



500 West Big Beaver  
Troy, MI 48084  
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## CITY COUNCIL AGENDA ITEM

Date: October 8, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
R. Brent Savidant, Community Development Director

Subject: Resumption of Certain Public Meetings

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On March 10, 2020, the Governor issued Executive Order 2020-04 declaring a state of emergency across the State of Michigan. On March 13, 2020, the Governor issued Executive Directive 2020-02 directing public bodies to, "...consider postponing public meetings and/or agenda items that may be deferred until a later time." The March 16, 2020 City Council meeting was held in-person with social distancing measures. The March 17, 2020 Zoning Board of Appeals meeting was the last in-person public meeting held by the City. All subsequent public meetings scheduled in March were cancelled.

On March 18, 2020, the Governor issued Executive Order 2020-15 temporarily authorizing remote participation in public meetings. The April 13, 2020 regular City Council meeting was the City's first public meeting held electronically pursuant to Executive Order 2020-15. The City Council has continued to meet electronically pursuant to Executive Orders 2020-15, 2020-48, 2020-75, 2020-129, and 2020-154 while postponing agenda items that may be deferred pursuant to Executive Directive 2020-02. Most of the City's other public meetings were cancelled in the months that followed.

The last Building Code Board of Appeals meeting was held on January 8, 2020, the last Zoning Board of Appeals meeting was held on March 17, 2020, and the last Planning Commission meeting was held on April 28, 2020. Since then, the City has received requests from several applicants urging the City to hold these public meetings to process the pending applications. City staff have met several times during the state of emergency to consider whether these public meetings and agenda items should be deferred pursuant to Executive Directive 2020-02.

At our most recent meeting in September, City staff determined the Building Code Board of Appeals, Planning Commission, and Zoning Board of Appeals should meet in accordance with Executive Order 2020-154 as soon as feasible. Due to public notice requirements and publication timing, City staff is preparing for these meetings as follows:

Planning Commission	October 13, 2020
Building Code Board of Appeals	November 4, 2020
Zoning Board of Appeals	November 17, 2020

On October 2, the Michigan Supreme Court issued a ruling on the Governor's emergency powers that invalidated COVID-19 related executive orders. The Governor issued a statement including the following, "It is important to note that this ruling does not take effect for at least 21 days, and until then, my emergency declaration and orders retain the force of law. Furthermore, after 21 days, many of the



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## CITY COUNCIL AGENDA ITEM

responsive measures I have put in place to control the spread of the virus will continue under alternative sources of authority that were not at issue in today's ruling." On October 4, the Michigan Attorney General issued a statement stating the Attorney General will no longer enforce the Governor's Executive Orders through criminal prosecution. On October 5, the Governor and Michigan Department of Health and Human Services (DHHS) Director filed a motion with the Michigan Supreme Court requesting that they clarify that their October 2 ruling does not take effect until Friday, October 30.

On October 5, the Director of the Michigan Department of Health and Human Services (MDHHS) issued an Emergency Order under MCL 333.2253 restricting gathering sizes, requiring face coverings in public spaces and placing limitations on bars and other venues. The order relies on authorities that were first enacted after the Spanish Flu of 1918, and were not at issue in the Michigan Supreme Court's decision. The order requires individuals to wear masks when in gatherings, defined as any occurrence where persons from multiple households are present in a shared space in a group of two or more, and requires businesses and government offices to enforce those requirements for gatherings on their premises.

Suffice it to say City staff was planning to hold these meetings in accordance with Executive Order 2020-154. Although it is unclear if the measures put in place by Executive Order 2020-154 will continue under alternative sources of authority, City staff will continue to prepare for these meetings as best we can. Agenda items for these meetings are planned as follows:

### October 13, 2020 Planning Commission

- The Westington Apartments (SP JPLN2019-0045) - 108-unit apartment complex, located on east side of Crooks, south of Wattles.
- Regency of Troy (SP JPLN2020-0011) - 158-bed convalescent center/nursing home, located at northeast corner of Maple and Axtell.

### November 4, 2020 Building Board Code of Appeals

- 2984 Cedar Ridge Drive – Fence variance
- 2904 Thames – Fence variance
- 4437 Yanich Drive – Fence variance
- 1538 Wrenwood – Fence variance
- 485 Booth – Fence variance
- 2949 Vineyards Drive – Fence variance
- 4988 Calvert – Fence variance
- 385 Cotswold – Fence variance
- 2374 Cumberland – Fence variance
- 4928 Park Manor Drive – Deck and gazebo
- 2385 Hillcrest – Fence variance



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## CITY COUNCIL AGENDA ITEM

November 17, 2020 Zoning Board of Appeals

- 2970 E. Long Lake - A variance request to construct a building addition 13.61 feet from the west property line
- 4895 Park Manor - A variance request to construct an uncovered residential deck 3 feet from the rear property line
- 4062 Chatwal - Setback variance to build an in ground pool
- 1086 Shallowdale - Variance to keep a shed in the front yard when they are required to be in rear yard
- 2540 Kingston - Setback variance to build a residential sunroom
- 3990 Forge - Setback variance to build a residential addition

Some of these agendas are quite long because meetings have not been held in several months. If a body is unable to consider all the agenda items due to time or technical issues, the item(s) will be considered at the next regularly scheduled meeting.