

City Council for City of Duquesne met in Special Session at 6:05 p.m. on Wednesday, August 13, 2014, at City Hall.

Acting President of Board of Aldermen Roger Bone called meeting to order.

Roll call was taken. Aldermen Frank Herron, Barbara Welch, Roger Bone, Lisa Daugherty were present. Absent: Mayor Denny White. City Attorney Mike Talley, David Weaver, Police Chief Kitch and 22 visitors were also present.

Agenda: Motion made by Lisa Daugherty, seconded by Barbara Welch, to approve agenda. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Consider Resignation of Police Officer: Chief Kitch reported Officer had texted his intent to submit written resignation, but has failed to do so. Attorney Mike Talley stated because matter was posted to consider resignation, Board had no recourse but to take other action. He recommended Board pass motion to accept resignation immediately when tendered by Officer. Motion made by Lisa Daugherty, seconded by Barbara Welch, for Chief to accept resignation when tendered by Officer Gray. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Pre-Employee Testing: Chief Kitch recommended Board adopt policy to use IPT services as baseline test for any new officer hired. Copies of policy using Level 4 test were distributed to Board. Matter tabled to September regular meeting.

Communications between Mayor, Street Commissioner & Employee under Supervision of Street Commissioner: Alderman Daugherty read statement wherein she cited four activities concerning Mayor Denny White and made motion to have City Attorney examine those activities and offer City Council his opinion whether those activities considered as whole, justify discipline by Letter of Censure, Request for Resignation or Writ of Impeachment. Motion was seconded by Barbara Welch. City Attorney Talley stated it would be Board's duty to conduct investigation and render decision; it would not be his job to render decision. Board would need to determine standards and, if breached, to take such actions as Board determined. Barbara Welch considered matter huge safety issue that needed addressed.

City Attorney Talley said first step should be to allow Mayor to respond informally to allegations before more formal investigation commenced. If Board was not satisfied with Mayor's response, then it could form committee to investigate matter further. City Attorney reminded Board of detailed memo he submitted January, 2013, previously outlining process to remove any elected official from office. That memo was on file with City Clerk and available to all members of Board of Aldermen. Process detailed in memo would need to be followed. Proceeding without giving Mayor due process

noted in memo would be improper; he stressed strong need for unbiased body to make determination of validity of accusations. Motion was amended to give Mayor opportunity to respond to accusations. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried. City Attorney Talley noted that his opinions already expressed in this meeting and in previous memo actually fulfill substance of motion.

Motion made by Lisa Daugherty to request Chief Kitch begin investigation. Per State Statutes, Chief works for Mayor. Chief stated there were third party individuals, some were retired officers, that have done similar investigations and could provide impartial investigation. He found internal politically driven circumstances distasteful. Alderman Daugherty withdrew her motion.

City Attorney asked about urgency, why matter could not wait until Mayor was out of hospital and medically able to address allegations; he also expressed his confusion about why Board was combining Mayor's alleged contact with street employee for street-related projects with accusations made about demolition of structure – when demolition of structure was clearly not street related issue.

Chief Kitch submitted resignation as Street Commissioner. Motion made by Barbara Welch, seconded by Lisa Daugherty, to accept resignation. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried. Mayor Pro-Tem Bone recommended appointment of Alderman Roger Bone as Street Commissioner and asked Board to approve appointment. Motion made by Lisa Daugherty, seconded by Barbara Welch, to approve recommendation and appointment. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

Motion made by Lisa Daugherty, seconded by Barbara Welch, that Mayor was to have no contact with street employee until Board met with Mayor and issues were addressed. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried.

New City Lawnmower: Motion made by Lisa Daugherty, seconded by Barbara Welch, to table matter. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried. Board was advised pole saw was acquired.

As there was no further business, motion was made by Frank Herron, seconded by Lisa Daugherty, to adjourn meeting. Ayes: Aldermen Herron, Welch, Bone, Daugherty. Nays: none. Motion carried. At 7:20 p.m. meeting adjourned.

Terry Ingram, City Clerk