

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Ken Hibl, City Manager
DATE: October 28, 2009
RE: *Communications



For the Agenda November 2, 2009

***Note: This is a Consent Agenda item and is considered as routine by the City Commission. As such, this matter shall be automatically enacted by one motion with all other Consent Agenda items unless a Commissioner or citizen requests this item be individually discussed, in which event it shall be removed from the Consent Agenda and considered and acted upon in its designated sequence on the approved Clare City Commission agenda of November 2, 2009.**

The following major items of correspondence were either received by or transmitted by the City since the last regularly scheduled City Commission meeting:

FEMA Correspondence. The City received the enclosed letter from FEMA.

MMDC Correspondence. The latest editions of weekly *MMDC Bullets* are attached for the Commission's information.

Attachments. As noted above.



FEMA

October 16, 2009

BFE-1

The Honorable Patrick Humphrey
Mayor, City of Clare
202 W. Fifth Street
Clare, Michigan 48617

Re: Proposed Base Flood Elevations for
Clare County, Michigan (All Jurisdictions)
Community: City of Clare
CID: 260629

Dear Mayor Humphrey:

On June 26, 2009, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of a Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM). The FIS report and FIRM for your community were prepared in our countywide format, which means that flood hazard information for the entire geographic area of the county, including your community and all other jurisdictions, was presented. This information makes it appropriate to modify the elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) for certain locations in the City of Clare, Clare County, Michigan. Public notification by way of a Standard Newspaper Notice that the proposed modifications in Base Flood Elevations (BFEs) are posted in the BFE Notice for Studies on the FEMA Website https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp will be given in the *Clare County Cleaver* on or about October 21, 2009 and October 28, 2009 and the *Clare County Review* on or about October 23, 2009 and October 30, 2009. The BFEs for the flooding sources are listed in the table at the end of the BFE Notice for Studies. Also, the proposed BFE determinations can be obtained by calling the FEMA Map Assistance Center toll free at 1-877-FEMA MAP (1-877-336-2627). A copy of the Standard Newspaper Notice and a copy of the Notice of Proposed Flood Elevation Determinations published in the *Federal Register*, on September 15, 2009 at Volume 74, Number 177, Page 47175 are enclosed for your information.

These proposed BFEs, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any revised BFEs are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed BFEs.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of BFE determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the BFE determinations final. The appeal procedure is outlined below for your information. The

regulations FEMA developed to implement Section 110 are listed in Title 44, Chapter I, Part 67, Code of Federal Regulations. A copy of the NFIP regulations is enclosed.

During the 90-day appeal period following the second publication in the referenced newspaper, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the BFE determinations may appeal to you, or to an agency that you publicly designate. You must send copies of the individual appeals to the FEMA Region as soon as you receive them. Note that the 90-day appeal period is statutory and cannot be extended or shortened for any reason. It is important to know, however, that the sole basis for the appeals is having knowledge or information indicating that the proposed BFE determinations are scientifically or technically incorrect. However, inquiries regarding data other than the proposed BFE determinations (e.g., incorrect street names, typographical errors, omissions) will be considered as comments and not appeals. Any applicable changes will be made before the revised FIS report and FIRM become effective.

During the appeal period, private citizens who want to appeal should present to you the scientific or technical data intended to negate or contradict FEMA's findings in any form, as you specify. FEMA requests that you review and consolidate all appeals by private persons, and issue a written opinion stating whether the evidence presented is sufficient to justify an official appeal by your community on behalf of such persons. Your decision on whether an appeal by the community in its own name will be made must be sent to this office within the 90-day appeal period and at the same time a copy must be sent to the following address:

Lisa Brandenburg, PE, CFM
Project Manager
Stantec Consulting Services Inc.
1901 Nelson Miller Parkway
Louisville, Kentucky 40223-2177

Any documents submitted to you without evidence that they were sent within 90 days of the second publication in the local newspaper will be considered comments. Your community may find it appropriate to call further attention to the proposed BFE determinations and to the appeal procedure by using a press release or other public notice.

If the FEMA Region does not receive an appeal from your community on behalf of individuals within the 90 days provided, FEMA shall consolidate and review on their own merits the individual appeals, which you have on file and forwarded to us. FEMA's final decision will be in writing, and copies will be sent to each individual appellant and the State coordinating agency.

The appeal resolution process will consider any scientific or technical data submitted by your community intended to negate or contradict the information upon which the proposed BFE determinations are based. The appeal will be resolved by consultation with officials of the local government involved, an administrative hearing, or submission of the conflicting data to an independent scientific body or appropriate Federal agency for a determination. FEMA will determine the method for resolution.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time as specified in Part 65 of the NFIP Regulations. If warranted, FEMA will revise the FIRM again after the effective date.

The reports and other information used for the final determination will be made available for public inspection. Until the conflict of data is resolved and the FIRM becomes effective, flood insurance available within your community shall continue to be available in accordance with the effective FIRM dated February 25, 1992.

If warranted by substantive changes, during the appeal period, FEMA will send to you revised copies of the FIS report and FIRM. At the end of the 90-day appeal period and following the resolution of any appeals, FEMA will send you a letter of final BFE determinations.

The FIRM panels for Clare County have been computer-generated. Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. In the mean time, if you have any questions about the digital files please contact Lisa Brandenburg, Stantec Consulting Services Inc., the designated mapping partner for preparing digital mapping files. She can be reached at (502) 212-5072. These files can be used in conjunction with other thematic data for purposes of floodplain management, insurance determinations, and many other planning applications. In addition, your community may be eligible for additional credits under the NFIP Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the proposed BFE determinations, FIS, or FIRM for your community, please contact Mike Hanke at (312) 408-5364 for assistance. If you have any questions concerning mapping issues in general, please contact the FEMA Map Assistance Center, toll free at 1-877- FEMA MAP (1-877-336-2627).

Sincerely,



Norbert F. Schwartz
Mitigation Division Director
FEMA, Region V

Enclosures:

- 1) Newspaper Notice
- 2) Notice of Proposed Base Flood Elevation Determinations
- 3) National Flood Insurance Program Regulations
- 4) "How to get the CFR"

cc: Ken Hibl, City Manager

From: Carolyn Bennett [cbennett@mmdc.org]
Sent: Friday, October 09, 2009 3:43 PM
To: info@mmdc.org
Subject: MMDC Bullets - October 9, 2009

MMDC Bullets – October 9, 2009

Here are a few of the highlights of this past week at MMDC.

- MMDC would like to thank the **Clare County Enterprise Community** for its support for our organization in the amount of \$7,500. This contribution is in addition to the EC's regular client fee. This contribution is greatly appreciated.
- Mt. Pleasant Industrial Park North will soon host a new company. **RW Doors of Michigan, LLC** will be taking up residence in the former ITW Foils building.
- **Mock Interview Day** is scheduled for Tuesday, March 16, 2010 at CMU's Bovee University Center. Information on this event is posted on MMDC's website www.mmdc.org – Workforce Education/Mock Interview Day.
- Carolyn Bennett was this week recognized as a **Certified Business Solutions Professional (CBSP)** as part of Michigan's 21st Century Workforce Initiative. CBSP's provide a demand driven collaborative approach in assisting Michigan businesses retain current workers, create jobs, and operate competitively in the global market and to attract new business. Training was funded under a grant from the Michigan Department of Labor and Economic Growth and was provided through a partnership between Michigan State University School of Labor and Industrial Relations and South Central Michigan Works!
- There will be a meeting of the **Mt. Pleasant Local Development Finance Authority (LDFA)** on **Tuesday, October 20th at noon** at **MMDC, 111 S. University, Mt. Pleasant, MI 48858.**

Kathy & Carolyn

Carolyn Bridges Bennett, CBSP
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