

MINUTES OF CLOSED SESSION
City Council – City of Sanford
December 18, 2012

Upon a motion duly made, seconded, and carried in the December 18, 2012 open session of the City Council meeting, the Council went into closed session in accordance with N.C.G.S. 143-318.11(a)(5) -- to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease and (3) -- to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, or administrative procedure.

The following people were present in the closed session:

Present:

Mayor Cornelia Olive

Mayor Pro Tem Sam Gaskins

Council Member Charles Taylor

City Manager Hal Hegwer

City Attorney Susan Patterson

Deputy City Clerk Janice Cox

Council Member Poly Cohen

Council Member Rebecca Wyhof

Council Member Walter McNeil

Council Member James Williams

Council Member Jimmy Haire

Absent: City Clerk Bonnie D. White

Item 2

Request from Bay Breeze Restaurant to be Excused from Payment of Additional Water Bill Charges -- (Exhibit A)

Due to problems with the water meter for the restaurant, water usage had been incorrectly billed to Bay Breeze below the actual usage cost for a number of months. The City compiled a comparative analysis of the water used by comparable restaurants, showing disparity. At this point, Bay Breeze owes \$8,467 for water usage.

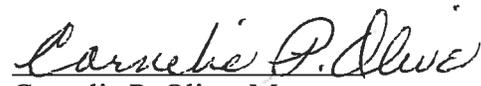
City Manager Hegwer stated that Bay Breeze had agreed to pay half of the charges up front. Mr. Hegwer suggested that Bay Breeze could be given a period of time to correct the situation since it was the City's mistake in billing. Mayor Olive and Council Member Wyhof were in favor of giving Bay Breeze a number of months to rectify the situation with no penalty or interest. City Attorney Patterson stated that they could be required to pay the total due in a lump sum or make equal payments for 16 months.

Mayor Olive asked how council members would like to proceed. Council members Sam Gaskins, Poly Cohen, Rebecca Wyhof, Walter McNeil, James Williams, and Walter McNeil were

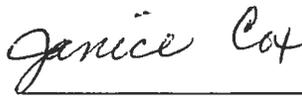
in favor of making the offer to Bay Breese to pay the amount due in one lump sum or to make equal payments for 16 months. Council Member Charles Taylor was not in favor.

Council Member James Williams made the motion to close the closed session and return to open session. Seconded by Council Member Walter McNeil, the motion passed unanimously.

Respectfully submitted,


Cornelia P. Olive, Mayor

ATTEST:



Janice Cox, Deputy City Clerk

In closed session on July 31, 2013, Council Member Walter McNeil, Jr. made the motion to approve and release these minutes. Seconded by Mayor Pro Tem Sam Gaskins, the motion carried unanimously.

Minutes were approved and released on August 6, 2013.