

**MINUTES OF  
ELECTRONIC CLOSED SESSION  
City Council Meeting  
225 E. Weatherspoon Street, Sanford, NC  
City of Sanford – January 11, 2022**

Upon a motion duly made, seconded, and carried in the January 11, 2022, electronic session of the City Council meeting, the Council went into closed session electronically in accordance with N.C.G.S.143-318.11(a)(3), to consult with an attorney employed by the public body in order to preserve the attorney-client privilege. The following members were present:

Mayor Pro Tem Byron Buckels	Council Member Sam Gaskins
Council Member Jimmy Haire	Council Member Rebecca Wyhof Salmon
Council Member Charles Taylor (joined at 8:20 p.m.)	Council Member Norman “Chas” Post, III
Council Member James Williams	City Manager Hal Hegwer
City Attorney Susan Patterson	City Clerk Bonnie Davis
Deputy City Clerk Vicki Cannady	Management Analyst Holly Marosites

Absent:

Mayor T. Chet Mann

**Item #1**

Mayor Pro Tem Byron Buckels called the meeting to order at 8:05 p.m. and noted that Council Member Taylor appeared to be having issues with his internet connection.

City Attorney Susan Patterson explained that the Town of Cary has asked if we want to join them in filing a brief challenging the recently drawn redistricting maps for state elections. This issue has also delayed municipal elections, although the disputed maps do not affect cities. Cary’s attorneys state that it is confusing to hold local elections at the same time as partisan state and federal elections. They have engaged the Womble Bond Law Firm to file an “amicus” brief (“Friend of the Court”) requesting that the court not delay local elections any further. Attorneys for Cary are seeking other municipal partners to join them and will not charge us to join their suit. A three-judge panel issued a ruling today to allow the redistricting to proceed based on the Republican-leaning maps, and ruled that the partisan basis in drawing the maps was illegal; however, the League of Conservative Voters has already challenged this ruling and plans to appeal to the NC Supreme Court. Attorney Patterson noted that our elections differ from Cary’s in that our elections are partisan while theirs are non-partisan. She asked whether there was consensus among Council to join the Town of Cary in the filing.

Council Member Gaskins stated that this issue has already delayed our elections, noted that our redistricting maps were drawn locally (not by the legislature) and we should not be subject to this dispute. He suggested that regardless of the fact that our elections are partisan, we should not be included in this pending litigation.

Council Member Salmon agreed that our circumstances are different and questioned whether joining in a lawsuit that includes specifics that may not actually apply to Sanford could make us appear somewhat foolish. She also questioned whether we have any control over what is included in the suit. Attorney Patterson explained that the suit will allege that Cary and a number of other North Carolina municipalities would have held elections in 2021 but they have already been delayed twice, which means

that Council members have remained in office longer than their elected terms; potential candidates for those offices have had their plans delayed; new council members will have shorter terms; voters have been represented by Council members from unbalanced districts; and voters have been and will be potentially confused as non-partisan general municipal elections are conjoined with partisan primary elections. They specifically address Cary's redistricting and how it was balanced, and she assumes specific information on Sanford would also be included. Joining the suit would indicate that we have been affected by the delays. She suggested that the brief is not very lengthy and basically requests no further delays. A similar brief has been filed by the NC Sheriffs and Clerks of Court to request that candidate filings not be delayed further. She informed Council she needs direction from Council since the brief is due by Friday.

Council Member Williams stated that he was not in favor of joining the lawsuit and saw no advantage to joining.

Council Member Salmon suggested we join in the filing since it has been very frustrating to be included in the redistricting map issue since our maps will not change, regardless of the outcome of the challenge to them, and questioned what, if any, any potential downsides there could be. Attorney Patterson explained that there is no guarantee the Court will take notice of Cary's claims and if they don't, the elections may be further delayed. She noted that Cary is not suing anyone, they are only trying to intervene by filing a brief. A potential downside would be that the City could be charged if additional action is taken by Cary or if the judge requests more information; however, Cary has indicated that they will move forward regardless of whether other municipalities join in the filing.

Council Member Taylor joined the meeting at approximately 8:20 p.m. Attorney Patterson provided a brief recap of her prior remarks and Mr. Taylor questioned whether the NC League of Municipalities or the UNC School of Government had issued an opinion on this issue. Attorney Patterson explained that she was not aware of any response but had not asked. She also stated that she had not heard whether other municipalities had agreed to join Cary and noted that this would require action from each city's Council. Mr. Taylor expressed reservations with joining a brief that had not been reviewed by our attorney. Attorney Patterson responded that she had seen a confidential draft alleging that redistricting efforts by municipalities such as the Town of Cary's have not been challenged and those elections are not directly at issue, nor were they impacted by Census delays or the dispute concerning federal and state redistricting. The request addresses harm to the Town of Cary from delayed elections and state that they should not be permitted to persist any later than May 17, the date currently established by the court for the next election. The brief also addresses potential voter confusion if a local non-partisan general election is held at the same time as a partisan primary election for federal and state officials. She questioned whether Council wants to go on record that we don't want our elections delayed any further or whether to await outcome of the case. Mr. Taylor suggested there is very little to gain by joining.

Council Member Gaskins made a motion to join with the Town of Cary in filing the brief to inform the courts that there is no reason for the City of Sanford to be included in the redistricting lawsuit addressing state and federal elections. Council Member Post requested that Attorney Patterson review the brief before joining on behalf of the City, and seconded the motion; however, he noted that his seconding the motion was not contingent upon her review.

Council Member Taylor stated that his concern is not the level of competency in our attorney reviewing the document but with the fact the brief is due Friday, which appears rushed. He also commented that the redistricting lawsuit does not affect our election, that he would perhaps feel different

if it did, and he had a concern joining without knowing whether there may be ramifications. Council Member Gaskins suggested that Mr. Taylor's point that the pending redistricting does not affect our election is precisely the reason for amicus brief. Mr. Taylor questioned why we wouldn't just issue a statement or contact our legislature rather than joining with Cary.

Mayor Pro Tem Buckels requested for a roll call vote: he, along with Council Members Haire, Williams, Salmon, Gaskins, and Post voted in favor of joining the Town of Cary, while Council Members Williams and Taylor voted against. The motion, therefore, passed by a vote of five to two.

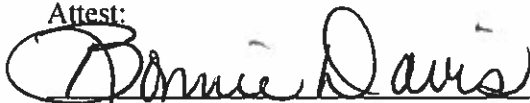
Attorney Patterson agreed to update Council if additional information is requested or received on Cary's lawsuit.

**ALL EXHIBITS CONTAINED HEREIN ARE HEREBY INCORPORATED BY REFERENCE AND MADE A PART OF THESE MINUTES.**

Respectfully Submitted,

  
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T. CHET MANN, MAYOR

Attest:

  
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BONNIE DAVIS, CITY CLERK

Council Member Post made the motion to approve and release these minutes on ~~June~~ July 12, 2022 (workshop). Seconded by Council Member Taylor, the motion carried unanimously.

Approved on Consent Agenda on July 19, 2022. Motion by Council Member Sam Gaskins and seconded by Council Member Rebecca Salmon, the motion carried unanimously.