



The Village of Friendliness – Since 1870

Good Afternoon Everyone.

This is the City Manager's week in review for the week of March 15, 2021.

COVID –City Hall doors are open to the public per the increased occupancy and gathering guidance. The public is asked to please observe appropriate mask and hand sanitization guidance. For the protection of municipal employees, the public is limited to the lobby area unless directed by an employee.

Open Meetings Act – Revisions to the Open Meetings Act (PA 254 of 2020) due to COVID restrictions are anticipated to expire on April 1 and unless determined otherwise, public meetings will resume in person with a zoom component effective April 1, 2021. City Hall has updated recording and broadcasting equipment to accommodate zoom meetings. There are a variety of situations that remain in place throughout 2021 that will allow an individual member of the public body to participate by remote attendance. Those situations include:

1. Member is in military service
2. Member has a medical condition (i.e. illness, injury, disability or other health-related condition)
3. Statewide or local state of emergency or state of disaster that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.

Members are to announce at the beginning of the meeting that they are participating remotely.

Beginning January 1, 2022, the last two conditions will no longer be permitted.

City Council Meeting – Monday's City Council meeting started off with new business to approve two special event applications, one for Chamber Music Festival planned for July 15 at Beery Field, and the other for Town Crier Races to be held June 19. Other items of business included approval of a construction contract for a concrete apron at Schultz Park Boat Launch, approval of use of the right-of-way for expanded seating in the downtown with a permit, approval of a construction contract for beach access stairs, approval of slip fees for Point Pleasant Marina, and approval of a resolution to adjust lot lines at 6914 Third Street and 6931 Fourth Street.

Board of Review – Due to the easing of COVID restrictions, the Board of Review met on Tuesday for in-person appeals by appointment at City Hall. This was the second of two dates for the Board of Review to hear appeals.

Beach Access Stairs – City Council awarded work to replace the beach access stairs at Douglas Beach at Monday's City Council meeting. Surveyors are on site Friday to collect additional survey information for the installation of helical piles that will be used in place of traditional wood posts. The advantage of the helical piles is they are less disruptive to the bluff and can be installed at a greater depth. A helical pile is essentially a post with a screw shaped end that is twisted into place with hydraulic equipment and provides a very stable support system for the deck and stairs to be installed on top of.

I-196 Emergency Response Meeting – A public meeting was held by MDOT for local units of government and first responders to discuss emergency access to I-196 during the upcoming construction project which is anticipated to start on March 22. The construction will close Exit 41 and reduce and shift southbound traffic to the northbound side of the road. Emergency responders who participated in the meeting asked for a number of access points in the event that access is needed to respond to a situation. MDOT agreed to a number of access points and offered first responders a training session on how to use the access gates.

Schultz Park Boat Launch – At Monday's City Council meeting a contract was awarded to install a concrete apron at the top of the launch ramp at Schultz Park. The improvement request was in response to a number of maintenance complaints received over the past year when the park received a significant increase in usage. The work to install the apron is anticipated to start on March 22 and the ramp will reopen in early April. Notices have been posted that the ramp is closed and in fact, the docks are not yet installed in the water.

Park Emergency Signage – Staff are working on creating signage for all the Douglas parks to direct emergency situations to call 9-1-1. The signage will also list the name of the park, the address, and the nearest intersection for emergency responders. Accurate and readily available information provided on the signage may save valuable time in an emergency response. Signage is being created for Douglas Beach, Schultz Park, Root Beer Barrel, Wades Bayou, Beery Field, Point Pleasant Marina and Veterans Park.

Right-of-Way Seating – Forms have been e-mailed to downtown businesses interested in participating in right-of-way seating for the 2021 season.

Brush Piles – City DPW crews were working on the 17-acre site to shrink the brush piles on the property. Equipment that chips and grinds large piles was used to reduce the bulk of the brush piles so it's more manageable and less unsightly.

Federal Earmarks – The opportunity for federal earmark projects was discussed at a Thursday webinar I attended. Earmarks are projects recommended by individual members of the U.S. House of Representatives to fund projects in their respective districts. There was discussion about a similar program for the U.S. Senate members. The House program will allow each member to add up to 10 projects to the federal appropriation bill for funding in FY '22. The program will fund such things as water infrastructure, broadband connectivity, facility improvements, and is intended for cities of populations of 50,000 or less. Requests will be taken starting March 29 and will end April 15.

Blue Star Trail – The managers of the three local units of government met with engineers from C2AE to discuss next steps of formalizing the agreements for the Blue Star Non-Motorized Trail. Each of the three communities participating in the Tri-Community Trail Committee will enter into agreement with C2AE to provide design services for their respective portions of the trail. Friends of the Blue Star Trail will pay for the design work. The meeting was used to discuss phasing, interlocal agreements, and necessary agreements that are needed to work between the three communities.

That's all I have for now. Have a good weekend.

Rich LaBombard
City Manager

Open Meetings Act—Virtual Meetings until April 1, 2021

COVID-19 (DHHS Emergency Order and PA 254 of 2020)

Introduction

Due to the coronavirus pandemic, the state has put regulations in place to protect the public health and still enable local governing bodies to hold meetings. As of January 2021, there are two actions in play: the Michigan Department of Health and Human Services (DHHS) emergency order on gatherings and Public Act 254 of 2020. The DHHS order put limits on indoor and outdoor gatherings, and PA 254 of 2020 amended the OMA to permit public bodies to meet electronically by telephone or videoconferencing through March 31, 2021.

DHHS Gatherings and Face Masks Emergency Order

The DHHS emergency order is in effect through February 21, 2021. The order expressly prohibits any indoor gathering at a non-residential venue, except where no more than 10 persons from no more than two households are gathered, and limits any outdoor gathering to the fewer of 25 persons or 20 persons per 1,000 square feet. DHHS has published guidance stating that public meetings are only permissible if the meeting is outdoors and has fewer than 25 persons (or 20 persons per 1,000 square feet) in attendance. All persons participating in gatherings are required to wear a face mask.

Open Meetings Act (PA 254 of 2020)

Technical Requirements

Virtual public meetings must utilize an electronic platform that allows for two-way communication between the members of the governing body and the public. In addition, meetings must be properly noticed, to include (MCL 15.263 and 15.263a):

- publishing the notice on the public body's website homepage at least 18 hours in advance of the meeting;
- an explanation of why the public body is meeting virtually,
- how the members of the public (including persons with disabilities) may participate,
- how members of the public can directly contact members of the public body; and
- posting the meeting agenda online at least two hours before the meeting begins.

Further, members of the governing body participating virtually are required to announce at the beginning of the meeting that they are participating remotely. If a member is attending the meeting remotely for a purpose other than military duty, the member's announcement must further identify his/her physical location by county, city/township/village and state.

Public Health Requirements

If a public body holds an in-person meeting before April 1, 2021, (e.g. after the DHHS order expires on February 22, 2021) it must adhere to social distancing and mitigation measures and adopt heightened standards of facility cleaning in line with recommendations by the Centers for Disease Control and Prevention.

State of Emergency

The League requested changes to the OMA allowing a local state of emergency or state of disaster to be declared pursuant to a local ordinance (in addition to those declared under law or charter in the current law) and adds a local chief administrative officer (in addition to a local official or local governing body) as a person who may declare the local state of emergency.

What happens after March 31, 2021?

Starting April 1, and continuing through 2021, public bodies may conduct electronic meetings only if a member of the public body is absent due to military duty, a health condition, or a statewide or local state of emergency/state of disaster.