

**ESSEXVILLE CITY COUNCIL
REGULAR MEETING
APRIL 14, 2020 7:00 PM
VIRTUAL MEETING VIA ZOOM**

Mayor Scott Wittbrodt called the REGULAR MEETING of the Essexville City Council held on April 14, 2020 to order at 7:00 PM.

Councilmember, John Connelly, led the Pledge of Allegiance.

ROLL CALL

The following City Council Members were present at the meeting: John Connelly, Jack Covieo, Jennifer Gradowski, Adam Hughes, Dennis Rondeau, and Mayor Scott Wittbrodt.

ABSENT: Russell Tanner

**RESOLUTION ESTABLISHING TEMPORARY RULES FOR REMOTE ATTENDANCE
BY MEMBERS OF ESSEXVILLE CITY COUNCIL, OTHER CITY PUBLIC BODIES,
AND MEMBERS OF THE PUBLIC AT PUBLIC MEETINGS DUE TO CORONAVIRUS
PANDEMIC**

Gradowski, Hughes:

WHEREAS, on March 10, 2020, Governor Whitmer declared a state of emergency as a result of the Coronavirus (COVID-19) outbreak; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020, the President declared a National Emergency as a result of the COVID-19 outbreak; and

WHEREAS, the Michigan Department of Health and Human Services (MDHHS) issued Interim Recommendations for COVID-19 Community Mitigation Strategies; and

WHEREAS, such strategies include encouraging staff to tele-work when feasible, implementing social distancing measures, including limiting in-person meetings, and limiting large work-related gatherings; and

WHEREAS, on March 18, 2020, Governor Whitmer issued Executive Order 2020-15 which temporarily suspends certain rules and procedures relating to physical presence of members at meetings and hearings of public bodies so as to enable public bodies to continue to conduct public business during the COVID-19 emergency and so as to enable the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, to implement MDHHS's mitigation strategies and allow the City Council and all other City boards, commissions, and committees (hereinafter referred to collectively as "Public Bodies") to continue to conduct public business, and to allow the public to attend meetings of the Public Bodies remotely, consistent with and in compliance with Executive Order 2020-15, the Essexville City Council desires to establish rules to authorize and allow its members and those of other Public Bodies, and members of the public to attend meetings of the Public Bodies by telephone or other electronic means as set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Essexville City Council immediately authorizes its members, members of other Public Bodies, and members of the public to

attend all meetings of Public Bodies by telephone or other electronic means and establishes rules as follows:

A. NOTICE OF MEETINGS:

1. For every meeting to be held remotely pursuant to this Resolution, the City Clerk shall post on the homepage of the City's website in a conspicuous location either the following information or a link to the following information and also on the door of the Essexville City Hall located at 1107 Woodside Avenue, Essexville, the following:
 - a. An explanation of why the Public Body is meeting remotely.
 - b. Contact information for all members of the Public Body along with information about how the public may contact the members to provide input on any business that will come before the Public Body. Emails to members of the Public Body must be posted no later than two hours before the meeting to which they relate.
 - c. The dial-in conference number and/or internet website address and all other information that will be necessary for members of the public to use to access the meeting remotely.
 - d. The agenda for the meeting at least 18 hours prior to the meeting.
 - e. Procedures by which persons with disabilities may participate in the meeting.
2. If any meeting includes a public hearing, all material that will be considered by the Public Body at the public hearing shall be posted on or linked to on the homepage of the City's website in a conspicuous location or as otherwise required by law. This provision shall not apply to written public comments received by the Public Body for the public hearing.

B. CONDUCT OF THE MEETING:

1. The telephone or other electronic technology utilized for the remote meeting shall permit the members of the Public Body in attendance to hear and be heard by the other members of the Public Body in attendance, and shall permit the participants from the general public to hear the members of the Public Body and be heard by the members of the Public Body and the other participants during a public comment period.
2. A member's remote attendance shall be considered attendance for the purpose of establishing a quorum.
3. Any vote by a member participating remotely pursuant to this resolution shall be counted in the total number of votes for any matter and shall not be held invalid for the reason that it was cast by a member remotely.
4. If any member is participating remotely, all votes on any matter shall be taken by roll call vote.
5. For closed sessions conducted under this policy, each member and authorized attendee of the closed session shall not allow anyone else to hear or view the closed session. All members and authorized attendees of the closed session shall affirm, before the closed session begins, that they are in compliance with this subsection.

6. **Emails, texting, or other forms of electronic communication by or between members during the meeting shall not be allowed.**
7. **If an email, text or other form of electronic communication is received by a member of the Public Body or the City Clerk two or more hours prior to beginning of the meeting related to any item on the agenda for the meeting, and the sender requests such, the email, text, or other electronic communication shall be read by the member of the Public Body receiving the communication during the first public comment period and it shall be addressed by the Public Body as appropriate during the meeting.**

C. ATTENDANCE BY MEMBERS OF THE PUBLIC:

1. **Immediately after calling the meeting to order, the City Clerk or other designated facilitator shall ensure that the dial-in number or other means of conducting the meeting remotely is working. If the dial-in number or other means of conducting the meeting remotely is not working, the meeting shall be immediately adjourned by the chair of the meeting without any decision or deliberation on any matter.**
2. **If any member of the public is attending remotely, each member of the public shall be provided an opportunity to provide public comment during a public comment portion of the agenda pursuant to the rules of the Public Body on public comment. Such opportunity shall be given by the Mayor asking each individual who is attending the meeting by telephone other remote mean they have any public comment. If the member of the public is attending by a remote means that provides a “raise your hand” or other similar tool, then the City Clerk or designated facilitator shall only call on those members of the public who have access to and have used the tool.**
3. **If any member of the public is attending, and a closed session is called by the Public Body as permitted by the Open Meetings Act, a separate call-in number or other electronic means of remotely participating shall be available for the Public Body to utilize for the closed session that is not available to the public. The Mayor shall clearly state at what point in the agenda the closed session will occur, the projected length of the closed session, and that the public will not be able to hear the Public Body or provide comment during the closed session. The Public Body shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.**

This Resolution is intended to establish rules for and authorize participation by remote access by members of City of Essexville Public Bodies and attendance by remote access by members of the public in the interest of the public health, safety, and welfare during the COVID-19 outbreak while preserving meaningful access to meetings and communication for Public Body members and members of the public, including members of the press and other news media.

In the event of a conflict between this Resolution and the Rules of the City Council, or other Public Body the terms of this Resolution shall control.

This Resolution shall be effective immediately and shall remain in effect until April 15, 2020 at 11:59 pm or for so long as Executive Order 2020-15 is in effect, whichever is longer.

YES: Gradowski, Hughes, Connelly, Covieo, Rondeau, Wittbrodt

Motion Carried

NO: None

LEGISLATIVE COMMITTEE

Councilmember Hughes had no report.

MUNICIPAL RELATIONS COMMITTEE

Councilmember Rondeau had no report.

PARKS AND RECREATION COMMITTEE

Councilmember Gradowski reported that four benches have been sold to put in Ransom Essex Park, and that the boat launch is closed due to the social distancing order from the Governor.

PUBLIC IMPROVEMENT COMMITTEE

Councilmember Covieo had no report.

PUBLIC RELATIONS COMMITTEE

Councilmember Gradowski reported she has been working on plans for Kid'sfest, and Mike Van Ootenham is willing to continue his sponsorship of prizes for the Curb Appeal Award.

UTILITY AND SPECIAL COMMITTEE

Councilmember Connelly gave a report on funding for the lead line replacements, and took questions from the Council.

PLANNING COMMISSION

No Meeting

DOWNTOWN DEVELOPMENT AUTHORITY

No Meeting

MAYOR'S REPORT

Mayor Wittbrodt reported on the following:

- He thanked City Manager Hansford, Councilmember Gradowski, and the city staff for coordinating the virtual meeting.
- He thanked everyone for attending the meeting.
- He attended and spoke at an event on February 29th hosted by the Boy Scouts.
- He attended the Legislative and Utility and Special Committee meetings that occurred in February.

ATTORNEY'S REPORT

City Attorney Pergande reported on the private drainage system policy, unsafe structure ordinance and trampoline ordinance. He took questions from the Council.

CITY MANAGER'S REPORT

City Manager, Dan Hansford, reported on the following:

- Sewer issues/private drainage systems.
- Coronavirus update from the Michigan Association of Counties.
- Yard waste pickup update.
- Answered questions from the council.

PUBLIC HEARING(S)

None

UNFINISHED BUSINESS

None

NEW BUSINESS

CONSIDERATION OF A RESOLUTION ALLOWING THE USE OF THE WATER TRANSMISSION MAIN PAYMENTS FROM BAY COUNTY TO FUND THE LEAD LINE REPLACEMENT PROJECT.

Connelly, Hughes:

Resolved; The City Council hereby approves the method of utilizing the funds received from Bay County in payment for the Essexville Water Transmission Main to pay for the expense of replacing the remaining lead water service line within the City. The funds will be dedicated to the replacement of said water lines and their associated expenses only.

YES: Connelly, Hughes, Covieo, Gradowski, Rondeau, Wittbrodt

Motion Carried

ABSENT: Tanner

INFORMATIONAL COMMUNICATIONS

None

CITIZEN INPUT

The following citizens addressed the Council:

Tim Weiler, 805 Main Street

EXECUTIVE SESSION

None

ADJOURNMENT

Hughes, Covieo:

Resolved; that the meeting be adjourned.

YES: Unanimous voice vote

Motion Carried

ABSENT: Tanner

NO: None

The meeting adjourned at 8:02 pm.

Scott Wittbrodt
Mayor

Sarah Wilcox
City Clerk
