



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

Tuesday, April 10, 2018

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 Humphrey presided over the meeting which he called to order at 9:00 p.m.

II. Pledge of Allegiance

Councilmember Humphrey 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-2037](#) Approval of the March 13, 2018 Regular Meeting Minutes

Attachments: [3-13-18 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

[TMP-2030](#) Approval of the February & March Financial Statement Subject to Audit

Attachments: [FEBRUARY 2018 ELECTRONIC FINANCIAL REPORT](#)
[MARCH 2018 ELECTRONIC FINANCIAL REPORT](#)

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

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

V. Public Report

Ken Knodel, 1581 Hightower Drive - Mr. Knodel talked about 2018-R28 and he does not believe it is in the best interest of the City. He requested they defeat this legislation. He said the facebook posts need to stop. He believes siblings will start bullying other kids at school.

Nathan Braswell, 1207 Peach Wood Way - He is not placing any blame with his comments. He would like to see the city council and the administration work together. Let's see what we did right, wrong, what surprised us and what we can do better. The value is to plan for future crisis.

Steve Braswell, 1207 Peach Wood Way - He said Council does not have an easy job. The pipeline is here and let's accept it. There may have been procedural issues and let's look at this calmly. The danger comes when we forget the pipeline is there.

Mr. Humphrey asked the Deputy to escort Mr. Ridgeway out of the chambers if Mr. Ridgeway could not quit talking.

Jane Weaver, 4013 April Drive - Complemented the City on the information that is being put on the website.

Justin Lieonti, 540 E. Nimisila Road - This was not a referendum against Nexus this was a referendum against the process the City used. He talked about Mr. Shaugnessy's proposed pieces of legislation.

Pat Carleski, 2878 Greenfield Road - She presented a cartoon out of the South Side News Leader from April 6-12, 2018. She wants to see this City and Council function the way it should be. She asked them to grow up and speak to each other respectfully.

Staci Schwikert, 1261 Steese Road - She thanked all of Council and the Administration. She asked that everyone try to show some respect when speaking on social media or in this room. Respect seems to be lost and we need to find it.

VI. Public Hearings - No Public Hearings

VII. Reading of Correspondence

[TMP-2009](#) Email from Karen Leitch RE: Arlington Circle K

Attachments: [3-22-18 Karen Leitch](#)

[TMP-2011](#) Planning and Zoning Commissions February 21, 2018 approved minutes

[TMP-2012](#) Planning and Zoning Commissions March 21, 2018 Summary

Attachments: [PZC Summary 3-21-18](#)

[TMP-2013](#) Email from Tammy Daly RE: Well Testing

Attachments: [3-23-18 Tammy Daly Attachment](#)
[3-23-18 Tammy Daly](#)

[TMP-2015](#) Email from Lucy and David Downs RE: Nexus Destruction

Attachments: [3-1-19 David Lucy Downs](#)

[TMP-2019](#) April 4, 2018 Design Review Board Agenda

Attachments: [4-4-18 DRB Agenda](#)

[TMP-2020](#) Email from Dennis Weis RE: Noise from Nexus Trucks

Attachments: [4-2-18 Dennis Weis](#)

[TMP-2023](#) Email from Tammy Daly RE: PIR Report

Attachments: [4-3-18 Tammy Daly](#)

[TMP-2024](#) Email from Louis Blanc RE: Nexus Concerns

Attachments: [4-3-18 Louis Blanc](#)

[TMP-2025](#) Letter from Julie Barnes, Summit County Children Services RE: 9th Annual Community Appreciation Breakfast.

Attachments: [04-4-18 Julie Barnes](#)

[TMP-2029](#) Planning Departments March 2018 Financial Summary

Attachments: [March 18 Planning Dept Financial Summary](#)

VIII. New Legislation - Items on First Reading

[2018-R33](#) **A RESOLUTION AWARDDING A CONTRACT TO CARPENTER ASPHALT SEALER CO., INC. FOR THE PARKS SPORT COURT^s MAINTENANCE project, AND DECLARING AN EMERGENCY.**
Referred to the Environmental and Parks Committee ---FIRST READING
PASSAGE REQUESTED.

Sponsors: Gerard Neugebauer

Attachments: [2018-R33 re Parks Sport Court Maintenance.docx](#)
[ALL IN ONE Parks Sport Court Maintenance #18-P-06 \(002\).pdf](#)
[Valerie Wax Carr 1st Reading for Parks Sports.pdf](#)
[Adopted RES 2018-R33](#)

Mr. Speight advised the Administration has asked for first reading passage and it was discussed in Committee. He explained the reason for first reading passage.

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

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

A motion was made by Council Member Speight, seconded by Council Member Dyer, 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 Speight, 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-R34](#) **A RESOLUTION AUTHORIZING THE MAYOR TO ENGAGE PRIME AE GROUP, INC. FOR PROFESSIONAL ARCHITECTURAL SERVICES RELATED TO THE DESIGN OF FIRE STATION NO. 3, AND DECLARING AN EMERGENCY. Introduced on 4/10/18 ***Second Reading Passage Requested**

Sponsors: Gerard Neugebauer

Attachments: [2018-R34 re Fire Station No 3 PRIME AE.docx](#)
[2018-R34 2nd reading passage request](#)

[2018-R35 A](#) **A RESOLUTION APPROVING AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GREEN, DEHOFF DEVELOPMENT COMPANY AND GREEN LAND TRUST, LTD., AND DECLARING AN EMERGENCY. - (Amended 5/22/18)**

Sponsors: Gerard Neugebauer

Attachments: [2018-R35 re Amended DeHoff Development Agreement and Green Land Trust.docx](#)
[2018-R35 re Amended Exhibit A FOURTH AMENDMENT AND RESTATED DEVELOPMENT AGREEMENT - 051718.docx](#)
[2018-R35 re Amended DFA Springhill TIF Financing Schedules \(Taxable\)\[3\]](#)
[2018-R35 re Amended DeHoff Springhill TIF Financing Plan \(Final\) v2](#)
[2018-R35 re Amended DFA Springhill TIF Term Sheet \(Taxable - Final\) v2](#)
[PP Email Regarding 2018-R35](#)
[2018-R35A Adopted](#)

2018-08 A **AN ORDINANCE AMENDING CHAPTER 618, SECTION 618.03 “CONTROL OF DOGS”, AND DECLARING AN EMERGENCY.**

Sponsors: Gerard Neugebauer

Attachments: [2018-08 re AMENDED Changing Chapter 618 Control of dogs.docx](#)
[2018-08 re AMENDED Exhibit A Control of Dogs in Parks 5 8 2018.pdf](#)
[2018-08A Adopted](#)

IX. Report of Council Committees

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

THIRD READING ITEMS

2018-R23 **A RESOLUTION APPROPRIATING TWENTY THOUSAND DOLLARS (\$20,000.00) FOR THE NIMISILA EMBANKMENT WALKING TRAIL PHASE II PROJECT, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. Introduced 3/13/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R23 re Phase II Nimisila Walking Trail.docx](#)
[Grant Application Nimisila Reservoir Embankment Trail Phase II.pdf](#)
[Adopted RES 2018-R23](#)

Mr. Humphrey briefly explained this is for a walking trail.

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

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

[2018-R25](#) **A RESOLUTION AWARDING A CONTRACT TO LOCKHARD CONCRETE CO. FOR THE SALT DOME CONCRETE REPAIR PROJECT, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.** Introduced 3/13/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R25 re Salt Dome Concrete Repair.doc](#)
[Salt Dome Concrete Repair All In One.pdf](#)
[Adopted RES 2018-R25](#)

Mr. Humphrey explained the need for the resolution. The lowest and best bid was \$112,986.80 from Lockhart Concrete.

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-R28](#) **A RESOLUTION TO PROHIBIT THE EXPENDITURE OF CITY FUNDS IN OPPOSITION TO ANY VALIDLY FILED REFERENDUM FILED PURSUANT TO CITY OF GREEN CHARTER §10.2, AND DECLARING AN EMERGENCY.** Introduced 3/13/18

Sponsors: Matt Shaughnessy

Attachments: [2018-R28 re Prohibit Expenditure of Funds to oppose Referendum FINAL.docx](#)

Mr. Speight asked about the possibility to make amendments. He talked about his concerns. He said he will vote not in support because he needs this to go both ways.

Mr. Shaughnessy said he would like to withdraw his motion.

Mrs. Calta said that there needs to be a vote on the motion to adopt.

Mr. Dyer asked council to take Nexus out of this.

Mr. Yeargin said the proposed legislation doesn't do what Mr. Dyer and Mr. Shaughnessy think.

Further discussion took place.

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

Aye: 2 - Dyer and Shaughnessy

Nay: 5 - Babbitt, Humphrey, Speight, Yeargin and Young

SECOND READING ITEMS

[2018-R29A](#) A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. Introduced 3/27/18 Amended April 10, 2018

Sponsors: Gerard Neugebauer

Attachments: [2018-R29 re Amended Appropriations March 2018.docx](#)
[2018-R29 re Amended Exhibits A Appropriations.pdf](#)
[Adopted RES 2018-R29A](#)

Mr. Humphrey reviewed the amended exhibit.

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-R32](#) A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH HENNES COMMUNICATIONS, LLC A CRISIS COMMUNICATIONS AND PUBLIC RELATIONS FIRM FOR SERVICES FOR A THREE-YEAR TERM COMMENCING JANUARY 1, 2018, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. Introduced 3/27/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R32 re Crisis.docx](#)
[Hennes and COG Proposal for Council March 2018.pdf](#)
[Adopted RES 2018-R32](#)

Mr. Humphrey advised the committee had a member of Hennes talk. Time Requested and Granted.

B. Environment & Parks (Speight*, Babbitt**, Dyer)**THIRD READING ITEMS**

[2018-R22](#) **A RESOLUTION AWARDING A CONTRACT TO B&B SEALING, LLC. DBA DURA SEAL, FOR THE 2018 PARKS PAVEMENT MAINTENANCE PROJECT, AND DECLARING AN EMERGENCY. Introduced 3/13/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R22 re 2018 Parks Pavement Maintenance.docx](#)
[All In One Pavement Maintenance.pdf](#)
[Adopted RES 2018-R22](#)

Mr. Speight briefly explained the Resolution. The company will take the sports schedule into consideration.

A motion was made by Council Member Speight, 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

C. Public Safety (Babbitt*, Shaughnessy*, Humphrey)**LICENSE ITEMS**

[TMP-2014](#) Liquor License transfer from MTK Promotions LLC, Legends Sports Pub & Patios to 1840 Town Park Blvd. LLC dba Legends Sports Pub & Patios at 1840 Town Park Blvd. Unit G - Permit classes D1, D2, D3, D3A and D6.

Attachments: [Legends Sports Pub & Patios](#)

Mrs. Babbitt briefly explained the transfer.

A motion was made by Council Member Babbitt, seconded by Council Member Young, to not request a hearing the License. The motion carried by the following vote:

Aye: 6 - Babbitt, Dyer, Humphrey, Shaughnessy, Yeargin and Young

Absent: 1 - Speight

[TMP-2033](#) New C1 Liquor License for Drake Ra Enterprises LLC DBA Dollar Beer Club located at 5153 Stoneham Road.

Attachments: [Drake Ray Enterprises](#)

Mrs. Babbitt advised there was no need for a hearing.

A motion was made by Council Member Babbitt, seconded by Council Member Young, to not request a hearing the License. The motion carried by the following vote:

Aye: 6 - Babbitt, Dyer, Humphrey, Shaughnessy, Yeargin and Young

Absent: 1 - Speight

Mrs. Babbitt announced there will be a Pipeline Safety Meeting April 26.

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

No Meeting

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

THIRD READING ITEMS

2018-07 AN ORDINANCE TO AMEND CITY OF GREEN CODIFIED ORDINANCE 220.02, SECTION 6, RULE 6.8 TO INCLUDE A PROVISION WHICH SHALL REQUIRE THE TITLE OF ALL PROPOSED ORDINANCES OR RESOLUTIONS RELATING TO A MATTER PENDING IN LITIGATION TO IDENTIFY WITH SPECIFICITY THE MATTER IN LITIGATION AND THE PARTIES TO THE LITIGATION, AND DECLARING AN EMERGENCY. INTRODUCED 3/13/18 ---Changed for next meeting to 2018-07.

Sponsors: Matt Shaughnessy

Attachments: [2018-07 re Codified Ordinance 220.02 Specificity Final Submitted Version.docx](#)
[2018-R27 re Codified Ordinance 220.02 Specificity Final Submitted Version.docx](#)
[3-18-19 Diane Calta](#)
[2018-R27 Ordinance 220.02 - Title of Legislation](#)
[Adopted ORD 2018-07](#)

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

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

SECOND READING ITEMS

[2018-06](#) **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 MATERIAL IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.**
Introduced 3/27/18

Sponsors: Gerard Neugebauer

Attachments: [2018-06 re Codified Ordinance revision codes.docx](#)
[2018-06 re Exhibit A Code Changes.pdf](#)
[Adopted ORD 2018-06](#)

A motion was made by Council Member Shaughnessy, 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 Shaughnessy, seconded by Council Member Dyer, to adopt the Ordinance. 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-R20](#) **A RESOLUTION AWARDING A CONTRACT TO SPANO BROTHERS CONSTRUCTION COMPANY FOR THE 2018 CONCRETE REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.**
Introduced 3/13/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R20 re Concrete Rehab.docx](#)
[ALL IN ONE 2018 Concrete Rehab #18-H-02.pdf](#)
[Adopted RES 2018-R20](#)

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

2018-R24 **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH GLAUS, PYLE, SCHOMER, BURNS AND DEHAVEN, INC., DBA GPD GROUP, FOR PROFESSIONAL ENGINEERING SERVICES FOR A THREE-YEAR TERM COMMENCING JANUARY 1, 2017, AND DECLARING AN EMERGENCY. Introduced 3/13/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R24 re GPD Group .docx](#)
[GPD professional service consultant agrment 2018.pdf](#)
[Adopted RES 2018-R24](#)

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

2018-R26 **A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR SUMMIT COUNTY TRAIL & GREENWAY COMMUNITY GRANT FUNDS PROGRAMMED BY THE OHIO & ERIE CANALWAY COALITION FOR NIMISILA/MAIN STREET WALKING TRAIL, AND DECLARING AN EMERGENCY. Introduced 3/13/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R26 re Main Street Walking Trail Ohio Erie Canalway Coalition.docx](#)
[Nimisila Main Street Wallking Trail Map.pdf](#)
[Email from Wayne Wiethe RE 2018-R26](#)

Mr. Yeargin advised this was listed in error.

SECOND READING ITEMS

2018-R31 **A RESOLUTION AWARDDING A CONTRACT TO SUPERIOR PAVING & MATERIALS, INC. FOR THE CITY'S 2018 RESURFACING PROJECT, AND DECLARING AN EMERGENCY. Introduced 3/27/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R31 re 2018 Resurfacing #18-H-01.docx](#)
[ALL IN ONE 2018 Resurfacing \(002\).pdf](#)
[2018 Paving Program Map](#)

Time Requested and Granted.

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

SECOND READING ITEMS

2018-05 AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, WITH FIRSTENERGY SOLUTIONS CORP. FOR THE PURPOSE OF CONTINUING THE EXISTING ELECTRICITY AGGREGATION PROGRAM, AND DECLARING AN EMERGENCY. Introduced 3/27/18

Sponsors: Gerard Neugebauer

Attachments: [2018-05 re Electricity Aggregation Program.docx](#)
[2018-05 re Exhibit A Master Service Agreement.pdf](#)
[Adopted ORD 2018-05](#)

Mr. Dyer briefly explained this Ordinance and the need for second reading passage.

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

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

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

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

X. Mayor's Report

Mayor Neugebauer gave his Mayor's report.

XI. Unfinished Business - No Unfinished Business

XII. New Business

Mr. Humphrey thanked Mrs. Calta for her service.

Mr. Yeargin said he didn't like her at his first meeting. When he got to work beside her his view changed.

XIII. Adjournment

Mr. Humphrey moved to adjourn at 10:19 p.m.

ATTEST: _____

MOLLY KAPELUCK, CLERK OF COUNCIL

APPROVED: _____

CHRIS HUMPHREY, 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.