

**CITY OF NEWARK
DELAWARE
SPECIAL COUNCIL MEETING MINUTES**

December 13, 2006

Those present at 2:30 p.m.:

Presiding: Vance A. Funk III, Mayor
District 1, Paul J. Pomeroy
District 2, Jerry Clifton
District 3, Douglas F. Tuttle
District 4, David J. Athey
District 5, Frank J. Osborne
District 6, A. Stuart Markham

Staff Members: City Manager Carl F. Luft
City Secretary Susan A. Lamblack
City Solicitor Roger A. Akin

**1. REQUEST FOR EXECUTIVE SESSION RE PENDING LITIGATION
(DURKIN CONTRACTING v. CITY OF NEWARK)**

MOTION BY MR. POMEROY, SECONDED BY MR. ATHEY: THAT COUNCIL ENTER INTO EXECUTIVE SESSION, WITHOUT THE PRESS, TO DISCUSS PENDING LITIGATION (Durkin Contracting, Inc. v. City of Newark).

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Pomeroy, Osborne, Athey, Funk, Markham, Tuttle, Clifton.
Nay - 0.

Council entered into Executive Session at 2:35 pm and returned to the table at 7:42 pm.

Mr. Akin left the meeting at 5:45 pm. Mayor Funk left the meeting at 6:37 pm.

Mr. Clifton stated that Council had returned from Executive Session and the following motion was made:

MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT THE LAW FIRM OF CONNOLLY, BOVE, LODGE & HUTZ BE RETAINED TO REPRESENT THE INTEREST OF THE CITY OF NEWARK IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF DELAWARE IN THE CASE OF DURKIN V. CITY OF NEWARK, AND THAT THE CITY SOLICITOR BE INSTRUCTED TO PREPARE A RETENTION AGREEMENT TO EFFECTUATE THIS RESOLUTION.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Pomeroy, Osborne, Athey, Markham, Tuttle, Clifton.
Nay – 0.
Absent – Funk.

3. Meeting adjourned at 7:45 pm.

Susan A. Lamblack, MMC
City Secretary