

Staff Meeting
Wednesday, May 19, 2021
Minutes

Present: Jill Chapman (Clerk), Julie Durkin (Zoning Administrator), Rebecca Foster (President), Scott Mills (DPW), Jeff Newton and Mike Trenkle (Police), and Ashley Sloat (Secretary)

PRESIDENT

People entering the lobby will still be required to wear masks. Anyone in the office who has not been vaccinated is required to wear a mask as well.

Still working on the budget, mostly on the general fund. No benefits are being taken away, we're looking at a possible two percent raise, and we may ask for a small contribution towards health insurance (\$25 for single people/\$50 for a family).

Stimulus money in the amount of \$240,000 is expected. There are lots of restrictions on how it's to be used. One idea is to add wi-fi to the park.

Lots of projects going on. For the high school walkway project, asked for \$2,000,000.00. Won't find out until end of the year if that comes through. Village Hall plans for new flooring, painting and a new break room are still moving forward.

Re-posted a more detailed accountant position. Woodhill is currently reviewing the applications we've received.

Scott has announced he will be retiring soon. The date is not set yet.

Office staff needs to coordinate any vacation plans this summer.

Marijuana applications are still coming in. Today is the deadline to apply for the next Planning Commission meeting. We received one yesterday and are expecting another today. We are planning to open another application period in the fall.

CLERK

Clerk Institute begins June 6. Clerk will be out of the office until June 14.

DPW

Joe, Mike and Scott have been trying to get the Category B grant set.

Working on punch list for the new pump station, which is quite lengthy. Substantial Completion date should be extended. Waiting for Reliance to take the next step.

Finished Certificate of Distribution for the Consumer Confidence Report.

DPW now has a pontoon barge and is working on purchasing a trailer.

ZONING ADMINISTRATOR

Julie has hired another employee at her store and will be in the office on Tuesday mornings as well as on Thursdays. Will also be more available when other staff needs to be out of the office.

POLICE

Finke leaves tomorrow. CJ is settling in as a full-time employee. Garrison is picking up hours. The transition after Hall left has gone well. Nan has resigned and is officially gone from the Pinckney Police Department.

Working on a camera project for the Putnam Township Square. Has some money to use and the DDA may be able to contribute some funds. May start with one camera before the end of the fiscal year.

Discussed using a local attorney to prosecute Village misdemeanors.

TENTATIVE DATE NEXT MEETING: June 16, 2021

**Village of Pinckney
DDA Meeting Minutes
Virtual Meeting using Microsoft Teams
Wednesday, May 3, 2021
7:00 P.M.**

CALL TO ORDER:

The meeting was called to order by Chairman Pais at 8:20 p.m.

Present: Ted Kinczkowski, joining from Village of Pinckney, Michigan
Richard Mayernik, joining from Village of Pinckney, Michigan
Andrea McCall, joining from Village of Pinckney, Michigan
Christine Oliver, joining from Village of Pinckney, Michigan
Donald Oliver, joining from Village of Pinckney, Michigan
Tom Pais, joining from Village of Pinckney, Michigan

Absent: Joseph Hartman

Also Present: Rebecca Foster (Village President), Jill Chapman (Clerk), Lucie Fortin (Village Planner) & Julie Durkin (Zoning Administrator)

APPROVAL OF PROPOSED AGENDA:

Motion by C. Oliver, supported by D. Oliver

To approve the agenda as amended by adding #3 for Discussion of the Gateway

Voice Vote: Ayes: 6 Nays: None

MOTION CARRIED

APPROVAL OF APRIL 2021 MINUTES:

Motion by Kinczkowski, supported by McCall

To approve the minutes of the April 7, 2021 meeting minutes as presented

Voice Vote: Ayes: 6 Nays: None

MOTION CARRIED

PUBLIC FORUM:

Chairman Pais opened the public forum at 8:23 p.m. Hearing no comment, the forum was closed at 8:24 p.m.

REPORTS: Community Garden Status

Chairman Pais stated that 12 raised beds were constructed and filled with soil. They have all been assigned. We have two more to build. Fencing will be worked on. He discussed the work done to get this accomplished.

Village President Foster stated that the only two gardens available now are the handicap beds. We are starting on a waiting list. Further discussion was held on this being set up for expansion.

AGENDA

1. Approval of DDA Budget 2021-2022

President Foster explained the numbers already determined by the Accountant as well as the amounts to be determined by the Board. She explained that the budget is a guideline, and we can make budget amendments if needed.

Discussion was held on training and education opportunities. Discussion was held on consultant services, Beautification, Façade Improvement Program, DDA District Promotions and other line-items within the budget.

Discussion was held on where the Gateway signage will fall. Discussion was held on the Façade Program and re-looking at this program. Discussion was held on DDA Promotions and the difference between promotions and special events.

Discussion was held on the electric charging stations and looking at moving forward with this project. Discussion was held on possible federal funds that may be available. Discussion was held on power source and installation costs. Discussion was held on possible locations.

Discussion was held on Capital Outlay expenses. Discussion was held on cost of gateway signs. Discussion was held on the difficulty in finding someone to build the sign as designed due to the different elements. The consensus was to not include funds for the gateway sign at this time and deal with it as a budget amendment if needed.

President Foster reviewed the suggested line item changes for an expenditure budget of \$134,376 with revenues at 142,850.

Motion by Kinczkowski, supported by Mayernick

To approve the proposed DDA budget as discussed for 2021-2022

Roll Call Vote: Ayes: Kinczkowski, Mayernick, McCall, C. Oliver, D. Oliver, Pais Nays: None
MOTION CARRIED

2. Approval of Payables

Motion by Kinczkowski, supported by C. Oliver

To approve the DDA Payables in the amount of \$3,737.06

Roll Call Vote: Ayes: Kinczkowski, Mayernik, McCall, C. Oliver, D. Oliver, Pais Nays: None
MOTION CARRIED

3. Gateway Sign Discussion

Chairman Pais discussed the location of the "Welcome to Pinckney" sign at the east side of town which is located west of the actual boundary of the Village.

Discussion was held on the different elements of the proposed gateway sign. Member McCall discussed the recommendation of the sign companies that she spoke to. She further discussed a monument sign at the City of Dexter as well as others that she looked at on line. She discussed builders being very busy this time of year and the need to simplify this in order to get it done.

Discussion was held on Mr. Bonk quoting the signage. Discussion was held on possible conflict of interest and consulting legal counsel.

Discussion was held on obtaining easements for the placement of the signs.

Discussion was held on other examples. Discussion was held on streamlining the design and exploring options.

4. Discussion – Alley behind Hardware

Member Christine Oliver stated that she feels that the DDA or Planning Commission should do something about the alley. We owe it to the community and the business owners. It was stated that what is behind the hardware store should be a parking lot, yet the question is what can the Village do rehabilitate it. Discussion was held on this area being private property. President Foster gave a history of trying to rectify the situation and the change of ownership. Discussion was held on sewer easements through the properties. Discussion was held on the need to have all of the owners involved.

PUBLIC FORUM:

Chairman Pais opened the public forum at 9:48 p.m. Hearing no comment, the forum was closed at 9:48 p.m.

MEMBER DISCUSSION:

Chairman Pais thanked everyone for their attendance and comments.

ADJOURNMENT:

Motion by C. Oliver, supported by Kinczkowski

To adjourn the regular Planning Commission meeting at 9:50 p.m.

Voice Vote: Ayes: 7

Nays: 0

MOTION CARRIED

DRAFT

**Village of Pinckney
Planning Commission
Virtual Meeting using Microsoft Teams
Monday, May 3, 2021
7:00 P.M.**

CALL TO ORDER:

The meeting was called to order by Chairman Pais at 7:02 p.m.

Present: Ted Kinczkowski, joining from Village of Pinckney, Michigan
Richard Mayernik, joining from Village of Pinckney, Michigan
Andrea McCall, joining from Village of Pinckney, Michigan
Christine Oliver, joining from Village of Pinckney, Michigan
Donald Oliver, joining from Village of Pinckney, Michigan
Tom Pais, joining from Village of Pinckney, Michigan

Absent: Joseph Hartman

Also Present: Rebecca Foster (Village President), Jill Chapman (Clerk), Lucie Fortin (Village Planner) & Julie Durkin (Zoning Administrator)

PLEDGE TO THE FLAG: Chairman Pais led those present in the Pledge to the Flag.

APPROVAL OF PROPOSED AGENDA:

Motion by D. Oliver, supported by Kinczkowski

To approve the agenda as presented

Voice Vote: Ayes: 6 Nays: 0 MOTION CARRIED

APPROVAL OF APRIL 2021 MINUTES:

Motion by Mayernik, supported by Kinczkowski

To approve the minutes of the April 7, 2021 meeting minutes as presented

Voice Vote: Ayes: 6 Nays: 0 MOTION CARRIED

REPORTS:

1. Chair: None
2. Secretary/Vice-Chairperson:

Member Christine Oliver stated that she would like to have discussion regarding the alley/right-of-way behind the hardware store. It was decided to discuss this issue during the DDA meeting.

3. Council Report: None
4. Zoning Administrator: None

PUBLIC FORUM:

Chairman Pais explained the purpose of the public forum to discuss any topic of concern. There will be time for public comment during each public hearing. He explained that there is a 5 minute time limit. He opened the public forum at 7:08 p.m.

Megan Palmer of 2020 E. Grand River Street, Howell discussed the Livingston County Community Alliance working to reduce and prevent youth substance use. She discussed their organization as well as programs to answer questions by youth as well as adults. She stated that we need to be mindful of how these establishments will affect our youth.

Krista Herlan of 350 Brentwood Village discussed the use of medical marihuana when medication cannot be tolerated and the benefits of CBD oils, etc.

Lisa Rice of 910 W. M-36 discussed the current condition of the proposed site and feels that this is a great opportunity and is impressed with the proposal that has been presented. She discussed her need for her medical marihuana products. She feels that it would benefit the community and bring people in to spend money. She further discussed security.

Kelsey Wittla of 834 W. Hamburg stated that she also does substance abuse prevention work in Howell Schools. Her biggest concern is the odor. Chairman Pais stated that this is addressed in the plans.

Hearing no further comment, the forum was closed at 7:22 p.m.

AGENDA

1. Special Land Use Request-Marihuana Establishment–Grower Class C
Location: 935 W. Main Street
Parcel ID:4714-22-300-003

Chairman Pais explained that each license for a marihuana establishment requires a Special Land Use Permit. He further explained the process. He explained the RTO zoning district and the conditional zoning of the proposed site.

- a. Public Hearing

Chairman Pais opened the public hearing at 7:25 p.m.

Lucie Fortin, Village Planner, discussed the project background and the conditional zoning as well as the conditions agreed to by the applicant. She discussed the proposal including the site as a Gateway to the Village, architectural view keeping with the village residential areas and utilization of the storm water management. It was agreed that this rezoning was for the sole purpose of a marihuana establishment, otherwise the use would revert to the high density residential. They also agreed to build pedestrian

connections by building and extending sidewalks. She discussed the adjacent uses and zoning and continued with her review letter and discussed the criteria the Planning Commission needs to consider in making its findings and decisions. She also discussed components of the plan that can be looked at during site plan review, not necessarily items to be considered for Special Use Approval. She further stated that this is the time to say what you want to see. She further discussed the requirements the applicant will need to meet.

Commissioner Mayernick questioned the fact that the rezoning was for two parcels, yet the application for the Special Use is for one parcel. Planner Fortin explained the definition of the two parcels and indicated that the applicant may have to go through the combination/split process. Mr. Bonk, applicant, stated that they do have some ideas for the second parcel and would like it to remain as two parcels at this time. He further discussed potential use of the second parcel. He stated that they do not need the additional acreage for this request and will have a plan for the second parcel to meet the deadline of the rezoning.

Mr. Bonk addressed the education aspect that the individuals who spoke at the beginning of the meeting discussed and said that they take this very seriously and plan on supporting these non-profit organizations to do what they can do to educate and prevent youth from using any type of drug or alcohol.

Mr. Bonk addressed the concerns in the review letter about the fence and security system.

Hearing no further public comment, the public hearing was closed at 7:45

b. Recommend to Council Approval/Denial of Special Use Request

Chairman Pais reviewed the options of the Commission and reminded everyone that this body does not make the final decision but rather a recommendation to the Village Council.

Discussion was held on the materials and color scheme of the building. Bonk stated that these are ideas and will do some test spots to compliment the existing brick and blend into the residential area.

Discussion was held on the screening along the property line. Discussion was held on deferring these requirements until such time as the use of the adjacent parcel is determined.

Discussion was held on the Gateway signage. Bonk stated that it is difficult to agree to pay to install something that we don't know yet. Furthermore, they did choose a spot and it is on their plan but would like a maximum amount rather than leaving it open-ended. Discussion was held on this being the subject of further negotiations between the Planning Commission and the applicant as long as it is part of the plan.

Discussion was held on potential odor. Bonk stated that he does not want it to smell like canibus outside at all. They plan to abide by the ordinance's which is zero tolerance. He further explained the exhaust and filter systems.

Motion by Mayernick, supported by Kinczkowski

Finding that the application for a marihuana establishment - Grower Class C to be located at 935 W. Main Street has met the Zoning Ordinance general requirements of Section 152.242 and the specific requirements of Section 152.243(S), I move to recommend that Village Council approve the application contingent upon the following:

- The prequalification approval from the Michigan Regulatory Agency.
- The land combination/split into the re-defined two parcels along with a shared access/parking recorded.
- A note added to the preliminary plans describing the willingness of the owners to locate and provide the proposed gateway feature on the property.
- Additional information provided for Planning Commission review and approval on the proposed building demonstrating attention to the existing residential character of both the Village center and edge with compatible materials, colors, and detailing.
- Greater natural feature management of the site with removal of the fence, control of the invasive plant species, selective clearing, views opened to Honey Creek, and a more “natural” stormwater management area meeting the green infrastructure goal for the property. This can be addressed in concept and with a note on the plans.
- The development of a sitting area overlooking Honey Creek/Mill Pond along the east side of the property where the pathway connection is proposed. The plans need to note that these site amenities will be part of an easement dedicated to public use.
- The applicant agrees to defer the screening plantings at the Eastern side of parcel 003 and, if requested by the Village, will install said plantings in the future.

Roll Call Vote: Ayes: Kinczkowski, Mayernick, McCall, C. Oliver, D. Oliver, Pais Nays: None
MOTION CARRIED

2. Special Land Use Request-Marihuana Establishment–Processor
Location: 935 W. Main Street
Parcel ID: 4714-22-300-003
a. Public Hearing

Chairman Pais opened the public hearing at 8:00 p.m.

Krista Harlan of 350 Brentwood Drive explained her background in chemistry and lab safety. She discussed the process used in this industry and the applicant’s research and knowledge and the importance to the community.

Hearing no further public comment, the public hearing was closed at 8:04 p.m.

- b. Recommend to Council Approval/Denial of Special Use Request

Discussion was held on the concerns being applied to all three special use requests at this location.

Mr. Bonk discussed the difference in revenue by being able to do the processing in that building which will benefit the village and the non-profit organizations.

Discussion was held on the processor being able to sell product to another licensed retail establishment.

Motion by Mayernick, supported by McCall

Finding that the application for a marihuana establishment - Processor to be located at 935 W. Main Street has met the Zoning Ordinance general requirements of Section 152.242 and the specific requirements of Section 152.243(S), I move to recommend that Village Council approve the application contingent upon the following:

- The prequalification approval from the Michigan Regulatory Agency.
- The land combination/split into the re-defined two parcels along with a shared access/parking recorded.
- A note added to the preliminary plans describing the willingness of the owners to locate and provide the proposed gateway feature on the property.
- Additional information provided for Planning Commission review and approval on the proposed building demonstrating attention to the existing residential character of both the Village center and edge with compatible materials, colors, and detailing.
- Greater natural feature management of the site with removal of the fence, control of the invasive plant species, selective clearing, views opened to Honey Creek, and a more "natural" stormwater management area meeting the green infrastructure goal for the property. This can be addressed in concept and with a note on the plans.
- The development of a sitting area overlooking Honey Creek/Mill Pond along the east side of the property where the pathway connection is proposed. The plans need to note that these site amenities will be part of an easement dedicated to public use.
- The applicant agrees to defer the screening plantings at the Eastern side of parcel 003 and, if requested by the Village, will install said plantings in the future.

Roll Call Vote: Ayes: Kinczkowski, Mayernick, McCall, C. Oliver, D. Oliver, Pais Nays: None
MOTION CARRIED

3. Special Land Use Request-Marihuana Establishment-Retailer
Location: 935 W. Main Street
Parcel ID: 4714-22-300-003
a. Public Hearing

Chairman Pais opened the public hearing at 8:10 p.m. Hearing no public comment, the public hearing was closed at 8:11 p.m.

- b. Recommend to Council Approval/Denial of Special Use Request

Planner Fortin stated that of the three requests, this is the business that is going to bring people in and out of the site. She discussed the parking provided. Bonk discussed the large parking lot and feels that they will meet the need and will still have empty parking spots.

Bonk discussed the cost of the canibus coming down as more operations are established. He further discussed this integrated process to be able to compete at a lower level. He further discussed his plan for this to be long-term.

Motion by Mayernick, supported by McCall

Finding that the application for a marihuana establishment - Retailer to be located at 935 W. Main Street has met the Zoning Ordinance general requirements of Section 152.242 and the specific requirements of Section 152.243(S), I move to recommend that Village Council approve the application contingent upon the following:

- The prequalification approval from the Michigan Regulatory Agency.
- The land combination/split into the re-defined two parcels along with a shared access/parking recorded.
- A note added to the preliminary plans describing the willingness of the owners to locate and provide the proposed gateway feature on the property.
- Additional information provided for Planning Commission review and approval on the proposed building demonstrating attention to the existing residential character of both the Village center and edge with compatible materials, colors, and detailing.
- Greater natural feature management of the site with removal of the fence, control of the invasive plant species, selective clearing, views opened to Honey Creek, and a more "natural" stormwater management area meeting the green infrastructure goal for the property. This can be addressed in concept and with a note on the plans.
- The development of a sitting area overlooking Honey Creek/Mill Pond along the east side of the property where the pathway connection is proposed. The plans need to note that these site amenities will be part of an easement dedicated to public use.
- The applicant agrees to defer the screening plantings at the Eastern side of parcel 003 and, if requested by the Village, will install said plantings in the future.

Roll Call Vote: Ayes: Kinczkowski, Mayernick, McCall, C. Oliver, D. Oliver, Pais Nays: None
MOTION CARRIED

PUBLIC FORUM:

Chairman Pais opened the public forum at 8:17 p.m.

Lisa Rice of 910 W. M-36 thanked the Commission and stated that she looks forward to the Village being educated.

Hearing no further comment, the forum was closed at 8:18 p.m.

MEMBER DISCUSSION:

Chairman Pais stated that he appreciates the members of the public who have taken the time to give us their views.

ADJOURNMENT:

Motion by C. Oliver, supported by Kinczkowski

To adjourn the regular Planning Commission meeting at 8:19 p.m.

Voice Vote: Ayes: 6

Nays: 0

MOTION CARRIED

DRAFT



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

ELIZABETH HERTEL
DIRECTOR

May 14, 2021

Emergency Order under MCL 333.2253 – Gatherings and Face Mask Order

Michigan law imposes on the Michigan Department of Health and Human Services (MDHHS) a duty to continually and diligently endeavor to “prevent disease, prolong life, and promote the public health,” and gives the Department “general supervision of the interests of the health and life of the people of this state.” MCL 333.2221. MDHHS may “[e]xercise authority and promulgate rules to safeguard properly the public health; to prevent the spread of diseases and the existence of sources of contamination; and to implement and carry out the powers and duties vested by law in the department.” MCL 333.2226(d).

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. COVID-19 spreads through close human contact, even from individuals who may be asymptomatic.

In recognition of the severe, widespread harm caused by epidemics, the Legislature has granted MDHHS specific authority, dating back a century, to address threats to the public health like those posed by COVID-19. MCL 333.2253(1) provides that:

If the director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to insure continuation of essential public health services and enforcement of health laws. Emergency procedures shall not be limited to this code.

See also In re Certified Questions from the United States District Court, Docket No. 161492 (Viviano, J., concurring in part and dissenting in part, at 20) (“[T]he 1919 law passed in the wake of the influenza epidemic and Governor Sleeper’s actions is still the law, albeit in slightly modified form.”); *id.* (McCormack, C.J., concurring in part and dissenting in part, at 12). Enforcing Michigan’s health laws, including preventing disease, prolonging life, and promoting public health, requires limitations on gatherings and the establishment of procedures to control the spread of COVID-19. This includes limiting the number, location, size, and type of gatherings, and requiring the use of mitigation measures at gatherings as a condition of hosting such gatherings.

On March 10, 2020, MDHHS identified the first two presumptive-positive cases of COVID-19 in Michigan. As of May 13, 2021, Michigan had seen 871,569 confirmed cases and 18,467 confirmed deaths attributable to COVID-19. Michigan was one of the states most heavily impacted by COVID-19 early in the pandemic, with new cases peaking at nearly 2,000 per day in late March 2020. Strict preventative measures and the cooperation of Michiganders drove daily case numbers dramatically down to fewer than 200 confirmed cases per day in mid-June, greatly reducing the loss of life. Beginning in October, Michigan again experienced an exponential growth in cases. New cases peaked at nearly 10,000 cases per day in mid-November, followed by increases in COVID-19 hospitalizations and deaths.

In November 2020 MDHHS issued an order enacting protections to slow the high and rapidly increasing rate of spread of COVID-19. Cases, hospitalizations, and deaths remained high through early December,

threatening hospital and public health capacity. These protections were sustained by subsequent orders through mid-January. These orders played a crucial role in slowing the spread in Michigan and had brought new cases down to about 1,500 per day. The decrease in cases helped prevent Michigan's healthcare system from being overwhelmed with a holiday surge. Beginning in late January 2021, in light of the reduction in cases, MDHHS issued orders permitting indoor dining and contact sports. On March 19, 2021, MDHHS issued an order requiring testing for youth sports.

Cases dropped to under 1,000 per day in mid-February. However, trends shifted and cases increased to a seven-day daily average of 6,555 on April 11. The statewide positivity peaked at 18.5% on April 8. Metrics approached all-time highs, and in some cases surpassed the peaks from the fall/winter surge. While the Spring 2021 surge saw more cases in persons who were under the age of 60, there remained a high number of cases seeking emergency care and hospitalizations. Healthcare capacity peaked in mid-April with 601 daily hospital admissions seen in Michigan. Individuals under the age of 60 accounted for nearly 50% of all new admissions.

Positivity, case rates, hospitalizations and deaths are improving since the April peak. Positivity has decreased to 9.3% and the seven-day average case rate for Michigan is 230 cases per million. As of May 13, there are 2,200 Michiganders hospitalized with COVID-19, and 11.0% of all available inpatient beds were occupied by patients who had COVID-19. During this time, Michigan had the second highest number of cases and the highest case rate in the nation, as well as the highest COVID-19 hospital utilization, and COVID-19 ICU utilization according to data from the CDC and U.S. Health and Human Services. The state death rate was 5.4 deaths per million people on May 6, and there are approximately 375 weekly deaths in Michigan attributable to COVID-19. This is a decrease of 26% from the peak of 7.3 deaths per million on April 23, 2020.

Even where COVID-19 does not result in death, and where Michigan's emergency and hospital systems are not heavily burdened, the disease can cause great harm. Recent estimates suggest that one in ten persons who suffer from COVID-19 will experience long-term symptoms, referred to as "long COVID." These symptoms, including fatigue, shortness of breath, joint pain, depression, and headache, can be disabling. They can last for months, and in some cases, arise unexpectedly in patients with few or no symptoms of COVID-19 at the time of diagnosis. A study published on April 6 in the medical journal *The Lancet* indicates that COVID-19 has been associated with a significantly increased risk of neurological and psychiatric disorders in the 6 months after a diagnosis. COVID-19 has also been shown to damage the heart and kidneys. Furthermore, racial and ethnic minority groups in Michigan have experienced a higher proportion of "long COVID." The best way to prevent these complications is to prevent transmission of COVID-19.

Since December 11, 2020, the Food and Drug Administration has granted emergency use authorization to three vaccines to prevent COVID-19, providing a path to end the pandemic. Michigan is now participating in the largest mass vaccination effort in modern history and is presently working toward vaccinating at least 70% of Michigan residents 16 years of age and older as quickly as possible. As of May 13, 55.6% of Michigan residents 16 and older have received at least one dose of COVID-19 vaccine. And an increasing number and volume of therapeutics are available, such as monoclonal antibodies, which can help to reduce the severity of COVID-19 cases.

New and unexpected challenges continue to arise: in early December 2020, a variant of COVID-19 known as B.1.1.7 was detected in the United Kingdom. According to the CDC, this variant is roughly 50% more infectious than the original strain. On January 16, 2021, this variant was detected in Michigan. B.1.1.7 is currently the dominant strain of COVID-19 in Michigan and the United States. Michigan is second in the nation with respect to the number of B.1.1.7 variant cases detected. Michigan has also detected cases of variants B.1.351, P.1, and B.1.427/B.1.429, which experts continue to study and monitor closely. This further complicates the battle against COVID-19.

Data through May 8 indicate there are an average of 600 cases per day among those aged 10-19, the highest of any age group. As of May 7, local health departments had reported 345 new and ongoing

outbreaks among K-12 schools, with 67 of those outbreaks reported in the week prior. Additionally, there are 418 identified clusters among minors participating in school and club sports since January 2021. To promote the continued safe operation of in-person schools, additional mitigation measures related to youth sports activities are warranted.

On May 13, 2021, the CDC released guidance indicating the fully vaccinated persons need not wear a mask in most settings, regardless of whether indoors or outdoors. CDC indicated that fully vaccinated persons are at low risk of experiencing symptomatic or severe COVID-19 infection, and pose a reduced risk of transmitting COVID-19 to others. Additionally, recent studies, including a study published in *The Journal of Infectious Diseases*, confirm that transmission of COVID-19 outdoors is exceedingly rare.

Considering the above, and upon the advice of scientific and medical experts, I have concluded pursuant to MCL 333.2253 that the COVID-19 pandemic continues to constitute an epidemic in Michigan. I have also, subject to the grant of authority in 2020 PA 238 (signed into law on October 22, 2020), herein defined the symptoms of COVID-19 based on the latest epidemiological evidence. I further conclude that control of the epidemic is necessary to protect the public health and that it is necessary to restrict gatherings and establish procedures to be followed during the epidemic to ensure the continuation of essential public health services and enforcement of health laws. As provided in MCL 333.2253, these emergency procedures are not limited to the Public Health Code.

1. Definitions.

- (a) “Camp” means a day, residential, travel, or troop camp for children (as defined by Rule 400.11101(1)(q) of the Michigan Administrative Code).
- (b) “Child care organization” means that term as defined by section 1(b) of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111(b)).
- (c) “Contact sports” means sports involving more than occasional and fleeting contact, including: football; basketball; rugby; field hockey; soccer; lacrosse; wrestling; hockey; boxing; futsal; martial arts with opponents; and other sports meeting those criteria.
- (d) “Competition” means a game of skill played between opposing teams.
- (e) “Establishment” means a business, store, office, government office, school, organized event, or other operation.
- (f) “Employee” means that term as defined in section 2(c) of the Improved Workforce Opportunity Wage Act, 2018 PA 337, as amended, MCL 408.932(c), and also includes independent contractors.
- (g) “Entertainment and recreational establishment” includes: auditoriums; cinemas; concert halls; performance venues; sporting venues; theaters; night clubs; strip clubs; water parks; archery ranges; amusement parks; arcades; bingo halls; bowling centers; casinos; gun ranges; laser tag arenas; trampoline parks; and the like.
- (h) “Exercise facility” means a location in which individuals participate in individual or group physical activity, including gymnasiums, fitness centers, and exercise studios.
- (i) “Face mask” means a tightly woven cloth or other multi-layer absorbent material that closely covers an individual’s mouth and nose.
- (j) “Fully vaccinated persons” means persons for whom at least two weeks has passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine.

- (k) “Food service establishment” means that term as defined in section 1107(t) of the Food Law, 2000 PA 92, as amended, MCL 289.1107(t).
- (l) “Gathering” means any occurrence, either indoor or outdoor, where two or more persons from more than one household are present in a shared space.
- (m) “Household” means a group of persons living together in a shared dwelling with common kitchen or bathroom facilities. In dwellings with shared kitchen or bathroom facilities occupied by 20 or more unrelated persons, households are defined by individuals who share a bedroom.
- (n) “Indoors” means within a space that is fully or partially enclosed on the top, and fully or partially enclosed on two or more contiguous sides. Additionally, in a space that is fully or partially enclosed on the top, and fully or partially enclosed on two non-contiguous sides, any part of that space that is more than 8 feet from an open side is indoors.
- (o) “Non-contact sports” means sports that are not contact sports.
- (p) “Outdoors” means a space that is not indoors.
- (q) “Organized sports” means competitive athletic activity requiring skill or physical prowess and organized by a sports organizer.
- (r) “Practice” means a training session for a game of skill, involving only members of a single team.
- (s) “Principal symptoms of COVID-19” means at least 1 of fever, uncontrolled cough, or atypical new onset of shortness of breath, or at least 2 of the following not explained by a known physical condition: loss of taste or smell, muscle aches, sore throat, severe headache, diarrhea, vomiting, or abdominal pain. Per section 1(j) of 2020 PA 339, this definition represents the latest medical guidance, and serves as the controlling definition.
- (t) “Sports organizer” means an association or other organization that sets and enforces rules to ensure the physical health and safety of all participants for an organized sport. Sports organizers at the sub-association level must follow all health and safety rules and procedures set by the association of which they are a member.
- (u) “Stadiums and arenas” means establishments with fixed seating for at least 5,000 spectators.

2. General capacity limitations at gatherings.

- (a) Indoor gatherings:
 - (1) Are prohibited at residential venues, except where no more than 15 persons from no more than 3 households are gathered.
 - (2) Are prohibited at non-residential venues, except where no more than 25 persons are gathered.
- (b) Outdoor gatherings are permitted only as follows:
 - (1) At residential venues, where 50 persons are gathered. Or, where density does not exceed 20 persons per 1,000 square feet of outdoor space, up to 300 persons may be gathered;

(2) At non-residential venues, where 300 or fewer persons are gathered.

(c) The limitations to gatherings in sections 2(a) and 2(b) do not apply to:

- (1) Incidental gatherings of persons in a shared space, such as frequently occur in an airport, bus station, exercise facility, food service establishment, shopping mall, or public pool, except as prohibited in section 3;
- (2) Workplace gatherings that occur consistent with the Emergency Rules issued by MIOSHA on October 14, 2020, and subsequently extended;
- (3) Voting or official election-related activities;
- (4) Training of law enforcement, correctional, medical, or first responder personnel, insofar as those activities cannot be conducted remotely;
- (5) Education and support services at public, nonpublic, and boarding schools, colleges, and universities;
- (6) Children in a child care organization, after school program, or camp setting;
- (7) Persons traveling on a school bus or public transit;
- (8) Gatherings for the purpose of medical treatment, including mental health and substance use disorder support services;
- (9) Residential care facilities, which are subject to the March 17, 2021, epidemic order entitled “Requirements for Residential Facilities,” or any replacement of that order;
- (10) Cardiopulmonary resuscitation courses and swimming instruction courses;
- (11) Proctored, nationally-administered admissions and certification examinations that are not available remotely, provided that examinees are spaced no less than 6 feet apart;
- (12) Gatherings at entertainment and recreational facilities that comply with the restrictions set forth in section 3(a) of this order;
- (13) Gatherings for the purposes of indoor group fitness, exercise, or sports that comply with the restrictions set forth in sections 4(b), 4(d), 4(e), and 6 of this order;
- (14) Gatherings for public health or other emergency purposes;
- (15) Gatherings of public bodies and attendees of meetings held by public bodies in compliance with the Open Meetings Act, MCL 15.261 *et seq.*

(d) As a condition of hosting a gathering under this order, organizers and facilities must design the gathering to encourage and maintain physical distancing, and must ensure that persons not part of the same group maintain 6 feet of distance from one another to the extent possible.

3. Gathering limitations for entertainment establishments, recreational establishments, and food service establishments.

(a) Gatherings are prohibited at entertainment establishments and recreational establishments unless:

- (1) Establishments make a good faith effort to ensure that:
 - (A) Groups of patrons participating in activities together (such as those seated together at a concert or movie, or bowling in the same lane or group of lanes) do not exceed 25 persons indoors, or 300 persons outdoors;
 - (B) Patrons do not mingle with or engage in physical contact with persons outside their group; and
 - (C) For sports practice and competition, participants must comply with the restrictions set forth in section 5;
- (2) If participating in stationary activities, groups are spaced or seated at least 6 feet apart. If participating in non-stationary activities, groups maintain a consistent 6 feet of distance from other groups at all times;
- (3) Consumption of food or beverages is permitted only where patrons are seated, groups of patrons are separated by at least 6 feet, no more than 6 patrons are seated at a table, and groups of patrons do not intermingle;
- (4) Establishments that are also food service establishments, as a condition of offering food or beverages, ensure their designated dining areas comply with all requirements in subsection (b);
- (5) Establishments abide by the following density limitations:
 - (A) Where applicable, occupancy must not exceed 50% of the limits established by the State Fire Marshal or a local fire marshal; and
 - (B) Density is limited such that groups of patrons can remain at least 6 feet apart at all times;
- (6) Establishments abide by the following maximum capacity limitations:
 - (A) For indoor entertainment and recreational establishments, no more than 300 patrons may be gathered within any distinct space within the establishment;
 - (B) For outdoor entertainment and recreational establishments, and for outdoor stadiums and arenas, no more than 1,000 patrons may be gathered unless the facility proceeds under subsection (G);
 - (C) At indoor stadiums and arenas with a fixed seating capacity of up to 10,000, no more than 375 patrons may be gathered;
 - (D) At indoor stadiums and arenas with a fixed seating capacity greater than 10,000, no more than 750 patrons may be gathered;
 - (E) At outdoor stadiums and arenas with a fixed seating capacity of up to 10,000, no more than 1,000 patrons may be gathered;
 - (F) At outdoor stadiums and arenas with a fixed seating capacity of greater than 10,000, no more than 1,500 patrons may be gathered;
 - (G) At outdoor entertainment and recreational facilities, outdoor stadiums and arenas that establish and abide by an infection control plan that complies with the MDHHS publication entitled "Large Outdoor Events Guidance"

issued May 14, 2021, gatherings may not exceed 20% of the venue's fixed seating capacity or 20 persons per 1,000 square feet, whichever is greater. Such venues must post their plan publicly, including on a public website. Infection control plans must be provided to the local health department at least seven days before scheduled events. Sports organizers of events occurring at outdoor stadiums and arenas proceeding under this subsection must administer a testing program as specified in the MDHHS publication entitled "Interim Guidance for Athletics" issued May 14, 2021.

- (b) Gatherings are prohibited at food service establishments, whether indoor or outdoor, unless:
 - (1) Consumption of food or beverages is permitted only in a designated dining area where patrons are seated, groups of patrons are separated by at least 6 feet, no more than 6 patrons are seated together (at a table, booth, or group of fixed seats), and groups of patrons do not intermingle;
 - (2) At establishments offering indoor dining:
 - (A) The number of patrons indoors (or in a designated dining area of a multipurpose establishments) does not exceed 50% of normal seating capacity, or 100 persons, whichever is less, provided, however, that this limitation does not apply to soup kitchens and shelters;
 - (B) At food service establishments, or the designated dining area of a multipurpose establishment, indoor dining is closed between the hours of 11:00 PM and 4:00 AM;
 - (C) The establishment displays, in a prominent location, the MDHHS "Dining During COVID-19" brochure.
- (c) Gatherings at non-tribal casinos may not exceed 30% of total occupancy limits established by the State Fire Marshal or a local fire marshal.

4. **Gathering restrictions for other facilities.** In addition to the gathering limitations set forth elsewhere in this order, the following limitations apply to gatherings in the following facilities:

- (a) A gathering at a retail setting, library, or museum must not exceed 50% of total occupancy limits established by the State Fire Marshal or a local fire marshal. Nevertheless, a retail store, library, or museum may permit one customer at a time to enter if strict adherence to the 50% total occupancy limit would otherwise result in closure. Spaces for indoor and outdoor dining, including food courts, must comply with the requirements for food service establishments as set forth in section 3(b).
 - (1) Retail stores must establish lines to regulate entry and checkout, with markings for patrons to enable them to stand at least 6 feet apart from one another while waiting.
- (b) At exercise facilities:
 - (1) Gatherings must not exceed 30% of the total occupancy limits established by the State Fire Marshal or a local fire marshal;

- (2) There must be at least 6 feet of distance between each occupied workout station and physical layout of the space must be established such that exercisers can move between stations while maintaining 6 feet of distance from others at all times; and
 - (3) Gatherings for group fitness activities or classes are permitted, provided that all persons maintain at least 6 feet of distance from others at all times.
- (c) Gatherings in waiting rooms at outpatient health care facilities, veterinary clinics, and other businesses are prohibited unless the facility implements a system to ensure that persons not of the same group maintain 6 feet of distance. To the extent possible, this system must include a policy that patients wait in their cars for their appointments to be called.
 - (d) Gatherings at an indoor pool not otherwise prohibited by this order must not exceed 30% of bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code. Gatherings at an outdoor pool not otherwise prohibited by this order must not exceed 50% of bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code.
 - (e) Gatherings at ice and roller rinks are permitted, provided that occupancy is limited to 10 persons per 1,000 square feet, including within the exercise space. Gatherings for the purpose of open skating are permitted.
 - (f) In facilities offering non-essential personal care services, including hair, nail, tanning, massage, traditional spa, tattoo, body art, piercing services, and similar personal care services, all services must be provided by appointment, and gatherings in waiting areas are prohibited.

5. Organized sports gathering restrictions.

- (a) Gatherings for the purpose of indoor contact sports practice and competition are prohibited unless:
 - (1) Organizers make a good faith effort to ensure compliance with section 6;
 - (2) Where it would be unsafe for participants to comply with section 6, all participants are tested consistent with the MDHHS publication entitled “Interim Guidance for Athletics” issued May 14, 2021.
- (b) Gatherings for the purpose of sports practice and competition are prohibited unless participants maintain 6 feet of distance from each other when not engaged in play.
- (c) Sports organizers, establishments, and teams must ensure that all gatherings for the purpose of sports competition and practice comply with the requirements of this order.
- (d) Gatherings for the purpose of sports practice and competition involving persons ages 13 to 19 are prohibited unless all such persons comply with a testing program as specified in the MDHHS publication entitled “Interim Guidance for Athletics” issued May 14, 2021.

6. Indoor face mask requirement.

- (a) Except as specified in section 7, all persons participating in indoor gatherings are required to wear a face mask.
- (b) A person responsible for an establishment, or an agent of such person, must prohibit gatherings of any kind at their establishment unless the person makes a good faith effort to

ensure that all persons at their establishment (including employees) comply with section 6(a). For purposes of this section, a “good faith effort” may include any of the following: posting a sign notifying people that wearing a mask is required unless a person falls into a specified exception; asking patrons not wearing masks whether they fall into a specified exception; requiring face masks of all patrons and employees; or any other policy designed to ensure compliance with section 6(a).

7. Exceptions to face mask requirement. The requirement to wear a face mask at indoor gatherings does not apply to individuals who:

- (a) Are fully vaccinated persons;
- (b) Are younger than 2 years old;
- (c) Cannot medically tolerate a face mask;
- (d) Are eating or drinking while seated in a designated area or at a private residence;
- (e) Are swimming;
- (f) Are receiving a medical or personal care service for which removal of the face mask is necessary;
- (g) Are asked to temporarily remove a face mask for identification purposes;
- (h) Are communicating with someone who is deaf, deafblind, or hard of hearing and whose ability to see the mouth is essential to communication;
- (i) Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a face mask would seriously interfere in the performance of their public safety responsibilities;
- (j) Are engaging in a religious service;
- (k) Are giving a speech for broadcast or to an audience, provided that the audience is at least 12 feet away from the speaker; or
- (l) Are engaging in an activity that requires removal of a mask not listed in another part of this section, and are in a facility that provides ventilation that meets or exceeds 60 ft³/min of outdoor airflow per person.

8. Contact tracing requirements for particular gatherings.

- (a) Gatherings are prohibited at the following facilities unless the facility maintains accurate records, including date and time of entry, names of patrons, and contact information, to aid with contact tracing, and denies entry for a gathering to any visitor who does not provide, at a minimum, their name and phone number:
 - (1) All businesses or operations that provide hair, nail, tanning, massage, traditional spa, tattoo, body art, piercing services, or similar personal care services; and
 - (2) Exercise facilities.
- (b) All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like must not permit their employees to gather with clients

unless the business maintains accurate appointment records, including date and time of service, name of client, and contact information, to aid with contact tracing.

- (c) All dine-in food service establishments must maintain accurate records of the names and phone numbers of patrons who consume food or beverages on the premises, and the date and time of entry.
- (d) Upon request, businesses, schools, and other facilities must provide names and phone numbers of individuals with possible COVID-19 exposure to MDHHS and local health departments to aid in contact tracing and case investigation efforts.
- (e) Data collected under this section:
 - (1) Must not be sold, or used for sales or marketing purposes without the express consent of each patron;
 - (2) Must be protected as confidential information to the fullest extent of the law;
 - (3) Must not be provided to law enforcement or immigration officials except upon receipt of a lawful subpoena from a court or other lawful court order;
 - (4) Must be retained for 28 days by the collecting organization, after which time the data must be destroyed. If facilities use existing data to fulfill this requirement, they may instead follow their own pre-existing data retention and destruction policies at the conclusion of the 28-day retention period.

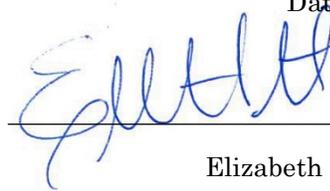
9. Implementation.

- (a) Nothing in this order modifies, limits, or abridges protections provided by state or federal law for a person with a disability.
- (b) Under MCL 333.2235(1), local health departments are authorized to carry out and enforce the terms of this order.
- (c) Law enforcement officers, as defined in the Michigan Commission on Law Enforcement Standards Act, 1965 Public Act 203, MCL 28.602(f), are deemed to be “department representatives” for purposes of enforcing this order and are specifically authorized to investigate potential violations of this order. They may coordinate as necessary with the appropriate regulatory entity and enforce this order within their jurisdiction.
- (d) Neither a place of religious worship nor its owner is subject to penalty under this order for allowing religious worship at such place. No individual is subject to penalty under this order for engaging in religious worship at a place of religious worship.
- (e) Consistent with MCL 333.2261, each violation of this order is a misdemeanor punishable by imprisonment for not more than 6 months, or a fine of not more than \$200.00, or both.
- (f) Nothing in this order affects any prosecution or civil citation based on conduct that occurred before the effective date of this order.
- (g) Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority, or protections guaranteed by the state or federal constitution under these emergency circumstances.

(h) Consistent with MCL 333.2262, violations of this order are punishable by a civil fine of up to \$1,000. If any provision of this order is found invalid by a court of competent jurisdiction, whether in whole or in part, such decision will not affect the validity of the remaining part of this order.

This order takes effect on Saturday, May 15, 2021, at 9:00 AM. At that time, the order entitled “Gatherings and Face Mask Order” issued on May 4, 2021, is rescinded. This order remains in effect through May 31, 2021, at 11:59 PM. Persons with suggestions and concerns are invited to submit their comments via email to COVID19@michigan.gov.

Date: May 14, 2021



Elizabeth Hertel, Director

Michigan Department of Health and Human Services



Liv.Co UPDATE

Monthly News from the
Livingston County Commissioners



May 2021

Livingston County Board of Commissioners

District 1 - Kate Lawrence

District 2 - Carol Sue Reader

District 3 - Wes Nakagiri
(Board Chairman)

District 4 - Douglas G. Helzerman

District 5 - Jay R. Drick

District 6 - Mitchell Zajac

District 7 - Carol S. Griffith
(Board Vice-Chairwoman)

District 8 - Jerome Gross

District 9 - Brenda Plank

"The mission of Livingston County is to be an effective and efficient steward in delivering quality services within the constraints of sound fiscal policy. Our priority is to provide mandated services which may be enhanced and supplemented to improve the quality of life for all who work, reside, and recreate in Livingston County."

Livingston County Adopts Telecommuting Policy

Livingston County's Board of Commissioners have adopted a Telecommuting Arrangement Policy, allowing telework opportunities for positions that can be conducted remotely. The policy allows Department Directors to determine the telework specifics for their employees as they see fit. Certain conditions must be met by teleworking employees to ensure productivity does not suffer and there is no decrease in public service. Departments that work closely with other departments to provide service to residents must collaborate to ensure telework polices don't inadvertently create unworkable challenges for each other. Remote workers must remain accessible during their work schedule, must be willing to report to work in person upon request of the Department Director, must be logged into Microsoft Teams or similar software applications while working remotely, and are bound to the same County and personnel policies as in-office positions.



Monthly Meetings

5/24/2021 - Full Board Meeting at
5:30 PM

6/7/2021 - General Government &
Health & Human Services
Meeting at 5:30 PM

6/9/2021 - Finance Committee at
7:30 AM followed by Personnel
Committee at 8 AM

6/14/2021 - Full Board Meeting at
5:30 PM

6/21/2021 - Infrastructure &
Development & Public Safety
Meeting at 5:30 PM

6/23/2021 - Finance Committee at
7:30 AM

6/28/2021 - Full Board Meeting at
5:30 PM

LET'S' Request Of Four Buses Recommended For Funding



The Board of Commissioners authorized LETS' request to submit a Member designated Project application for inclusion in the 2021 Surface Transportation Authorization legislation

at their April 26th meeting. The application detailed how funding would allow for the replacement of four buses that will be eligible for replacement in 2022. In an effort to secure funding for important infrastructure projects in Michigan's 8th district, Congresswoman Elissa Slotkin has chosen LETS' request, in addition to 9 other projects, that she will advocate for federal funding from the House Committee on Transportation and Infrastructure.

Resolutions & Appointments Passed by the Board of Commissioners

- The Livingston County Community Corrections Plan and Application for FY 2022 funding has been submitted to the Michigan Department of Corrections.
- The Animal Shelter has submitted an application for the Two Sven Oh, Inc. grant for funding that would be utilized for renovation of the Shelter's Dog Room. Improvements would include; installing windows, outdoor kennels, a bathing station, a sound system, and isolation kennels.
- The following individuals were appointed as representatives on the following boards and committees:
 - Livingston County Jury Board
William Green.....Term expires 4/27/2027
Nancy Savage.....Term expires 4/27/2027
 - Planning Commission
Paul Funk.....Term expires 10/31/2022
 - Solid Waste Management Committee
Sam Caramagno....Term expires 10/31/2021
Don Tinson II.....Term expires 12/31/2022
- Emergency Management has been authorized to participate in the FY 2020 Homeland Security Grant Program.
- The Public Defender will submit a FY 2022 Livingston County Compliance Plan and Grant Request to the Michigan Indigent Defense Commission to ensure compliance to standards and to participate in evaluation activities.
- One of the senior Maintenance Mechanics in the Facility Services department will reduce from 40 hours a week to 30 hours a week to allow for training and mentorship purposes.
- Information Technology will renew their Master Agreement Contract with Windstream for telephone and internet services for four years.
- The Sheriff's Office will submit an application for the FY 2021 Operation Stonegarden Grant for the purchase of a Lenco armored rescue vehicle, which will require standard vehicle upkeep.
- A first quarter budget amendment to the 2021 Budget was approved to recognize actual expenditure for the first quarter of 2021.
- EMS will purchase a new ambulance under their contract with Emergency Vehicles Plus. Due to a serious national shortage of available chassis to build a new ambulance, there was increased urgency to act quickly on the needed replacement.
- The Treasurer has established the 2020 Delinquent Tax Fund. This fund has been utilized to settle delinquent tax accounts with involved governmental entities on a timely basis. As a result, local school districts, as well as other local governments have been able to better plan and provide for necessary expenditures, often avoiding the necessity to borrow for operational needs.
- Livingston County will host the Covid-19 Relief Consulting Services Program with the Michigan Association of Counties, which would allow entities receiving relief funds from the American Rescue Plan Act of 2021 to enter into agreements with Guidehouse Inc., iParametics, LLC, Pierce, Monroe & Associates, LLC, or Public Sector Consultants for Covid-19 relief consulting services on an as-needed basis for a one year term with options for two additional one-year renewals.
- The County Clerk's Office submitted their 2020 Annual Report. You can view the report at <https://www.livgov.com/clerk/Documents/2020-Annual-Report.pdf>

County Planning Connection May 2021 News

The Livingston County Hazard Mitigation Planning Process

Every five years the Livingston County Hazard Mitigation Plan is updated through a team approach that involves the Livingston County Emergency Management Department (lead), Planning Department, Drain Commissioner’s Office and the Health Department.

The Hazard Mitigation Plan is a multijurisdictional plan that coordinates the hazard mitigation actions of the 20 local units of government in Livingston County. Livingston County is vulnerable to multiple hazards caused by the natural environment. The ability of a community to respond effectively to hazards before they cause a disaster, depends largely on actions or mitigation measures taken before a disaster occurs.

In the process of updating the Hazard Mitigation Plan we need the input of each local municipality in Livingston County. In early April a survey was sent to the leadership of each Township, City and Village and response to the survey has been minimal. The input from each municipality is important because it helps us develop mitigation strategies that benefit all communities in Livingston County.

Emergency Management Coordinator Therese Cremonte will resend the survey to the municipalities that did not respond. Please fill out the survey by June 18 and return to: thcremonte@livgov.com Thank you for your assistance, it is most appreciated.

Answers: 1.) Severe Winds, Snow Storms, Ice/Sleet, and Extreme Cold. 2.) B. Preserve a natural vegetation buffer along a watercourse to minimize flooding. Mitigation measures are actions of a long-term, permanent nature that reduce the actual or potential risk of loss of life or property from a hazardous event.

Test Your Hazard Mitigation Knowledge

- 1. What 4 natural hazards that occur most often in Livingston County?**
- 2. What is an example of a mitigation measure? A.) Building all homes on hills B.) Preserving a natural vegetation buffer along a watercourse C.) Paving parking lots**

See answers down below

Southeast Michigan’s One Water Initiative

June 5 - 13, 2021 is Great Lakes and Fresh Water Week. The Southeast Michigan Council of Governments (semcog.org) offers the following suggestions to be better stewards of our water resources:

Never fertilize your lawn before a storm due to stormwater runoff into nearby water resources.	Don’t rinse fats, oils and greases down drains because they build up and harden, causing sewer pipes to clog.	Pick up pet water and dispose of it in the trash.
Learn more about the age and condition of your home’s water infrastructure.	Green infrastructure such as rain gardens, helps water absorb into the ground, preventing stormwater runoff.	“Flushable” wipes and feminine hygiene products do not disintegrate like toilet paper and should never be flushed.

**Note: Web links are not live in this publication. Please copy and paste them into your web browser or use links in attached PDF version.

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

GENERAL RULES

EMERGENCY RULES

CORONAVIRUS DISEASE 2019 (COVID-19)

Filed with the secretary of state on

These rules take effect upon filing with the secretary of state and shall remain in effect until October 14, 2021.

(By authority conferred on the director of the department of labor and economic opportunity by sections 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

FINDING OF EMERGENCY

These rules are promulgated by the Director of the Michigan Department of Labor and Economic Opportunity to establish requirements for employers to control, prevent, and mitigate the spread of coronavirus disease 2019 (COVID-19) among employees. Based on the best available scientific evidence and public health guidance published by the U.S. Centers for Disease Control (CDC) and other public health authorities, COVID-19 is an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). SARS-CoV-2 is easily transmitted through the air from person-to-person through respiratory aerosols. In addition to its contagious nature, COVID-19 is dangerous and deadly. As of May 11, 2021, the State of Michigan had a total of 867,341 confirmed cases and 18,338 deaths.

Work, by its nature, removes people from the confines and relative safety of their homes to interact with others who may be carrying the virus including coworkers, customers, patients, or the public at large. Employees who come into contact with others at work are at elevated risk of infection.

Since March 2020, employers have reported 61 worker deaths from COVID-19 in Michigan and 173 in-patient hospitalizations for COVID-19 potentially linked to workplace exposure to SARS-CoV-2. MIOSHA has received over 15,000 complaints from employees alleging uncontrolled COVID-19 hazards in the workplace and 580 referrals from local government, including local health departments, indicating that businesses were not taking all the necessary measures to protect their employees from SARS-CoV-2 infection.

May 21, 2021

To date, the Food and Drug Administration has granted emergency use authorization to three vaccines to prevent COVID-19, providing a path to end the pandemic. The State of Michigan is part of the largest mass vaccination effort in modern history and is presently working toward vaccinating at least 70% of its residents 16 and older as quickly as possible.

The Legislature has declared that “all employees shall be provided safe and healthful work environments free of recognized hazards.” MCL 408.1009. Employers must provide employees with “a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.” MCL 408.1011(a). Nonetheless, Michigan’s experience with COVID-19 demonstrates that the disease can spread rapidly without protective measures and standards in place. Workplaces, where employees, customers, and members of the public congregate, pose a particular threat for COVID-19’s spread. To mitigate and limit COVID-19’s spread in workplaces and to protect employees across Michigan, it is necessary to impose these rules and standards.

Businesses must do their part to protect employees, their patrons, and their communities. Many businesses have already done so by implementing robust safeguards to prevent viral transmission. But we can and must do more: no one should feel unsafe at work. Pursuant to section 21(2) of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1021, I find that these emergency rules are necessary to protect employees during the ongoing COVID-19 pandemic.

Based on the best available scientific evidence and public health guidance available regarding the spread of COVID-19 in the workplace, I find that these emergency rules are necessary to protect employees. If the non-emergency rulemaking process specified in the administrative procedures act of 1969 (APA), 1969 PA 306, MCL 24.201 to 24.328, for the promulgation of rules was followed, employees across Michigan may be unnecessarily exposed to SARS-CoV-2 during the rule promulgation process. Further, existing MIOSHA rules do not directly address COVID-19’s spread in the workplace and employees are likely to experience an increased probability of infection at work until the protective measures in this rule are in place. Accordingly, following the non-emergency rulemaking process would undermine the effectiveness of Michigan’s emergency response to COVID-19, and expose Michigan workers to a higher risk of contracting the disease in their places of employment.

The Director, therefore, for the preservation of the public health, safety, and welfare, finds that a clear and convincing need exists for the promulgation of emergency rules as provided in section 48 of the APA, MCL 24.248, without following the notice and participation procedures required by sections 41 and 42 of the APA, MCL 24.241 and 24.242.

Rule 1. Scope and application.

These rules apply to all employers covered in the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094, for SARS-CoV-2 coronavirus and COVID-19.

Rule 1a. Application of other rules.

These emergency rules supersede the entirety of the emergency rules filed on October 14, 2020, and the extension of these emergency rules filed on April 13, 2021.

Rule 1b. Suspension of previous rule.

In the event these emergency rules issued on May 24, 2021 are deemed invalid by a court of competent jurisdiction, the previously filed rules will remain effective for the duration of the extension.

Rule 2. Definitions.

As used in these rules:

(a) “Close contact” means close contact as defined by the latest United States Centers for Disease Control and Prevention (CDC) guidelines at the time of contact.

(b) “COVID-19” means a viral respiratory illness characterized by symptoms defined by the CDC.

(c) “Known cases of COVID-19” means persons who have been confirmed through diagnostic testing to have COVID-19.

(d) “SARS-CoV-2” means the novel coronavirus identified as SARS-CoV-2 or a virus mutating from SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2), the virus which is the causative agent of COVID-19.

(e) “Suspected cases of COVID-19” means persons who have symptoms of COVID-19 but have not been confirmed through diagnostic testing or unvaccinated persons who have had close contact with a person who has been confirmed through diagnostic testing to have COVID-19.

(f) “Fully vaccinated persons” means persons for whom at least 2 weeks have passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine.

Rule 3. COVID-19 preparedness and response plan for all employers.

(1) The employer shall develop and implement a written COVID-19 preparedness and response plan consistent with these rules and current guidance for COVID-19 from the CDC and the Occupational Health and Safety Administration (OSHA).

(2) The preparedness and response plan shall include the measures the employer will implement to prevent employee exposure, including any applicable:

- (a) Engineering controls.
- (b) Administrative controls.
- (c) Basic infection prevention measures.
- (d) Personal protective equipment.
- (e) Health surveillance.
- (f) Training.

(3) The employer shall make the preparedness and response plan readily available to employees and their representatives, whether via website, internal network, or by hard copy.

Rule 4. Basic infection prevention measures for all employers.

(1) The employer shall promote frequent and thorough hand washing, including by providing workers, customers, and worksite visitors with a place to wash their hands. If soap and running water are not immediately available, the employer shall provide antiseptic hand sanitizers or alcohol-based hand towelettes containing at least 60 percent alcohol.

(2) The employer shall require workers who are experiencing symptoms of COVID-19 to not report to work or work in an isolated location.

(3) The employer shall increase facility cleaning and disinfection to limit exposure to SARS-CoV-2, in accordance with the latest CDC guidance.

(4) The employer shall use Environmental Protection Agency (EPA)-approved disinfectants that are expected to be effective against SARS-CoV-2 based on data for harder to kill viruses.

Rule 5. Health surveillance for all employers.

(1) The employer shall conduct a daily entry self-screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19.

(2) The employer shall direct employees to promptly report any signs and symptoms of COVID-19 to the employer before or during the work shift.

(3) The employer shall physically isolate any employees known or suspected to have COVID-19 from the remainder of the workforce, using measures such as, but not limited to:

(a) Not allowing known or suspected cases to report to work.

(b) Sending known or suspected cases away from the workplace.

(c) Assigning known or suspected cases to work alone at a remote location (for example, their home), as their health allows.

(4) When an employer learns of an employee, visitor, or customer with a known case of COVID-19, the employer shall, within 24 hours, notify any co-workers, contractors, or suppliers who may have come into contact with the person with a known case of COVID-19.

(5) The employer shall allow employees with a known or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the CDC.

Rule 6. Workplace controls for all employers.

(1) The employer shall designate 1 or more worksite COVID-19 safety coordinators to implement, monitor, and report on the COVID-19 control strategies developed under these rules.

(2) The employer shall ensure that any employees, except fully vaccinated persons, remain at least 6 feet from one another to the maximum extent feasible while on worksite premises.

(3) The employer shall provide non-medical grade face coverings to their employees at no cost to the employee. Employers are not required to provide non-medical grade face coverings to fully vaccinated persons.

(4) The employer shall require any employee, except fully vaccinated persons, to wear face coverings when employees cannot consistently maintain 6 feet of separation from other individuals indoors in the workplace. However, fully vaccinated persons must continue to wear face coverings when in the healthcare setting where patients may be present and when using airplane or public transportation if required by the latest CDC guidance.

(5) Compliance with subrules (2) and (4) of this rule may be accomplished in a manner deemed effective for the place of employment. This may include:

(a) Keeping records of whether employees are fully vaccinated persons, and exempting them from subrules (2) and (4) of this rule accordingly.

(b) Posting signs in the work area reminding employees that are not fully vaccinated to wear face coverings and maintain appropriate distancing.

(c) Allowing or requiring remote work.

(d) Requiring face coverings and social distancing for all employees regardless of vaccination status.

Rule 7. Training requirements for all employers.

(1) The employer shall provide training to employees on SARS-CoV-2 and COVID-19.

(2) The employer shall provide any communication and training on COVID-19 infection control practices in the primary languages common in the employee population.

(3) The training shall cover all of the following:

(a) Workplace infection-control practices, including information on vaccinations available for COVID-19.

(b) The proper use of personal protective equipment.

(c) Steps the employee must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.

(d) How to report unsafe working conditions.

(4) The employer shall provide updated training if it changes its preparedness and response plan, or new information becomes available about the transmission of SARS-CoV-2 or diagnosis of COVID-19.

Rule 8. Recordkeeping requirements for all employers.

(1) Employers must maintain a record of the following requirements:

(a) Training. The employer shall maintain a record of all COVID-19 employee training.

(b) Health screening protocols. The employer shall maintain a record of health screening for each non-vaccinated employee or contractor entering the workplace.

(c) If proceeding under Rule 6(5)(a), vaccination information sufficient for implementation

(d) Records of required notifications. The employer shall maintain a record of each notification required by Rule 5 of these rules.

(2) Employers must maintain records for 6 months from time of generation.

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

05/21/2021
Date



Susan Corbin
Acting Director

Pursuant to Section 48(1) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.248(1), I hereby concur in the finding of the Department of Labor and Economic Opportunity that circumstances creating an emergency have occurred and the public interest requires the promulgation of the above rules.

5/23/2021
Date



Honorable Gretchen Whitmer
Governor