

# Talking past each other

## *Galion board, re-use committee exchange letters*

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The Galion Board of Education, via their lawyer Steven Friedman, has responded in the form of a rejection letter to the security structure submitted last Wednesday by the Former Galion High School Adaptive Re-Use Committee.

On April 16, the re-use committee submitted a security structure as requested by the Galion Board of Education during negotiations for anyone interested in acquiring the building. The structure includes security in case a future demolition is needed, invitations to the board to be involved in the project by attending meetings and receiving transparent financial documents on an annual basis. The demolition security is in the form of unencumbered real estate.

The rejection letter goes into detail regarding the specifics of the security structure and how they do not measure up to the Galion Board of Education's expectations:

- The security must be in the form of an acceptable surety bond, letter of credit or escrow agreement from a reputable surety or bank (referring to Ohio Revised Code 153.4(A)).

- "With sufficient collateral, we understand that a bond can be purchased that would secure a demolition of the property if the covenants outlined are not met."

- Failure to address the board's desire to structure any sale of the building with a reversion of the property.

- The committee's objective benchmarks are not satisfactory guarantees that the renovation and adaptive

reuse project will be successful.

"These are the parameters the Board expects the Committee to meet," the district's statement continues, "and while the Board is open to dialogue concerning the exact details of these covenants, the Committee's abject failure to even address these parameters is fatal to its proposal."

The re-use committee, via counsel John Barga, responds:

"Dear Mr. Friedman:

"We have received and reviewed your letters of April 11, 2008 and April 21, 2008.

"As you and your clients know, the Committee's proposal was not intended to respond to your April 11, 2008 letter, which contains a laundry list of first time, never discussed, arbitrary 'conditions,' which is both surprising and unworkable for this type of project. Your comments to Judge Wiseman and the only condition you mentioned was 'security for the demolition,' if necessary. You have never mentioned any other 'conditions.' The details can be worked out, but that was the condition you asked for and the one the Committee has satisfied.

"This latest demand letter following the first laundry list of prior, undisclosed conditions certainly does not demonstrate a willingness to work together to accomplish something good for the community. Where is your clients' good faith effort to create a win-win resolution? You did not even accept our offer to meet and work on this project together. Apparently, your clients are willing to spend over \$400,000.00 of the school district's money without helping with the Committee's effort to serve the community.

"There are a number of reasons why the Committee's proposal will work, and equally important reasons why your client's conditions actually prohibit the success of the Committee's proposal.

"The Committee is still willing to meet.

"Very truly yours,

"John T. Barga

"cc: The Honorable Judge Russell Wiseman"

On Jan. 14, 2008, a group of citizens filed legal action against the Galion Board of Education, asking the court to stop the demolition of the old Galion High School. An agreement between the two sides was reached to complete the abatement with a view to remodel. The first hearing of the case was scheduled for Feb. 19. That hearing was continued until March 5.

During negotiations between lawyers, defendants, plaintiffs, and the judge on March 5, an agreement was made to run the preliminary injunction request hearing and hearing on the merits together. April 3 and 4 were then set aside for the case. The hearing was postponed, and claims one and four of the plaintiffs request were dismissed. The remaining portions of the case dealing with open meetings and open records laws will be heard in front of a jury by order of Judge Russ Wiseman May 20 at 8 a.m.

On Oct. 29, 2007, the Galion Board of Education presented the public with its first request for a business plan for anyone wishing to reuse the old high school. On April 11 the board released a revised business plan request.