



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, November 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 7:47 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-2326](#) Approval of the April 10, 2018 Regular Council Meeting Minutes

Attachments: [4-10-18 Council Minutes](#)

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

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

[TMP-2332](#) Approval of the November 13, 2018 Regular Meeting Minutes

Attachments: [11-13-18 Council Minutes](#)

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

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

[TMP-2330](#) Approval of the October Financial Statement, Subject to Audit.

Attachments: [OCTOBER 2018 ELECTRONIC FINANCIAL REPORT](#)

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

Rosemary Koch, 457 Derbyshire Road - She has been a resident for 22 years. She came to speak regarding the apartments on Moore Road. She said the citizens voted no but Council approved not only apartments but income adjusted housing. She then talked about the golf course and the management company. She asked what good it was to all the residents of Green.

VI. Public Hearings

[2018-R91 A](#) **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT with AQUA OHIO, INC., AND DECLARING AN EMERGENCY. Introduced 11/13/18--- Public Hearing was held November 27, 2018. (AMENDED DECEMBER 11, 2018)**

Sponsors: Gerard Neugebauer

Attachments: [2018-R91 re Amended Aqua Ohio Agreement](#)
[2018-R91 re Exhibit A.pdf](#)

Mr. Dyer opened the public hearing at 7:52 p.m. Mr. Dyer gave a little background on the legislation. This is a proposed rate adjustment to take the rate down.

Keith Nutter, Area Manager for Aqua Ohio. He explained how they were able to reduce the rate. They will go from 3.25% to 2% for 2019-2021. It is approximately \$3.4 million dollars that the residents will get to keep. Approximately \$95 per homeowner. The capital improvements will include mains for streets with no water.

Mr. Speight thanked Mr. Nutter for coming in.

Mayor Neugebauer explained that as a public utility they are limited by law that they can only make so much profit. He said some companies, with the change in the tax code, they chose to give their employees raises. In this case they did not have much of a choice because they are limited on their profitability. It is positive for our residents.

Mr. Dyer closed the public hearing at 7:56 p.m.

VII. Reading of Correspondence

[TMP-2338](#) Email from Jennifer Smith RE: Camera above Fire Station

Attachments: [11-19-18 Jennifer Smith](#)

Correspondence read in and filed.

VIII. New Legislation - Items on First Reading

[2018-R92](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH PORTS PETROLEUM CO. INC., TO SUPPLY FUEL TO THE CITY WITHOUT COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY. INTRODUCED 11/27/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R92 re Ports Petroleum Contract](#)
[2018-R92 re Exhibit A](#)

Referred to the Transportation, Connectivity and Storm Water Committee

IX. Report of Council Committees

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

THIRD READING ITEMS

[2018-R83](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH A MANAGEMENT COMPANY TO ACCEPT THE PROPOSED BID PURSUANT TO THE REQUEST FOR PROPOSAL FOR RAINTREE COUNTRY CLUB, INC. AND RAINTREE GOLF, LLC., AND DECLARING AN EMERGENCY. Introduced 10/23/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R83 Raintree Country Club Management Co](#)
[2018-R83 re Agreement with Management Company for Raintree.docx](#)

Mr. Humphrey advised Council approved at the last meeting the purchase of Raintree and explained the plan for the golf course. He advised the committee went into executive session to discuss and after Mrs. Carr and Mr. Schmidt reported on the general terms that will be part of the agreement with Billy Casper Golf.

A motion was made by Council Member Humphrey, 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

SECOND READING ITEMS

[2018-R86](#) **A RESOLUTION APPROVING AND ADOPTING THE 2019 ANNUAL OPERATING APPROPRIATION FOR THE GENERAL FUND AND ALL OTHER FUNDS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY.** Introduced 11-13-18

Sponsors: Gerard Neugebauer

Attachments: [2018-R86 re 2019 operating annual appropriation.docx](#)

[2018-R86 re Exhibit A.pdf](#)

[2018-R86 re Exhibit B.pdf](#)

Mr. Humphrey advised there will be a special meeting on December 4 at 5 p.m. to discuss the operating budget.

Time was requested and will be granted.

[2018-R87](#) **A RESOLUTION APPROVING AND ADOPTING THE 2019 ANNUAL CAPITAL APPROPRIATIONS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY.** Introduced 11/13/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R87 re 2019 Capital Annual Appropriations.docx](#)

[2018-R87 re Exhibit A.pdf](#)

Mr. Humphrey explained this will also be discussed at the December 4 meeting.

Mr. Schmidt asked if anyone had questions to please email Finance prior to the meeting so they can be prepared to answer.

Time requested and granted.

[2018-R88 A](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH INFINITY CONSTRUCTION, CO., INC AS CONSTRUCTION MANAGER AT RISK, TO PROVIDE PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES FOR THE CONSTRUCTION OF FIRE STATION NO. 3, WITHIN THE CITY OF GREEN, MAKING AN APPROPRIATION, AUTHORIZING AN ADVANCE, AND DECLARING AN EMERGENCY.** Introduced 11/13/18 --
-- Second Reading Passage Requested.

Sponsors: Gerard Neugebauer

Attachments: [2018-R88 Fire Station #3 Construction Manager at risk](#)
[2018-R88 Exhibit A](#)
[2018-R88 Exhibit B](#)
[2018-R88A re Amended Infinity Construction](#)
[2018-R88 re Amended Exhibit A](#)
[2018-R88 re Amended Exhibit B](#)
[2018-R88A - Second reading passage request](#)

Mr. Humphrey advised the committee discussed and Chief Funai explained during committee the contract and the appropriation. The total amount that the City expects to pay to Infinity Construction, which will be the Construction Manager at Risk, is \$341,315. The Administration requested second reading passage.

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

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

[2018-R89 A](#) A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY.

Sponsors: Gerard Neugebauer

Attachments: [2018-R89 Modifying Appropriations](#)
[2018-R89 re Amend Appropriations year end 2018](#)
[2018-R89 Amend YEAR END 2018 Exhibits A](#)

Mr. Humphrey advised it was amended after this agenda was posted. The new total is \$97,419.00. The majority is for leave sale items and the purchase of self contained breathing apparatus for the fire department. He advised the City did receive a grant and had to have matching funds from the City, we did need an additional appropriation. He explained why they needed to move forward on second reading.

A motion was made by Council Member Humphrey, seconded by Council Member Yeargin, to amend the Resolution by adding the amended exhibit. 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 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 adopt as amended the Resolution. The motion carried by the following vote:

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

2018-27

AN ORDINANCE ESTABLISHING AND ADOPTING A POLICY FOR CREDIT CARD USE AND PROCEDURES THAT NEED TO BE FOLLOWED BY ALL EMPLOYEES WITHIN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. Introduced 11/13/18

Sponsors: Gerard Neugebauer

Attachments: [2018-27 Credit Card Policy](#)
[2018-27 re Credit Card Policy.docx](#)
[2018-27 re Exhibit A Proposed Revised Credit Card Policy.docx](#)
[2018-27 re Exhibit B Credit Card Use Form.docx](#)
[2018-27 re Exhibit C Sign Out Form.docx](#)

Mr. Humphrey explained this was necessity because of HB312.

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

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

TMP-2330

Approval of the October Financial Statement, Subject to Audit.

Attachments: [OCTOBER 2018 ELECTRONIC FINANCIAL REPORT](#)

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

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

No Meeting

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

RECONSIDERATION

[2018-24 A](#) AN ORDINANCE AUTHORIZING THE CITY OF GREEN TO PROHIBIT THE SALE OR OTHER DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, ~~OR~~ ALTERNATIVE NICOTINE PRODUCTS, *OR TOBACCO PRODUCT PARAPHERNALIA* TO PERSONS UNDER 21 YEARS OLD, *AUTHORIZING A CONTRACT WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT TO IMPLEMENT THESE PROVISIONS THROUGH REGULATIONS,* ~~AND DECLARING AN EMERGENCY.~~ Amended 10/23/18 and 11/27/18 Introduced October 9, 2018

Sponsors: Gerard Neugebauer and City Council

Attachments: [2018-24 Cigarette sales](#)
[2018-24 re Exhibit A Intergovernmental Agreement COG Summit](#)
[County Combined General Health](#)
[2018-24 re Amended Amended T21 Tobacco](#)

Mrs. Babbitt explained the committee discussed and this was to amend the legislation to strike the declaring an emergency from the legislation and add all members as sponsors.

A motion was made by Council Member Babbitt, seconded by Council Member Shaughnessy, to reconsider 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 Babbitt, seconded by Council Member Shaughnessy, to amend 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 Babbitt, seconded by Council Member Shaughnessy, to adopt as amended the Ordinance. The motion carried by the following vote:

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

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

2018-R90 **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH SUMMIT COUNTY FOR THE INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING, AND DECLARING AN EMERGENCY.** Introduced 11/13/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R90 re Jobs Preservation.docx](#)
[2018-R90 re Exhibit A.pdf](#)

Mr. Young explained this legislation is an agreement between the City and the County. This will make the City a signatory City within the County. If a sizable business was to relocate and a tax base was gained or loss those two cities could negotiate revenue sharing between them.

Time requested and granted.

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

2018-25 A **AN ORDINANCE ESTABLISHING A CITY TREE ADVISORY COMMISSION FOR THE REGULATION OF PUBLIC PROPERTY TREES, , AND DECLARING AN EMERGENCY.** Introduced 10/23/18

Sponsors: Gerard Neugebauer

Attachments: [2018-25 Tree Advisory Commission](#)
[2018-25 re AMENDED Tree Committee Board.docx](#)

Mr. Yearagin explained this will create a committee as part of the Living Green Task Force. It creates a list of trees that are appropriate for planting in the City of Green to prevent disease. It also creates a mechanism for the advisory committee to identify dangerous trees and take them down.

A motion was made by Council Member Yeargin, seconded by Council Member Dyer, to adopt as amended the Ordinance. 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-R91 A](#) A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT with AQUA OHIO, INC., AND DECLARING AN EMERGENCY. Introduced 11/13/18--- Public Hearing was held November 27, 2018. (AMENDED DECEMBER 11, 2018)

Sponsors: Gerard Neugebauer

Attachments: [2018-R91 re Amended Aqua Ohio Agreement](#)
[2018-R91 re Exhibit A.pdf](#)

Mr. Dyer reiterated they just had public hearing on this legislation. It allows the City to accept the lower rate for Green residents. Due to the public hearing, time was requested and granted.

[2018-26](#) 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 11/13/18 --- SECOND READING PASSAGE REQUESTED.

Sponsors: Gerard Neugebauer

Attachments: [2018-26 Codified update](#)
[2018-26 re Codified Ordinance revision codes.docx](#)
[2018-26 re Exhibit A Codified Ordinance revisions.pdf](#)

Mr. Dyer explained this accepts the codification of the Ordinances. There were no objections in the committee to adopting on second reading.

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

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

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

Mr. Shaughnessy advised the committee met and went into executive session to discuss an appointment to the CSC with the rest of Council and Human Resource Manager, Pam Serina.

X. Mayor's Report

Mayor Neugebauer gave his report.

XI. Unfinished Business

No Unfinished Business

XII. New Business

Mr. Humphrey reiterated the December 4 meeting which Council will discuss the budgets, enter executive session to interview Council appoints to the Civil Service Commission and discuss a personnel matter.

XIII. Adjournment

Mr. Dyer adjourned the meeting at 8:24 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.