

**MINUTES OF CLOSED SESSION  
CITY COUNCIL – CITY OF SANFORD  
December 17, 2002**

Upon a motion duly made, seconded, and carried in the December 17, 2002, open session of the City Council meeting, the Council went into closed session in accordance with North Carolina General Statute 143-318.11(a)3 to consult with an attorney employed and give instructions concerning the handling or settlement of claims, judicial actions, or administrative procedures.

The following people were present in the closed session:

Mayor Winston C. Hester	Mayor Pro Tem J. T. Kirkman
Council Member Clawson Ellis	Council Member Philip Dusenbury
Council Member Joseph E. Martin	Council Member Linwood Mann Sr.
Council Member James G. Williams	Council Member Walter McNeil, Jr
City Manager Leonard Barefoot	
City Attorney Susan C. Patterson	
Code Enforcement Officer Carl Anglin	

Mayor Hester called the meeting to order.

City Attorney Susan Patterson informed Council that Luihn Foods Systems, Inc. had filed a suit against the City of Sanford and the Board of Adjustment for denial of a sign variance. They appealed the case to Superior Court. Their lawyer discussed the issue on the phone with Ms. Patterson about entering into an agreement to settle the matter regarding the issue over the Kentucky Fried Chicken sign. Luihn Foods Systems offered to dismiss its action, sign a global release with respect to all matters prior to January 1, 2003, will bear its own costs and attorney fees and put up a sign in compliance with the new sign ordinance by January 1, 2003. They have asked the Board of Adjustment to waive any fines and penalties. Because the citation was never issued by the Planning Department, technically, the \$100 per day penalty was never assessed. Ms. Patterson felt it was a good settlement offer to avoid additional litigation. Ms. Patterson asked for Council's approval to sign the settlement agreement. Seven of the eight Board of Adjustment members have consented to the settlement. One member has not returned the phone call.

Council Member Linwood Mann made the motion to authorize the settlement. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

The second matter involved Van Harris' lawsuit against the City of Sanford for his properties at 309 Summit Street. After the City demolished Mr. Harris' apartment and sent him a nuisance violation for the trash pile, Mr. Harris appealed to Superior Court. When the City won the suit, Mr. Harris gave Notice of Appeal to the Court of Appeals. Attorney Jimmy Love proposed that the matter be settled by Mr. Harris dismissing his appeals, removing and disposing of all debris on the vacant lot and sending the City a check in the amount of \$1,995 to cover the

cost of demolition of the apartment by the end of the year. He requested that the City waive the \$100 per day penalty assessed for the debris on the vacant lot.

Code Enforcement Officer Carl Anglin informed the Council that this matter seems to have gotten Mr. Harris' attention. He described a recent minimum housing matter wherein Mr. Harris immediately complied and made all repairs upon receipt of a Notice of Violation. City Attorney Patterson and Code Enforcement Officer Carl Anglin believe the settlement accomplishes the City's goals of getting rid of the dilapidated apartment and improving the Historic District, as well as, clearing the trash pile from the vacant lot. Mr. Anglin stated, "it was not about the money but about ensuring compliance with the ordinance." Mr. Anglin told the Council that he had a bid of \$700 to remove the apartment, but since Mr. Harris did not take advantage of this, it has cost him \$1,995. Attorney Patterson indicated that this settlement would resolve this matter and put it behind us without the need for protracted litigation to force Mr. Harris to clean up his properties.

Council Member Joseph Martin made the motion to accept the check by December 31, 2002, and the City will waive the \$700 penalty. Seconded by Council Linwood Mann, the motion carried unanimously.

Council Member James Williams made the motion to go out of closed session and into regular session. Seconded by Council Member Walter McNeil, the motion carried unanimously.

Respectfully submitted,

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Mayor Winston C. Hester

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Bonnie D. White, City Clerk