

MINUTES OF CLOSED SESSION  
Law & Finance Committee of the City of Sanford  
City Council – July 31, 2013

Upon a motion duly made, seconded, and carried in the July 31, 2013 open session of the Law & Finance Committee of the Sanford City Council, the Council went into closed session in accordance with N. C. G. S. 142-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to retain the attorney-client privilege between the attorney and the public body.

The following people were present in the closed session:

Law & Finance Committee:

Mayor Cornelia Olive  
Council Member Walter H. McNeil, Jr.  
Council Member James Williams  
Council Member Charles Taylor  
City Manager Hal Hegwer  
City Attorney Susan Patterson

Mayor Pro Tem Sam Gaskins  
Council Member Rebecca Wyhof  
Council Member Jimmy Haire  
Council Member L. I. (Poly) Cohen  
Deputy City Clerk Janice Cox

Absent

City Clerk Bonnie D. White

Mayor Cornelia Olive called the meeting to order.

Item 1

City Manager Hal Hegwer asked for council direction on settling a sewer overflow claim from a church and noted the desire for consistency in dealing with these matters. Mr. Hegwer explained that when there are sewer overflows, the city will do a clean up to mitigate any safety or health hazard that exists, but unless the city is responsible for the overflow, the city is not responsible for any repairs or further clean up. The city's insurance covers the cleanup to mitigate health hazards and will cover damage if the city is responsible for the overflow.

In this particular case, the city does not believe it caused the overflow, though it cost the city \$1,800 to do the cleanup to mitigate the safety hazard. The church incurred another \$1,200 cost beyond that. Insurance has denied the claim, and, typically, the city does not pay a claim that has been denied by insurance.

Council Member Charles Taylor stated that if city staff says they are not responsible, we should stick with what the insurance company says. He did not think the city should pay for anything beyond the cleanup costs to eradicate danger. He stated the city should be consistent.

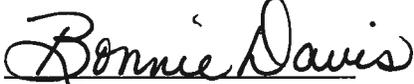
Closed Session Minutes  
July 31, 2013  
Item 1

Following discussion, there was group consensus to stick to the city's practice of cleaning up enough to mitigate safety or health hazards for all spills, but not to cover further damage that the city was not considered responsible for.

Respectfully submitted,

  
\_\_\_\_\_  
~~Cornelia P. Olive, Mayor~~  
T. Chet Mann

ATTEST:

  
~~Janice Cox, Deputy City Clerk~~

Council Member Sam Gaskins made the motion to approve and release these closed session minutes on December 2, 2014. Seconded by Council Member Taylor, the motion carried unanimously.

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City Attorney Susan Patterson

Mayor Pro Tem Sam Gaskins  
Council Member Rebecca Wyhof  
Council Member Jimmy Haire  
Council Member L. I. (Poly) Cohen  
Deputy City Clerk Janice Cox

Absent

City Clerk Bonnie D. White

Item 2

City Attorney Susan Patterson explained that Jim Bost of Bost Distributing, Inc. had entered into an agreement with the City in 2008 by which he agreed to annex the property to the city within five years if the city provided water to his company located outside the city limits. January 15, 2013 was the date by which the annexation should have been completed. No application has been received from Mr. Bost.

Attorney Patterson has tried to reach Mr. Bost for a month, but has not been able to connect with him. She explained that an annexation would increase his taxes, but his water rates would go down; he would save money and get other city benefits, such as fire protection, as well.

Council could follow through with the terms of the agreement and cut off his water or give him a month or so to get the annexation petition completed. Council Member Taylor verified that the City cuts off residents who have delinquent water bills. Council Member James Williams suggested sending him a certified, dated letter stating he had six months grace period to comply with the terms of the agreement. Without compliance, his water would be cut off thirty days after that. Council Member Wyhof noted that staff could deny the annexation petition.

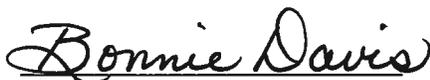
City Attorney Patterson will prepare the certified letter.

Council Member Charles Taylor left the closed session at this point and he was absent for Item 3.

Respectfully submitted,

  
~~Cornelia P. Olive, Mayor~~  
T. Chet Mann

ATTEST:

  
~~Janice Cox, Deputy City Clerk~~

Council Member Sam Gaskins made the motion to approve and release these minutes on December 2, 2014. Seconded by Council Member James Williams, the motion carried unanimously.

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The following people were present in the closed session:

Law & Finance Committee:

Mayor Cornelia Olive  
Council Member Walter H. McNeil, Jr.  
Council Member James Williams  
Council Member L. I. (Poly) Cohen  
City Manager Hal Hegwer  
City Attorney Susan Patterson

Mayor Pro Tem Sam Gaskins  
Council Member Rebecca Wyhof  
Council Member Jimmy Haire  
Deputy City Clerk Janice Cox

Absent

City Clerk Bonnie D. White  
Council Member Charles Taylor (left after completion of Item 2)

Item 3

City Attorney Susan Patterson distributed completed minutes of past closed sessions. The following actions were taken:

Upon motion of Council Member Poly Cohen and seconded by Mayor Pro Tem Sam Gaskins, the minutes of the November 1, 2011 Closed Session were unanimously approved and released.

Upon motion of Council Member James Williams and seconded by Council Member Poly Cohen, the minutes of the February 1, 2012 Closed Session were unanimously approved and released.

Upon motion of Council Member James Williams and seconded by Council Member Poly Cohen, the minutes of the September 26, 2012 Closed Session were unanimously approved and released.

Upon motion of Council Member Rebecca Wyhof and seconded by Mayor Pro Tem Sam Gaskins, the minutes of the October 31, 2012 Closed Session Item 1 were unanimously approved and released.

Upon motion of Council Member Poly Cohen and seconded by Council Member Walter McNeil, the minutes of the October 31, 2012 Closed Session Item 2 were unanimously approved and released.

Upon motion of Council Member Poly Cohen and seconded by Council Member James Williams, the minutes of the December 18, 2012 Closed Session Item 1 were unanimously approved and released.

Upon motion of Council Member Walter McNeil and seconded by Mayor Pro Tem Sam Gaskins, the minutes of the December 18, 2012 Closed Session Item 2 were unanimously approved and released.

Upon motion of Council Member Walter McNeil and seconded by Council Member Rebecca Wyhof, the March 13, 2013 Closed Session minutes were unanimously approved and released.

Upon motion of Mayor Pro Tem Sam Gaskins and seconded by Council Member Walter McNeil, the June 1, 2011 Closed Session minutes were unanimously approved and sealed.

Upon motion of Council Member Walter McNeil and seconded by Mayor Pro Tem Gaskins, the August 10, 2011 Closed Session minutes were unanimously approved and sealed.

Upon motion of Council Member Poly Cohen and seconded by Council Member James Williams, the minutes of the November 1, 2011 Closed Session Item 3 were unanimously approved and sealed.

Upon motion of Council Member James Williams and seconded by Mayor Pro Tem Sam Gaskins, the November 30, 2011 Closed Session minutes were unanimously approved and sealed.

Upon motion of Mayor Pro Tem Sam Gaskins and seconded by Council Member Rebecca Wyhof, the minutes of the February 1, 2012 Closed Session Item 2 were unanimously approved and sealed.

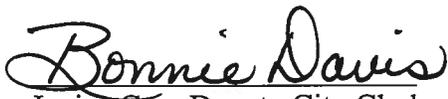
Upon motion of Mayor Pro Tem Sam Gaskins and seconded by Council Member Poly Cohen, the May 21, 2013 Closed Session minutes were unanimously approved and sealed.

Having no further business to discuss in this closed session, the meeting was adjourned and council returned to regular session upon motion of Council Member Poly Cohen; seconded by Mayor Pro Tem Sam Gaskins, the vote was unanimous.

Respectfully submitted,

  
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Cornelia P. Olive, Mayor  
T. Chet Mann

ATTEST:

  
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Janice Cox, Deputy City Clerk

Council Member Sam Gaskins made the motion to approve and release these minutes on December 2, 2014. Seconded by Council Member Norman Charles Post III, the motion carried unanimously.