

**Town of Sunset Beach  
Special Called Council Meeting  
December 21, 2011  
12:00 pm**

**MINUTES**

**Council Members Present:** Mayor Richard Cerrato, Mayor Pro-Tem Lou DeVita, Councilman Mike Williams, Councilwoman Karen Joseph, Councilwoman Carol Scott and Councilman Wilson Sherrill.

**Members Absent:** None

**Staff Present:** Gary Parker, Town Administrator; Mike Isenberg, Town Attorney; Lisa Massey, Police Chief; Kevin Dempsey, Assistant Fire Chief; Sandy Wood, Chief Building Inspector; Donna Rogers, Finance Director; Dustin Graham, Public Works Director; and Cindy Nelson, Recording Clerk.

Mayor Cerrato called the meeting to order and the Pledge of Allegiance was recited by those in attendance. Mayor Cerrato requested the Council consider adding a public comment period to the special called meeting agenda. Attorney Isenberg advised that a unanimous vote is required to add an item to a special meeting agenda.

COUNCILWOMAN SCOTT MADE A MOTION TO ADD A PUBLIC COMMENT PERIOD TO THE SPECIAL MEETING AGENDA. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. COUNCILWOMAN SCOTT AND COUNCILMAN SHERRILL VOTED YES. COUNCILWOMAN JOSEPH, COUNCILMAN WILLIAMS AND MAYOR PRO-TEM DEVITA VOTED NO. THE MOTION DID NOT PASS.

Mayor Pro-Tem DeVita read to the Council a prepared statement regarding the authority of the Mayor and Council due to recent incidents and actions by Mayor Cerrato that he felt if left unaddressed and uncorrected could prove detrimental to the Town.

MAYOR PRO-TEM DEVITA MADE A MOTION THAT THE AUTHORITY OF THE MAYOR NOT BE EXPANDED AT THIS TIME BEYOND THAT GRANTED BY THE LAWS OF THE STATE OF NORTH CAROLINA. COUNCILWOMAN JOSEPH SECONDED THE MOTION AND THE MAYOR CALLED FOR DISCUSSION.

The Mayor and Council discussed the following incidents and actions:

- Mayor Cerrato operating beyond the legal authority granted to the Mayor by the State of North Carolina and the Town Council.
- Mayor Cerrato disrupting town operations by directing and redirecting Town Staff which is a function of the Town Administrator who receives his direction from the full Council.

- Mayor Cerrato ordering the expenditure of Town funds to repair pot holes on a road that is not town property. Authorizing expenditures is a Council function. This expenditure would have been an illegal use of Town funds since the property is not town owned.
- Mayor Cerrato advising the Fire Marshall and Chief Building Inspector not to perform the duties of enforcing the Town fire and building codes. All Town Officials are required to uphold all Town Ordinances and federal and state laws.
- Mayor Cerrato directing Town Staff to update the Council Chamber audio system without Council discussion and approval. Staff assignments are the responsibility of the Administrator and authorizing expenditures is a Council function.
- Mayor Cerrato obtaining and possessing Town letterhead for correspondences purposes. All correspondences must be sent through Town Hall and copies maintained by the Town Clerk in order to comply with the public record laws of North Carolina and to ensure all Council members agree with the body of the correspondence.
- Mayor Cerrato embarrassing the Town, Council and Staff by making promises to Town residents and organizations that the Mayor is not legally authorized to make since Council has not authorized the Mayor to make a commitment.

MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILMAN SHERRILL MADE A MOTION TO ADJOURN THE DECEMBER 21, 2011 SPECIAL MEETING. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town of Sunset Beach**

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**Richard Cerrato, Mayor**

Submitted by:

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**Lisa Anglin, Town Clerk**

\*Cindy Nelson, Recording Clerk attended and recorded the Special Meeting. Lisa Anglin, Town Clerk transcribed the minutes.