



Special
Meeting Minutes

Monday, August 3, 2015 ~ 7:30 P.M.

Louis J. R. Goorey Worthington Municipal Building
John P. Coleman Council Chamber
6550 North High Street
Worthington, Ohio 43085

City Council

Bonnie D. Michael, President
Robert F. Chosy, President Pro-Tempore
Rachael Dorothy
Scott Myers
David M. Norstrom
Douglas Smith
Michael C. Troper

D. Kay Thress, Clerk of Council

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Special Session on Monday, August 3, 2015, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 P.M.

Members Present: Robert F. Chosy, Rachael R. Dorothy, Scott Myers, David Norstrom, Douglas K. Smith, Michael C. Troper, and Bonnie D. Michael

Member(s) Absent:

Also present: Clerk of Council Kay Thress, City Manager Matthew Greeson, Director of Law Pamela Fox, and Assistant City Manager Robyn Stewart

There were sixteen visitors present.

President Michael invited all those in attendance to stand and join in the recitation of the Pledge of Allegiance.

PUBLIC HEARINGS ON LEGISLATION

President Michael declared public hearings and voting on legislation previously introduced to be in order.

Ordinance No. 32-2015

To Provide for the Submission of an Amendment to the Charter of the City of Worthington, Ohio, for a Vote of the City Electorate at a Regular Municipal Election to be Held on November 3, 2015.

The foregoing Ordinance Title was read.

President Michael shared that a citizen group from Worthington was successful in obtaining enough signatures to submit a petition to the Franklin County Board of Elections for a possible change to the City Charter. The Board of Elections has certified the signatures and City Council has no choice but to follow the Code and pass an ordinance, no matter what our personal feelings are about the issue.

Ms. Michael commented that one speaker slip has been turned in. She invited David Robinson to address City Council.

David Robinson, 195 E. Dublin Granville Rd.

Mr. Robinson commented that he applauds Worthington residents for having advanced this citizens' initiative to the point where, once certified this evening, they will as a community weigh the strength of its arguments and decide its outcome through a public vote this November. The heart and soul of the Keep Worthington Beautiful initiative is

the simple proposition that the residents should have a meaningful voice in rezoning decisions that impact everyone. This initiative gives citizens this voice, with some teeth, by making viable the exercise of their established right of referendum. He thanked the residents and added that he is sure they will have more to say in the upcoming weeks and months.

Mr. Myers commented that tonight is not an exercise in legislation or discretion. It is an exercise in obligation. Council votes tonight because the law compels up to vote. He believes that this ballot measure may potentially put Worthington at a disadvantage. All other cities are at 30 days but most importantly for him, he hopes that we can find common ground and that an initiative does not further divide the interest and the opinions of the people of Worthington. He hopes that everyone can truly come together and achieve a resolution that works for all.

Mr. Norstrom shared that he disagrees with Mr. Robinson's interpretation of what the citizens of Worthington want.

Ms. Dorothy and Mr. Troper concurred with Mr. Myers sentiments.

Ms. Michael shared that she is personally concerned about seeing our city divided. We have always had a very united city and she hopes that we can come together so that we don't have a community that is divided.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 32-2015. The motion carried by the following vote:

Yes 6 Troper, Dorothy, Smith, Myers, Chosy, Michael

No 1 Norstrom

Ordinance No. 32-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.

REPORTS OF CITY OFFICIALS

Discussion Item(s)

- City of Worthington v Moody Nolan Inc., et al., Case No. 14CV010915

Mr. Greeson shared that this item pertains to pending litigation. It is appropriate, if council desires, to go into Executive Session to discuss pending litigation. It is staff's expectation that after returning to open session, Council may have a public discussion followed by a vote on a possible settlement agreement pertaining to this case.

EXECUTIVE SESSION

MOTION Mr. Norstrom made a motion to meet in Executive Session to discuss pending litigation. The motion was seconded by Mr. Smith.

The motion carried by the following voice vote:

Yes 7 Dorothy, Myers, Chosy, Troper, Norstrom, Smith, Michael

No 0

Council recessed at 7:39 p.m. from the Regular meeting session.

MOTION Mr. Smith made a motion to return to open session at 7:59 p.m. The motion was seconded by Mr. Norstrom.

The motion carried unanimously by a voice vote.

President Michael read the following resolution title:

Resolution No. 39-2015 Authorizing the City Manager to Execute and Deliver a Settlement Agreement and Mutual Release in Connection with Franklin County Common Pleas Case No. 14-CV-010915 for the Community Center Roof Remediation.

Introduced by Mr. Norstrom.

MOTION Mr. Smith made a motion to adopt Resolution No. 39-2015. The motion was seconded by Dr. Chosy.

Mr. Norstrom complimented City staff and our attorneys for resolving this issue with the settlement that council is about to pass. Mr. Myers agreed. He thanked Mrs. Fox for all of her time.

Mrs. Fox commented that she would like to briefly go through what this Resolution will do. It will authorize the City Manager to execute and deliver a settlement agreement that is substantially consistent with what is attached as a Memorandum of Settlement. This Memorandum of Settlement contains the primary terms of what will ultimately become the Settlement Agreement. As we have gone through this law suit, we have ended up in early mediation and arrived at some fairly significant agreements during that mediation. The Memorandum of Settlement contains a provision that states that:

- 1) Moody Nolan; CNA, on behalf of Apex; and Travelers (the three defendants in this law suit) shall collectively pay the City the sum of Three Hundred Seventy Five Thousand Dollars (\$375,000.00), which is the settlement amount.

- 2) Contains a mutual release clause (which is customary in settlement agreements) where each of the parties release the other party.)
- 3) The Settlement Amount shall be paid within fourteen days of the Settlement Agreement.
- 4) After the Settlement Amount is paid, the City shall dismiss the Lawsuit.
- 5) Parties preserve their rights to bring cause of action against some of the other defendants that we were not in privity of contract.
- 6) We agreed to provide non disparagement clauses in a joint letter to be drafted by the City Manager and signed by the City Manager.

Mrs. Fox reported that this resolution would authorize the City Manager to sign the Settlement Agreement when it is drafted so long as it is consistent with the terms of the Memorandum of Settlement and contains the other customary terms that we usually see in Settlement Agreements.

Mr. Norstrom shared that based on the discussion in Executive Session we hope that will be done by the end of the month. Mrs. Fox agreed.

Ms. Michael credits staff, including Mr. Greeson and Mrs. Fox who spent numerous hours including one session that went from 8:00 a.m. to 7:00 p.m. trying to negotiate and mediate this settlement.

Mr. Myers shared that given the complexity of this litigation, the tremendous cost that it would take to go to trial, and the substantial risk involved on both sides, he thinks this is a very favorable settlement for the city.

There being no additional comments, the motion to adopt Resolution No. 39-2015 carried unanimously by a voice vote.

Mrs. Thress encouraged members to contact Ms. Word by this Wednesday, August 5th if they plan to attend the Summit on Sustainability this fall that is sponsored by MORPC.

Mrs. Fox shared that everyone is aware that the Kilbourne Building is being renovated although the work is currently in a holding pattern. She thought members may find it interesting that during the course of construction the contractors found two library books up in the ceiling. One of the books actually still has the library card in it. She doesn't know what year the book was supposed to be turned back in but it could be worth quite a bit. One of the books is the Selected Short Stories of Sinclair Lewis and the other is a Christmas cookbook. We are unsure how they got in the ceiling but she will be returning them to the library.

REPORTS OF COUNCIL MEMBERS

Mr. Norstrom shared that the Don Scott Airport recently received a \$10,000,000 donation to foster increased pilot education. He, Ms. Michael and staff had a conference call with the Dean and they are very excited about opportunities it will provide. The

airport will be staying. They plan to develop it into a premier education airport in the country. Ms. Michael added that it will also include research. They plan to redo the main building and make it state of the art. Mr. Norstrom added that it is very exciting.

Dr. Chosy asked if that implies there will be less commercial flights in and out. Mr. Norstrom replied no. He added that the Dean shared that one of the things they will be researching is even quieter engines.

OTHER

ADJOURNMENT

MOTION Mr. Myers made a motion to adjourn. The motion was seconded by Ms. Dorothy.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 8:08 p.m.

/s/ D. Kay Thress
Clerk of Council

*APPROVED by the City Council, this
8th day of September, 2015.*

/s/ Bonnie D. Michael
Council President