

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

**CITY OF DELAWARE CITY
REGULAR MAYOR AND COUNCIL MEETING
JULY 16, 2012**

CALL TO ORDER – MAYOR AND COUNCIL MEETING

The Honorable Mayor Buchheit called to order the regular meeting of the Mayor and Council at 7:30 p.m.

ROLL CALL

Present were Council Members Barrett, Titus, Johnson, Sullivan and Doebley. Also present were City Manager Cathcart, City Treasurer Hartman, Interim City Solicitor Walton, Police Chief Tjaden and City Secretary Gwynn.

ACTION UPON TREASURER'S REPORT OF THE PREVIOUS MONTH

City Treasurer Hartman presented the Treasurer's Report for the month of June 2012. *Council Member Barrett made a motion to approve the June 2012 Treasurer's Report, subject to audit. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.*

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING(S)

Minutes of 6/13/2012 Mayor and Council Meeting - *Council Member Sullivan made a motion to approve the minutes of the June 13, 2012 special Mayor and Council Meeting. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Minutes of 6/18/2012 Mayor and Council Meeting – The Honorable Mayor Buchheit pointed out an error in the minutes, where Mayor Buchheit was referred

to as Mayor Martin. The City Secretary apologized and assured him that it was a typographical error. *Council Member Barrett made a motion to approve the minutes of the June 18, 2012 regular Mayor and Council meeting as amended. Council Member Titus seconded the motion. A roll call vote was taken all ayes, motion carried.*

POLICE REPORT

Police Chief Tjaden reported the statistics for the month and the following:

- There was a home invasion on Clinton Street that was actually a drug "rip-off". Recovered some property and have warrants for the arrest of the suspects.
- While investigating an attempted suicide in Harbor Estates, discovered that the victim was a fugitive from New Jersey. Took him into custody and committed him under a fugitive warrant. He is awaiting extradition to New Jersey.
- Officer Filippone has returned from his tour of duty in Afghanistan, has been certified and is ready to report back to work.
- New police car is in service. The old Expedition stopped working and the City is preparing to dispose of it.
- Preparing for Delaware City Day. He said they would have 4 New Castle City Officers, 14 New Castle County Officers, our officers and seasonals.
- Applied for \$7500 violent crime funding.
- Seasonals have been checking on senior citizens and shut-ins, due to high temperatures.

CITY SOLICITOR'S REPORT

Interim City Solicitor Walton said that he did not have a report as he was on the agenda several times. He said it was a pleasure to be at the meeting.

The Council had questions about legal bills. Interim City Solicitor Walton said this topic could not be addressed in an executive session as it must be discussed in a public session. He said he could not give out specific advice he had given to the City as it would be a waiver of client privilege. A question followed regarding the amount of the legal bills incurred by Council Member Doebley. Interim City Solicitor Walton gave the following estimated amounts: May – 2 hours (\$400), June – 5 hours (\$1000) and July - 20 hours (\$4000). He said this was based solely on number of hours. He added that some work would be done for no charge. This would be a total of 27 hours for a total cost of \$5400. Discussion followed regarding who is authorized to conduct business with the City Solicitor. Council questioned how one Council Member could run up all those charges on his own. The Interim City Solicitor reiterated what he had said at his first meeting, which was that he didn't care what the rules were; he just needed to know what the rules were. The Interim City Solicitor said that because there aren't any rules

in place, if a Council Member came to him regarding City business, that person is part of his client, The City of Delaware City, and he would handle the request. It was decided that any motions should be made during New Business. Mayor Buchheit asked Council Member Doebley what legal work he had done that cost so much money. Council Member Doebley said that the Council had pending business that required the interpretation of the Charter and Code and, as the City Solicitor was there to advise Council, he was going to get the advice of the Solicitor before voting on the business at hand. He said he shared any advice he received with the other Council Members. When asked if it was common practice for Council Members to call him directly, the Interim City Solicitor said he had never spoken on the phone with Council Members Barrett, Titus, or Sullivan. He said he had called Vice Mayor Johnson once and that was the only time he had ever spoken on the phone with him. He said he had spoken with Mayor Buchheit a few times, but Mayor Buchheit said they had only spoken once on the phone since City Manager Cathcart had been hired. The Interim City Solicitor said he had spoken with Council Member Doebley quite a few times. Discussion followed. Interim City Solicitor Walton said Council Member Doebley has only come to him with questions that are City related. He added that the City should have a coherent policy in place for how the City Solicitor is to be contacted and by whom. He said if he had inadvertently not done what the Council desired, he apologized. It was determined that this would be discussed during New Business.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Met with a group of merchants representing the City of New Castle Main Street Association (non affiliated), that are interested in doing joint events and working more cooperatively in promoting events in the two Cities. Attended a follow-up meeting on July 6th and discussed doing joint promotions and a joint event next spring.
- Met with Tom Mattox of the Wilmington Trail Club and discussed joining their group as a joint sponsor of "Hike Across Delaware" this November. We will have follow-up meetings in the coming weeks.
- Met with Sari Rothrock, University of Delaware, in preparation of the start of the "Delaware City Hazard Mitigation and Climate Adaptation Initiative that was made possible by a grant we supported.
- Along with the Mayor, met with Lee and Sheila Berkes of the Delaware Repertory Theatre about the possibility of making Delaware City the home of their group. Had a follow-up meeting with the Berkes and the Reedy Point Players which seeming to go well. However, after receiving several not so friendly emails, the Berkes decided that the opposition to this was not something that would be easy to overcome. This was unfortunate as they were willing to make some financial contributions to improve the Delaware City Community Center.

- Attended a presentation on the Red Lion Dike Repair Project to better understand the project and how that can be extended to look at Delaware City's issues with tidal/flood gates and other drainage issues. Although this problem is somewhat different, it is similar in that both problems contribute to flooding. Will follow-up with funding ideas.
- Met with an IT company concerning IT equipment issues and outdated hardware. Also discussed development of software that would allow the processing and management of tax bills and property information. The new software would also need to be compatible with Quick Books.
- Attended, along with the Mayor, the ground breaking of the Mike Castle C & D Canal Trail. Delaware City was recognized several times for being a key participant in the project and a valuable destination for those that will be using the trail.
- The Solar Power Purchase Agreement was signed June 27, 2012. A survey team visited the site last week to do some preliminary work. Should be receiving a construction timeline within the next week or so.
- Michelle has been aggressively researching new accounting software and we will be making a decision within the next few weeks in an effort to get it implemented as soon as possible.
- Scheduled meetings with Secretary of DNREC, Collin O'Mara, and the Secretary of Delaware Economic Development Office, Alan Levin, to try to find funding for the business incubator at the Delaware City Community Center.

APPOINTMENTS, ANNOUNCEMENTS AND COMMUNICATIONS

The Honorable Mayor Buchheit said he had no appointments this month.

He reported that he attended his first WILMAPCO meeting. He represents all the New Castle County municipalities. His hope is to connect the C & D Canal Trail to New Castle.

The first meeting for the Mayor's Ball was held. The Ball will be held on February 23, 2013. The goal is to make enough money to build a bandstand in the park.

The portrait of the Lady Lilith has been mounted on Crabby Dick's.

He thanked Valerie Longhurst for getting the signs for Route 1, highlighting Delaware City.

Thanked Patty Brittingham Schrapp for information about a sale at Lowes, which enabled the purchase of patriotic appearing plants for the gazebo for Delaware City Day.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Delaware City Environmental Coalition – Sarah Bucic reported the results of the most recent air monitoring study. She explained how and when the tests were done and the results of those tests. Ms. Bucic said that the test results had been turned over to DNREC and Public Health for review. She highlighted the results of the testing and explained what the results meant. They plan to ask DNREC to increase the testing in the Delaware City area. She informed the attendees that they had received a grant to perform a bucket brigade, which was very successful in Claymont. She explained how a bucket brigade works. Ms. Bucic said the refinery received the test results but they have not responded to them. When asked, Ms. Bucic stated that the buses on Clinton Street would not impact the study. They have asked DNREC to determine what is putting off benzene as that is a known carcinogen. Discussion followed.

Main Street – Mark Chura reported that they were successful in receiving funding to construct an observation platform as part of the work being done on the Branch Canal Project. It will be located over the fresh water marsh.

Main Street is hosting a cruise on the Delafort on Delaware City Day. Will leave the dock at 7:00, cruise up and back and return in time for the fireworks. There will be food, wine and beer on board. There are a limited number of tickets.

Planning Commission – Tim Dilliplane reported that the Planning Commission finished the sign ordinance revisions. They still need to correct verbiage and will present the revised ordinance to the Mayor and Council in August. City Manager Cathcart clarified the problems, which were minor.

Delaware City Day Committee – City Manager Cathcart said that everything has been covered. They have spent much time working with the Fire Police to coordinate the parking. The parade will be the largest ever, a record number of vendors have signed up and there are more kids' games than before. They are still in need of 12 volunteers to help set up and help with the kids' activities.

OLD BUSINESS

Method of Sale of the Sterling's Building

City Manager Cathcart reported that he contracted with an appraiser with historic building experience, for a cost of \$3000. The appraiser was highly recommended. He solicited proposals from three firms. The purpose of the appraisal is to perform due diligence and to establish a baseline value of the building. The City should receive the appraisal within the next two to three weeks. He said he would distribute it to the Mayor and Council when received. Mayor Buchheit suggested selling the building through a public auction. He asked for input from the Council. Discussion followed regarding the pros and cons of selling via auction rather than through a traditional real estate sale. City Manager Cathcart said it would be marketed, at least, regionally to get a broader

based clientele. Mayor Buchheit asked Council if they would be willing to authorize the City Manager to return with proposals from various auction companies. The Council agreed that City Manager Cathcart should do that.

NEW BUSINESS

Main Street – Adoption of City Seal

Mark Chura reviewed the two versions of the city seal that were presented last month. He said they were rough versions that could be refined. Discussion followed regarding the possible cost to the City for changing stationery, vehicles, etc. Mayor Buchheit reminded the Council that the Delaware City Day money, which can be used for tourism and promotion of the town, could offset some of the costs. Discussion followed about design preferences. *Council Member Sullivan made a motion to approve the new city seal design with the heron. Council Member Titus seconded the motion. A roll call vote was taken, with the Council Members voting as follows: Barrett – nay, Titus – aye, Johnson – nay, Sullivan – aye and Doebley – nay. Motion defeated. Council Member Barrett made a motion to approve the new city seal design with the boat. Council Member Johnson seconded the motion. A roll call vote was taken, with the Council Members voting as follows: Barrett – aye, Titus – nay, Johnson – aye, Sullivan – nay and Doebley – aye. Motion carried.* The color(s) will be determined at a future date. Mayor Buchheit thanked Lisa Webster for her designs and for painting the town signs.

Review of Legal Spending for FY12

Council Member Doebley pointed out the February legal bills for researching a Council Member's violation of FOIA. He said there were many. He also questioned a January bill for researching whether a resident could run for Council if they owed taxes. City Manager Cathcart said that when the City posted for the general election, one of the requirements to qualify for candidacy was that all taxes, fees and outstanding charges owed to the City had to be paid in full. He knew as a result of court orders that this was in conflict. The City Charter said this was a requirement to run for office or vote. The City Manager then turned it over to the City Solicitor, who concluded that the City should not enforce that provision of the Charter. He copied the State Solicitor. Council Member Doebley disputed this answer and said the research was politically motivated. He also pointed out emails regarding handling competing motions and Code review. Discussion followed. *Council Member Sullivan made a motion that this Council formally establish a requirement, that can be amended at any time, that no Council Member shall have the authority to contact the City Solicitor without the express consent of the majority of the Council until the Council establishes a formal policy and procedure. Council Member Sullivan amended her motion to add that all questions from Council should be presented to the City Manager before going to the City Solicitor.* Discussion followed regarding the Charter provisions. Interim City Solicitor Walton referred to Section 3-08-C of the Charter to say that this motion would not be illegal or in violation of the Charter. *Council*

Member Titus seconded the motion. Discussion followed. Council Member Johnson expressed concern about the majority of the Council (three members) getting together to discuss a legal question, which would be a violation of the Sunshine Law. He also questioned the need for the Mayor and/or Council to go through the City Manager as the Mayor and Council govern the City and the City Manager reports to them. He recommended that the motion be changed, to require that two Council Members present the request to the City Solicitor, which is the number of Council Members required to request a special meeting. He didn't want to preclude any Council Member from contacting the City Solicitor with legitimate questions. Discussion followed. Council Member Johnson recommended that a form be designed for any Council generated legal requests. The form would be initiated by the Council Member who would like to contact the City Solicitor. The form would need to be signed by that Council Member as well as one who agreed that the request was legitimate. The form would then be presented to the City Manager for his signature and then forwarded to the City Solicitor. The City Solicitor would then be clear as to what was required of him. Discussion followed. *Council Member Sullivan withdrew her motion and Council Member Titus withdrew her second.* Discussion followed. Mayor Buchheit asked the City Solicitor if it was a violation of the Sunshine Law when Council Member Doebley shared an opinion from the City Solicitor with other Council Members. City Solicitor Walton said it was not a violation, as the business was not being discussed. *Council Member Johnson made a motion that no Council Member contact the City Solicitor without affirmation of a second Council Member. In addition, the City Manager design a form, for the record, that would be signed by both Council Members and presented to the City Manager for his signature. It would then be presented to the City Solicitor. This form would only be used for Council generated questions. Council Member Sullivan seconded the motion.* Discussion followed. Mayor Buchheit asked that he be included in the mailing list when Council Member Doebley forwards a legal opinion from the City Solicitor. *A roll call vote was taken, all ayes, motion carried.*

Ordinance 12-0716-03 Relating to the City Code Schedule of Building Fees

City Manager Cathcart explained that this was listed on the agenda as Resolution 12-0716-01 before it was determined that this needed to be an ordinance. The agenda could not be changed at the last minute. City Manager Cathcart said there had been several residents who started construction without acquiring a building permit. The City sends a cease and desist order, but there is no penalty. This ordinance would implement penalties for this. This was reviewed by the City Solicitor. *Council Member Johnson made a motion for the introduction and first reading of Ordinance 12-0716-03, MODIFYING FEES FOR INITIATING CONSTRUCTION WITHOUT A BUILDING PERMIT. Council Member Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Preliminary Discussion of Construction of Bandstand

Mayor Buchheit said he would like to see the City build a permanent bandstand in the park so that concerts, shows, etc., could be presented without needing to rent the New Castle County showmobile. He would like to use the proceeds from the Mayor's Ball for this purpose. Discussion followed. It was suggested that a public hearing be held, enabling the public to discuss this. Drawings and sketches could be presented at that time.

Introduction and 1st Reading of Ordinance 12-0716-01 relating to Chapter 5, Article I, Section 5-4 "Public Places, Parks and Recreation" (Alcoholic Beverages and Drugs Prohibited)

City Manager Cathcart gave an overview of the reason for this ordinance. He explained that Main Street's Mark Chura has been attending meetings with the Delaware River and Bay Authority (DRBA) and organizations from New Jersey. They wanted to plan an event with Delaware City and Fort Mott. They would like to plan a beer and wine festival, with beer being served on the Delaware side. At this time, alcohol is prohibited in the parks. The ordinance was written in such a way that the alcohol restriction could be waived for City sponsored or co-sponsored events that have a direct benefit to the City. This would not change the rules for weddings in the park, parties in the park, etc. Mark Chura reported that DRBA had been debating the continuation of the ferry to the forts. The new executive director made a commitment to keep the ferry running and make it a success. DRBA and the towns have been promoting Cape May and Lewes with events like this. This would be the centerpiece for Canal Fest, introducing music, food and beer from local breweries. Discussion followed regarding police protection and crowd control. Mr. Chura explained that DRBA provided the security in Lewes. Main Street would work with DRBA to foot the bill. The proposed date is October 13, 2012. *Council Member Sullivan moved for the Introduction and First Reading of Ordinance 12-0716-01 relating to Chapter 5, Article I, Section 5-4 "Public Places, Parks and Recreation". Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Introduction and 1st Reading of Ordinance 12-0716-02 Relating to Amending Chapter 46, Article X "Sign and Outdoor Advertisement Regulations"

Per the request of the Planning Commission, this item was deleted from the agenda and will be revised and scheduled for a future meeting.

Introduction and 1st Reading of Ordinance 12-0716-04 an Ordinance to Establish a Code of Conduct for Elected and Appointed Officials and Members of Boards and Commissions

Interim City Solicitor Walton instructed the Mayor and Council not to discuss this as it was not on the agenda. He said it could be introduced. *Council Member Sullivan moved for the Introduction and 1st Reading of Ordinance 12-0716-04 an Ordinance to Establish A Code of Conduct for Elected and Appointed Officials and Members of Boards and Commissions. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Introduction and 1st Reading of Ordinance 12-0716-02 an Ordinance to Establish Purchasing Policy and Procedures

Interim City Solicitor Walton said this ordinance could not be discussed as it was not on the agenda. *Council Member Sullivan moved for the Introduction and 1st Reading of Ordinance 12-0716-02 an Ordinance to Establish Purchasing Policy and Procedures. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

COUNCIL COMMENTS

Council Member Titus said she asked City Manager Cathcart for copies of the FOIA requests made by Council Member Doebley. She said there were a total of 24 requests. The Council has received FOIA information free of charge as a courtesy. She said the time to process Council Member Doebley's requests amounted to about \$1000 worth of people hours. *Council Member Titus made a motion that the Council would pay the same charges the general public pays, which is \$.25 per copy, \$5.00 to load a flash drive, and \$25.00 per hour for staff research, rather than receiving this free as a courtesy. Council Member Doebley seconded the motion. Council Member Doebley disputed the number of hours listed on the FOIA requests. He said, for the record, that when he learned the amount of time that would have been required to research most of those requests, he withdrew them. Discussion followed. Council Member Doebley said the costs are out of line with the charges the Governor said should be imposed for FOIA requests, so he withdrew his second. Council Member Sullivan seconded the motion. A roll call vote was taken, with the Council Members voting as follows: Barrett – nay, Titus – aye, Johnson – aye, Sullivan – aye and Doebley – nay. Motion Carried.*

Council Member Sullivan said she wanted the general public to hear about what goes on behind the scenes. She said almost everyone sitting at the table has been insulted, or personally attacked by Council Member Doebley. He has driven away volunteers from various city committees. Council Member Sullivan gave a detailed description of Council Member Doebley's activities. She said she is sick of being accused of things she has not done and she is sick of people she knows being ridiculed and being run into the ground. She said she feels threatened and her family members feel threatened. She said she would not stand for it any longer. She asked if other Council Members experienced similar incidents.

Council Member Titus said Council Member Doebley was rude to her mother. Council Member Titus said she had extended an invitation to Council Member Doebley and his wife and Mayor Buchheit and Dale Slotter to meet in her garden to air out their differences. Council Member Doebley refused while insulting her in an email. Council Member Titus gave a detailed description of Council Member Doebley's activities. She said he sent her an email that she considered sexually

suggestive. She encouraged the residents to contact him and tell him how they feel about him wasting their money.

Council Member Sullivan made a motion calling for the resignation of Mr. Michael Doebley from City Council. She said he is unfit, his code of conduct and his ethics are beneath the standards of the way a person should hold himself. Council Member Titus seconded the motion. Council Member Johnson said he is tired of this from both sides. He said the Mayor and Council are supposed to be professionals. He said legally, they don't have the authority to ask for a resignation. He said the motion was out of order. Interim City Solicitor Walton said the Council must follow constitutional protections and the City Charter. He asked if the motion was made as a recommendation and not a command. Council Member Sullivan agreed that it was a recommendation. That would be non-binding request for resignation. This could not be considered a removal. Council Member Sullivan asked if she could call for a public hearing under Section 3.09B of the City Charter to forfeit the office of Council Michael Doebley. Interim City Solicitor Walton read Section 3.09B into the minutes as follows: Forfeiture of Office. The Mayor or Councilperson shall forfeit office if: (1) he/she lacks, at any time during his/her term of office, any qualification for the office prescribed by this Charter or by law; (2) violates any express prohibition of this Charter; (3) is convicted of a felony as that term is defined by the State of Delaware; or (4) failure to attend three (3) successive regular monthly meetings at any time or failure to attend four (4) regular monthly meeting in any twelve-month period, without a legitimate excuse for absence at each meeting, as determined by a vote of a majority of all members of the Mayor and Council in attendance at each such meeting of the Mayor and Council. He said is would be within Council Member Sullivan's province to call for a public hearing.

Council Member Doebley said he agreed with Vice Mayor Johnson. He said he had faced accusations and insults from the Mayor as well as threats of extortion and investigation from Council Member Titus and Council Member Sullivan. Discussion followed.

Mayor Buchheit said that in November of 2011 Council Member Doebley was appointed to the Dart PETCAP task force commission. He said that, to date, Council Member Doebley had brought nothing to the Mayor and Council from this committee. Council Member Doebley said he was also on the Charter committee. The Mayor said he had not seen anything from that committee either. Discussion followed.

Council Member Johnson said there was a motion with a second on the floor, and asked the City Solicitor how this should be handled. Interim City Solicitor Walton said further discussion could be called for or a vote could be called. Discussion followed. *Council Member Sullivan withdrew her motion.*

CITIZEN'S COMMENTS

Albert Schrack, Lot 66, said that the actions at this meeting proved that the City Solicitor should be present at every Mayor and Council meeting. It would probably cut down on the number of requests for information made to him by the Council. He recommended that a motion be made to have the City Solicitor at each meeting. He added that this evening was a disgrace to the community. He said so much money and time has been spent to improve the image of Delaware City, yet we have this going on at our City meetings. He said this is not the forum for name calling, insults, etc. It is just for conducting City Business.

David Veasey, 400 Adams Street, asked about the proposed sale of the Jefferson Street paper street. City Manager Cathcart said that was off the table. He added that Mr. Carden had not approached the City about leasing the property. Mr. Veasey suggested that making a park and ride on that piece of land would be a good use of the property as there is a bus stop right next to it. He thanked Council for the decision they made not to sell the land.

David Carter, Townsend, said he has 28 years of environmental experience. He pointed out that the citizens should really look at the air monitoring. He said there is a Title V air monitoring review coming up and the City should ask for more monitoring during that review, which is the first step. It could also be done through a coastal zone act permit and/or an NPDES permit. He stressed the reasons why this is important. He urged Council to take a good hard look and take every bit of advantage from a refinery that seems to be responsive to the community and get it codified. If the refinery is sincere, there shouldn't be any question about them making it a permit requirement. The refinery should be happy to do it. He expressed concern about water intake. The intake should be reduced by more than 30%. He encouraged the City to put trails along the dikes so everyone can see if there are any problems. He also recommended that ship emissions be included in WILMAPCO's air conformity.

Ray Fruytier, 909 Fifth Street, asked where the negative emails came from that caused the Delaware Repertory Theater to back out of their decision to make Delaware City their base. He said Council Member Doebley should not be in the position he is in and should resign without being asked for his resignation.

Tim Konkus, 302 Canal Street, complimented the City on the positive changes, such as the planters that were paid for by funding from City Manager Cathcart when he was in the State Legislature, the flowers in the gazebo on Delaware City Day, the beautiful trees in the park and the magnificent job that is being done by the City Manager. He thanked Council Member Barrett for spearheading the bus service because so many visiting boaters use the bus. He complimented Lisa

Webster on the City signs she painted. He said public debate is the backbone of democracy and he said he appreciated everyone who spoke up.

Helene Malgierro, 311 Monroe Street, said she has lived in Delaware City for 27 years. She said she has been asked to run for public office. She said she had been very involved with PTA, which is political. She said no one could pay her enough money to serve on the Council. She doesn't like loud voices, anger, disrespect and unkindness. She said she enjoys living in the town more now that she ever has. She credited much of this to Mayor Buchheit. She said a lot of things came out tonight that could be scary, but at least the public is aware now of what is happening. She thanked Mayor Buchheit.

RECESS TO EXECUTIVE SESSION

Council Member Doebley asked how to go about the evaluation of Council appointed employees. He asked if this needed to be discussed in Executive Session or if it could be discussed publically. Interim City Solicitor Walton read Title 29 Delaware Code Section 10004(b)(9). These matters can be discussed in Executive Session: personnel matters in which the names, competency and abilities of the individual employees or students are discussed, unless the employee or student request that such a meeting be open. City Manager Cathcart said he would like to make it clear that he was the one who requested an Executive Session. He said he would respectfully request that it be granted. Interim City Solicitor Walton asked if they were going to discuss the City Solicitor and/or the City Manager. City Manager Cathcart said he was going to discuss Council Member Doebley, but he would prefer to do it in an Executive Session. *Council Member Johnson made a motion to go into Executive Session to discuss personnel matters regarding the City Manager and Council Member Doebley. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

RECONVENE REGULAR MAYOR AND COUNCIL MEETING

Council Member Titus made a motion that any communication, verbal or email, between Council Member Doebley and City Manager Cathcart will now be directed through the Vice Mayor, Paul Johnson. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

Council Member Doebley made a motion to authorize the Interim City Solicitor to discuss certain legal advice that was given this past year, for the benefit of the Council. Interim City Solicitor Walton said that Council Member Doebley asked him if he had done any research on any state code provisions about whether a member of Council could be removed for cause, and if so, who he directed to perform the work. The Council Member also asked the Interim City Solicitor whether he was directed by anyone from the City of Delaware City to process for censuring or any other form of sanction against a member of Council, and if so,

who he directed to perform the work. The Interim City Solicitor said this is a difficult question, as he had to ask himself who his client was. He said, as he didn't want to run afoul of any ethical rules, he asked a member of his firm who is a former head of Disciplinary Council. The answer was that his client was the "City" so he should not disclose any information to an individual Council Member, unless Council approved. Discussion followed regarding what the motion would actually do. *Council Member Barrett seconded the motion.* Discussion followed. Interim City Solicitor Walton read the request he had received from Council Member Doebley. The City Solicitor said that if the Council seconded the motion and approved it, he would address Council Member Doebley's questions in the form of a letter. Additional discussion occurred. Council asked the Interim City Solicitor what the cost would be to answer these questions. He replied that it would take less than one hour. *A roll call vote was taken, with the Council Members voting as follows: Barrett – aye, Titus – nay, Johnson – aye, Sullivan – nay, and Doebley – aye, motion carried.* Discussion followed.

ADJOURNMENT

Council Member Barrett made a motion to adjourn the meeting. Council Member Sullivan seconded the motion. A vote was taken, all ayes, motion carried.

Respectfully submitted,

Dawn K. Gwynn
City Secretary



ATTENDANCE SHEET – PLEASE SIGN IN

MEETING: Mayor + Council DATE: 7/16/12

NAME:

ADDRESS:

RAY FRUSTIER

909 5th

David Veasey

400 Adams

Fred Filippone

DC Police

vicki Johnson

320 Washington

Russell Hutton

406 ADAMS ST

DAVID CARTER

TOWNSEND, DE

Andy Titus

515 Clinton

Tim DILLIPANE

118 CLINTON ST DC

BETH KONKOS

302 CANAL ST

TIM KONKOS

302 CANAL ST

Helene Malgiero

311 Monroe St

VAHJA/SARAH Bucic

206 WASHINGTON

Albert Schrack

Lot 66 DEMHP 115 5th ST

Bonnie Bower

510 Hamilton

Cathy Johnson

Washington St.