

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

April 23, 2012

Those present at 7:00 pm:

Presiding: Mayor Vance A. Funk, III
District 1, Mark Morehead
District 2, Jerry Clifton
District 3, Doug Tuttle
District 4, David J. Athey
District 5, Luke Chapman
District 6, A. Stuart Markham

Staff Members: Interim City Manager Carol Houck
City Secretary Patricia Fogg
City Solicitor Bruce Herron
Electric Director Rick Vitelli
Finance Director Robert Uyttebroek
P & D Director Maureen Feeney Roser
Mike Fortner, Development Supervisor
Assistant Water & Wastewater Director Tom Coleman

1. The regular Council meeting began with a moment of silent meditation and pledge to the flag.

2. PRESENTATION OF PROCLAMATION – BIKE TO WORK WEEK

01:16

Ms. Fogg read the proclamation which was unanimously endorsed by Council declaring May 18, 2012 as Bike to Work Day.

3. 1. ITEMS NOT ON PUBLISHED AGENDA

A. Public

03:15

Gerry Kelly, Outreach Coordinator for mortgage foreclosures in the State, distributed a packet of information and discussed resources available to homeowners facing foreclosure. He said it was critical for people to know that they have a lot of time to get help since the foreclosure process was lengthy. He advised that even when a property goes to sheriff's sale, homeowners can stay in the house for a few months. Mr. Markham requested that this information be made available on the City's website and on Channel 22.

4. 1-B. UNIVERSITY

10:45

1. Administration – Mark Brainard reported that representatives from the University, the City and Skanska USA met with property owners and residents from the Haines Street area regarding construction of the new residence hall on East Campus and its impact on Haines Street over the next several months.

On behalf of the University, Mr. Brainard congratulated Luke Chapman, the newest member of City Council.

Mr. Markham asked whether Mr. Brainard was aware of the concert last weekend with regard to noise complaints. Mr. Brainard said he and Mr. Armitage were working with University and Newark police to make sure everybody who lodged a complaint would be called back in a timely manner to insure their concerns were addressed.

5. **1-B-2. STUDENT BODY REPRESENTATIVE** - None

6. **1-C. COUNCIL MEMBERS**

13:25

Mr. Markham

- Mr. Markham was pleased with the turnout at the Nefosky walk which supported a worthwhile cause and remembered a good man.
- Mr. Markham was pleased to see the reservoir was full in spite of the lack of rain, highlighting the fact that the City had not needed to impose water restrictions thanks to the reservoir. He wanted to be sure the interconnection agreement was in place if needed, and Ms. Houck confirmed that it was. Mr. Markham noted that Ms. Houck provided numbers which showed interconnection water purchase agreements for the past 12 years. In the five years before the reservoir, the City's water purchases averaged close to \$750,000 annually. After the reservoir was built water purchases for the next five years averaged \$266, a savings of over \$3 million. Mr. Markham felt the reservoir was paying off based on these savings and the fact that there had been no drought restrictions. Mr. Funk felt it was fortunate the line to United Water was still available for emergency situations.

7. **Mr. Morehead**

- Mr. Morehead participated in the Community Clean Up, and he said he was impressed with the number of young people who took part in the event.
- Mr. Morehead did a ride along with Cpl. Kendrick of the Newark Police Department and was impressed with Cpl. Kendrick's professional approach to several challenging situations.
- Mr. Morehead reported that his neighborhood was paved and he received a number of comments from neighbors about their satisfaction with the job and with Pusey Pemberton of the Public Works Department who supervised the paving.
- Mr. Morehead announced that the prescription drug take-back day was scheduled on 4/28/12 at the Newark Senior Center for the safe disposal of unused or expired medication.

8. **Mr. Athey**

- Mr. Athey welcomed Mr. Chapman to his first regular Council meeting and looked forward to his input and his participation on Council.
- Mr. Athey participated in the Nefosky walk/run and thought it was a nice event for a very worthwhile cause.
- Mr. Athey referenced the recent workshop on potential skateboard spots and said the Parks and Recreation Department would present a recommendation for Council's consideration in the not-too-distant future.
- In anticipation of a large turnout at the Newark Charter School public hearing, Mr. Athey raised the issues of changing the meeting's location and adjusting the time limit allotted to members of the public who request to speak. Mr. Funk felt the meeting should be held in the Council Chamber since the State Board of Education already approved the school. Further, it would be a more manageable location for the audio recording of the meeting. Ms. Fogg suggested adding seating and speakers in the lobby area as needed to accommodate overflow. She felt public comment should be limited to 2-3

minutes per person and that complete redundancy should not be allowed. Also, other items on the agenda would be kept limited where possible. Mr. Markham remarked that the State Board already dealt with the education issue while Council would be dealing with the land use issue.

- Mr. Athey advised that he requested Mr. Herron to provide guidance to Council on the type of discussion that would be appropriate during the public hearing for the Newark Charter School. Mr. Athey commented that Council's purview in this matter was limited to land use only. Subsequently, Mr. Herron issued the memo which would normally be considered privileged and confidential communication. However, following a brief discussion it was the consensus of Mr. Herron and Council that the memo could be released publicly.

MOTION BY MR. ATHEY, SECONDED BY MR. CLIFTON: THAT THE CITY SOLICITOR'S 4/4/12 MEMO TO MAYOR AND COUNCIL TITLED "REZONING GUIDELINES – PROPER FACTORS FOR COUNCIL'S CONSIDERATION", NO LONGER BE CONSIDERED A CONFIDENTIAL MEMO.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Athey, Chapman, Clifton, Funk, Markham, Morehead, Tuttle.
Nay – 0.

9. MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT ITEMS 2-G and 2-H BE ADDED TO THE CONSENT AGENDA.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Athey, Chapman, Clifton, Funk, Markham, Morehead, Tuttle.
Nay – 0.

10. **Mr. Chapman**

- Mr. Chapman thanked District 5 residents for their support and for voting in the recent Council election. He also thanked Mayor and Council and department heads for their welcome and looked forward to the job ahead of him.

11. **Mr. Clifton**

- Mr. Clifton welcomed Mr. Chapman to Council and said it would be great working with him. He thought Mr. Chapman would bring a lot to the table and looked forward to his contributions.
- Mr. Clifton thanked everyone for the cards, phone calls and support he received during a recent health issue.

12. **Mr. Tuttle**

- Mr. Tuttle welcomed Mr. Chapman and hoped he would find his time on Council to be as pleasant as campaigning.
- Mr. Tuttle said he was unable to attend the Bloom Energy groundbreaking on April 30.
- Mr. Tuttle confirmed that due to the Memorial Day holiday on Monday, May 28, the regular Council meeting would be held on Tuesday, May 29. He suggested getting public notice of this change out as soon as possible.

13. **2. APPROVAL OF CONSENT AGENDA**
- A. Approval of Regular Council Meeting Minutes – March 26, 2012
 - B. Approval of Organizational Meeting Minutes – April 17, 2012
 - C. Receipt of Alderman’s Report – April 5, 2012
 - D. Receipt of Board of Ethics Minutes/Decision – March 21, 2012
 - E. Appointment of Sami Abdel-Salam to Community Development/ Revenue Sharing Committee – Term to Expire March, 2015
 - F. Setting Date of Court of Assessment Appeals – May 29, 2012
 - G. ***First Reading – Bill 12-14 – An Ordinance Amending Planning Section of the Comprehensive Development Plan IV for the City of Newark as it Relates to the Newark Interstate Business Park – 2nd Reading – May 14, 2012***
 - H. ***First Reading – Bill 12-15 – An Ordinance Amending the Zoning Map of the City of Newark, Delaware, By Rezoning from MI (General Industrial) to RH (Single Family, Detached) the 20.63 Acre Old Lear Seating and Adjoining Parcel Sites Located in the Newark Interstate Business Park – 2nd Reading – May 14, 2012***

28:25

Ms. Fogg read the Consent Agenda in its entirety.

MOTION BY MR. CLIFTON, SECONDED BY MR. TUTTLE: THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Athey, Chapman, Clifton, Funk, Markham, Morehead, Tuttle.
Nay – 0.

14. **3. ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

15. **4. FINANCIAL STATEMENT:** Next Meeting

16. **5. RECOMMENDATIONS ON CONTRACTS & BIDS:**

- A. Contract 12-02, Well 14R Meter Pit and Piping Improvements

29:55

Mr. Coleman summarized Ms. Houck’s 4/13/12 memo to Council wherein authorization was requested to enter into a contract with Reybold Construction Group for the installation of piping, valve vaults and electrical controls necessary to bring the recently drilled Well 14 on line at a total cost of \$46,000. There was a previous allocation of \$110,000 from the Future Projects Funds in the Capital Improvement Program. The bid was well under the previous estimate, and Reybold was highly recommended. Ms. Houck added that the work was not extremely complicated, and the references checked were specific to the exact type of work that was done.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT THE INTERIM CITY MANAGER BE AUTHORIZED TO ENTER INTO CONTRACT 12-02 FOR WELL 14R METER PIT AND PIPING IMPROVEMENTS WITH REYBOLD CONSTRUCTION GROUP AT A TOTAL COST OF \$46,000.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Athey, Chapman, Clifton, Funk, Markham, Morehead, Tuttle.
Nay – 0.

17. **6. ORDINANCES FOR SECOND READING & PUBLIC HEARING:**
None

18. **7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS:**
None

19. **8. ITEMS SUBMITTED FOR PUBLISHED AGENDA**

A. **Council Members:** None

20. **8-B. OTHERS:** None

21. **9. SPECIAL DEPARTMENTAL REPORTS:**

A. Special Reports from Manager & Staff:

1. **RESOLUTION NO. 12-H: AUTHORIZATION TO SUPPLEMENT FULL REQUIREMENTS AGREEMENT RE THE PURCHASE OF POWER FROM AMERICAN MUNICIPAL POWER, INC.**

32:00

Mr. Uyttebroek reported the resolution would reaffirm the purchase of Full Requirements Power through DEMEC. Pat McCullar, President of DEMEC, explained the purpose of the resolution was to request the City's approval to execute a Supplement to the Full Requirements Contract in place since 2003 between DEMEC and the City. The Supplement specifically authorized and recognized ownership share in the AMP Fremont Energy Center, a 675 megawatt combined cycle natural gas generation plant. DEMEC would be a 13.6% owner in this project. The City was the second largest participant in the project. The partnership with American Municipal Power was entered into for the express purpose of jointly developing generation projects that DEMEC alone would not be able to make happen. According to Mr. McCullar, the AMP Fremont Energy Center was a highly efficient natural gas fired combined cycle plant and one of the cleanest, most efficient generation assets to be built in the eastern United States in 20-30 years. This plant was owned by all non-profit entities so it operated at cost. There was no rate of return and no market premium associated with it. DEMEC's 13.6% ownership share came at cost to operate. Consequently, this was the cheapest power source in DEMEC's portfolio, currently producing power approximately 30% below the market price of power. Expected use from this power plant was 30 or 40 years, and it would lower the annual power cost in DEMEC's portfolio over that period of time.

The purpose of the Supplement was to satisfy the lawyers who did not think the language in the Full Requirements Contract was specific enough when going to market to sell bonds for the permanent financing of the plant. They wanted specific reference to the power plant. Otherwise, the members obligations in the Full Requirements Contract was substantially the same – they were take or pay contracts meaning DEMEC goes out and secures the resources necessary to supply Full Requirements Power to each community. The communities in turn commit to take or pay. Since DEMEC is not for profit, its credit rating depends upon contract structures and the financial well being of its members. DEMEC would also assist American Municipal Power in selling the bonds to permanently finance the plant.

Mr. Funk asked where the plant was being built. Mr. McCullar reported the plant was already built in Freemont, Ohio. It was a commercial operation since January 20. DEMEC purchased the plant from another utility company when it was 80% completed, finished construction and put it into commercial operation in less than a year.

Mr. Clifton asked why the commercial company bailed out at 80%. Mr. McCullar said there was a merge of two companies, and when they put their combined assets together they found they were oversupplied and sold excess assets. Mr. Clifton commented that according to the resolution DEMEC as a body (not the City) would own 13% of the plant. Mr. McCullar confirmed that was correct, the City got its full requirements from DEMEC who had the obligation to identify the different assets and sources of power to supply, but Newark did not have to take an ownership share in any kind of assets.

Mr. Clifton asked how Newark's ownership in this plant would be a financial benefit. Mr. McCullar said since the market was not functioning well,

DEMEC made the strategic decision to start investing in self-supply assets, i.e. building or buying assets to supply its own power. The benefits were: (1) extremely low cost of capital funds being not for profit; (2) DEMEC controls its own destiny by owning the asset, operating them at cost and supplying power at cost. Thus, DEMEC's self-supply asset was much cheaper than anything else available on the market. He said there were two components they concentrated on when talking about the cost of power – the cost of electricity and the cost of the capacity or the ability to generate electricity. In PJM, the price of capacity was set by location. Capacity was set by mechanism that PJM uses called Reliability Pricing Model and each year they have an option which sets the price of capacity in each location. The Delmarva Peninsula was in the DPL zone. PJM operated a model that said if there was not enough local generation and transmission to adequately supply the peak demand in that region, you would be assigned a premium for capacity. Delmarva was assigned a premium for capacity for many years. That was why electricity was more expensive in Delaware than Pennsylvania, Maryland and New Jersey. DEMEC's strategic plan included two ways to solve that problem: build more transmission or build more generation. So the Beasley plant was constructed and expanded for the purpose of lowering capacity costs in the Delmarva zone, and it had good effect. For the 2013 auction year, capacity cost about \$250/megawatt day, a very high number. When Beasley unit #2 was entered into the bid the following year, the auction price cleared at \$136. That saved millions of dollars not only for DEMEC members but for every electric rate payer in the State of Delaware. However, Mr. McCullar said it was very difficult to build combined cycle power plants on the Delmarva Peninsula because there was not enough natural gas infrastructure to deliver the fuel to where they wanted to build the plant. By bringing the capacity price down and getting it equal to the price of capacity everywhere else in PJM, a power plant could be built anywhere, and the value of that plant was the same as having it in your backyard.

Mr. Athey was concerned with the take or pay clause since through no fault of our own the City was still on the hook or paying its share. Mr. McCullar said that was what it took to go to the market and sell bonds to finance these projects. The credit rating agencies and the bond attorneys required a take or pay obligation for a credit worthy bond sale. They wanted to know that the people who contracted for the power from this plant would be there regardless of what happened. He pointed out DEMEC had no construction risk since the plant was in commercial operation since January 20, and the operational risk was minimal with proven technology, a good plant operator and one of the national large firms that do O&M operation for power plants. Mr. McCullar pointed out the risk was the same on Beasley where DEMEC's contracts were take or pay.

Mr. Markham also expressed concern that there should be some kind of escape clause for the City since it appeared that everybody else (DEMEC and AMP) were covered. Mr. McCullar replied DEMEC needed its members to stand behind them for the Fremont Energy Center contract so they could go to Wall Street and sell the bonds at the lowest possible cost.

Mr. Markham noted there was a difference with Beasley since it was located in Delaware where DEMEC had a lot more leverage as compared to Fremont, Ohio. Mr. McCullar stated that DEMEC was a member of American Municipal Power headquartered in Columbus, Ohio, and he believed DEMEC had a significant amount of influence there.

Mr. Chapman questioned whether DEMEC (whose participating portion was 13.6%) could be on the hook for a defaulting participating member. Mr. McCullar replied they could be, up to 125% under a step-up provision in everybody's contract which was another protection for bond holders. Mr. McCullar commented that same language was in the Beasley power station contract. Mr. Chapman asked whether any additional cost associated with the purchase of the plant could be passed on to DEMEC members, and Mr. McCullar replied none other than the debt service cost and the operations cost that

existed. Mr. McCullar observed that Council was focusing on all the risk, but they should also consider the benefits of the lower cost of power supply which he felt was owed to our community.

Mr. Chapman asked if there would be an immediate expected cost reduction. Mr. McCullar said it was already happening. All eight participating members were currently looking at additional rate reductions based on power production between 15-20% lower than anything else in DEMEC's portfolio. Mr. Chapman referred to the auction and questioned if the ownership of this plant and its capacity was in that calculation. Mr. McCullar responded that both the Beasley and the Fremont assets were bid into the RPM auction at PJM to help cover and offset capacity costs as a load-serving obligation.

Mr. Funk believed in order to reduce rates the City had to do this because natural gas was the cheapest source of energy right now and it was projected to be the same lowest cost for the next thirty years unless they become incredibly more efficient at building nuclear plants in a safe fashion that the public will accept.

Mr. Markham questioned whether for the next two years the City would see a drop of 10–15%. Mr. McCullar said that depended on when the communities decided to implement the retail rate reductions, but starting January 1, 2013 the City would see substantially lower wholesale power costs from DEMEC. Mr. McCullar confirmed that 129 members executed the agreement thus far. Mr. Markham was concerned that Newark would be at the top of the list with the best bond rating while the other participants had much lower ratings than Newark. Mr. McCullar said one of the benefits Newark brought was its excellent bond rating, and this would sell the bonds at the best possible cost.

Mr. Athey asked Mr. McCullar to explain the 2003 Full Services Agreement and to provide a copy to Council. Mr. McCullar said it was a Full Requirements Power Supply Transmission Services and Ancillary Services Contract. Essentially, it obligated DEMEC to provide the electric requirements of the City to operate their distribution system. It required the City to take and pay for all the costs associated with the supply of that power.

Mr. Funk believed this would provide a good source of cheap energy, and would help reduce the City's electric rates.

MOTION BY MR. CLIFTON, SECONDED BY MR. TUTTLE: THAT THE RESOLUTION BE APPROVED AS PRESENTED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Athey, Chapman, Clifton, Funk, Markham, Morehead, Tuttle.

Nay – 0.

**22. 9-A-2. PRELIMINARY RECOMMENDATION SMART METER
GUARANTEED ENERGY PERFORMANCE PROJECT**

1:05

Mr. McCullar felt it was fortunate that the City had the opportunity to find grant funding for changing over to Smart Meters which would provide flexibility for remote meter reading, remote on and off and gathering statistical information about the performance of the meters. From his earlier conversations with Mr. McCullar, Mr. Funk thought he was recommending the City to hold back on the meters a year or two because of the rapidly evolving technology. Mr. McCullar responded that he suggested going ahead with the meters but thought the City should move slowly on the backroom software and hardware used to communicate with the meters.

Ms. Houck said the preliminary recommendation was being submitted for Council to decide whether to move forward with finalizing the cost of the Smart

Meter project. Council would not be committing to any funds at this time – that would happen at a future meeting when all costs and funding sources were determined. Ms. Houck reported she was able to negotiate one of the most desirable funding sources (the American Reinvestment and Recovery Act fund). Council had been provided with a packet with a draft Term Sheet from Delaware’s Department of Natural Resources & Environment Control, Division of Energy & Climate. She was able to negotiate a right to withdraw a portion of that amount for the City in order to get the State to tag Newark for \$5 million of their funds at a loan interest rate of 1.99% in a guaranteed energy performance contract. The time frame on getting the City’s name on that money was rapidly expiring. Ms. Houck said there were other future opportunities such as wireless, for City operations and possibly for other areas of the community. She noted there was a big plus with wireless for the Code Enforcement and Police Departments. She asked for Council’s approval to move forward as well as to enter into an agreement with DEMEC to get at the 1.99%. A full recommendation would be brought back in the future.

Mr. Markham asked for more details about the savings that would be realized.

Michele Peterson of Honeywell explained there was some energy savings in the project but a good majority of it was made up of operational savings as well as increased water revenue since this included electric and water meters and putting in the advanced metering infrastructure for both utilities. Honeywell met with staff and had exact figures from the City in regard to operating costs for utility functions. They went through every key area where the City could save energy and operational costs or increase water revenue. They developed the numbers based on actual usage, actual number of meters and actual costs incurred today to run the utility. Ms. Peterson further explained that the average age of the City’s water meters was about 20 years. The older the meter, the less accurate it was, so consumers were not being billed for actual usage. Honeywell guaranteed the accuracy of the new meters over the life of the contract.

Mr. Clifton questioned if the new system was adaptable to the current water billing system at Fountainview. Ms. Peterson said it would be the same with a master meter and slave meters for the individual condo units. She added that the City would be getting the WIFI system that would enable automatic reading and thereby get more real time information on the usage. The hope was to create behavior modification so customers could log in online to check their usage.

Mr. Athey asked Ms. Houck what changed to make this multi-million program feasible because within the last year Council was told it was not possible for Newark. Ms. Houck said the City needed to purchase about 100 water meters, and when that purchase came to her attention she took another look at the Smart Meters. The funding opportunities were there, and everything seemed to be lining up in place. Water, Electric and Finance were on board and Honeywell was in place and was able to get everyone to this point.

Mr. Athey was concerned about the City’s dependence on utility sales and saw this as furthering that reliance. He would not call any of this savings but would call it an offset. Mr. Markham looked at this as taking something the City needed to do which was to get new replacement meters, taking that money and making a wise investment that would pay back the City over time. He thought this was a smart investment.

Mr. Athey asked how Honeywell could guarantee an operational savings. He did not see how they could guarantee additional water revenue. Ms. Peterson said they would go through another investment grade audit process and take a sampling of the meters to determine the accuracy and then, because of the contract, they would guarantee the accuracy of the meters. On the meter

side, the City would have a guarantee for the next 15 years that they would have an accuracy rate of 98% or they would be replaced.

Mr. Clifton asked if there would be any remuneration for a faulty meter. Ms. Peterson replied that an important aspect about moving to the advanced meter infrastructure was that would get daily reads so a meter that showed a dramatic change in usage would immediately pop up with an alert about possible problems with the meter.

Regarding operational savings, Ms. Houck said Honeywell could not make the City take advantage of operational savings – rather, the City had to do its job and take advantage of the opportunities.

Mr. Chapman asked for clarification. Would Honeywell, as the City's energy consultant, have any role in application or implementation of the system? Ms. Houck responded, yes, they would bring the contractors in to install new meters around the City. Mr. Chapman asked if there was anyone who competed with Honeywell. Ms. Houck said the City originally entered into an agreement with Honeywell for a feasibility study for its facilities. They had an advantage because they had so much information about the City's facilities and were in a better position than bringing in somebody new where there would be a lag time in getting the project implemented. In addition, she noted Honeywell was a State approved energy performance contractor. Mr. Chapman said he was leery about getting consultant information from someone who had a vested interest in showing a million dollar savings annually and wondered if there was anything in place for a third party or a second opinion.

Mr. Chapman asked if the information provided with the final report would be specific to this initial application for the water and electric meters. Ms. Houck advised it would be specific to whatever staff recommended to Council for moving forward. Details would include the funding rates and terms, exactly what would be implemented, how it would roll it out, etc. Mr. Chapman requested that it go deeper to show the wider applications (even though those would not be put into place immediately). He thought that would weigh heavily in the final decision to implement the initial stage because of cost savings in the future.

Regarding the deadline to approve this by Friday, Mr. Chapman noted there was a deadline to obligate but no absolute obligation. Ms. Houck referred him to the "Right to Withdraw" paragraph on page 2 of the draft DNREC letter. Mr. Chapman asked the deadline for implementation. Ms. Houck said it would be several months out from giving Council a final recommendation and they would not have to move forward on spending the funds at this time.

Mr. Clifton asked if this project moved forward whether there was money in the 2012 budget. Ms. Houck said she would provide a packet that would include funding sources (three already identified – DNREC, Delaware Water Fund and tax-exempt leasing) and there was also the Delaware Sustainable Energy bond money. She planned to go after the lowest cost money. She said her goal would be to use no City appropriated funds and pay it off over the years through the Capital program.

MOTION BY MR. MARKHAM, SECONDED BY MR. ATHEY: TO AUTHORIZE THE INTERIM CITY MANAGER TO MOVE FORWARD TO FINALIZE THE COSTS ASSOCIATED WITH THE SMART METER PROJECT AS DETAILED IN MS. HOUCK'S MEMO TO COUNCIL OF 4/13/12.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Athey, Chapman, Clifton, Funk, Markham, Morehead, Tuttle.
Nay – 0.

23. 9-B. REQUEST FOR EXECUTIVE SESSION RE PENDING LITIGATION

1:33

MOTION BY MR. CLIFTON, SECONDED BY MR. TUTTLE: THAT COUNCIL ENTER INTO EXECUTIVE SESSION WITHOUT THE PRESS TO DISCUSS PENDING LITIGATION.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Athey, Chapman, Clifton, Funk, Markham, Morehead, Tuttle.
Nay – 0.

Council entered into Executive Session at 8:33 p.m. and returned to the table at 9:18 p.m.

Mr. Funk announced that no action was required.

24. Meeting adjourned at 9:19 p.m.

Patricia M. Fogg, CMC
City Secretary

/av