

**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, OCTOBER 18, 2007
4:00 P.M.**

CALL TO ORDER

Chair Quam called the Special City Commission Meeting to order at 4:00 p.m.

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 City of Anna Maria vs. Roof USA.

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 Mark Nelson, Court Reporter, Consultant Tony Arrant, and Minutes Clerk Stacey Johnston (4:45 p.m.)

Press: Sun (4:45 p.m.)

1. Executive Session ‘Shade’ – Roof USA Litigation

Chair Quam informed the estimated length of the Roof USA Litigation Shade Meeting would last no longer than forty-five minutes. Those in attendance would be:

- Mayor Fran Barford
- Commissioner Dale Woodland
- Commissioner Christine Tollette
- Commissioner Jo Ann Mattick
- Commissioner Duke Miller
- Chair John Quam
- City Attorney Jim Dye
- Attorney Mark Nelson
- Court Reporter

MOTION: Chair Quam moved to recess into Executive Session ‘In the Shade Meeting’ for the purpose of City of Anna Maria vs. Roof USA Litigation to reconvene at 4:45 p.m.
Motion carried – All Aye.

Chair Quam asked that those not included in the meeting exit the Commission Chambers at that time.

2. Meeting Re: Roof USA Litigation.

Chair Quam reopened the Special City Commission meeting at 4:45 p.m. for the purpose of action on a potential settlement offer on City of Anna Maria vs. Roof USA.

Attorney Mark Nelson, Attorney representing the City of Anna Maria in Litigation Case versus Roof USA, LLC, addressed the Commission recommending the Commission approve a mediated settlement agreement entered into at a seven-hour mediation negotiation on September 12, 2007.

Under the mediated settlement agreement, the City of Anna Maria would receive a payment of \$75,000. As part of the settlement, the City would pay Roof USA the 10% retainage from its contract that has never been paid by the City. The 10% retainage amount totals \$6,513.08.

Attorney Nelson stated that Roof USA has asked for a jury trial in this case if the settlement agreement is not accepted. Since it is an expert witness intensive case to include numerous depositions before the trial, etc. the City could incur \$30,000 to \$50,000 in Attorney’s fees and court costs to see it to the end of trial. The total amount of the City’s damages is \$113,000.

Attorney Nelson explained there is argument from Roof USA that some of the City’s issues existed back in 2004 – mold and asbestos reports showing the existence of mold and asbestos at that time. He felt it would be best to accept the settlement being offered to the City rather than taking the risk of the outcome from a jury trial.

MOTION: Commissioner Miller moved to approve and ratify the mediated settlement agreement dated September 12, 2007 – Case # 207-CA-3313. Commissioner Tollette seconded the motion. Motion carried – All Aye.

ADJOURNMENT

Chair Quam moved to adjourn the meeting at 4:50 p.m. Commissioner Woodland seconded the motion. All Ayes.

Alice Baird, CMC, City Clerk

Minutes approved: _____