



City of Green

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

Meeting Minutes

City Council

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

Tuesday, April 23, 2019

7:00 PM

Council Chambers

I. Call to Order

The Green City Council met in regular session at the Central Administration Building, 1755 Town Park Blvd., Green, OH. President Young presided over the meeting which he called to order at 7:01 p. m.

II. Pledge of Allegiance

Councilmember Young led the 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

IV. Council Study Session

[TMP-2554](#) Approval of the April 9, 2019 Regular Meeting Minutes

Attachments: [4-9-19 Council Minutes](#)

A motion was made by Council Member Humphrey, seconded by Council Member Dyer, to approve the Minutes. The motion carried by the following vote:

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

[TMP-2539](#) Approval of the March Financial Statement Subject to Audit

Attachments: [MARCH 2019 ELECTRONIC FINANCIAL REPORT](#)

A motion was made by Council Member Humphrey, seconded by Council Member Dyer, to approve subject to audit the Financial Statement. The motion carried by the following vote:

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

V. Public Report

Robert Talenda, 2740 Compass Point Drive - He wanted to know the process to go from the interest in developing a piece of land, to a resident for residential housing to turning the control of the development over to a homeowners association. Residents of Lakes of Green are looking for assistance from the City regarding HOA. What has the City done for residents of the Lakes of Green to get the developer to turn the HOA to the residents? He said the residents are not in control.

Glenn Witsman, 3431 Greensburg Road - He came to talk about the Green Historical Society 3rd grade Program. Jackson has let Green use their building. He explained what they do when the kids come to see the schoolhouse. They do things that were done in 1885, including recess. He invited Council to come and see the program.

Pat Carleski, 3878 Greenfield Road - See attached statement.

John Drumm, 2781 Tifft Street, Cuyahoga Falls - He talked about a person running for law director and the tickets and fines he received. He said she did not like his attitude. He said the City of Green does not need a person like that. He said he is sending a complaint to the Supreme Court. He said the City did not need Lisa Dean as a law director in the City.

Sheriff Steve Barry, resident of Green - He talked about the two year old that was missing in Green. He came as a proud Sheriff and resident for the cooperation with the Sheriffs. He said there was over 200 volunteers and 20 agencies. He thanked Chief Funai for all they did. He thanked Mayor, Council and all the Citizens that contacted the Sheriff's office to say they would be there.

Lt. Brown gave the March monthly report because he was unable to make the committee meeting.

[TMP-2566](#)

Pat Carleski's 4-23-19 Statement

Attachments: [4-23-19 Pat Carleski](#)

VI. Public Hearings - No Hearings Scheduled

VII. Reading of Correspondence

[TMP-2537](#)

Email from Marc and Karen Rinehart RE: Station #4

Attachments: [4-4-19 Marc & Karen Rinehart](#)

[TMP-2540](#)

Email from Lois Miller RE: Recycle Center

Attachments: [4-5-19 Lois Miller](#)

[TMP-2541](#) Email from Susan Collins-Berger RE: Fire Station Number 4 in Ward 3

Attachments: [4-8-19 Susan Collins-Berger](#)

[TMP-2545](#) Civil Service Commission March 13, 2019 Minutes

Attachments: [March 13 2019 CSC Minutes](#)

[TMP-2546](#) Email from John Drumm RE: Speaking at Council Meetings

Attachments: [4-11-19 John Drumm](#)

[TMP-2548](#) April 18, 2019 Planning and Zoning Commissions Agenda

Attachments: [4-17-18 PZC Agenda](#)

All Correspondence read in and filed.

VIII. New Legislation - Items on First Reading

[2019-R35](#) A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR SUMMIT COUNTY TRAIL & GREENWAY COMMUNITY GRANT FUNDS PROGRAMMED BY THE OHIO & ERIE CANALWAY COALITION FOR THE EXISTING SHRIVER ROAD MULTI USE TRAIL UPGRADE PROJECT, AND DECLARING AN EMERGENCY. Introduced 4/23/19

Sponsors: Gerard Neugebauer

Attachments: [2019-R35 re Shriver Multi Use Trail Upgrade](#)
[2019-R35 re Exhibit A](#)

Referred to the Planning and Economic Development Committee

[2019-10](#) AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. Introduced 4/23/19

Sponsors: Gerard Neugebauer

Attachments: [2019-10 re Codified Ordinance revision codes](#)
[2019-10 re Exhibit A](#)

Referred to the Rules and Personnel Committee

IX. Report of Council Committees

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

TMP-2538 Income Tax Collections for First Quarter 2019

Attachments: [CNC1st19 signed](#)

Mr. Humphrey reviewed the comparison of the first quarter of 2018 to 2019 income tax collections. He thanked the income tax division.

THIRD READING ITEMS

2019-06 AN ORDINANCE CREATING A BUDGET STABILIZATION FUND, AND DECLARING AN EMERGENCY. (Introduced 3/26/19)

Sponsors: Stephen Dyer and Matt Shaughnessy

Attachments: [2019-06 Budget Stabilization Fund](#)
[2019-06 re Budget Stabilization Fund](#)

Mr. Humphrey advised the committee received an opinion from the law director. The Law Director said there was no conflict with Mr. Humphrey voting. He advised he asked the Law Director to prepare legislation, that any time in the future that money is moved from one financial institution to another, that council be affirmatively notified so that Council can discern at that time if any conflict exists. He also asked the Finance Director to look at the investment policy and report back to the finance committee. He advised the committee had good debate on this legislation and since it was brought forward by Mr. Dyer, so at this time he would allow Mr. Dyer to make the motion.

Mr. Dyer pointed out that Mr. Speight made a couple suggestions of changes he would like to make. Giving the spirit of cooperation they showed on 2019-07, he would like to extend the cooperative hand on this piece to try to make sure that it could be sponsored by all of Council rather than just a couple. He asked that they take time as they did on the next piece of legislation.

Mr. Humphrey objected to time and he does not think this fund is necessary. It is creating a smaller fund than the 6 month reserve that the City already has. There is already the flexibility to use the money from the general fund for anything that the stabilization fund would have. The stabilization fund has an additional weakness that you have to take the money and put it back into the general fund every year. Because

he sees no purpose to the legislation, the City already has a six month reserve that the City has had the good sense to maintain, he really looks at this as an unnecessary piece of legislation. For that reason he asked if anyone wanted to make a motion to adopt, they may at this time. Mr. Humphrey said, hearing no motion then the piece of legislation fails for want of a motion.

Mr. Dyer said that he would then move do adopt, seconded by Mr. Speight.

Mr. Dyer asked for a ruling from the Law Director if there is no motion on the third reading does the legislation go away. Mr. Chris said he would need to double check. He said he would take any help from the clerk as well. Mr. Young asked if this was something they could get via email the next day. Mr. Dyer said there was a motion and a second so Mr. Chris could get back to get Council but he was not sure that was the way the procedure worked.

Mr. Speight said he liked what Mr. Dyer was doing with this but he thinks a little more time to make some tweaks to make it better. He said he likes the concept because it puts an extra level of security on the City's finances. It sets off an alarm if the City gets to low. He said if they had additional time to make corrections to it, they could make it palatable for everyone. This is adding a safeguard. However, without those changes and if they are forced to vote on it, he would be voting no. He likes what Mr. Dyer is doing with it, he is showing fiscal responsibility.

Mr. Dyer said he could not imagine another community in America where this would go down to defeat. It does not lower the City's reserve account. There will still be six months in reserve, it will just put 20% of that reserve amount, can only be spent to maintain our level of safety services during an economic down turn. He said if at the end of each year they have to move the money back into the general fund and then back into the rainy day fund, you write that once and then every year it is a matter of changing the year and the amount. The legislation restricts the use of this set aside and ties it to lose and revenue. Example...If FedEx and Diebold decided to leave the City tomorrow and our revenue goes down more than 10% this gives the City a cushion to guarantee the same level of safety services that the City has had and enjoys will be kept for at least a couple years to figure out how we are going to cope with the lost revenue or bring in more business. There is nothing in the current reserve fund that requires the City to do anything. He pointed out in the last fourteen months it has been spent on golf courses, engineering and other things. About \$4.5 million has been moved from the general fund, into other funds to pay for other things. It is a conservative approach to finance to restrict what government can do with your money. The value added is the piece of mind for residents to know that if the City does have a down turn in our revenue stream, we will have a couple years to address those issues without the resulting lose of safety or other essential services in the City. A vote for this is a vote to guarantee no cops or firefighters will be laid off in a down

turn. He said he fears that politics has crept in this. He said he can't look at this and think that politics is not playing a role in this decision. Mr. Dyer called the question.

Mr. Young asked the clerk to call the role.

Mr. Humphrey said he will object to the calling of the question. He said he wanted an opportunity to speak to what was just said.

Mr. Young said he thinks it is an unneeded piece of legislation and passing this piece of legislation would be undoing what has already been good work.

Mr. Shaughnessy said he views this legislation, he thinks it is good common sense legislation. He views it very similarly to Council's legislation where they just set aside \$3 million for fire station #4. It is a promise to the people. We are setting aside that money for a purpose and it is tough to break a promise like that. Council can set aside money and easily break a promise, he said it is not that easy to say one thing to the constituents and then do another. This would be a promise from Council, to the people, that Council is going to set aside money for a specific purpose, to retain our essential services, safety services in particular so that there is no lay offs when there is a down turn. There is no downside, Council could stop it in a year, it has to be renewed and it is an act of Council to renew it. If at that time, Council thinks they don't need the legislation or they don't feel they need to know that the safety services are going to be there for the City in a down turn, this fund could buy us time to replace a big employer or another source of revenue, if Council feels they don't need that then they can change it. Right now he thinks it is great legislation and should be passed.

Mr. Humphrey said that Mr. Dyer makes the implication that his decision is political. He said he is not being political, if he thought there was a need for this legislation and he thought it was a good idea for the community he would vote for it. He said they are being told and the community can decide whether or not he is being political or someone else is being political. He said gave an analogy to water and coffee and said that is what this legislation is. Mr. Humphrey said the City has a six month operating reserve, it is being sold, as if, it can't be use the six month operating reserve on safety services. The City can use that six month reserve on safety services and that six month reserve is bigger than the stabilization fund. It can be used, not only, for safety services but for any essential services that the City needs.

Mr. Speight said he is going to go out on a limb with this legislation and on the chance that it passes he will bring up amendments after the fact. He doesn't like the fact that Council has the option to get rid of it, he thinks it should be solid. If it passes he will present an amendment.

Mrs. Babbitt said since they are voting on this she thought it was important for her to say that during committee she stated what her issues were with this legislation and why she feels that the City can trust their elected officials to properly use the six month reserve. She said she is only speaking now, is because any opposition to this legislation was characterized as political. She stated she had no political interest in this legislation. For the reasons she stated in committee she feels it is unnecessary.

A motion was made by Council Member Dyer, seconded by Council Member Speight, to adopt the Ordinance. The motion failed by the following vote:

Aye: 3 - Dyer, Shaughnessy and Speight

Nay: 4 - Babbitt, Humphrey, Yeargin and Young

[2019-07A](#) **AN ORDINANCE ESTABLISHING THE CITY OF GREEN PIPELINE SETTLEMENT FUND ADVISORY COMMITTEE TO INFORM CITY COUNCIL ABOUT WAYS TO MOST EFFECTIVELY AND EFFICIENTLY SPEND PIPELINE SETTLEMENT FUNDS REMAINING IN THE PIPELINE SETTLEMENT FUND, AND DECLARING AN EMERGENCY. (Introduced 3/26/19)**

Sponsors: City Council

Attachments: [2019-07 Amended Pipeline Settlement Fund Advisory Comm.](#)

Mr. Humphrey said he anticipates additional amendments will be made on this legislation. Time Requested and granted.

SECOND READING ITEMS

[2019-R34 A](#) **A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. (INTRODUCED 4-9-19) (AMENDED APRIL 23, 2019)**

Sponsors: Gerard Neugebauer

Attachments: [2019-R34 re AMENDED Appropriations April 2019](#)
[2019-R34 re Amended Exhibit A](#)

Mr. Humphrey advised the committee received a report from Mr. Schmidt on the various items located in Amended Exhibit A. Time Requested and Granted.

B. Environment & Parks (Speight*, Babbitt**, Shaughnessy)

No Meeting

C. Public Safety (Babbitt*, Humphrey*, Dyer)

Mrs. Babbitt explained they heard the Green Fire March Activity Report. The committee also received the 2018 Annual report from the Sheriff's Department. The missing child situation was discussed during committee. She thanked the Green Fire Department and the Sheriff's office for how they handled the incident.

D. Planning, Community & Economic Development (Yeargin*, Speight**, Young)2019-04

AN ORDINANCE ESTABLISHING PUBLIC NOTIFICATION REQUIREMENTS PRIOR TO CITY COUNCIL ACTION AUTHORIZING CITY FUNDS OR AUTHORIZING THE APPLICATION FOR GRANTS OR OTHER FUNDING METHODS TO BE USED FOR THE DESIGN OR CONSTRUCTION OF THE MASTER TRAIL PLAN OR SIMILAR LONG-RANGE CITY-DEVELOPED PLANNING, OR PORTIONS THEREOF, AND DECLARING AN EMERGENCY. (Introduced on 2/26/19)

Sponsors: Matt Shaughnessy and Stephen Dyer

Attachments: [2019-04 re Master Trail Plan Noticifation](#)

Mr. Yeargin said this is still being researched and he asked for time. Time Requested and Granted.

SECOND READING ITEMS2019-R30

A RESOLUTION ACCEPTING THE PLANNING & ZONING COMMISSION'S ("PZC") APPROVAL OF THE RAINTREE ESTATES PHASE I & II REPLAT #2, AND DECLARING AN EMERGENCY. (INTRODUCED 4-9-19)

Sponsors: Gerard Neugebauer

Attachments: [2019-R30 re Raintree Estates Phase I & II](#)
[19-17 Raintree Est Ph I & II Replat PZC Staff Report](#)
[Moore Preliminary](#)
[Raintree aerial](#)

Mr. Yeargin advised this was previously passed by the Planning and Zoning Commission in March with out objection. He explained it is a group of residents in Raintree Estates who have gotten together and purchased property behind their homes and have come to an agreement to divide it up and add acreage to each house. There were no members of the surrounding community to object at the PZC meeting or at Council, therefore; they determined it was right for second reading passage.

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

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

A motion was made by Council Member Yeargin, 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

2019-R31

A RESOLUTION DONATING REAL ESTATE OWNED BY THE CITY OF GREEN TO SUMMIT COUNTY LAND REUTILIZATION CORPORATION FOR THE PURPOSE OF DEMOLITION OF THE STRUCTURES ON THE PROPERTY AND ACCEPTING THE LAND FROM THE SUMMIT COUNTY LAND REUTILIZATION CORPORATION TO THE CITY OF GREEN UPON COMPLETION OF THE DEMOLITION, AND DECLARING AN EMERGENCY. (INTRODUCED 4-9-19)

Sponsors: Gerard Neugebauer

Attachments: [2019-R31 re Park open space land donation](#)
[2019-R31 re Exhibit A](#)

Mr. Yeargin advised the committee discussed this legislation and agreed to send it back for amendments. He explained this legislation would give the Mayor authority to transfer real estate that has an old house on it or another structure that requires demolition, Summit County Reutilization Corporation accepts those properties, demolishes the homes at no charge to the City and then transfer the land, without the nuisance back to the City. This would allow the Mayor to take action and avoid having to get Council's approval at every turn. Council would like to see a provision inserted in to the legislation that would notify Council when that is going to happen. Also, Mr. Chris will look at tweaking the language to make it clear that Council is approving a process and not a single action. Time was Requested and Granted.

2019-09

AN ORDINANCE VACATING A PORTION OF FORTUNA DRIVE, AND DECLARING AN EMERGENCY. (Introduced 4-9-19)

Sponsors: Gerard Neugebauer

Attachments: [2019-09 re Fortuna Drive](#)
[2019-09 re Exhibit A](#)
[2019-09 re Exhibit B](#)

Time Requested and Granted.

E. Rules and Personnel (Young*, Dyer**, Humphrey)

No Meeting Held.

F. Transportation, Connectivity & Storm Water (Shaughnessy*, Young**, Yeargin)

No Meeting Held.

G. Intergovernmental & Utilities (Dyer *, Shaughnessy**, Speight)

No Meeting Held.

H. Charter Amendment Implementation Committee (Yeargin*, Babbitt**, Shaughnessy)

No Meeting Held. Mr. Yeargin reminded residents the Charter Review Committee will be meeting Wednesday, April 24 at 7 p.m.

X. Mayor's Report

Mayor Neugebauer gave his report.

Mrs. Wax Carr talked about the recycling Center and new summer hours.

XI. Unfinished Business

Mrs. Babbitt talked about the Take Me Home Program that Pat Carleski talked about during the Public Safety Committee meeting run by the Summit County Prosecutor's Office. Mrs. Babbitt explained the program and how it works.

Mr. Speight reminded Green Schools Foundation has a Run for Education on May 4.

XII. New Business - No New Business**XIII. Adjournment**

Mr. Humphrey adjourned the meeting at 7:58 p.m.

ATTEST: _____
MOLLY KAPELUCK, CLERK OF COUNCIL

APPROVED: _____
BOB YOUNG, PRESIDENT

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.