

ANN ARBOR CITY COUNCIL SPECIAL SESSION - MARCH 30, 1995

The special session of the Ann Arbor City Council was called to order at 8:30 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

ROLL CALL OF COUNCIL

Present: Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Peter Fink, Jane Lumm, Jean Carlberg, Peter Nicolas, Stephen Hartwell, Christopher Kolb, Elisabeth Daley, Mayor Ingrid Sheldon, 10

Absent: Haldon Smith, 1

READING OF ORDER AND NOTICE OF CALL

The order and notice of call of special session was read and filed with the City Clerk.

PUBLIC COMMENTARY - RESERVED TIME

ANDREW GULVEZAN - ANN ARBOR Y COMMENTARY

Andrew Gulvezan, 432 Kellogg Street, commented on mistakes that Council may have made with regard to the YMCA single-room occupancy project.

APPROVAL OF AGENDA

Councilmember Kolb moved that the agenda be approved as presented.

On a voice vote, the Mayor declared the motion carried unanimously.

ADJOURNMENT TO EXECUTIVE SESSION APPROVED

Councilmember Fink moved that Council adjourn to an executive session for the purpose of discussing pending litigation.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Hartwell, Kolb , Mayor Sheldon, 9
Nays, Councilmembers Nicolas, Daley, 2

The Mayor declared the motion carried and the meeting adjourned to an executive session at 8:45 p.m.

ANN ARBOR CITY COUNCIL EXECUTIVE SESSION - MARCH 30, 1995

ROLL CALL OF COUNCIL

Present: Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Peter Fink, Jane Lumm, Jean Carlberg, Peter Nicolas, Stephen

Hartwell, Christopher Kolb, Elisabeth Daley, Mayor Ingrid Sheldon, 10

Absent: Haldon Smith, 1

Discussion: Pending Litigation.

ADJOURNMENT TO SPECIAL SESSION

There being no further discussion, Councilmember Kolb moved that the executive session be adjourned and that the special session be reconvened.

On a voice vote, the Mayor declared the motion carried.

The special session was reconvened at 10:10 p.m.

Returning to the order of the agenda:

MOTIONS AND RESOLUTIONS

R-127-3-95 APPROVED AS AMENDED

RESOLUTION APPROVING THE SETTLEMENT OF THE CASE
OF GREAT LAKES BANCORP V. CITY OF ANN ARBOR ET AL
AND APPROVING A MANAGEMENT AGREEMENT WITH THE ANN ARBOR YMCA

Councilmember Kolb moved that the resolution be approved.

Councilmember Fink moved that the resolution be amended by adding the following language:

BE IT FURTHER RESOLVED, That the sum of \$1,200,000 is appropriated from EDC bonds either directly, if time permits, or in the interim, from General Fund balances which shall then be reimbursed from the sale of EDC bonds prior to year end 1994-95.

On roll call the vote was as follows: Yeas, Councilmembers Vereen-Dixon, Fink, Lumm, Carlberg, Nicolas, Kolb, Daley, Mayor Sheldon, 8
Nays, Councilmembers Hanna-Davies, Hartwell, 2

The Mayor declared the motion carried.

Councilmember Nicolas moved that the resolution be amended by adding the following language:

BE IT FURTHER RESOLVED, That the sum of \$1,200,000 is appropriated from EDC bonds either directly, if time permits, or in the interim from ~~General Fund balances which shall then be reimbursed~~ across-the board cuts in fiscal year 1994-1995 General Fund Department budgets, which shall then be reimbursed from the sale of EDC bonds prior to year end 1994-95.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas, 3
Nays, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Hartwell, Kolb, Daley, Mayor Sheldon, 7

The Mayor declared the motion defeated.

Councilmember Kolb moved that the resolution be amended by adding the following language:

BE IT FURTHER RESOLVED, That the Management Agreement with the Ann Arbor YMCA substantially in the form now on file in the City Clerk's Office is approved and the Mayor and City Clerk are authorized to sign it.

On a voice vote, the Mayor declared the motion carried unanimously.

Council recessed at 11:11 p.m.

Council reconvened at 11:15 p.m.

The question under consideration was approval of the resolution as amended.

Councilmember Nicolas moved that the resolution be amended by adding the following language:

BE IT FURTHER RESOLVED, That the sum of \$1,200,000 is appropriated from the General Fund balance to be reimbursed from ~~EDC bonds either directly, if time permits, or in the interim from~~ across-the-board reductions in all General Fund departments, if the sale of Economic Development Corporation (EDC) bonds does not take place prior to the latest date within the current 1994-95 fiscal year.

On roll call the vote was as follows: Yeas, Councilmembers Vereen-Dixon, Fink, Lumm, Carlberg, Nicolas, Kolb, Mayor Sheldon, 7
Nays, Councilmembers Hanna-Davies, Hartwell, Daley, 3

The Mayor declared the motion carried.

The question under consideration is approval of the resolution as amended.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Nicolas, Kolb, Mayor Sheldon, 8
Nays, Councilmembers Hartwell, Daley, 2

The Mayor declared the motion carried.

Following is the resolution as amended:

R-127-3-95

**RESOLUTION TO AUTHORIZE SETTLEMENT OF LAWSUIT
BY GREAT LAKES BANCORP AGAINST THE CITY AND OTHERS**

Whereas, There is a lawsuit, Great Lakes Bancorp v. City of Ann Arbor, the Ann Arbor YMCA and Miller, Canfield, Paddock and Stone, Washtenaw County Circuit Court File No. 95-3808-CK, in which a proposed settlement of the various disputes involved in the lawsuit has now been submitted to all the parties;

NOW, THEREFORE, BE IT RESOLVED, That this Council approves a settlement of the lawsuit upon the terms contained in the letter, dated March 30, 1995, from Dennis R. Pollard;

BE IT FURTHER RESOLVED That the sum of \$1,200,000 is appropriated from the General Fund balance, to be reimbursed from across-the-board reductions in all General Fund departments, if the sale of Economic Development Corporation (EDC) bonds does not take place prior to the latest possible date within the current 1994-95 fiscal year.

BE IT FURTHER RESOLVED, That the law firm of Pollard and Albertson is authorized to memorialize the settlement, prepare all documents necessary to implement the settlement and prepare all documents necessary to finance the costs of the settlement through the sale of Economic Development Corporation bonds; and

BE IT FURTHER RESOLVED, That the Management Agreement with the Ann Arbor YMCA substantially in the form now on file in the City Clerk's Office is approved and the Mayor and City Clerk are authorized to sign it.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

None.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Alfred A. Gatta said that in light of the resolution just approved by the Council, he would not be submitting a resolution naming Miller, Canfield, Paddock and Stone as Bond Counsel. He would instead direct the Finance Director to do a Request for Quotes.

COMMUNICATIONS FROM THE CITY ATTORNEY

Acting City Attorney John Van Loon thanked Richard Soble for his services in negotiating a settlement that all could agree on in the Great Lakes Bancorp/Ann Arbor YMCA/City of Ann Arbor litigation.

COMMUNICATIONS FROM COUNCIL

None.

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

There being no further business, Mayor Sheldon declared the meeting adjourned at 11:44 p.m.

Winifred W. Northcross
Clerk of the Council

Linda J. Wise
Recording Secretary