



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, February 27, 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 7:02 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

Paster Valentin Tent - Presentation on Beius Romania

Valerie Wolford explained how Beius Romania, came to be Green's sister city. She explained the concept of Sister City. She introduced Pastor Valentin.

Pastor Valentin gave his background and shared a powerpoint of Beius, Romania.

[TMP-1930](#)

Approval of the February 5, 2018 Special Meeting Minutes

Attachments: [2-5-18 Special 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

Joel Helms, 4977 Massillon Road - Mr. Helms addressed his concerns with the procedure that was done for 2018-R10. He advised he seen no reference to 2015-R05 which would be repealed with this new legislation. He reviewed several rules and charter sections that he believes were not followed.

Tammy Daly, 1779 King Drive - Mrs. Daly came to ask for help with the well issue. She referred to the Rover pipeline. She stated there is contamination during the process not after it is in. She addressed the different zones that can be contaminated. She also addressed the blast zone and what the actual distance could be.

The Mayor said the only place directional drilling will take place is by the reservoir. He said there will be inspections so we will know if there are leaks during drilling. He advised there is water testing that can be done through the city before hand. He said they certainly can have the blast zone calculated by an outside person. He talked about the distance from the pipeline and the football fields at Ariss Park.

Mr. Humphrey asked the Mayor to put on the website how citizens can get their well tested.

Mrs. Daly advised the Ohio EPA has Ohio certified labs listed.

Des Wertheimer, 130 E. Turkeyfoot Lake Road - He talked about directional drilling and how it is done. He said most water companies can do several types of water testing. The blast zone - He talked about the other areas in the city that are within a blast zone. Romania in WWII was the largest oil field. He talked about the security and safety of the schools. He thought we should come up with a plan to help make the schools safe.

Tom Ebbott, 882 Killinger Road - He said he is not in the route or in the kill zone. He said a month ago we were united and three weeks ago we became divided. He asked Council to unite. If the people want to have a referendum vote you should let them have it.

VI. Public Hearings

[2018-02](#)

AN ORDINANCE AMENDING CHAPTERS 1226 AND 1231 OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN REGARDING ADULT FAMILY HOMES, AND DECLARING AN EMERGENCY. Introduced 2/13/18 Public Hearing was held February 27, 2018.

Sponsors: Gerard Neugebauer

Attachments: [2018-02 re Adult Home Chapters Amended 1226 & 1231.docx](#)
[2018-02 re Exhibit A Chapter 1226.pdf](#)
[17-58 Text Amendment- Adult Homes PZC Staff Report](#)
[1226 Use Regulations 12-20](#)
[1231 Definitions and Rules of Construction Adult Homes Changes 12-20](#)
[Table 1226 Allowed Uses- Adult Homes 12-20-17](#)

Mr. Young opened his public hearing at 7:38 p.m. This change was brought forward by the Planning Department. Changing the code will expand the scope of services for individuals within the City. It also expands the number of adults who can be served within an adult family group home. This matches the state regulations. The PZC gave a favorable recommendation.

Mr. Wiethe explained how the legislation came about. They are trying to transition these homes to match state regulations. He explained some of the requirements for an Adult Family Home.

With no questions, Mr. Young closed the public hearing at 7:41 p.m.

2018-R10

A RESOLUTION ESTABLISHING A STREET LIGHTING DISTRICT FOR THE LAKES OF GREEN, PHASE III SUBDIVISION, AND DECLARING AN EMERGENCY. Introduced 2/13/18 Public Hearing held February 27, 2018.

Sponsors: Gerard Neugebauer

Attachments: [2018-R10 re Street Lighting The Lakes of Green Phase III.docx](#)
[Lakes of Green Phase III Street Lighting Request Information Agreement.pdf](#)
[LT - Lakes of Green Phase III Letter](#)
[LT-Lakes of Green Phase III](#)

Mr. Dyer opened the public hearing at 7:42 p.m.

Mr. Wiethe advised there are 14 lights to be added. Developer will pick up the installation cost and all cost for the lights. The assessment will then be added to the parcel it will be approximately \$15.10 a year. It will be spread out over the 41 lots.

Mr. Shaughnessy asked if the assessment went on the taxes. Mr. Wiethe said it would go on their property tax.

Mr. Dyer closed the public hearing at 7:44 p.m.

VII. Reading of Correspondence

[TMP-1938](#) Planning and Zoning Commission February 21, 2018 Agenda

Attachments: [2-21-18 PZC Agenda](#)

[TMP-1939](#) Approval of the February 6, 2018 Special Meeting Minutes.

Attachments: [2-6-18 Special Meeting Minutes](#)

Moved to next meeting.

[TMP-1955](#) Email from Mindy Christy RE: Company on corner of Mayfair and Greensburg

Attachments: [2-22-18 Mindy Christy](#)

All Correspondence read in and filed.

VIII. New Legislation - Items on First Reading

[2018-R13](#) **A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY.** Referred to the Finance Committee First Reading Passage Requested.

Sponsors: Gerard Neugebauer

Attachments: [2018-R13 Modifying Appropriations](#)
[2018-R13 re Appropriations March 2018.docx](#)
[2018-R13 re Exhibit A Appropriations March 2018.pdf](#)
[2-22-18 Diane Calta - First Reading passage requests.](#)

Mr. Humphrey advised the Administration has asked for first reading passage and the finance committee reviewed it at their meeting. He briefly explained. He reviewed the extra expenses.

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

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

Mr. Dyer asked if there was a break down of what the \$200,000.00 will go towards. Mrs. Calta said it is for consultants with appropriate expertise and not legal fees.

Mr. Dyer asked if there was an ability to force Nexus to do anything if we find a problem. Mrs. Calta said the court would have to order that. Mayor Neugebauer talked about the process even when we have complete control of the project and how the inspections will work with Nexus.

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-R14

A RESOLUTION CONFIRMING THE DEDICATION PLAT OF MOORE ROAD, AND DECLARING AN EMERGENCY. Referred to the Planning and Economic Development Committee First Reading Passage Requested.

Sponsors: Gerard Neugebauer

Attachments: [2018-R14 Dedication Plat Moore Road](#)

[2018-R14 re Moore Road.docx](#)

[18-06 Moore Rd. Dedication Plat PZC Staff Report](#)

[Moore Rd. Dedication Plat](#)

[18-06 Moore Rd. Dedication Plat Notif of Rec to City Council](#)

[2-22-18 Wayne Wiethe - First reading request](#)

Mr. Young advised the Administration has asked for first reading passage and the committee agreed to first reading passage.

A motion was made by Council Member Young, seconded by Council Member Humphrey, to bypass Committee deliberations. The motion carried by a unanimous vote.

A motion was made by Council Member Young, seconded by Council Member Humphrey, 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 Young, 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

2018-R15

A RESOLUTION DECLARING CERTAIN PARKS DIVISION EQUIPMENT SURPLUS PROPERTY, NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AUTHORIZING THE CITY OF GREEN TO DONATE THE SURPLUS PROPERTY TO THE SUMMIT COUNTY AGRICULTURAL SOCIETY, AND DECLARING AN EMERGENCY. Introduced 2/27/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R15 re Parks Division surplus property no longer needed .docx](#)
[Machine pictures.pdf](#)

Referred to the Environmental and Parks Committee

2018-R16 **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH BL COMPANIES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR A THREE-YEAR TERM COMMENCING JANUARY 1, 2017, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.** Introduced 2/27/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R16 re BL Companies.docx](#)
[BL Companies, Inc. Raber Road Agreement.pdf](#)

Referred to the Finance Committee

2018-R17 **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH AMERICAN STRUCTUREPOINT, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MASSILLON ROAD AND CORPORATE WOODS CIRCLE ROUNDABOUT, AND DECLARING AN EMERGENCY.** Introduced 2/27/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R17 re Structurepoint Phase 2 Massillon Rd and Corporate Woods.docx](#)
[Structurepoint Corporate Woods Circle Roundabout.pdf](#)

Referred to the Finance Committee

2018-R18 **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH AMERICAN STRUCTUREPOINT, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MASSILLON ROAD AND BOETTLER ROAD ROUNDABOUT, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.** Introduced 2/27/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R18 re Structurepoint Phase 2 Mass Boettler.docx](#)
[Structurepoint Massillon Road Boettler Road.pdf](#)

Referred to the Finance Committee

[2018-R19](#)

A RESOLUTION DECLARING THE INTENT OF THE CITY OF GREEN, OHIO OF THE UNITED STATES OF AMERICA AND THE CITY OF BEIUS, ROMANIA TO ENTER INTO A SISTER CITIES AGREEMENT AND ESTABLISH A SISTER CITY COMMITTEE TO PROVIDE DIRECTION AND GUIDANCE FOR THE SISTER CITY PROGRAM, AND DECLARING AN EMERGENCY. Referred to the Intergovernmental and Utilities Committee First Reading Passage Requested.

Sponsors: Gerard Neugebauer

Attachments: [2018-R19 Sister City - Beius, Romania](#)
[2018-R19 re Sister City Beius, Romania.docx](#)
[2-22-18 Diane Calta - First Reading passage requests.](#)

Mr. Dyer advised the Administration has asked for first reading passage and talked about the presentation from Pastor Valentin.

A motion was made by Council Member Dyer, seconded by Council Member Speight, 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 Dyer, 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 Dyer, 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

[2018-03](#)

AN ORDINANCE ESTABLISHING THE CREATION OF A PIPELINE SETTLEMENT SPECIAL REVENUE FUND, AND DECLARING AN EMERGENCY. Introduced 2/27/18

Sponsors: City Council

Attachments: [2018-03 re Creating the Pipeline Settlement Fund.docx](#)

Referred to the Finance Committee

IX. Report of Council Committees

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

Mr. Humphrey talked about 2018-R13 which was previously past. He also talked about 2018-03 that will probably be passed at the next meeting and explained the reason for second reading passage.

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

No Meeting

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

Mrs. Babbitt advised the committee heard the 2017 annual reports from Det. Brown for the Summit County Sheriff's Office and Chief Funai gave the Green Fire Department's annual report.

She noted the Green Local Schools Board of Education meeting has moved so that they can hold a meeting regarding safety in our schools.

D. Planning, Community & Economic Development (Young*, Speight**, Yeargin)2017-29

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONTAINING APPROXIMATELY 4.207 ACRES OF LAND LOCATED ON ST. ANDREWS COURT (PRIVATE) FROM R-2 (MULTI-FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) AND ACCEPTING THE CONCEPTUAL SITE PLAN OF THE CHENOWETH CROSSING PLANNED DEVELOPMENT. Introduced 12/12/17 Public Hearing held February 13, 2018

Sponsors: Gerard Neugebauer

Attachments: [2017-29 St. Andrews Court](#)
[2017-29 re Chenoweth Crossing Rezoning.docx](#)
[2017-29 re Exhibit A Map of Chenoweth.pdf](#)
[Chenoweth Crossings PD Plat](#)
[Chenoweth Crossing Aerial](#)
[17-57 Chenoweth Crossings Notif of Rec to City Council](#)
[17-57 Chenoweth Crossings PD PZC Staff Report](#)
[Chenoweth Crossing Contigs](#)

Mr. Young briefly explained this ordinance.

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

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

THIRD READING ITEMS

2018-R01 A RESOLUTION APPROVING THE FINAL PLAT AND PERFORMANCE BOND FOR KINGS RIDGE PHASE 8, AND DECLARING AN EMERGENCY. Introduced January 9, 2018.

Sponsors: Gerard Neugebauer

Attachments: [2018-R01 Kings Ridge Phase 8](#)
[2018-R01 re Final Plat Kings Ridge Phase 8.doc](#)
[2018-R01 re Exhibit A Kings Ridge Phase 8.pdf](#)
[17-40 Kings Ridge Ph 8 PZC Staff Report.pdf](#)
[Kings Ridge Ph 8 plat.pdf](#)
[Kings Ridge Phase 8 aerial.pdf](#)

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-R02 A RESOLUTION APPROVING THE REPLAT OF THE CAK INTERNATIONAL BUSINESS PARK, AND DECLARING AN EMERGENCY. Introduced January 9, 2018.

Sponsors: Gerard Neugebauer

Attachments: [2018-R02 CAK International Business Park Replat](#)
[2018-R02 re CAK International Business Park.doc](#)
[2018-R02 re Exhibit A CAK International Business Park.pdf](#)
[17-71 Replat of CAK Intl Bus Park PZC Staff Report](#)
[2017-12-13 KW AKR Replat](#)
[Replat of CAK Intl Bus Park Aerial](#)

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

[2018-01](#) AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 3.05 ACRES OF LAND FRONTING ON ROBIN'S TRACE, A PUBLIC ROADWAY, FROM R-2 (MULTI-FAMILY RESIDENTIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL). Introduced January 9, 2018. Public Hearing held February 13, 2018.

Sponsors: Gerard Neugebauer

Attachments: [2018-01 Robin's Trace](#)

[2018-01 re Robins Trace public Roadway.docx](#)

[2018-01 re Exhibit A Robins Trace.pdf](#)

[17-69 Spencer Rezoning PZC Staff Report](#)

[Rezoning Aerial](#)

[Spencer Rezoning Contig Letter](#)

[Proposed Rezoning](#)

[18-01 Property Owners](#)

[18-01 Spencer Rezoning Contig Properties Map](#)

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

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

SECOND READING ITEMS

[2018-02](#) AN ORDINANCE AMENDING CHAPTERS 1226 AND 1231 OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN REGARDING ADULT FAMILY HOMES, AND DECLARING AN EMERGENCY. Introduced 2/13/18 Public Hearing was held February 27, 2018.

Sponsors: Gerard Neugebauer

Attachments: [2018-02 re Adult Home Chapters Amended 1226 & 1231.docx](#)

[2018-02 re Exhibit A Chapter 1226.pdf](#)

[17-58 Text Amendment- Adult Homes PZC Staff Report](#)

[1226 Use Regulations 12-20](#)

[1231 Defintions and Rules of Construction Adult Homes Changes](#)

[12-20](#)

[Table 1226 Allowed Uses- Adult Homes 12-20-17](#)

Mr. Young advised the public hearing was just held. Time was requested and granted.

Mr. Young advised the committee discussed 2018-R14 and it was adopted earlier in the meeting.

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

Mr. Shaughnessy addressed legislation that did not get on the agenda. He is concerned the City will spend money against residents that are filing a referendum. He briefly explained. He asked council members if they would like to co-sponsor.

He also talked about his legislation that will address transparency with legislation. It will require all legislation regarding pending litigation to list what it was regarding.

Mr. Humphrey asked Mrs. Calta if Mr. Shaughnessy's first piece of legislation was illegal or unconstitutional. He asked her to render her opinion. Mrs. Calta said she would.

Mr. Dyer asked for clarification on what the City can do to support or oppose a valid initiative.

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

[2018-R07](#) **A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) 2018 GRADALL XL3100 V 4X2 FROM SOUTHEASTERN EQUIPMENT COMPANY, FOR USE BY THE CITY'S SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY. Introduced 2/13/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R07 2018 Gradall](#)

[2018-R07 re Gradall Purchase.docx](#)

[2018-R07 re Exhibit A Purchase Agreement for gradall machine.pdf](#)

[Valerie Wax Carr memo re Purchase Agreement for gradall machine.pdf](#)

Mr. Yeargin advised the committee decided it could be passed on second reading passage.

A motion was made by Council Member Yeargin, 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 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-R08 **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO CONTRACTS WITH VARIOUS PLANNING, ARCHITECTURE, AND LANDSCAPE ARCHITECTURE FIRMS FOR PROFESSIONAL SERVICES FOR A THREE-YEAR TERM COMMENCING JANUARY 1, 2018, AND DECLARING AN EMERGENCY. Introduced 2/13/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R08 Architecture Firms](#)
[2018-R08 re various planning contracts beginning Jan 1 2018.docx](#)

Mr. Yeargin advised the committee discussed and Mr. Wiethe spoke to the need for this legislation. Second reading passage was agreed to by the committee.

A motion was made by Council Member Yeargin, 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 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)

SECOND READING ITEMS

2018-R10 **A RESOLUTION ESTABLISHING A STREET LIGHTING DISTRICT FOR THE LAKES OF GREEN, PHASE III SUBDIVISION, AND DECLARING AN EMERGENCY. Introduced 2/13/18 Public Hearing held February 27, 2018.**

Sponsors: Gerard Neugebauer

Attachments: [2018-R10 re Street Lighting The Lakes of Green Phase III.docx](#)
[Lakes of Green Phase III Street Lighting Request Information Agreement.pdf](#)
[LT - Lakes of Green Phase III Letter](#)
[LT-Lakes of Green Phase III](#)

Mr. Dyer advised there was a public hearing and explained the street lighting district. Time was requested and granted.

X. Mayor's Report

Mayor Neugebauer gave his Mayor's report.

XI. Unfinished Business

Mr. Dyer appreciated the sentiments of Mr. Ebbott regarding healing. He asked for clarification if the City was going to oppose the referendum officially or not so we are transparent with those in the community. He talked about his concerns that the City did not follow the 30 day rule and would like more clarification on that issue. He is not convinced that the legislation is exempt from the 30 day rule. The Charter is pretty clear that all resolutions that don't pass by emergency, which this did not, take 30 days to take affect. He asked for more clarification on the thirty day issue and would also like to learn from the Administration by the next meeting if there is going to be an actual fight on the referendum so the City can be as transparent with the public as possible.

Mr. Shaughnessy said he just signed up for the Nexus pipeline texts.

Mr. Humphrey said he appreciated Mr. Ebbott's comments. He talked about his time on council and his concerns with how this is splitting the city. Most votes are 7-0 because Council is making the best decision with the information they have. No matter how that vote went there was going to be angry and unhappy people. FERC decided the pipeline was going to be here, not the City of Green. He asked the community to bring it down a level. No one wants this pipeline here. He advised they were told that if we did not have a settlement agreement, they would proceed through eminent domain and the City would get next to nothing. He listed all the things the City would not have gotten if they did not have a settlement agreement. He talked about information that has been given regarding referendum. When he voted for the settlement agreement he did the best he could to understand the risk to the community and to make the best decision that he could. He talked about making the decision with integrity and professionalism. Citizens have a right to circulate a referendum petition, absolutely it is in the Charter. The pipeline is still coming through Green weather there is a referendum or not. He finds it very offensive that people are saying that you need to allow the people to speak. He asked what people are they talking about. He said there are 26,000 people in the City of Green and Council represents all of them, not just the 1,000 that sign a petition to say they disagree. He respects their right to disagree but they have to also understand at the end of the day as a City, as a Council, as a law director they have to uphold the law. He wishes this would go away tomorrow but it isn't going to and the reason it is not going to is because people are upset and he understands that and he is upset too. If a referendum is not able to go through, ultimately it is not Chris Humphrey or any member of Council deciding if the referendum is going through, it will be the board of elections, a court, we are subject in this country to a role of law and that process is going to take place. His plea to the community is to lets listen to each other, talk to each other, bring it down a 100 notches and understand, after all of this is done we are friends, neighbors and co-workers and all part of this community together. He asked people before they

started to get angry to stop and listen.

Mr. Yeargin said he echoed the concerns raised by Mr. Ebbott and Mr. Dyer is correct about making sure we get accurate information out. Whatever decision is to be made by a community, it is important it is based on the truth. Part of his frustration is that it was pending litigation and Council could not speak regarding the matter because of attorney client privilege. Mr. Yeargin said there is a divide in the community. He gave some thoughts on how the Council came to the settlement so quickly on a factual basis so that people understand what the facts were before Council. He reviewed his pros and cons. He explained that the court will retain jurisdiction and he explained the benefits. He pointed out Nexus must meet weekly with the City. If Nexus doesn't do what the law requires them to do, we can hold them accountable. He highlighted things from the settlement agreement and because of that agreement we can take them right back to court and without the agreement we couldn't do that. The last thing that fell in favor of the settlement agreement for him was holding out for more money risked no accountability for public safety. The timing was advised by outside counsel and advised leverage was at our highest point.

Mr. Dyer commend Mr. Yeargin for getting up and talking and is clearly emotional. Mr. Dyer did take issue with the con side of his argument. Mr. Dyer's decision had nothing to do with selfish reasons, it was based on what he thought was a deeply flawed document. He was concerned about the process with less than an hours input and the original intent was to do it at one meeting with very little input. He had many concerns with the agreement and they were heartfelt. The outside legal counsel admitted he had zero experience cutting these types of deals. He respected the legal counsel's ability to understand environmental law and to be fair to him, not many of cut deals like this throughout the country. He said he appreciated the president letting members speak, he thought it was healthy and a good discussion that should be had. It was better here then social media. He asked that those on all sides of this issue acknowledge that the votes that were taken were of integrity. He said his concerns aren't based on politics but the Charter and they need to find out answers.

Mr. Humphrey said he thinks they all wished that they would have had 30 or 60 days to think about this issue. He said the reality is we were at the sixth circuit and our counsel had done a fantastic job arguing to three judges and they had fast tracked the case. The last piece of leverage the City had against Nexus could have evaporated in four hours after that oral argument. When that court ruled, there went the City's leverage. He hopes this discussion has shed some light and some facts and lowers the tempeture here in the City.

Mr. Shaughnessy said this has turned into a re-litigation of the Nexus vote. He would have liked to seen that during the meetings that were had with regards to Nexus. He said there is a value into explaining our votes but it has turned into a re-litigation.

XII. New Business

No New Business

XIII. Adjournment

Mr. Shaugnessy moved to adjourn at 9:01 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.