

City of Allen Park Regular Council Meeting Minutes
Tuesday, August 27, 2013

Mayor William B. Matakas called the Meeting to order at 6:00 PM
Roll Call showed present: Councilman Bob Keenan, Councilman Angelo Americo DeGiulio, Councilman Dennis Hayes, Councilman Harry Sisko, Councilman Larry Templin and Councilwoman Tina Gaworecki
Also present: City Attorney Steve Jones, City Administrator Karen L. Folks, City Clerk Michael I. Mizzi & Treasurer Maureen C. Armstrong

Motion by Sisko

Supported by DeGiulio

RESOLVED, to remove from the Agenda Item B-1 the discussion of the discipline hearing regarding Councilman DeGiulio

Roll Call: 5 YES – Gaworecki, Keenan, Matakas, Sisko and Templin & 2 NO - Hayes & DeGiulio

MOTION ADOPTED

Motion by Sisko

Supported by Templin

RESOLVED, to approve the agenda for the Regular Council Meeting of Tuesday, August 27, 2013 with item B-1 is removed with Councilman Hayes casting a NO vote

MOTION ADOPTED

Motion by Keenan

Supported by DeGiulio (**NO ACTION**)

To approve the request from the Postal Workers Then the following Motion to Table:

Motion by Sisko

Supported by Hayes

RESOLVED, to TABLE the request received from the American Postal Workers Union (Detroit District Area Local) requesting that the Allen Park City Council send a Resolution to the United States Postal Service to rename the Detroit Network Distribution Center (the Allen Park Bulk Mail Center) as the “Steny Yu Network Distribution Center” and that his name be retained in the title of that facility for as long as the facility remains. Steny Yu was an employee of the Center and while working sustained an injury that resulted in death on July 23, 2013

Roll Call: 5 YES – Gaworecki, Hayes, Keenan, Matakas, and Sisko & 2 NO - DeGiulio & Templin

MOTION ADOPTED

Motion by Sisko

Supported by Keenan

RESOLVED, to remove from the Table the Discussion of the discipline hearing regarding Councilman DeGiulio

MOTION ADOPTED

Motion by Hayes

Supported by Templin

RESOLVED, to approve the City Attorneys **PROCEDURE AND FORMAT FOR DISCIPLINE HEARING** as follows:

I. Calling the Meeting

- A. The Allen Park City Council acknowledges receipt of the Board of Ethics August 9, 2013 communication entitled Findings and Recommendations
- B. The Allen park City Council shall convene a Special Meeting, pursuant to Charter Article V, Section 5.09 with 10 days' notice on an agreed upon date for the purpose of holding a Discipline Hearing regarding the matter as defined above.
- C. Councilman DeGiulio, as the subject of this disciplinary hearing shall not have a seat on the dais during and throughout all periods of time designated as the disciplinary hearing.

II. Conducting the Meeting

- A. A neutral and detached facilitator, *To Be Named*, will preside over the proceedings.
- B. The Facilitator will be the Chair of the Discipline Hearing.
- C. The Facilitator shall, at the beginning of the Hearing, state on the record the matter for how the hearing will be conducted, including but not limited to the type of conduct that will not be allowed, who will be allowed to speak and in what order, the professional decorum all in attendance are expected to exhibit, and that there will be no opportunity for public comment.
- D. The Facilitator shall be the sole facilitator of the discipline hearing process.
- E. The Facilitator shall be the only individual allowed to ask questions during the Discipline Hearing. Such questions shall be only for the purpose of obtaining clarification as to the information being presented. Any Council person who has such a question will write it on a slip of paper and pass it to the Facilitator to handle as he/she sees fit.
- F. The Facilitator shall be the sole arbiter and enforcer of all procedural rules set forth herein and shall further require and enforce the proper professional decorum appropriate for such a hearing from all participants, as well as attendees. The facilitator shall have the power to request the removal of any person who demonstrates their unwillingness to adhere to the rules and expectations articulated by the Facilitator for the conducting of this hearing.

III. Proceeding

A. General

- 1. The audio of the entire proceeding will be recorded, but the proceeding will **not** be televised.
- 2. Quorum:
 - a. A majority of the members of the Council must be present for the transaction of the Discipline Hearing to take place, and for a vote to be valid and official.

B. Procedure

1. Each side is permitted 10 minutes, which will run continuously from the moment the Chair recognizes the party presenting its position.
2. The Facilitator shall first invite the Complainants to present their opinion as to what proper discipline should be in this matter and the reasons that support same. The Facilitator shall then invite Councilman DeGiulio and his attorney to present their opinion as to what the proper discipline should be in this matter and the reasons that support same.
3. During its 10 minutes of presentation, each party is permitted to call witnesses, present evidence, including relevant documents. However, the 10 minutes permitted to the presenting party will not pause while witnesses come to the stand to testify, while evidence is organized, or for any other reason.
4. During each party's presentation, there will be no interruptions from the Council or other individuals present in the room, nor will there be questions from individuals present in the room.

C. Council

1. All statements offered by the City Council will be spoken through the Chair.
2. Councilmembers are not free, in their individual capacity, to ask questions, give opinions, or otherwise present information during and/or after the proceedings, except as otherwise provided in Section II, Paragraph E.
3. All statements made by the Chair and/or Councilmembers must be relevant to the Discipline Hearing.

D. Decision Process

1. Upon conclusion of the discipline hearing, the Facilitator shall call for a short recess, the length of which shall be determined in the sole determination of the Facilitator, to provide the City Council as the decision making body ample time to digest, review and think about the information heard from all sources on the issue of an appropriate discipline to impose regarding this matter. Where the documents and information presented have been substantial, the facilitator shall entertain from the City Council a motion to adjourn the announcement of the decision to another date certain.
2. Councilman DeGiulio shall be excluded from any voting of the City Council.
3. A decision supported by a majority of the City Council Members present and voting shall be a valid and proper vote.

MOTION ADOPTED with Councilman DeGiulio Abstaining

Motion by Keenan

Supported by Gaworecki

RESOLVED, to adjourn the Regular Council Meeting at 7:49 PM

MOTION ADOPTED

William B. Matakas – Mayor

Michael I. Mizzi – City Clerk