

**CITY OF ANNA MARIA
SPECIAL CITY COMMISSION MEETING MINUTES
IN THE SHADE SESSION
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
MONDAY, AUGUST 28, 2007
5:30 P.M.**

CALL TO ORDER

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

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

Absent w/excuse: Commissioner Duke Miller.

Also present: City Attorney Jim Dye, City Clerk Alice Baird, and Attorney Gregory Hootman.

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.

Attorney Gregory Hootman informed since he thought the meeting was for the purpose of a public meeting only; he had not requested a Court Reporter to be in attendance.

After discussion, it was agreed to cancel the Shade Meeting and proceed on to the Public Meeting regarding action on potential settlement offer.

2. Public Meeting Regarding Action on Potential Settlement Offer.

Chair Quam called the Special City Commission meeting to order at 5:34 p.m. for the purpose of a Public Meeting Regarding Action on Potential Settlement Offer on Olesen vs. City of Anna Maria.

PLEDGE TO THE FLAG

ROLL CALL

Attorney Gregory Hootman informed that the meeting that evening was a follow-up to the August 13, 2007 Shade meeting and the settlement agreement arrived at the mediation conference.

Attorney Hootman explained that the City had previously rejected the settlement agreement discussed at the August 13, 2007 Shade Meeting and were now in a position to present a counterproposal to Terry and Patricia Olesen, Defendants.

Attorney Hootman referred to the City's counteroffer by reviewing it on an item-by-item basis. He explained the proposed changes to Sections 1., 2., 4., and 6.

Section 1 proposes changing the sum the City shall pay to the Olesens from \$45,000 to \$22,500, and that the City shall be responsible for one-half of all mediation costs rather than 100%.

City Attorney Dye informed that the Olesen's Attorneys have indicated that the Olesens would accept the \$22,500 amount.

It was agreed that the following language would be added under Section 2: The variance application should be expedited in order that, if approved, the Olesens shall have sufficient time to complete the work at the home and receive a certificate of occupancy no later than December 31, 2007.

Attorney Hootman stated it was Mr. and Mrs. Olesen's desire to expedite the variance process in order to move forward and have construction completed by December 31, 2007. There is a possible jeopardy of their homestead exemption since they have been out of the house; therefore, the additional language to Section 2 has been suggested.

It was agreed that Section 4 would read: The parties will work together to provide the city building official such assurances as are necessary to enable him to lift the stop work order on the property so that the Olesens may proceed with the renovations absent any work subject to the variance applications. The exterior wall (aka the garden wall) shall be subject to the variance application.

"and/or other monument" to be removed from Section 6.

MOTION: Commissioner Tollette moved to revise the Mediated Settlement Agreement between Terry Olesen and Patricia Olesen vs. The City of Anna Maria FL, - Case No. 06 CA 6002 - in accordance with the Commission discussions on August 28, 2007 and to authorize the Mayor to execute the new Settlement Agreement on behalf of the City and transmit the document to the Olesens. Commissioner Woodland seconded the motion.

In response to *Commissioner Woodland's* question, *Attorney Hootman* informed that the Olesen's variance application would include a representation that they would demolish the 6-foot wall and place it on the lot line.

City Attorney Dye pointed out that information was indicated on the Exhibit "A" drawing.

Clarification followed relating to the language stated in Section 4 of the Settlement Agreement.

ACTION: Motion carried – All Aye.

ADJOURNMENT

Chair Quam adjourned the meeting at 6:02 p.m. – All Ayes.

Alice Baird, CMC, City Clerk

Minutes approved: _____