

**CITY OF ANNA MARIA
SPECIAL CITY COMMISSION MEETING MINUTES
IN THE SHADE SESSION
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
1005 GULF DRIVE – ANNA MARIA, FL
TUESDAY, JULY 31, 2007
5:30 P.M.**

CALL TO ORDER

Chair Quam called the Special City Commission Meeting to order at 5:30 p.m.

PLEDGE TO THE FLAG

ATTENDANCE: Mayor Fran Barford, Commissioner Jo Ann Mattick, Commissioner Dale Woodland, Chair John Quam, Deputy Chair Christine Tollette, and Commissioner Duke Miller.

Also present: City Attorney Jim Dye, City Clerk Alice Baird, Attorney Gregory Hootman, Court Reporter Ms. Collins.

Press Present: Sun.

1. 'IN THE SHADE' MEETING – Regarding Settlement Offer on Olesen vs. City of Anna Maria.

Chair Quam announced the Special Meeting was called in compliance with Section 286.011(8)(a) Florida Statute Litigation Assessment Meeting procedures. The purpose of the meeting is regarding the Settlement Offer on Olesen vs. the City of Anna Maria.

Chair Quam informed the estimated length of the Litigation Assessment Meeting would last no longer than ninety minutes. Those in attendance would be:

- Mayor Fran Barford
- Attorney Jim Dye
- Attorney Gregory Hootman
- Commissioner Dale Woodland
- Commissioner Christine Tollette
- Commissioner Jo Ann Mattick
- Commissioner Duke Miller
- Chair John Quam
- Court Reporter Ms. Collins

Chair Quam recessed the meeting for the purpose of Olesen vs. the City of Anna Maria and asked that those not included in the meeting exit the Commission Chambers at that time.

2. Public Meeting Regarding Action on Potential Settlement Offer.

Upon reconvening, *Chair Quam* announced the Commission would proceed with action on the Potential Settlement Offer regarding Olesen vs. the City of Anna Maria.

City Attorney Dye reviewed in detail the proposed Mediated Settlement Agreement between Terry and Patricia Olesen and the City of Anna Maria regarding their lawsuit against the City entered into on July 26, 2007 and signed by Mr. and Mrs. Olesen and Mayor Barford.

City Attorney Dye pointed out that though the Mayor signed the agreement it did not bind the City, only that there was an agreement signed by the Mayor on behalf of the City at the mediation hearing.

The agreement indicates that the Olesen's would apply for a variance to be considered by the Commission, however, the agreement does not require the Commission to vote one way or the other on the variance. If the variance is denied, it rejects the settlement and the settlement is set aside and parties proceed with a trial.

City Attorney Dye further explained that the agreement specifies that the Olesen's would be Quit Claiming whatever interest they may have in the five-foot walkway to the City, any interest they may claim that is inconsistent with public dedication – after the document is provided and recorded they would own the land but it would be subject to an overriding or superior interest of the public to use the land between the Bay and the Boulevard. He pointed out the Olesen's have asked that the City dedicate a ten-foot walkway in memory in some of their family members.

City Attorney Dye explained that though the Mayor has signed the agreement, the Commission has the final authority. Any objection or counteroffer by the Commission is seen as rejection of the agreement. Any counteroffer would be presented to the Olesen's for their consideration to either accept or reject.

Commissioner Miller voiced concern regarding if the variance gets rejected the case would then proceed to trial. He then made the following motion:

MOTION: Commissioner Miller moved to reject the Mediated Settlement Agreement as submitted and instruct the City's Counsel that if the Olesen's choose to go back into mediation, that Council address the three basic points of the agreement. Commissioner Woodland seconded the motion.

Public Comment – None.

On Roll Call Vote the motion carried unanimously.

Commissioner Woodland said he would like to see further mediation between the parties and felt item # 1 of the medication agreement should be removed from the agreement altogether.

City Attorney Dye suggested the Commission schedule another Shade Meeting for discussion relating to this case.

MOTION: Commissioner Miller moved to set an 'In the Shade' meeting for Monday, August 13, 2007, 5:30 p.m. for the Commission to discuss further direction for the City's Legal Council regarding Olesen vs. City of Anna Maria. Commissioner Mattick seconded the motion.
Motion carried – All Aye.

ADJOURNMENT

Commissioner Miller moved adjourned the meeting at 7:29 p.m.
Commissioner Tollette seconded the motion – All Aye.

Alice Baird, CMC, City Clerk

Minutes approved: _____