family homes. These new housing options should be located in the walkable, higher-density, mixed-use areas of the City. Additionally, the need to provide a variety of housing options at price points affordable to all City residents was frequently discussed during the Resilient Ludington process."

The project activities in this review are for engineering, the development of plans, environmental and other studies, and inspections and testing of hazards. All of these are exempt activities under 24 CFR 58.34.



**FLOOD HAZARD INFORMATION**

SEE FOR REPORT FOR EXTENDED LEGEND AND LEGEND FROM PANEL LOCATOR  
 THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

	Without Base Flood Elevation (BFE) With STE or Depth
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of less than one square mile
	Future Conditions 1% Annual Chance Flood Hazard
	Area with Reduced Flood Risk due to Levee See Notes
	Area of Minimal Flood Hazard
	Area of Undetermined Flood Hazard
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	19.2 Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
	13.8 Cross Sections with 1% Annual Chance Water Surface Elevation (BFE)
	Coastal Florebank
	Coastal Florebank Baseline
	Profile Baseline
	Hydrographic Feature
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

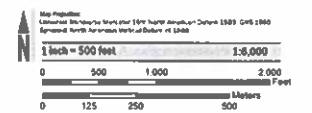
**NOTES TO USERS**

For information and questions about the Flood Insurance Rate Map (FIRM), production products associated with the Flood Insurance Rate Map, the Flood Insurance Study (FIS), or any other products of the National Flood Insurance Program (NFIP), or any other products of the NFIP, please contact the National Flood Insurance Program (NFIP) at 1-800-425-6842 or visit the NFIP Web Site. Certain information on this map may be subject to change without notice. The information on this map is for informational purposes only and does not constitute an offer of insurance. For more information, please contact your insurance agent or call the National Flood Insurance Program at 1-800-425-6842.

Consulting property and an expert FIRM reader report with a report map of the report period as well as the current FIRM data. There may be related services from the Map Service Center at the National Flood Insurance Program. For assistance and queries, please refer to the Flood Insurance Study report for the jurisdiction. For assistance, please contact the National Flood Insurance Program at 1-800-425-6842.

Base map used on this FIRM was prepared by the United States Geological Survey (USGS). The information on this map is for informational purposes only and does not constitute an offer of insurance. © 2019

**SCALE**



**PANEL LOCATOR**



**FEMA**  
 National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM**  
 FLOOD POLICY MAP PANEL MAP  
 MASON COUNTY, MICHIGAN  
 4483000000

map 229 of 425

COMPANY	NUMBER	PANEL	SUFFIX
FIRE MARSHAL'S OFFICE	260543	1325	0
UNIVERSITY CITY OF	260641	0729	0

**PRELIMINARY**  
**AUGUST 26, 2019**

VERSION NUMBER  
 2.4.3.5  
 MAP NUMBER  
 26105C0229D  
 MAP REVISED





# Coastal Barrier Resources System

# Ludington, MI Coastal Barrier M



January 17, 2020

-  CBRS Buffer Zone
-  System Unit
-  Otherwise Protected Area

This map is for general reference only. The Coastal Barrier Resources System (CBRS) boundaries depicted on this map are representations of the controlling CBRS boundaries, which are shown on the official maps, accessible at <https://www.fws.gov/cbra/maps/index.html>. All CBRS related data should be used in accordance with the layer metadata found on the CBRS Mapper website.

The CBRS Buffer Zone represents the area immediately adjacent to the CBRS boundary where users are advised to contact the Service for an official determination (<http://www.fws.gov/cbra/Determinations.html>) as to whether the property or project site is located "in" or "out" of the CBRS.

CBRS Units normally extend seaward out to the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward extent of the units is not shown in the CBRS mapper.

April 14, 2014

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, April 14, 2014, at 6:30 o'clock p.m.

Present: His Honor Mayor Ryan Cox and Councilors Kaye Holman, Dick Rathsack, Kathy Winczewski, Les Johnson, Wanda Marrison, Nick Tykoski, and Gary Castonia.

Absent: None.

Also present were City Manager John Shay, City Attorney Richard Wilson, Police Chief Mark Barnett, Fire Chief Jerry Funk, City Treasurer Linda Rogers, and City Clerk Deborah Luskin.

Invocation was pronounced by Police Chief Barnett.

Pledge to the Flag was given.

Moved by Councilor Marrison, seconded by Councilor Holman, to approve the agenda as presented. Motion Carried.

The meeting was opened for public comments.

Tom Rotta, City of Ludington, commented that he filed a FOIA request asking for written rules or bylaws that had been adopted by City Council for conducting city meetings. He stated that because the information he received in response to his request did not contain any rules or regulations setting a limit for public comment to five minutes, he is presuming that the City has no rules and regulations and there should be no limit to the length of public comment. He referred to other individuals who have made public comment over the past few years and their time to speak was over the five minute limit. He stated that due to the lack of specific rules and regulations on limiting the length of public comment, a member can speak as long as he wants to. He noted that the lack of codified rules would result in chaos at a council meeting. His Honor Mayor Cox informed Tom that his time to speak was up. Tom Rotta asked under what authority was the Mayor stopping him from speaking. His Honor Mayor Cox stated that as Mayor he was limiting Tom Rotta's public comment period to five minutes.

Tom Tyron, City of Ludington, commented that even though he is satisfied with City services, he wanted City Council to know that last fall the City put tar patch and rocks on Ludington Avenue to fill in cracks. The tar and rocks are now in his yard. The cracks are still not filled. This process does not work and he is asking that the City not do this in the future.

After no further comments were received, the regular order of business was resumed.

Moved by Councilor Johnson, seconded by Councilor Tykoski, to approve the minutes of the regular meeting 3/24/14. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Johnson, to approve the request by Spectrum Health Ludington Hospital to hold the 2<sup>nd</sup> Annual Hospital Hustle 5K on Saturday, May 10<sup>th</sup> from 10 a.m. until 12 p.m. Police Chief Mark Barnett has reviewed the route and has approved it. Motion Carried.

Moved by Councilor Johnson, seconded by Councilor Holman, to approve the request by Staircase Youth Services to hold a 5K fun run on Saturday, September 20<sup>th</sup> at 6:00 p.m. They are requesting assistance from the Ludington Police Department to temporarily block traffic to allow racers to safely cross intersections. Police Chief Barnett indicated that he has approved the route. Councilor Holman asked if the City is starting to run into a lot of overtime for handling these events. Police Chief Barnett stated that with this type of race, the City has been able to accommodate the request without overtime, but he would like to see the City getting a handle on all of these events. Motion Carried.

Moved by Councilor Tykoski, seconded by Councilor Holman, to approve the Ludington Area Jaycees request to hold the Children & Pet Parade on July 3<sup>rd</sup> at 6:30 p.m. at Waterfront Park and the Grand Parade on July 4<sup>th</sup> at 1:45 p.m. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Castonia, that the Finance Report with total expenditures in the amount of \$420,697.59 for this period be approved and orders drawn according to the City Charter. Motion Carried.



Ordinance No. 279-14, an ordinance to approve a 3 year contract (2014, 2015, and 2016) with Larsen Landscaping LLC for fertilization of City owned lawns was presented for the first reading. Larsen Landscaping LLC bid was \$9,186.91 and Turf Care Mole Man bid was \$10,595.20.

Ordinance No. 279-14 shall be presented for adoption on 4/28/14 and is available for public inspection in the City Clerk's office during regular business hours.

Moved by Councilor Holman, seconded by Councilor Johnson, to approve the final 2013 budget amendment to increase the City Attorney expense line by \$5,800 and offset the expense by the General Fund Fund Balance in the amount of \$5,800. Motion Carried.

**RESOLUTION TO HOLD REGULAR ELECTION FOR LOCAL OFFICES AT THE NOVEMBER EVEN YEAR  
REGULAR ELECTION**

WHEREAS, Public Acts 523 and 551 of 2012 have made comprehensive changes to Michigan Election Law;  
and

WHEREAS, The Acts provide that cities wishing to change their election date to the even year general election may do so by Resolution; and

WHEREAS, the city will save approximately \$15,100 a year by moving their city election dates to even year general election dates; and

WHEREAS, the City of Ludington currently holds its regular election for local offices at the November odd year election date and desires to change the date on which it holds its regular election for local offices to the November even year election date; and

WHEREAS, the terms of office will be extended by law, MCL 168.644g prohibits a term from being shortened by the switch to even year elections as follows:

City Councilors for Wards 1, 3 and 5, Councilor At Large, and City Treasurer terms due to expire December 31, 2015, to be extended to December 31, 2016.

City Councilors for Wards 2, 4 and 5, Mayor, and City Clerk terms due to expire December 31, 2017, to be extended to December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ludington, resolves to hold its regular election for local offices at the November even year regular election.

Councilor Holman presented the foregoing Resolution to Hold Regular Election for Local Offices at the November Even Year Regular Election and explained that the State Legislature passed a new law which gives cities with elections in odd-numbered years the option to change their elections to even-numbered years, so that the city elections coincide with general elections for state and federal issues. The Finance Committee is recommending that City Council adopt this resolution at the May 5<sup>th</sup> City Council as this change will save the City about \$15,100 per year.

City Treasurer Linda Rogers presented the 2013 Annual Treasurer's Report and was available to answer questions. Linda identified all areas in the City where receipts are posted by her office on a daily basis with the largest areas being water bills and property taxes. Linda noted that while the property values fluctuate the City's millage rate has remained constant at 14.3437 mills since 2001. In addition to cash receipting, the Treasurer's office is responsible for cash investments and the timing of the investments to allow for cash flows during the year. City policy sets the priority for investment of the money with safety of principle, liquidity, and rate of return. Moved by Councilor Holman, seconded by Councilor Marrison, to accept the 2013 Annual Treasurer's Report. Councilor Holman thanked the City Treasurer for the ease of understanding her report. His Honor Mayor Cox also thanked Linda Rogers for her report. Motion Carried.

**ORDINANCE NO. 278-14**

**AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE III, SECTIONS 62-169 AND 62-198  
OF THE CITY CODE RELATING TO WATER AND SEWER CONNECTION FEES AND TO  
REPEAL ALL ORDINANCES IN CONFLICT HEREWITH**

**THE CITY OF LUDINGTON ORDAINS:**

Section 1. Chapter 62, Article III, Section 62-169 is hereby amended to read as follows:

**Sec. 62-169. Sewer Connection Fees.**

A tap charge of \$500.00 plus time at the city's then prevailing rates for labor and material costs shall be made when it becomes necessary to make a sanitary sewer or storm sewer connection with the user's premises. Individual tap fees apply for both sanitary sewer and storm sewer taps.

Section 2. Chapter 62, Article III, Section 62-198 is hereby amended to read as follows:

Section 62-198. Water Connection Fees.

When it becomes necessary to make a connection or reconnection with the user's premises to a water main, a charge will be made according to the following schedule:

- (1) Water Taps. The following charges apply, regardless of the size of the main:
  1. One-inch tap..... \$345.00
  2. 1½-inch tap..... 400.00
  3. Two-inch tap..... 430.00
  4. Greater than two-inch tap..... 550.00

- (2) Labor and material. All fees provided for in this section shall be in addition to time at the city's then prevailing rates for labor and material costs.

Section 2. Repeal all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall become effective 20 days after its adoption and publication is required by the city charter.

Moved by Councilor Castonia, seconded by Councilor Johnson, that Ordinance No. 278-14 be adopted.

Roll Call: Ayes: Councilors Marrison, Holman, Rathsack, Johnson, Castonia, Winczewski, and Tykoski.

Nays: None. Motion Carried.

Councilor Castonia presented the Monthly Police Activity Report for March 2014. Moved by Councilor Castonia, seconded by Councilor Tykoski, to accept the March 2014 Monthly Police Activity Report. Motion Carried.

Councilor Winczewski explained that on July 16, 2014, FEMA will finalize and adopt the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for the City of Ludington. Once this is done and regardless whether the City of Ludington participates in the NFIP, all federally regulated lenders are obligated by the NFIP and other banking regulation to use the new flood information when reviewing loan applications in order to determine if the structures used for collateral of the loan are located in special flood hazard areas (SFHAs). If the house or other structure is located in the SFHA, the lender will require the purchase of a flood insurance policy for the structures as a condition of the federally regulated loan. Only mortgaged structures determined to be in a FEMA SFHA are required by the NFIP to carry a flood insurance policy as a condition of a NFIP policy. Homeowners insurance policies do not cover damage from flooding. If the City does not participate in the NFIP, City residents cannot purchase federal flood insurance. The only other option is to purchase flood insurance from private insurers, which is very expensive. The cost to the City to adopt is nominal. The City is agreeing to check the FEMA maps before it issues building permits and agreeing to enforce the Michigan Building Code, as it relates to construction in the floodplain. The City must also maintain file records on its structures determined to be in the floodplains within its jurisdiction. Once FEMA has published the new maps, mortgage companies may start contacting customers that have mortgages with them notifying them they need to purchase flood insurance. If the City opts out, the City would not be eligible for federal grants, loans, disaster assistance and federal mortgage insurance for the acquisition or construction of structures located in the floodplain as shown on the NFIP maps. The Public Utilities Committee is recommending that the City Council adopt the two resolutions and the ordinance.

**MICHIGAN COMMUNITY RESOLUTION OF INTENT FOR PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM**

WHEREAS, certain land and water areas within the governmental boundaries of the City of Ludington in Mason County are subject to periodic flooding, mudslides (ie., 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 community has the legal authority to administer or has an agreement with another entity to administer 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 PA230, 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:

2006 PA 110, Michigan Zoning Enabling Act, MCL 125.3101-125.3702, as amended by and

WHEREAS, the official administration and enforcement of the construction code act and the state construction code within this community's political boundaries, MCL 125.1508B by Building Inspector as this community's enforcing agency, will provide the means to implement and enforce an effective and competent floodplain management program, and

WHEREAS, this community or its enforcing agency is responsible for the submittal on the first anniversary date of the community's initial eligibility, a report to the Federal Insurance Administrator (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 community 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 government body hereby:

1. 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
2. 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
3. Commits to take such other official action as may be reasonably necessary to carry out the objectives of the NFIP program; and
4. 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 enforcement 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.

Moved by Councilor Winczewski, seconded by Councilor Rathsack, that the foregoing Resolution be adopted.  
Motion Carried.

#### **MICHIGAN COMMUNITY RESOLUTION TO MANAGE FLOODPLAIN DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

WHEREAS, the community of the City of Ludington in Mason County desires to participate 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 person, 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 a 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 (44CFR), Section 60.3, and

WHEREAS, by the action dates of this document or an existing historical ordinance adoption action dated February 24, 1975, the community affirms/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, Building Inspector, 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 PA451, 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 floodproofing and lowest floor construction records, cooperating with other officials, agencies, and person 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 44CFR, 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.



Moved by Councilor Tykoski, seconded by Councilor Holman, that the foregoing Resolution be adopted.  
Motion Carried.

Ordinance No. 280-14, an ordinance to designate an enforcing agency to discharge the responsibility of the City of Ludington located in Mason 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, was presented for its first reading.

Ordinance No. 280-14 shall be presented for adoption on 4/28/14 and is available for public inspection in the City Clerk's office during regular business hours.

City Assessor Brent Bosley presented the 2013 Assessing Department Annual Report and was available to answer questions. Assessed values rose 2.47% from 2013 to 2014. The City of Ludington's 2013 assessed value was \$292,294,100 and 2014 assessed value was \$299,511,600. There was a personal property exemption that was enacted this year whereby an owner of personal property valued under \$80,000 could file an affidavit and be exempt from paying taxes on this property. The City lost approximately \$30,000 in property tax revenue from this exemption. The taxable value for the City of Ludington for 2013 was \$264,579,308 and for 2014 it was \$269,729,154, an increase of 1.95%. This increase results in city revenues rising approximately \$79,000 a year. The CPI increase for taxable values for 2014 was 1.6%. In 2013, there were 196 residential properties that sold in the City of Ludington. In 2012, there were 130 residential sales and in 2011 there were 81 sales. As of today, there are 56 sales of residential sales year to date. There is a reduction of the inventory of houses on the market and the unseasonable cold had an impact on this number. There were three small claim tax tribunal cases heard in 2013 with two of these found in favor of the City and the other one a property tax exemption class which was stipulated by the City as being in agreement that it should have been an exempt class. The only other pending tribunal case is for the 2013 values for Pere Pointe. 2014 March Board of Review went very well. Moved by Councilor Winczewski, seconded by Councilor Holman, to accept the 2013 Assessing Annual Report. His Honor Mayor Cox thanked Brent Bosley for a good job. Motion Carried.

His Honor Mayor Cox asked for a 5 minute recess at 7:10 p.m.

His Honor Mayor Cox brought back to session City Council at 7:15 p.m.

Recreation Director, Cathy VanSickle, presented the 2013 Recreation Department Annual Report and was available to answer questions. She explained that revenue for the 2013 programs from the City and participating Hamlin, Summit and Pere Marquette Townships remained the same. Eligibility did go down with the City and Hamlin and Summit Townships, but the participation levels of these areas did go up. The joint effort between the Ludington Area Schools and the City of Ludington works well. Both entities are currently working on the shared responsibility agreement which will also include the pool. The programs in 2013 were the same programs as in 2012. Cathy VanSickle explained that there were donations received from some of the police officers for which she expressed appreciation. There were also some volunteer grants given by various companies for the volunteer coaching efforts of their employees. Consumers Energy gave \$500 volunteer grant on behalf of its employee Jim Wallis, for the tennis program. The Alcoa Company paid a \$250 grant on behalf of its employee, Chris Rohrer, a volunteer coach, and these proceeds were used to purchase basketballs. Moved by Councilor Tykoski, seconded by Councilor Marrison, to accept the 2013 Recreation Department Annual Report. Councilor Tykoski thanked Cathy VanSickle for her efforts. His Honor Mayor Cox also thanked Cathy VanSickle for her work. Motion Carried.

Moved by Councilor Tykoski, seconded by Councilor Holman, to approve the request by the Ludington Area Convention & Visitors Bureau, to use multiple locations for the 2014 Harbor Festival from June 27 – July 6. Motion Carried.

Community Development Director Heather Venzke-Tykoski presented the 2013 Community Development Annual Report and was available to answer questions. She thanked the City Council for their support and for volunteering during the 2013 events. Heather explained that she partners with Mason County on a homeowner repair program with money that comes from MSHDA and they help low to moderate home owners with no interest loans, with \$568,000 being loaned since 2007. She partners with the Chamber of Commerce on marketing assistance and event help. All events were identified. There are also downtown development programs with grant money passed through MSHDA and MEDC, and all money generated through HUD. The rental rehab program had two buildings which participated in these development programs in 2013. The first was 201 S Rath Ave., the Bookmark, and pictures of the construction of seven apartments were provided. 51% of these apartments must be reserved for low to moderate income persons residing there. There will be 2 3 bedroom homes and 5 2 bedroom homes. The rents are set by HUD and must stay the same for 5 years.

Another program identified by Heather is the Façade Program. The building in place for this program is the 115 W Ludington Ave. The intention of this project was to bring back the building to the original look, with the FOTOF, LLC group being able to use the brick at Michigan State University Morrill Hall to accomplish this goal. Heather commended Erica and Ryan Reed of FOTOF, LLC for saving Michigan history. A letter was received and read from the President of Michigan State University confirming the use of this brick.

Moved by Councilor Winczewski, seconded by Councilor Holman, to accept the 2013 Community Development Annual Report. Councilor Tykoski abstained from vote due to a conflict of interest. His Honor Mayor Cox thanked Heather Venzke-Tykoski for her efforts. Motion Carried.

Councilor Castonia questioned the public comment made by Tom Tyron, and asked whether the City had anything to do with the tar and rock on Ludington Avenue. It was noted that the State of Michigan Department of Transportation is responsible for all of the work on Ludington Avenue and the City does not have any control over this work.

Moved by Councilor Holman, seconded by Councilor Tykoski, that the meeting be adjourned. So carried at 7:40 p.m.

---

Deborah L. Luskin, CMC  
City Clerk

CHAPTER 13. - PURCHASES, CONTRACTS, AND LEASES

Section 13.1. - Authority to make purchases, contracts, and leases:

The power to authorize the making of purchases, contracts, and leases on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of the laws of the State.

Section 13.2. - [Procedures:]

The City Council shall establish, by ordinance, the procedures for the purchase and sale of property, other than real estate, for the City. The dollar limit within which purchases may be made without the necessity of prior Council approval will be set by ordinance with the exception of emergency repairs.

Where required by ordinance, purchases shall be made from the lowest competent bidder meeting bid specifications unless the Council shall determine that the public interest will be better served by accepting a higher bid. Sales shall be made to the bidder whose bid is most advantageous to the City.

All purchases and sales above a limit established by ordinance shall be evidenced by written contract or purchase order.

Before any contract, agreement or lease is executed, obligating the City to pay an amount in excess of the limits established by ordinance, the City Treasurer shall first have certified that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the City for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing or purchasing of property, such certification need not cover those payments which will be due in future fiscal years. All such deferred payments shall be included in the budget for the year in which the installment is payable. All contracts, agreements or leases shall be signed by the City Manager and the City Clerk.

No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations as specified by ordinance.

No contract shall be amended after the same has been made except upon authority of the Council, provided that the City Manager may amend contracts for those purchases and sales made by him under the authority of Section 13.1.

No compensation shall be paid to any contractor except in accordance with the terms of the contract.

No contract shall be made with any person, firm, or corporation in default to the City.