

**WORK SESSION AGENDA
WITH ONE ACTION ITEM
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS**

Monday, October 12, 2020, 5:30 P.M.

- 1) Call to Order**
- 2) Student Recognition**
- 3) Public Comment on Agenda Items (3 minute limit per person)**
- 4) Action item: Resolution Extending Proclamation of City Emergency Due to COVID-19 Pandemic and Mayoral Emergency Orders Regarding Outdoor Restaurant Seating and City Meetings**

FOR DISCUSSION ONLY

- 5) City Council Retreat Topics – December 14, 2020**
- 6) Future Cultural Competency Training**
 - a. Anti-Discrimination Ordinance**
- 7) Park Maintenance and Facilities Reorganization**
- 8) COVID Grant Funding Update**
 - a. CDBG-CV Funding**
 - b. Center for Tech and Civic Life Grant**
- 9) Any Other Matters**
- 10) Acknowledgement of Visitors/Public Comment (3 minute limit per person)**

RESOLUTION NO. _____

RESOLUTION EXTENDING THE PROCLAMATION OF CIVIL EMERGENCY DUE
TO COVID-19 PANDEMIC AND MAYORAL EMERGENCY ORDERS
REGARDING OUTDOOR RESTAURANT SEATING AND CITY MEETINGS

WHEREAS:

1. The Michigan Department of Health and Human Services (“MDHHS”), as recently as in an order issued October 5, 2020, has recognized the COVID-19 pandemic requires restrictions on public gatherings, use of personal protection equipment such as masks, and other measures to reduce the spread of the disease and by that order imposed such restrictions and requirements.
2. The United States Centers for Disease Control and Prevention (“CDC”) has issued guidelines for protecting persons during the pandemic, Michigan Occupational Health and Safety Administration (“MIOSHA”) has issued strict guidelines and requirements for protecting workers during the pandemic, and the Kent County Health Department (“KCHD”) has reiterated the need to follow those guidelines and requirements.
3. Under Chapter 46, Article IV of the Code of Ordinances, Wyoming, Michigan (the “City Code”), on June 4, 2020, Mayor Poll proclaimed a civil emergency (“emergency proclamation”) in the City due to the COVID-19 pandemic and also issued an emergency order regarding outdoor restaurant seating during that civil emergency (the “June emergency order”).
4. The June emergency order provides for temporary outside seating areas for restaurants, bars, taverns and other establishments serving food for on-premises consumption with or without alcoholic drinks for on-premises consumption (“on-premises establishments”) in the City during pandemic while limit inside seating to numbers of patrons or tables less than those allowed prior to that pandemic.
5. The emergency order issued by Mayor Poll on October 8, 2020 (the “October emergency order”) recognizes the continuing pandemic emergency and benefits of using any authority to hold city public body meetings virtually or partially in-person/partially virtually.
6. Chapter 46, Article IV of the City Code provides that the emergency proclamation and emergency order expire 30 days after issuance unless extended by a City Council resolution.
7. The City Council believes the emergency proclamation and emergency orders, and their extensions as provided in this resolution are in the best interests of City residents and businesses.

NOW, THEREFORE, BE IT RESOLVED:

1. While recognizing that the Michigan Supreme Court recently decided the law upon which the governor’s continuing pandemic-related emergency declarations and executive orders were based was flawed when enacted by the legislature and that the governor’s order were therefore invalid, the City Council, based on MDHHS, CDC, MIOSHA, and KCHD orders, requirements, guidelines and advice, concludes along with Mayor Poll that the COVID-19 pandemic still creates a local state of civil emergency requiring local measures to reduce the spread of the diseases and protect City personnel and the public.
2. The emergency proclamation is extended until the earliest of any of the following:
 - A. February 28, 2021.
 - B. Rescission by resolution of the Wyoming City Council on the date stated in that resolution.
 - C. Rescission or replacement by subsequent mayoral civil emergency proclamation.
3. The June and October emergency orders are extended until the earliest of any of the following:
 - A. February 28, 2021.
 - B. Either is rescinded by a City Council resolution on the date stated in that resolution.

C. By a subsequent mayoral order rescinding or superseding either emergency order.

D. When the emergency proclamation expires or is otherwise terminated.

4. All resolutions and parts of resolutions are, to the extent any conflict with this resolution, rescinded.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes

 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a work session held on October 12, 2020.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report

Resolution No. _____

STAFF REPORT

Date: October 8, 2020
Subject: Extension of Emergency Declaration and Emergency Orders
From: Scott Smith, City Attorney
Meeting Date: October 12, 2020 Council Meeting

RECOMMENDATION:

Adopt the proposed Resolution Extending the Proclamation of City Emergency Due to COVID-19 Pandemic and Mayoral Emergency Orders Regarding Outdoor Restaurant Seating and City Meetings.

COMMUNITY, SAFETY, STEWARDSHIP:

The resolution will enable continue actions taken during the pandemic to address public health and safety and restaurant operations.

Community –Doing so may maximize restaurant services available to the community and will enable meetings to be held in a manner to enable public observation and input in the midst of indoor gathering restrictions and requirements.

Safety – Doing so will protect area persons and businesses, as well as their property, during the pandemic.

Stewardship – Doing so will support the financial viability of residents, businesses and the city.

BUDGET IMPACT:

The resolution will have no budgetary impact.

DISCUSSION:

The MDHHS issued an order on October 5, 2020, limiting attendance at indoor gatherings, including meetings of public bodies and requiring certain precautions at those meetings. There are continuing restrictions on restaurant seating.

As provided in Chapter 46, Article IV of the City Code, on June 4, 2020, Mayor Poll issued a proclamation of a civil emergency and an order allowing outside seating at area restaurants. On June 15, 2020, the City Council initially extended that emergency order. That extension is due to expire.

On October 5, 2020, the Michigan Supreme Court issued a decision that the statute on which the governor relied in issuing pandemic-related emergency declarations and executive orders was an invalid when enacted. The governor's executive orders were the basis for holding virtual or partially virtual meetings during the pandemic. Bills currently pending before the legislature will allow public bodies to hold virtual or partially virtual meetings during locally declared emergencies and will also validate actions taken at virtual or partially virtual meetings held since April 30, 2020.

On October 8, 2020, Mayor Poll issued an order allowing in-person, virtual, and partially in-person/partially virtual meetings of City public bodies as provided by state law and by orders, requirements, and guidelines issued by the CDC, MDHHS, MIOSHA, and KCHD.

This resolution will (i) extend the locally proclaimed civil emergency, (ii) the June 4 emergency order regarding restaurants, and (iii) the October 8, 2020 emergency order regarding meetings of City public bodies.

MAYORAL EMERGENCY ORDER REGARDING MEETINGS OF CITY PUBLIC BODIES

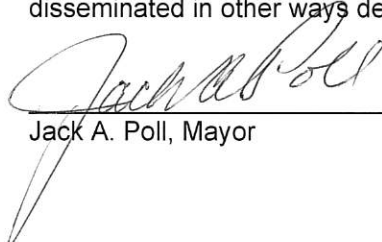
WHEREAS:

1. This year, over 131,000 Michigan residents and over 10,000 Kent County residents have tested positive for COVID-19 and over 6,800 Michigan residents and nearly 170 Kent County residents have succumbed to the disease which has spread worldwide to become a pandemic.
2. The Michigan Supreme Court recently decided that the law upon which governor's pandemic-related continuing emergency declarations and executive orders were based was flawed when enacted by the legislature, which means that the governor's order were invalid.
3. The Michigan Department of Health and Human Services ("MDHHS"), as recently as in an order issued October 5, 2020, has recognized the COVID-19 pandemic requires restrictions on public gatherings, use of personal protection equipment such as masks, and other measures to reduce the spread of the disease and by that order imposed such restrictions and requirements.
4. The United States Centers for Disease Control and Prevention ("CDC") has issued guidelines for protecting persons during the pandemic, MIOSHA has issued strict guidelines and requirements for protecting workers during the pandemic, and the Kent County Health Department ("KCHD") has reiterated the need to follow those guidelines and requirements.
5. Based on MDHHS, CDC, MIOSHA, and KCHD orders, requirements, guidelines and advice, that the COVID-19 pandemic still creates a local state of civil emergency as defined in Chapter 46, Article IV of the Code of Ordinances, Wyoming, Michigan and in the emergency proclamation issues June 4, 2020, that requires local measures to reduce the spread of the diseases and protect City personnel and the public.
6. The MDHHS October 5, 2020, order imposes restrictions and requirements on indoor gatherings, including meetings of the City's public bodies (e.g., public bodies that are part of and/or created by the City) which can make it difficult to enable all who wish to participate be able to attend in-person, especially for persons who may be more at risk from the disease.
7. Legislation is currently pending that would permit meetings of public bodies to be held virtually or partially in-person and partially virtually during a locally declared emergency.

THEREFORE:

Under the authority provided the Mayor by Chapter 46, Article IV of the Code of Ordinances, Wyoming, Michigan, I order that:

1. Meetings of public bodies that are part of or created by the City of Wyoming, shall, at the direction of those public bodies or the City staff assisting those public bodies, be held in-person, virtually, or partially in-person and partially virtually as reasonably needed to (i) comply with state law, and with MDHHS, CDC, MIOSHA, and KCHD orders, requirements, guidelines and advice, and (ii) to protect the health and safety of the general public, members of those bodies, and City personnel.
2. This order shall take immediate effect.
3. A copy of this order shall be promptly posted on the City's website, provided to City personnel, and disseminated in other ways deemed appropriate by the City Manager.



Jack A. Poll, Mayor

Date: October 8, 2020

We Care
#WeCare
The Wyoming Community Cares



CITY COUNCIL

Sheldon DeKryger

Dan Burrill

Kent Vanderwood

Marissa Postler

Robert Postema

Sam Bolt

Jack A. Poll, Mayor