

**CITY COUNCIL OF EDGEWATER  
SPECIAL MEETING/EXECUTIVE SESSION  
MARCH 13, 2006  
6:00 P.M.  
COMMUNITY CENTER**

**MINUTES**

**CALL TO ORDER**

Mayor Thomas called the Closed Attorney/Client Session to order at 6:00 p.m. in the Community Center.

**ROLL CALL**

Mayor Michael Thomas	Present
Councilwoman Debra Rogers	Present
Councilman Dennis Vincenzi	Present
Councilwoman Harriet Rhodes	Present
Councilwoman Judith Lichter	Present
City Manager Kenneth Hooper	Present
City Clerk Susan Wadsworth	Present
City Attorney Paul Rosenthal	Present

City Attorney Rosenthal announced "AH Edgewater, LLC has filed a Petition for Common Law and Statutory Certiorari pursuant to Florida Rule of Appellate Procedure, Rule 9.100(a) and (f). The case has been filed in the Circuit Court for the Seventh Judicial Circuit of Volusia County under Case No. 2006-20052-CINS. This petition relates to the proposed River Oaks project. The City Attorney has reviewed the Petition and documents related thereto. As required by Section 286.011(8), Florida Statutes, I am advising the City Council that I desire to have advice concerning this litigation and to discuss with the City Council, in a closed session, matters related to possible settlement negotiations and strategy related to litigation expenditures. Florida Statutes provide a limited exception from the Sunshine Law for the City's attorneys to meet in private with the City Council to discuss pending litigation to which the City is a party. As required by Florida law, reasonable notice of the closed session has been given which identifies the time and date of the closed attorney-client session and the names of the persons who will be attending. The entire session will be recorded by a certified court reporter and no portion of the session may be off the record. The court reporter's notes will be

fully transcribed and filed with the City Clerk. At the conclusion of the litigation, the transcript of the meeting will become a public record. It is not permissible to leave the meeting to consult with other persons regarding the subject matter of the meeting. Following the conclusion of the closed session, it will be necessary to meet in public in order to adjourn the meeting. The agenda has been structured so as to allow for public action by the City Council should such action be necessary following the closed session."

Mayor Thomas announced "The City Attorney has requested a closed session with the City Council to discuss settlement negotiations in the case described by the City Attorney. The persons who will be attending the closed session are Mayor Thomas, Vice Mayor Vincenzi, Councilmembers Lichter, Rhodes and Rogers, City manager Ken Hooper, City Attorney Paul Rosenthal, Assistant City Attorney Mary Solik, the court reporter and no others. It is estimated that the closed attorney-client session will last sixty minutes. Following the conclusion of the attorney-client session, the meeting will be reopened in order to announce the termination of the closed session and take such other action as the City Council may deem appropriate. The City Council will now move into closed session."

Mayor Thomas announced "I hereby reopen the Special Meeting of the City Council and announce that the closed attorney-client session has been terminated. The time is 7:32 p.m. Are there any comments from members of the City Council or any proposed actions?"

Due to there being no comments, Mayor Thomas closed the Special Meeting.

#### **ADJOURNMENT**

There being no further business to discuss, Mayor Thomas adjourned the meeting at 7:37 p.m.