

MINUTES OF THE MEETING OF THE COMMITTEE-OF-THE-WHOLE OF THE CITY OF GROSSE  
POINTE WOODS HELD REMOTELY (ZOOM) ON MONDAY, NOVEMBER 23, 2020.

PRESENT\*: Mayor Novitke  
Council Members Bryant, Gafa, Granger, Koester, McConaghy  
(Southfield, MI), McMullen (Grosse Pointe Farms, MI)

ABSENT: None  
(\*Unless specifically identified otherwise, Council Members attended remotely from Grosse Pointe Woods, MI.)

ALSO PRESENT: City Administrator Smith  
City Attorney Berschback  
Deputy City Clerk Antolin  
Administrative Clerk Miotto

The Facilitator's Statement was read.

Mayor Novitke called the meeting to order at 7:20 p.m.

Motion by Bryant, seconded by Koester, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Motion carried by the following vote:

Yes: Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke  
No: None  
Absent: None

The purpose of tonight's meeting was to conduct an interview for City Attorney with Timothy A. Dinan/Joel A. Harris and review information from the other candidates; York, Dolan & Tomlinson, P.C. and Rosati Schultz Joppich Amtsbuechler, P.C.

The Mayor confirmed the candidates had received and reviewed the duties and responsibilities list as prepared by the City Attorney. The Mayor requested Mr. Dinan and Mr. Harris to present an overview of their background and experience.

The next item is the follow-up with the firms York, Dolan & Tomlinson, P.C. and Rosati Schultz Joppich Amtsbuechler, P.C.

The City Attorney and City Administrator were asked to meet with both firms to go over their proposals and provide their recommendations. City Administrator Smith stated the meeting went very well and was pleased with the discussion regarding issues expressed by City Council.

The City Attorney stated that revised Engagement Letters from both firms have been submitted to the City Council. Both firms made clear to essentially look at each other's firm to act as back up attorneys when necessary.

In Thomas Schultz's revised letter, dated November 11, 2020, it was made clear that:

1. The \$150 per hour fee would apply across the board including any work on the annexation case. The current rate for annexation work is \$250 per hour;
2. Regarding drive time, it was proposed to charge for travel only in one direction (or 50% of the time) and suggested that after one year, to revisit and see if it is fair for all parties;
3. There would not be double billing except on rare occasions when they feel two attorneys are necessary;
4. From an administrative standpoint, if they need to withdraw as counsel they would give a 90-day notice.

The City Attorney stated that he feels the combined proposal of both firms will work very well. He has known Timothy Tomlinson for many years and worked with Thomas Schultz and Lisa Anderson for several months and has been impressed with their work. Mr. Berschback said their experience in municipal law is quite impressive.

The Candidates were given a last opportunity to speak on behalf of their firms.

The City Administrator provided an overview on the firms' reference checks and both firms had very high recommendations.

The Committee wanted to know who will be attending the Council meetings. The firms stated that Lisa Anderson or Steven Joppich of Rosati, Schultz, Joppich, & Amtsbuechler, would usually be attending the City Council meetings.

The Committee addressed Item #12 (Matters not handled by the City Attorney) from the list of Duties/Responsibilities of the City Attorney. The City Attorney and both firms concurred that they feel comfortable with the current firms handling these matters: Miller Canfield for bond matters, McGraw-Morris for insurance defense, and Tom Fleury for Union employment matters.

Motion by Bryant, seconded by McMullen, regarding appointment of City Attorney, that the Committee-of-the-Whole recommend to the City Council that the City Council engage the two firms of Rosati, Schultz, Joppich, & Amtsbuechler, P.C., and York, Dolan, & Tomlinson, P.C. as the City Attorneys for the City of Grosse Pointe Woods and to direct the City Administrator to enter into the retention for legal services agreements that have been submitted by those firms, respectively dated November 11, 2020, and November 6, 2020.

Motion by Bryant, seconded by McMullen, to amend the previous motion by omitting "City Administrator to enter into" and inserting "Mayor to sign".

Motion carried by the following roll call vote:

Bryant	Yes
Gafa	No
Granger	Yes
Koester	Yes
McConaghy	No
McMullen	Yes
Novitke	Yes

The City Attorney will notify the candidates that were not selected for the City Attorney position.

There was a consensus with the Committee not to meet on November 30, 2020.

Hearing no objections, the following item was discussed under New Business:

- Council Member McConaghy addressed an issue regarding the mechanism used to determine the authority of the City Administrator/Manager over other departments such as Treasurer/Comptroller and City Clerk. Charter revision may be required. The City Attorney was directed to review the charter and give an update to the City Council.

Nobody wished to be heard under Public Comment.

Motion by McMullen, seconded by Koester, that the meeting of the Committee-of-the-Whole be adjourned at 8:15 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

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Paul P. Antolin  
Deputy City Clerk

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Robert E. Novitke  
Mayor