



# City of Green

Central Administration  
Building  
1755 Town Park Blvd.  
PO Box 278  
Green, OH 44232

## Meeting Minutes

### City Council

**Barbara Babbitt - Ward 1**  
**Bob Young - Ward 2 - Vice President**  
**Rocco Yeargin - Ward 3**  
**Matt Shaughnessy - Ward 4**  
**Stephen Dyer - At-Large**  
**Chris Humphrey - At-Large - President**  
**Justin Speight - At-Large**  
**Molly Kapeluck, MMC Clerk of Council**  
**Nichole Baldinger, Clerk of Council, Interim**

---

**Tuesday, June 12, 2018**

**7:00 PM**

**Council Chambers**

---

#### I. Call to Order

President Humphrey called the meeting to order at 7:00pm.

#### II. Pledge of Allegiance

#### III. Roll Call of Council Members

**Present:** 7 - Barbara Babbitt, Stephen Dyer, Chris Humphrey, Matt Shaughnessy, Justin Speight, Rocco Yeargin and Bob Young

Also present:

Mayor Neugebauer

Bill Chris, Law Director, Interim

Valerie Wax Carr, Service Director

Paul Pickett, City Engineer

Wayne Wiethe, Director of Planning

Nichole Baldinger, Clerk of Council, Interim

#### IV. Council Study Session

##### [TMP-2114](#)

Approval of the May 22, 2018 Regular Meeting Minutes

**A motion was made by Council Member Young, seconded by Council Member Speight, to approve the Minutes. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

## V. Public Report

Blaise Codispotti -1994 Fairway Drive, Green, OH.

Mr. Codispotto wanted clarification regarding the contract between the City and the Sheriff's Dept.

He thought that the City had increased patrolling in the City's neighborhoods. He mentioned that the school does not have a contract with the City for a school resource officer. He continued that the City is paying for that and the school is not reimbursing them for those costs. There is no contract that states this is how things would work. This practice is in violation of the City Charter, the income taxes should not be paying for school security.

Mayor Neugebauer explained that the City has, for the last 17 years paid for the SRO. He reviewed the contract and it did not specifically state that. Memo from Dan Croghan to sheriff in 2001 regarding the contract and the hours and rate clearly specified to be included in the totals. He mentioned that the schools do pay maintenance for the building etc. and there is money going back and forth.

Mr. Humphrey stated that he wasn't aware of the agreement, but he doesn't disagree that it can be done, but needs to be spelled out explicitly.

Mr. Dyer stated that property taxes are significant portion of funding along with state taxes and there are many issues with school funding, but he feels its a great partnering between the schools and the City to provide the SRO for the high school.

Mr. Humphrey stated that the high school is considered a community learning center (CLC) and the City pays significant money to cover the debt services for it, so they have certainly been involved.

Mr. Dyer mentioned that the schools backed the income tax increase for the City to collect more money, as well.

## VI. Public Hearings

## VII. Reading of Correspondence

[TMP-2109](#) Letter from Summit County Council RE: Elder Abuse Awareness Day

[TMP-2126](#) Planning Department May 2018 Financial Summary

All correspondence was read in and filed.

## VIII. New Legislation - Items on First Reading

[2018-R47 A](#) A RESOLUTION AWARDDING A CONTRACT TO S.E.T. Inc. for THE Arlington road culvert replacement, ~~MAKING AN APPROPRIATION,~~ AND DECLARING AN EMERGENCY. *(AMENDED JUNE 26, 2018)*

[2018-R48](#) A RESOLUTION DECLARING JUNE 15, 2018, OF EACH YEAR, AS ELDER ABUSE AWARENESS DAY AND ENCOURAGING THE RESIDENTS OF GREEN, OHIO, SUMMIT COUNTY, TO PARTICIPATE IN ANY EVENTS AND PROGRAMS OFFERED BY THE COMMUNITIES, LIBRARIES, SCHOOLS, GOVERNMENTS AND PRIVATE-SECTOR ORGANIZATIONS THAT ARE DESIGNED TO RAISE AWARENESS OF THE ABUSE OF OLDER PERSONS, FOR THE EXECUTIVE, AND DECLARING AN EMERGENCY. -Referred to the Intergovernmental and Utilities Committee

Mr. Dyer stated that since June 15 was before the next Council Meeting he thought it would be appropriate to pass this legislation on First Reading. He also stated that he would like to amend it on the floor to strike 2018 from the legislation.

All Committee members were ok with first reading passage.

**A motion was made by Council Member Humphrey, seconded by Council Member Dyer, to suspend the rules on the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Humphrey, seconded by Council Member Dyer, to amend the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Humphrey, seconded by Council Member Speight, to bypass Committee deliberations the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Humphrey, seconded by Council Member Dyer, to bypass the three reading rule the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Humphrey, seconded by Council Member Dyer, to adopt the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

[2018-R49](#)

**A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL ("TIRC") REGARDING THE COMMUNITY REINVESTMENTS AREA, AND TAX INCREMENT FINANCING AGREEMENTS WITHIN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -Introduced on 6/12/18**

[2018-R50](#)

**A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ACCEPT A GRANT FROM OHIO PUBLIC WORKS COMMISSION (OPWC) FOR CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM, WHICH INCLUDES THE REMOVAL OF INVASIVE SPECIES WITHIN SOUTHGATE PARK, AUTHORIZING ENTERING INTO AN AGREEMENT WITH ENVIROSCIENCE, WAIVING COMPETITIVE BIDDING, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. \*\*First Reading Passage Requested -Referred to the Finance Committee**

Mr. Humphrey briefly explained the legislation and the reason for the first reading passage request.

All Committee members supported first reading passage.

**A motion was made by Council Member Humphrey, seconded by Council Member Yeargin, to bypass Committee deliberations the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Humphrey, seconded by Council Member Yeargin, to bypass the three reading rule the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Humphrey, seconded by Council Member Young, to adopt the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

[2018-R51](#)

AN EMERGENCY RESOLUTION DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE FOR MUNICIPAL PURPOSES A CERTAIN FEE SIMPLE INTEREST IN PROPERTY KNOWN AS 3789 MAYFAIR ROAD (PERMANENT PARCEL NUMBER 2800112), ALTOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. **\*\*First Reading Passage Requested** -Referred to the Planning and Economic Development Committee

Mr. Young briefly explained the legislation, and the reason for the first reading passage request.

All Committee members supported first reading passage.

**A motion was made by Council Member Young, seconded by Council Member Speight, to bypass Committee deliberations the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Young, seconded by Council Member Speight, to bypass the three reading rule the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Young, seconded by Council Member Speight, to adopt the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

[2018-R52](#)

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH RCP, INC. FOR PROFESSIONAL ENGINEERING SERVICES AS RELATED TO PIPELINE SAFETY CONSTRUCTION OVERSIGHT FOR THE NEXUS PIPELINE WITHIN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. **\*\*First Reading Passage Requested** -Referred to the Public Safety Committee

Mrs. Babbitt gave a brief recap of the legislation and the reason for the first reading passage request.

All Committee members supported first reading passage.

**A motion was made by Council Member Babbitt, seconded by Council Member Yeargin, to bypass Committee deliberations the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Babbitt, seconded by Council Member Yeargin, to bypass the three reading rule the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Babbitt, seconded by Council Member Yeargin, to adopt the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

## IX. Report of Council Committees

### A. Finance (Humphrey \*, Yeargin\*\*, Babbitt)

## SECOND READING ITEMS

### 2018-R43

**A RESOLUTION AWARDING A CONTRACT TO LOCKHART CONCRETE CO. FOR THE CORPORATE WOODS CIR/CORPORATE WOODS PKWY RAB, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. - Introduced on 5/22/18**

Mr. Humphrey gave a brief overview of the details on the legislation.

Time was requested and granted.

### 2018-R44

**A RESOLUTION AWARDING A CONTRACT TO KARVO COMPANIES FOR THE 619/PICKLE RD RAB, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. -Introduced on 5/22/18**

Mr. Humphrey briefly explained the legislation.

Time was requested and granted.

### B. Environment & Parks (Speight\*, Babbitt\*\*, Dyer)

Did not meet.

### C. Public Safety (Babbitt\*, Shaughnessy\*, Humphrey)

## THIRD READING ITEMS

[2018-R41 A](#) A RESOLUTION AUTHORIZING THE MAYOR TO APPROPRIATE FUNDS FROM THE ~~GENERAL~~ PIPELINE SETTLEMENT FUND FOR THE PURPOSE OF PURCHASING TRENCH RESCUE EQUIPMENT TO AUGMENT THE TRENCH RESCUE CAPABILITY OF THE FIRE DIVISION, *MAKING AN APPROPRIATION*, AND DECLARING AN EMERGENCY. (Amended June 12, 2018)

Mrs. Babbitt briefly explained the legislation. Stated that there had been very thorough discussion on the matter and with no further discussion she would move to adopt.

**A motion was made by Council Member Babbitt, seconded by Council Member Shaughnessy, to adopt the Resolution. The motion carried by the following vote:**

**Aye:** 5 - Babbitt, Dyer, Shaughnessy, Speight and Yeargin

**Nay:** 2 - Humphrey and Young

D. Planning, Community & Economic Development (Young\*, Speight\*\*, Yeargin)

## SECOND READING ITEMS

[2018-R46](#) A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO ADDENDUM NO. 1 TO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH SECO MACHINE, INC., FOR THE CONSTRUCTION OF A NEW 100,000 SQUARE FOOT BUILDING AT THE INTERSECTION OF MAYFAIR AND GREENSBURG ROADS, AND DECLARING AN EMERGENCY. -Introduced on 5/22/18

Mr. Young briefly explained the legislation.

Time requested and granted.

[2018-11](#) AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY GFD PROPERTIES, LLC TO BE A PUBLIC PURPOSE, EXEMPTING 100% OF THE VALUE OF THE IMPROVEMENTS FROM REAL PROPERTY TAXATION FOR THIRTY YEARS, AND DECLARING AN EMERGENCY. -Introduced on 5/22/18

Mr. Young briefly explained the legislation.

Time was requested and granted.

E. Rules and Personnel (Shaughnessy\*, Humphrey\*\*, Young)**SECOND READING ITEMS**

[2018-R45](#)      **A RESOLUTION AUTHORIZING THE FUNDS TO ENABLE THE MAYOR TO GRANT SALARY ADJUSTMENTS TO CITY OF GREEN NON-BARGAINING EMPLOYEES, AND DECLARING AN EMERGENCY. -Introduced on 5/22/18**

Mr. Shaughnessy briefly explained the legislation.

Committee members supported second reading passage.

**A motion was made by Council Member Shaughnessy, seconded by Council Member Humphrey, to bypass the three reading rule the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Shaughnessy, seconded by Council Member Humphrey, to adopt the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

F. Transportation, Connectivity & Storm Water (Yeargin\*, Dyer\*\*, Speight)**THIRD READING ITEMS**

[2018-R42](#)      **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN ADDITIONAL CONTRACT WITH BURGESS & NIPLE, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MASSILLON ROAD NORTH IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. - Introduced on 5/8/18**

Mr. Yeargin gave a brief overview of the legislation.

**A motion was made by Council Member Yeargin, seconded by Council Member Dyer, to adopt the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

G. Intergovernmental & Utilities (Dyer \*, Young\*\*, Shaughnessy)

Did not meet.



X. Mayor's Report

Site Visit- Loyola Retreat House

School Class- Blessing in backpacks

Upcoming events-

Tues- Farmers Market

Freedomfest- June 22-23, 2018

Household Hazardous Waste event- 222 residents participated.

More Events:

Electronic Recycling- July 21, 2018

Document Shredding- August 4, 2018

Tire Recycling- September 22, 2018

Thanks to all Volunteers participating in the Adopt a Spot program, and the PLCC Horticulture students who helped to clean up beds in Central Park.

XI. Unfinished Business

## XII. New Business

Interim Law Director Bil Chris reported that the Finance Director had been given the difficult task of rendering a decision regarding the Nexus settlement referendum. The ORC Section 731.31 required strict compliance with the rules of the referendum and determining if it was sufficient and valid.

Prior to Mr. Schmidts decision the City received opinions from numerous other law firms; Black McCluskey Souers & Arbaugh, Bricker & Eckler, Brennan Manna & Diamond, LLC. as to whether the referendum, as submitted was sufficient and valid, or whether it was likely to mislead the public. All firms upheld the decision that the referendum was insufficient and invalid and would mislead the public for the following reasons.

1. The words "and declaring and emergency" were struck from the resolution.
2. Section 4 of the text was struck in RES 2018-R09.
3. The signatures of City Council President, Clerk, Mayor and Law Director were ommitted in the Ordinance attached to the referendum.
4. The roll call tabulation of votes for City Council was omitted in the Ordinance attached to the referendum.
5. The settlement agreement attached to RES 2018-R09 was omitted. Which was a necessary part of the referendum. For the voters to be handed that referendum without the attachment would be inappropriate.

As such, Director Schmidt decided due to those factors that he would not be returning the referendum to the Board of Elections based on the decision that it was invalid, insufficient and likely to mislead the public. Therefore the referendum will not be put on the ballot in November.

In addition, all Counsel who rendered an opinion were united in believing that the settlement of a litigation is a function of Council, its an administrative function and not up for referendum.

Mr. Chris mentioned that the referendum going forward could only cause harm to the City and its residents. That the settlement and the oversight that the City of Green now has is tremendously more than any other community.

Mr. Dyer expressed his disappointed in the decision made by Mr. Schmidt and the City.

Mr. Humphrey mentioned that our previous Law Director came to the same opinion that many other firms did, all independent of themselves. He feels for the people who signed the petition were misled into believing something that was not true.

Nathan Braswell, Peachwood Way, Green, OH.

Asked that the documents could be added to the website.

### XIII. Adjournment

The meeting was adjourned at approximately 8:05 pm.

ATTEST: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

Upon approval by City Council, this official written summary of the meeting minutes shall become a permanent record, and the official minutes shall consist of a permanent video recording, in accordance with Green City Council Ordinance 2014-12, adopted on November 25, 2014.