

**MINUTES OF CLOSED SESSION
CITY COUNCIL - CITY OF SANFORD
MAY 13, 1999**

Upon a motion duly made, seconded, and carried in the May 13, 1999, open session of the Law and Finance Committee of the City of Sanford, the Committee went into closed session in accordance with N.C.G.S. 143-318.11A(3) to give instruction to an Attorney on the handling of a claim, judicial action, or procedure. The following people were present in the closed session:

Present:

Mayor Pro Tem Philip Dusenbury	Council Member	Clawson	Ellis
Council Member J. T. Kirkman	Council Member	Joseph E.	Martin
Council Member Linwood Mann, Sr.	Council Member	Walter McNeil, Jr.	
City Attorney Susan C. Patterson	City Manager	Leonard Barefoot	
City Clerk Lois Oldham-Simonson	Public Works Director	Larry Thomas	
City Engineer Vic Czar	Operations Superintendent	Tim Shaw	
Street Superintendent Bryan Steen			

Absent:

Mayor Winston C. Hester
Council Member James G. Williams

Mayor Pro Tem Phil Dusenbury called the session to order.

Potential Lawsuit

Attorney Patterson apprised the Council of a potential lawsuit involving a deteriorated 36-inch corrugated metal pipe where the soil has collapsed in the driveway and across the side of the residence located at 1405 Lord Ashley Drive, belonging to Jean B. Warren. An estimated 296 feet of pipe are involved.

Ms. Warren has been advised that the hazard constitutes a danger to anyone using her driveway, as well as children who might fall into the sink holes. Under the City's policy, we will provide the labor for replacing the pipe under the driveway only, if she will provide the materials. The remaining pipe would have to be replaced at the property owner's expense. Ms. Warren's response is that she wants the City to make the repairs at no cost to her. She threatens to file a lawsuit if her yard is damaged.

Mr. Thomas presented cost estimates to the property owner and the City for the driveway and pipe removal, as well as replacing the pipe outside the driveway (see attachment). Pictures of the sink holes on the property caused by deteriorated pipe were presented. Mr. Thomas reviewed the City's storm drainage policy.

Following extensive discussion, Mr. Ellis made a motion to put the property owner on notice that the City is going to excavate the ditch and install pipe under the

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driveway, and if she wants the remaining pipe replaced, then she must bear the expense. Mr. Mann seconded the motion, and it carried unanimously.

Return to Regular Session

On motion of Mr. Martin, seconded by Mr. McNeil, the Council voted unanimously to return to regular session.

Respectfully submitted,

WINSTON C. HESTER, MAYOR

LOIS OLDHAM-SIMONSON, CITY CLERK