



**MINUTES JULY 30, 2019
REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL**

19-295 The meeting was called to order at 6:02 p.m. by Council Chairwoman Malinowski Maxwell.

Roll Call showed the following:

Present: Council Chairwoman Denise Malinowski Maxwell, Councilman Dave Wassim Abdallah, Councilman Bill Bazzi, Councilman Robert Constan, Councilwoman Lisa Hicks-Clayton, Councilman Ray Muscat, Councilman Tom Wencel.
Absent: None.
Also Present: City Clerk Prusiewicz, Corporation Counsel Miotke, Emergency Management Director Gavin, Fire Chief Brogan, Human Resource Director Sobota-Perry, Ordinance Enforcement Director McIntyre.

Council Chairwoman Malinowski Maxwell stated that according to Policy, the order of business would have to be amended to entertain the Mayoral Vetoes as one of the Vetoes applies to this meeting. The following Motion was made:

19-296 Motion by Councilman Muscat, seconded by Councilman Wencel that the Agenda for the Regular Meeting of July 24, 2019, be taken out of order and that 8-B will become 1-B and 9-A will become 1-C, as spoken by Council Chairwoman Malinowski Maxwell.

Motion unanimously adopted.

No Action was taken on Item 1-B, the Mayoral Veto of City Council Motions #19-291, #19-292 and #19-293, adopted July 24, 2019.

The following was reintroduced for possible reconsideration of City Council Motions #19-291, #19-292 and #19-293.

19-297 Motion by Councilman Bazzi, seconded by Councilman Wencel to readopt Council Motion 19-293, the Resolution to amend the regular meeting schedule of the Dearborn Heights City Council, as outlined in 1-C. Per Adopted City Council Motion 19-293.

WHEREAS The Dearborn Heights City Council wishes to amend its regular meeting schedule to add a third regular meeting to the month of July 2019. Now, Therefore, Be It

RESOLVED That pursuant to section 6.4 of the Charter, Council will amend its regular meeting schedule to hold an additional regular meeting on Tuesday, July 30, 2019 at 6:00 PM. And Be It Finally

RESOLVED That notice shall be provided with no less than three days' notice.

Motion unanimously adopted.

19-298 Motion by Councilman Bazzi, seconded by Councilwoman Hicks-Clayton to readopt Council Motion 19-291 and to authorize the retention of Ottenwess, Taweel & Schenk, PLC as Special Legal Counsel of counsel to the Corporation Counsel and to authorize the firm to file action necessary. Also to approve the Retainer Agreement with Ottenwess, Taweel & Schenk, PLC and authorize the Mayor and Clerk to sign said agreement on behalf of the City, as outlined in 1-C. Per Council Chairwoman Malinowski Maxwell and Chair Pro-Tem Bazzi communication and Adopted City Council Motion 19-291.

WHEREAS The 2018-2019 budget for the City of Dearborn Heights included \$35,000 set aside for legal services for the City Council; and

WHEREAS The 2019-2020 budget provided additional funding in support of this effort; and

WHEREAS The City Council recently approved a resolution calling for a financial review of certain city operations; and

WHEREAS The City Council has voted on at least six occasions to hire the firm of Ottenwess, Taweel & Schenk, PLC to perform services as special legal counsel to the City Council including votes to file mandamus actions to enforce the contract and votes to override mayoral vetoes related to the same; and

WHEREAS The Court confirmed that the City Council has authority to retain special legal counsel to serve of counsel to the corporation counsel on behalf of the City Council under circumstances that are outlined in the City Charter; and

WHEREAS While the City Council disagrees with the opinion of the Court and intends to appeal that decision, it has also requested a revised retainer agreement with the firm of Ottenwess, Taweel & Schenk, PLC that incorporates relevant provisions related to the Court's interpretation of Charter Section 5.13J including (1) identifying the firm as serving as special counsel of counsel to the Corporation Counsel, (2) providing an end date to the engagement, and (3) reducing the scope of the engagement to the financial review and litigation related to the financial review; and

WHEREAS Without waiving any objection related to the City Council's belief that Corporation Counsel Gary Miotke has a legal conflict of interest related to the Council's desire to perform a financial review of city operations and/or the engagement of Ottenwess, Taweel & Schenk, PLC. Now, Therefore, Be It

Ayes: Council Chairwoman Malinowski Maxwell, Councilman Bazzi, Councilwoman Hicks-Clayton, Councilman Muscat, Councilman Wencel.

Nays: Councilman Abdallah, Councilman Constan.

Absent: None.

Motion adopted.

19-299 Motion by Councilman Bazzi, seconded by Councilwoman Hicks-Clayton to readopt Council Motion 19-292 and to authorize the law firm of Ottenwess, Taweel & Schenk, PLC to file an appeal of the Court's July 17, 2019 decision in the matter of the Dearborn Heights City Council v. Daniel S. Paletko (Case #19-007240-AW) to preserve the City Council's authority in the event that the Mayor again refuses to sign the revised retainer agreement. Per Adopted City Council Adopted Motion 19-292.

Ayes: Council Chairwoman Malinowski Maxwell, Councilman Bazzi, Councilwoman Hicks-Clayton, Councilman Muscat, Councilman Wencel.

Nays: Councilman Abdallah, Councilman Constan.

Absent: None.

Motion adopted.

The Pledge of Allegiance was led by Lisa Muscat.

19-300 Motion by Councilman Muscat, seconded by Councilman Bazzi that the Agenda for the Regular meeting of July 30, 2019 be approved with the change of the Order of Business, 8-B became 1-B and 9-A became 1-C, as submitted.

Motion unanimously adopted.

19-301 Motion by Councilwoman Hicks-Clayton, seconded by Councilman Abdallah that the Minutes from the Regular Meeting of July 23, 2019, be approved as submitted.

Motion unanimously adopted.

19-302 Motion by Councilman Abdallah, seconded by Councilwoman Hicks-Clayton that the Minutes from the Special Meeting of July 24, 2019, be approved as submitted.

Motion unanimously adopted.

19-303 Motion by Councilman Muscat, seconded by Councilman Abdallah that Current Claims 6-1 through 6-13, be approved as submitted.

1	Ajax Materials Corp.	Road Supply	\$2,120.04	Highway
2	Broadspire Services, Inc.	Workers Comp	\$10,500.00	General Govt
3	Carrico Maldegen Insurance Agency	Workers Comp	\$7,500.00	General Govt
4	Central Wayne County Sanitation Authority	Sanitation	\$69,716.19	General Govt
5	E&N Cement	Road Repairs	\$68,517.91	Highway
6	Fredrickson Supply	Rep/Maint	\$2,369.46	Highway
7	Library Network, The	Capital Outlay	\$11,482.79	Library
	Library Network, The	LibNetwork	\$8,971.64	Library
8	Michigan Humane Society	Animal Pro	\$3,926.00	Ordinance
9	Oakland County	Cont. Services	\$1,654.54	Fire
10	Pipetek Infrastructure Services, LLC	Cont. Services	\$5,987.13	Water
11	Wade Trim & Assoc	Water System	\$11,712.73	Water
12	Wade Trim & Assoc	Eng. Serv	\$13,397.28	Bldg/Eng
13	Ulliance	Cont. Services	\$1,995.00	Human Res.

Motion unanimously adopted.

19-304 Motion by Councilman Muscat, seconded by Councilman Muscat to approve payment in the amount of \$50,375.00 to McMillian Group, Inc., Contractual Services for the Abatement of 24046, 24058 and 24066 Hanover, as outlined in 8-A. Per Mayor Paletko communication dated July 25, 2019.

Ayes: Councilman Abdallah, Councilman Constan, Councilwoman Hicks-Clayton, Councilman Muscat.

Nays: Council Chairwoman Malinowski Maxwell, Councilman Bazzi, Councilman Wencel.

Absent: None.

Motion adopted.

19-305 Motion by Councilman Muscat, seconded by Councilman Bazzi that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 7:13 p.m.

WALTER J. PRUSIEWICZ
CITY CLERK

DENISE MALINOWSKI MAXWELL
COUNCIL CHAIRWOMAN

LYNNE SENIA
COUNCIL SECRETARY