



**CITY COUNCIL SPECIAL MEETING MINUTES
April 16, 2024**

The City Council met for a Special Meeting at 4:00 p.m.
City Hall
102 Butler St., Saugatuck, MI 49453.

Call to Order:

The meeting was called to order by Mayor Stanton at 10:30 a.m.

Attendance:

Present: Mayor Stanton, Mayor Pro-Tem Baldwin and Councilmembers Anderson, Dean, Gardner, Muncey.

Absent: White.

Others Present: Director of Planning, Zoning & Project Management Cummins, Attorney Jake Witte, and Clerk Wolters.

Agenda Changes: None.

Public Comment on Agenda Items Only: None.

New Business: None.

Public Comments: None.

Closed Session:

Motion by Dean supported by Baldwin, to move into a closed session pursuant to MCL 15.268(e) to consult with the City Attorney regarding trial strategy regarding the lawsuit filed against the City by Maplewood Hotel, captioned Maplewood Hotel Corporation v City of Saugatuck and Interim City Manager Ryan Cummins (Case No. 24-68795-CZ). Via roll call vote, motion failed 4-2. Yes- Anderson, Baldwin, Dean, Stanton. No- Gardner, Muncey.

Motion by Dean, supported by Anderson, to move into a closed session pursuant to MCL 15.268(e) to consult with the City Attorney regarding trial strategy regarding the lawsuit filed against the City by Maplewood Hotel, captioned Maplewood Hotel Corporation v City of Saugatuck and Interim City Manager Ryan Cummins (Case No. 24-68795-CZ). Via roll call vote, motion carried 5-1. Yes- Anderson, Baldwin, Dean, Muncey, Stanton. No- Gardner.

The council entered closed session at 10:43 a.m.

The Council entered back into open session at 11:43 a.m.

Any potential action items by City Council resulting from the closed session:

Attorney Jake Witte discussed settlement terms on the open record:

- The terms of the proposed settlement that the council is going to be authorizing are that the parties will agree that the city can commence construction on the Village Square Park playground consistent with Sinclair design 11 subject to the following:
 - First, the city will not build any of the features outside of the existing footprint of the playground until it applies for and receives approval from the historic district commission consistent with the city code. If the city seeks Historic District commission approval for these features outside of the existing footprint, it will provide plaintiff with notice at least 14 days in advance of the HDC meeting at which The request will be heard, and the parties agree that zoning approval for these features is not required.
 - The city may commence construction of the playground features within the existing footprint, immediately following the entry of this order, subject to plaintiff's timely confirmation that the location of these features which the city is going to indicate the staking, are situated consistently with the location set forth in Sinclair design 11.
 - The city will not remove any additional trees.
 - And in exchange, the plaintiff will dismiss its complaint with prejudice and stipulate to dissolve the temporary restraining order that has been entered. The plaintiff will waive any rights to challenge the features of Sinclair design 11 within the existing footprint of the playground but will reserve its appellate rights with respect to the historic district Commission's approval of the features of Sinclair design 11. Outside of the existing footprint, should the city choose to build them.

Motion by Anderson, second by Muncey to authorize our attorneys to negotiate and execute a settlement with the plaintiff consistent with the terms outlined just previously. Via roll call vote, motion carried 6-0.

Correspondence: None.

Council Comments:

- Councilmember Anderson: Appreciate the discussion.
- Councilmember Gardner: Speaking of communication during the entire process, from his understanding, several members of the parks and public works committee that were speaking about this litigation. There needs to be a policy in place, just as the council does when they are told not to discuss certain issues and believes the PPW should be following the same guidelines.
- Mayor Pro-Tem Baldwin: None.
- Councilmember Dean: None.

- Councilmember Muncey: Appreciated everyone for understanding that he originally voted no and thanked everyone for convincing him otherwise. He is sorry that he may have upset someone or people may have thought he was trying to stalemate or trying to stop something from happening. Everyone knows he is a proponent of the park and it was not any kind of political move, he was just concerned about procedure.
- Mayor Stanton: She apologized to councilmember Muncey for upsetting him. She was under the impression that he read the attorney's response, so she thought he was on board with being able to have the meeting. She apologized for not clarifying beyond the attorney's response.

Adjournment:

Motion by Muncey, second by Anderson to adjourn the meeting. Upon voice vote, motion carried unanimously. Mayor Stanton adjourned at 4:04 p.m.

Respectfully Submitted

Jamie Wolters, City Clerk