

**MANISTEE CITY COUNCIL
WORK SESSION
MINUTES OF SEPTEMBER 8, 2015**

The Manistee City Council met in a work session on Tuesday, September 8, 2015 at 7 p.m., Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan 49660. (These minutes were transcribed from www.manisteev.com video.)

MEMBERS PRESENT: Colleen Kenny, Roger Zielinski, James Smith, Mark Wittlieff, Ed Cote, Eric Gustad

MEMBERS ABSENT: Robert Goodspeed

ALSO PRESENT: City Attorney, Department Directors, City Engineer, Media, Public

Public Comments.

➤ None

Discussion on Open Meetings Act (OMA). City Attorney George Saylor outlined some of the general provisions of the OMA and also discussed the status of the law with regard to current issues. The OMA mandates that deliberations of a public body take place in a setting where the general public is able to observe the debate and offer comments. The City has always taken the position that if there is doubt as to whether or not a meeting is subject to the OMA, it will assume it is and post public notice of the meeting and require the meeting take place in a setting open to the public.

Discussed the impact of technology on the OMA. The use of email, texting or other forms of electronic communication among members of Council during a meeting constitutes deliberations toward decision-making or actual decisions and violates the OMA. Email communication between Council members where it includes debate on a topic or soliciting the position of all members of Council can result in a violation of the OMA. Avoid the “reply all” response. City Attorney recommended that if a councilmember had information to share with Council regarding a particular issue that it be shared through the City Manager so that if it led to deliberation on that item it could be included in the agenda packet and therefore available to the public.

Discussion on Fireworks. City Attorney George Saylor reviewed current ordinance which restricts the use of consumer fireworks in the city between the hours of 11:00 p.m. and 8:00 a.m., except on the day before, day of, and day after a national holiday, when use is restricted between the hours of 1:00 a.m. and 8:00 a.m. Chapter 663 permits the use of consumer fireworks in the city anytime, except during restricted times. Council does have the authority to prevent the use of fireworks for all days, except for the three day window around a national holiday if they so choose. Senate Bill No. 300 and No. 4367 may affect local municipal regulation of consumer fireworks. Numerous questions and comments by Councilmembers.

CONSENSUS: To support the amendment of the Fireworks Ordinance to prohibit the use of consumer fireworks, except when state law does not permit the prohibition and expand slightly the time period consumer fireworks are permitted surrounding the Fourth of July holiday. The City Attorney will draft an ordinance amendment for future Council consideration.

Brief update on the cockroach issue at 600 Kosciusko Street. Property not registered in the rental inspection program. Property owner has contracted to have the property treated when weather permits.

Discussion on Combined Sewer Overflows. DPW Director Jeff Mikula and City Engineer Shawn Middleton provided updates on the bonded utility projects, water freeze-ups from last winter, water meter discrepancies, activities regarding combined sewers over the last year, and the NPDES Permit application. Numerous questions and comments by Councilmembers.

Adjourned at approximately 9:04 p.m.



Cynthia J. Lokovich, CAP-OM
Executive Secretary