

Shore Protection Manager

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## **CARTERET COUNTY BEACH COMMISSION CLOSED SESSION**

*Pursuant to G.S. 143-318.11.(a)(1) for the permitted purpose of preventing the disclosure of information that is privileged or confidential.*

Closed Session Minutes  
Pine Knoll Shores Town Hall  
December 16, 2008, 12 pm

### **Attendance.**

Commission Chair Buck Fugate, Vice-Chair William Donnelly, Commission Members Pete Allen, A.B. "Trace" Cooper, Jack Goldstein, Joan Lamson, Ted Lindblad, Tom Hoover, Art Schools, Jim Willis, secretary Greg Rudolph. Member Jim Stephenson was absent.

**Settlement of Litigation Against the U.S. Army Corps of Engineers (Corps).** – Chairman Fugate called the session to order and disclosed that the Beach Commission previously approved a stay order between the County and the Corps back in September that would in essence, suspend the case against the Corps until after the Dredged Material Management Plan (DMMP) was completed in October 2011. Judge Boyle subsequently denied the stay order - likely because he and other judges may not like having unresolved cases on their dockets for so long. Our attorneys (Kilpatrick Stockton, LLP) are recommending that a settlement agreement be approved with the Corps that is almost identical to the proposed stay order. Member Schools made a motion to approve the settlement that was seconded by member Donnelly and unanimous approved. Member Donnelly asked the Shore Protection Office to investigate whether or not the judge would be willing to sign (approve) the settlement. Secretary Rudolph replied that he would ask Kilpatrick Stockton to look into that.

**Adjournment.** – With no further comments, Chairman Fugate adjourned the closed session.