

**VILLAGE OF PINEHURST
VILLAGE COUNCIL
CLOSED SESSION –January 8, 2013
395 MAGNOLIA ROAD
CONFERENCE ROOM
PINEHURST, NORTH CAROLINA
4:30 P.M**

MINUTES

During the Work Session of the Pinehurst Village Council held at 4:30 p.m., Tuesday, January 8, 2013 in the Conference Room of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, Councilmember Strickland moved to recess the work session and enter into a closed session pursuant to NCGS 143-318.11 (a) (3) to consult with the Village attorney in order to preserve the attorney-client privilege between the Village Attorney and the Village Council. The motion was seconded by Councilmember Cashion and carried unanimously. The following people were present:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John R. Cashion, Councilmember
Mr. Mark W. Parson, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager
Mr. Michael J. Newman, Village Attorney

MAYOR NANCY ROY FIORILLO CALLED THE MEETING TO ORDER.

The Council, the Village Manager and the Village Attorney discussed a potential claim against the Village of Pinehurst, and the status of the litigation between Mr. Mike McCrann and the Village of Pinehurst. Mr. Newman reported to the Council about a possible claim that Hudson Paving, Inc., may make against the Village and D.S. Simmons, Inc., the apparent low bidder on the Village Green and Streetscape Enhancement projects. Mr. Newman reported to the Council the results of his and the Village staff's discussions with other legal counsel and the State of North Carolina Contractor's Licensing Board, and Mr. Newman stated that he felt the Village and D.S. Simmons would be able to successfully defend such a claim if it was made.

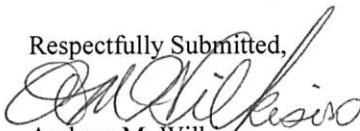
Mr. Newman further reported to the Council that the NC Court of Appeals had not issued an opinion on the McCrann appeal.

ADJOURNMENT.

Upon the conclusion of the Closed Session, Councilmember Strickland moved to adjourn the Closed Session and re-enter the Work Session. The motion was seconded by Councilmember Cashion and carried unanimously.

The Closed Session adjourned at approximately 5:25 p.m.

Respectfully Submitted,


Andrew M. Wilkison,
Village Clerk