

Nassau County Board of County Commissioners
Executive Closed Session, October 6, 2021, 11:00 A.M.
Executive Closed Session, October 6, 2021, 11:30 A.M.
Commission Chambers, 96135 Nassau Place, Yulee, Florida

Call to Order, Invocation, and Pledge of Allegiance to the American Flag.

Commissioners:

Present: Chairman Thomas R. Ford, Commissioners John F. Martin, Aaron C. Bell, Jeff Gray, and Klynt A. Farmer.

Other Officials Present: Michael S. Mullin, County Attorney; Denise May, Assistant County Attorney; and Taco Pope, County Manager.

Staff Present: Melissa Lucey, Deputy Clerk.

CLOSED SESSION 11:00 a.m.:

EC211006 - 11:01:44 (Tab C): Mr. Mullin explained that the meeting would commence as an open session at 11:00 a.m. and a request will be made to close the meeting in order to discuss several aspects and review the documents to the Board Members relating to the beach. The first document he referred to was Florida Statutes, Chapter 161.58, which are the general laws that govern vehicular traffic on coastal beaches. In paragraph three, once vehicular traffic is permitted on the beach, it can only be removed by a certain vote of the governing body.

Mr. Mullin referred to the next document, Senate Bill 1577 (SB1577), noting that this Special Act of the Legislature controls vehicular parking and driving on Nassau County beaches. This bill came about at that time when the Board of County Commissioners had conducted a study to determine how much off-beach parking was available. The study indicated that there was not adequate off-beach parking available to handle a certain percentage of beach traffic and the Board's determination was to continue to drive on the beach. The development community felt that the study was flawed and they challenged it in court for interpretation. He explained that the Board's concern was if the development community was successful, beach driving would be eliminated. The Board of County Commissioners decided to participate and ask Legislature for a Special

Act in conjunction with the development community which provided for parking and driving on certain areas of the beach. Shortly after there was a court case filed because the County Commission's and the development community's interpretation of the bill were different. Following the court hearing, the Final Judgement was amended and confirmed SB1577 by restating the areas where vehicles can drive and park on the beach. He specified that a clause was added indicating that any portion of the south end of Amelia Island which is owned by the State would be restricted for 24 hours. On an accompanying map, Mr. Mullin detailed where vehicles could drive and park on the beach as specified in SB1577.

Next, Mr. Mullin referred to Nassau County's Customary Use Ordinance 2020-18, advising that this Ordinance was developed to preserve the customary uses of the beach. He specified that most of those customary use areas are seaward of the erosion control line. Mr. Mullin referred to the next document which is the County's amended Ordinance 2020-31, which restates the utilization of the beach, including times and restrictions for night driving; and the consideration of endangered turtles. He pointed out that this Ordinance also specifies that driving is controlled by the Florida Statutes, Chapter 161.58, SB1577, and the Final Judgement dated 1992.

Mr. Mullin advised that a recent case was filed by Ameliatel (Ritz Carlton) versus Nassau County. He will provide further discussion regarding the litigation strategy and settlement issues during the closed session.

Mr. Mullin explained that the meeting would be an executive closed session pursuant to Florida Statutes, Chapter 286.011(8), to discuss settlement negotiations and/or litigation strategy related to the litigation expenditures in the case of Ameliatel, LP versus Nassau County, Case No. 2021-CA-0173. This meeting is being held at Mr. Mullin's request to advise the Board concerning this matter and seek their advisement. The persons attending will be John Martin, Klynt Farmer, Aaron C. Bell, Jeff Gray, and Thomas R. Ford, collectively known as the Board of County Commissioners; Michael S. Mullin, County Attorney; Denise May, Assistant County Attorney; Taco Pope, County Manager; and a Court Reporter with Cashman Enterprises, Inc.

While this meeting is closed, there will be no pause in the proceedings or discussion of other matters not related to these cases. All comments made during the closed proceedings will be taken down by the court reporter. Once transcribed by the court reporter, the documents will be held by the Clerk of the Court. It will be sealed and not released to the public until the cases are either settled or goes through the court process, including up to the appellate process. The Board cannot make any motions during the closed session; any motion that may be necessary would be made during the open session. In addition, anything that is said during the closed session cannot be repeated outside the room to anyone else.

EC211006 - 11:13:12

Motion: Close the meeting.
Maker: Commissioner Martin
Second: Commissioner Bell
Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

The Deputy Clerk turned off the recording device, locked the doors, and exited the room. The meeting continued in a closed session.

EC211006 - 11:42:37 The meeting reconvened in open session. No action taken.

CLOSED SESSION 11:30 a.m.:

EC211006 - 11:42:47 (Tab D) The Assistant County Attorney explained that the meeting would be an executive closed session pursuant to Florida Statutes, Chapter 286.011(8), to discuss settlement negotiations and/or litigation strategy related to litigation expenditures in the case of Raydient, LLC. versus Nassau County, Case No. 2018-CA-467; and Raydient, LLC. versus Nassau County, Case No. 2019-CA-54. The meeting is being held at the request of outside counsel, who hereby advises the Board that he desires the Board's advice concerning this matter. The persons attending will be John Martin, Klynt Farmer, Aaron C. Bell, Jeff Gray, and Thomas R. Ford, collectively known as the Board of County Commissioners; Denise May, Assistant County Attorney; Taco Pope, County Manager; Greg Stewart, Esquire, Nabors, Giblin, and Nickerson P.A., outside counsel; and a Court Reporter with Cashman Enterprises, Inc.

There will be no pause in the proceedings or discussion of other matters not related to these cases. All comments made during the proceedings will be taken down by the court reporter. Once transcribed, the court reporter will place the documents with the Clerk of the Court. It will be sealed and not released to the public until the cases are either settled or goes through the court process, including up to the appeal process. The Board cannot make any motions during the closed session; any motion that may be necessary would be made during the open session. In addition, anything that is said during the closed session cannot be repeated outside the room to anyone else.

EC211006 - 11:44:31

Motion: Close the meeting.
Maker: Commissioner Bell
Second: Commissioner Farmer
Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

The Deputy Clerk turned off the recording device, locked the doors, and exited the room. The meeting continued in a closed session.

EC211006 - 12:04:37 The meeting reconvened in open session. No action taken.

COUNTY MANAGER BUSINESS:

EC211006 - 12:04:48 Mr. Pope announced that there will be a large agenda for the Board of County Commissioners' regular meeting on October 11, 2021 at 6:00 p.m.

DISCUSSION ITEMS:

EC211006 - 12:05:02 Commissioner Bell's Business:
None.

EC211006 - 12:05:04 Commissioner Farmer's Business:

- Thanked the community for the support surrounding the loss of Deputy Moyers.

EC211006 - 12:05:27 Commissioner Martin's Business:

- Echoed fellow Commissioner Farmer's comments regarding Deputy Moyer and he sends his condolences to his family.

EC211006 - 12:06:09 Commissioner Gray's Business:

- Sent prayers to the Moyers' family and Nassau County's Sheriff's Office.

EC211006 - 12:06:34 Commissioner Ford's Business:

- Echoed fellow commissioners' comments regarding the Moyer's family.

There being no further business, the executive closed session of the Nassau County Board of County Commissioners adjourned at 12:06 p.m.

Thomas R. Ford, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk