

MINUTES OF CLOSED SESSION
City Council Meeting
City of Sanford – August 20, 2013

Upon a motion duly made, seconded, and carried in the August 20, 2013, open session of the of the City Council meeting, the Council went into closed session in accordance with N.C.G.S. 143-318.11 (a) (3) to consult with an attorney retained by the public body in order to preserve the attorney/client privilege. Council Member Cohen made the motion to go into closed session; seconded by Council Member McNeill, the motion carried unanimously.

Mayor Cornelia P. Olive
Mayor Pro Tem Sam Gaskins
Council Member Rebecca Wyhof
Council Member L. I. (Poly) Cohen
City Manager Hal Hegwer

Council Member Walter McNeil
Council Member Jimmy Haire
Council Member James G. Williams
City Attorney Susan C. Patterson
City Clerk Bonnie White

Absent:

Council Member Charles Taylor

Mayor Olive called the meeting to order.

City Attorney Susan Patterson stated that she sent a letter to Jim Bost advising him that he was supposed to have presented an annexation petition. She has spoken with Mr. Bost's lawyer and he said that Mr. Bost is asking for a two-year delay/extension to request annexation or until his property is contiguous with the City limits; whichever comes first.

Mrs. Patterson advised Council that another company signed the same agreement – J & G Machinery and they have also not submitted an annexation petition. The petitions were to be submitted in January 2013. When this situation arose in the past, Mr. Bost spoke on behalf of J & G Machinery.

Mrs. Patterson explained that it is cheaper for Mr. Bost to be annexed because he is paying higher water and sewer rates for being outside the City limits.

Mayor Pro Tem Sam Gaskins stated that he has no problem with the delay; however, Mr. Bost should submit the annexation petition as stated in the agreement and submit a letter asking for a two-year delay to be annexed or until his property is contiguous. Then Council can make a decision.

Attorney Patterson stated that Mr. Bost felt that he had helped the City with the Purgatory Branch sewer line extension through the Adcock property. Mr. Bost stated that when he extended the waterline to his property he was told at the last minute he had to be annexed.

Attorney Patterson explained that when Mr. Bost came before Council, he asked not to be annexed until eight years and Council set it at five years.

Attorney Patterson said that Mr. Bost stated that if the City turned his water off, it would make his boiler explode and he would sue the City. Mr. Bost understands that it is cheaper to bring the property into the City limits.

Council Member McNeil stated that in two years it might be that the property will be contiguous to the City limits because of the completion of the 421 Bypass.

Council Member Rebecca Wyhof asked if we can delay him submitting his annexation request until we hear from J & G Machinery. Attorney Patterson replied that Mr. Bost was given until August 30 to submit his annexation request. She will give J & G Machinery until September 20.

Mr. Hegwer advised that it will cost J & G Machinery more to come into the City limits because they do not use much water.

Mayor Pro Tem Gaskins felt that we should wait until we hear from J & G Machinery.

City Manager Hegwer advised that we have not had any conversations with J & G Machinery.

Council Member McNeil said that Mr. Bost did help the City with the sewerline extension; we would be incurring maintenance costs if he did not decide to help.

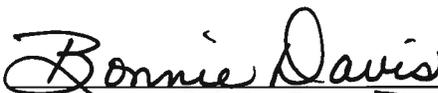
Attorney Patterson advised that the agreement is binding on future owners of the property if the property were sold. This information would have to be disclosed to new owners if property is sold.

Mayor Pro Tem Sam Gaskins made the motion to send a letter to Mr. Bost advising him that the deadline to submit his application for annexation will be extended to September 20. At that time, he will need to submit his petition for annexation and send a letter requesting a delay for two years or until the property becomes contiguous with the City limits. Council will make a decision upon response from Mr. Bost. Seconded by Jimmy Haire, the motion carried unanimously.

Council Member Walter McNeil, Jr. made the motion to go out of closed session and return to regular session. Council Member Rebecca Wyhof, seconded the motion and it carried unanimously.



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



City Clerk ~~Bonnie D. White~~ *Davis*

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.