

**MINUTES OF CLOSED SESSION
CITY COUNCIL – CITY OF SANFORD
SEPTEMBER 12, 2001**

Upon a motion duly made, seconded, and carried in the September 12, 2001, open session of the Law and Finance Committee of the City Council, the Council went into closed session in accordance with N.C.G.S. 143-318.11(a)(3) to consult with the attorney under the attorney-client privilege.

The following people were present in the closed session:

Mayor Winston C. Hester
Council Member Walter McNeil, Jr
Council Member Linwood Mann Sr.

Mayor Pro Tem Joseph E. Martin
Council Member Philip Dusenbury
Council Member James G. Williams

City Manager Leonard Barefoot
City Attorney Susan C. Patterson
City Clerk Bonnie D. White

Absent:

Council Member Clawson Ellis
Council Member J. T. Kirkman

Mayor Hester called the meeting to order.

City Attorney Susan Patterson informed Council of an upcoming litigation matter. She explained that a lady is suing Young Fashions and the City of Sanford because she slipped and fell on the sidewalk in front of Young Fashions Store located at the corner of Wicker Street and Steele Street. She fell in the vestibule of Young Fashions Store. Ms. Patterson stated that it is the storeowner's property, and they are responsible for maintaining the sidewalk in front of their property.

She continued that the League of the Municipalities has hired Attorney Catheryn Little to handle the case. Mediation between the parties will be held on Monday, September 17. There is a Motion for Summary Judgment for the City of Sanford pending in court. Litigation will begin on Monday, September 24, and is scheduled for Superior Court in Lee County unless the matter is settled before that time. Ms. Patterson stated that there is a 1 1/2" lip where the sidewalk meets the vestibule area and before it is assumed that any negligence is involved, it necessitates a 2-inch lip. Young Fashion's attorney has offered \$15,001 as a settlement, and the lady would not accept it.

Ms. Patterson advised that the lady has a long medical history including polio, knock-knees, knee surgery, and she was in a car accident.

Ms. Patterson added that there is an ordinance stating that storeowners are to keep the sidewalk free from obstructions. Staff has surveyed the area and storeowners have

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maintained their entranceways in different ways. She explained that sometimes the League of Municipalities would pay the medical bills for the individual as a no fault claim. Ms. Patterson wanted Council Members to aware of the situation should someone see the case on court docket.

Council Member Linwood Mann made the motion to return to regular session. Seconded by Mayor Pro Tem Joe Martin, the motion carried unanimously.

Respectfully submitted,

Mayor Winston C. Hester

Bonnie D. White, City Clerk