

**Minutes of Executive Session of the City Council
held Monday, June 17, 2019, at 6:30 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



CALL TO ORDER:

Mayor Latham called the meeting to order at 6:30 P.M.

The following Council Members were in attendance:

ROLL CALL:

Mayor: William C. Latham

Council Members: Keith Doherty (*absent*) Georgette Dumont Sandy Golding
Christine Hoffman Cory Nichols Phil Vogelsang

Also present were City Manager Mike Staffopoulos, City Attorney Denise May and a court reporter.

Mayor Latham announced that the City Attorney Denise May would make an opening statement.

City Attorney Denise May stated she is requesting the advice of the City Council regarding the pending litigation in CASE NO.: 16-2009-CA-399, LAS OLAS DEVELOPMENT, LLC.; Plaintiff v. CITY OF JACKSONVILLE BEACH, Defendant. Participants shall be limited to the City Council, Mayor Charlie Latham, Mayor Pro Tem Chris Hoffman, Councilor Keith Doherty, Councilor Phil Vogelsang, Councilor Georgette Dumont, Councilor Cory Nichols, Councilor Sandy Golding, City Manager Mike Staffopoulos, City Attorney Denise May, and a certified court reporter.

Mayor Latham called for a recess. The Council members reconvened to the 2nd floor Board Room, for the special meeting pursuant to Section 286.011(8).

Mayor Latham closed the Public Meeting at 6:32 P.M.

Mayor Latham re-opened the Public Meeting at 6:52 P.M.

The Mayor asked the Clerk to take roll call. The following Council Members were in attendance:

Mayor: William C. Latham

Council Members: Keith Doherty (*absent*) Georgette Dumont Sandy Golding
Christine Hoffman Cory Nichols Phil Vogelsang

City Attorney Denise May stated that the case before the Council tonight is LAS OLAS DEVELOPMENT, LLC.; Plaintiff v. CITY OF JACKSONVILLE BEACH, Defendant. This is a ten-year-old case involving property at 1316 1st Street North, Jacksonville Beach, Florida. The plaintiffs brought this case against the City seeking declaratory injunction and equitable relief in addition to a Bert

Harris claim to preserve and inspire a building permit to build a six-story, sixty-foot condominium endeavor. A recent order of the court to dismiss the complaint based on the discovery of a different real party in interest or owner as being other than LAS OLAS.

The Court dismissed but allowed LAS OLAS to amend the alledged complaint with further facts which may be able to tie this new party into the litigation. The plaintiff is now offering to agree to dismiss with prejudice the actions against the City if the City will agree not to seek attorney fees and costs. This would end the litigation and ensure any future development of the property would require a new development plan and permits following the current 35-foot height limit.

If the City Council was agreeable with this offer, the City Attorney asked to seek a motion to accept the proposition of the plaintiff's counsel providing the dismissal with prejudice of the complaint and agreement to forgo seeking attorney fees and costs in this action.

Motion: It was moved by Ms. Hoffman, seconded by Ms. Dumont to accept the proposition of the plaintiff's counsel providing the dismissal with prejudice of the complaint and agreement to forgo seeking attorney fees and costs in this action.

Council member Vogelsang asked that this is with the understanding that the insurance company would not be seeking any amount of the monies they are owed for purposes of the record.

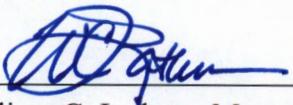
City Attorney Denise May acknowledged that the City's insurance has forgone their attorney's fees and costs.

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, and Mayor Latham.
The motion passed unanimously.

Mayor Latham closed the Public Meeting at 6:59 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, Mayor

Date: 7/15/19