



City of Gahanna

Meeting Minutes

City Council - Special

200 South Hamilton Road
Gahanna, Ohio 43230

Brian Metzbower, President
Stephen A. Renner, Vice President
Karen J. Angelou
Brian D. Larick
Jamie Leeseberg
Nancy R. McGregor
Michael Schnetzer

Krystal Gonchar, Deputy Clerk of Council

Monday, May 13, 2019

7:00 PM

City Hall, Council Chambers

A. CALL MEETING TO ORDER - Roll Call.

Gahanna City Council met in Special Session on Monday, May 13, 2019, in the Committee Room of City Hall, 200 South Hamilton Road, Gahanna, Ohio. President of Council, Brian Metzbower, called the meeting to order at 7:00 p.m. Agenda for this meeting was published on May 10, 2019.

* Larick arrived after roll call, and during the recess to Committee of the Whole.

At 7:02 p.m., a motion was made by Renner, seconded by Angelou, to recess the Special Meeting. The motion carried by the following vote:

Yes: 6 - Leeseberg, Renner, Schnetzer, McGregor, Metzbower and Angelou

Absent: 1 - Larick

At 8:58 p.m., a motion was made by Renner, seconded by McGregor, to reconvene the Special Meeting. The motion carried by the following vote:

Yes: 7 - Larick, Leeseberg, Renner, Schnetzer, McGregor, Metzbower and Angelou

B. EXECUTIVE SESSION- to go into Executive Session under authority of Section 5.40(a) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing; and

5.40(c) to confer with the City Attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action; and

5.40(b) to consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 505.10 of the Revised Code, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.

A motion was made by Leeseberg, seconded by Larick, to go into Executive Session under authority of Section 5.40(a) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing; and

5.40(c) to confer with the City Attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action; and

5.40(b) to consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 505.10 of the Revised Code, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.

Council rose to report to Executive Session at 9:01 p.m.

Council rose to report from Executive Session at 10:30 p.m.

The motion carried by the following vote:

Yes: 7 - Larick, Leeseberg, Renner, Schnetzer, McGregor, Metzbower and Angelou

[ORD-0046-2019](#) TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT AND MUTUAL RELEASE WITH ALLEN, STOVALL, NEUMANN, FISHER & ASHTON LLP.

Schnetzer stated that can certainly understand the desire of his colleagues wishing to put this behind them; this matter stems from a lawsuit that originated in 2012, several years before he was sworn in; it is arguing against a code change made in 1989, long before many of us were on council and when he was just a child; he stated that he does not fault any of his fellow council members for supporting a settlement, which would allow the community to move forward; as we've heard from legal counsel, the city has a greater than fifty percent probability of winning the lawsuit, however there is always a risk; stated that he thinks we all understand this is a frivolous lawsuit as demonstrated by the plaintiffs representation insistence that this be a class action lawsuit, as opposed to filing their grievances with the Tax Appeals Board; although there are no guarantees, he said that he has faith in our justice system to eventually get this matter right, and therefore, despite the potential for years of additional litigation, he does not support the Ordinance to settle the case. Metzbower said he appreciates Schnetzer's perspective, this is an unfair lawsuit and he's ready for us to be able to move on from this. Leeseberg said there are no winners here except for the attorneys, who are receiving a 40+ percentage of the money awarded; the attorneys showed an unwillingness to negotiate; based on the merits of the case, he would love to continue to fight this, but drawing it out would cost us too much; we could not afford to pay \$18 million if it came to that. Angelou said that she was the only person on Council in 1989; stated that there were so many people who did not catch the one word "lesser" which is what made all the difference; but we knew what we wanted to do; we knew what the money was intended to go for, and the money did pay for what it was intended to pay for; there was a section in the legislation that said "Whereas, in good faith...", and we meant that, in good faith; the \$9 million is the lowest amount ever brought up in negotiations, so she would hate to pay more by fighting longer; wanted to remind everyone that we never had our voices heard in court because this was a summary judgement. Larick said that he agrees with Schnetzer but the probability is not good; we would have additional costs associated with this if we were not going to settle for this amount; settling means the city can move forward; a portion of the money will go back to the citizens who paid into it, and that's what the money is for. Renner said he supports many of those statements made; he said that he took an oath of office to protect the assets of Gahanna; is shocked by this in several ways; he apologized to Gahanna residents for how the story was told; he wants the city to be united and hopes this is the first step; will be voting yes. McGregor said

that no one is happy about this except for the attorneys involved, who will get a large amount of the money; if 50/50 is the best odds, then she does not want to gamble that; there is a misrepresentation that the money was being collected for 5 years; but there was no instance where the money was being taken and put into different buckets; it was collected back then the same as it is now; it is collected and dedicated for a purpose; will be voting in favor. Metzbower stated that when the Regional Income Tax Authority took over the tax accounts, even they agreed that the language was fine; he said that the point was, we are not solely to blame; believes this goes against Home Rule; stated that we have a process in place for tax appeals and that was not the direction this lawsuit took; reiterated that 45% of the monies received would be given straight to the attorneys.

A motion was made by Renner, seconded by McGregor, to Introduce the Ordinance, Adopt, and Waive Second Reading. The motion carried by the following vote:

Yes: 6 - Larick, Leeseberg, Renner, McGregor, Metzbower and Angelou

No: 1 - Schnetzer

C. ADJOURNMENT.

At 10:45 p.m.