



City of Green

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

Meeting Minutes

City Council

Barbara Babbitt - Ward 1
Christopher J. Meager "C.J." - Ward 2
Rocco Yeargin, President - Ward 3
Matt Shaughnessy - Ward 4
Richard Brandenburg - At-Large
Clark A. DeVitis - At-Large
Dave France, Vice President - At-Large
Nichole Messner, Clerk of Council

Tuesday, November 9, 2021

7:00 PM

Council Chambers

I. Call to Order

Council President Yeargin called the regular meeting to order at 7:45 p.m.

II. Pledge of Allegiance

III. Roll Call of Council Members

Present: 7 - Barbara Babbitt, Richard Brandenburg, Clark A. DeVitis, Dave France, Matt Shaughnessy, Rocco Yeargin and CJ Meager

IV. Council Study Session

[TMP-3662](#) Approval of the October 26, 2021 Council Meeting Minutes

Attachments: [10-26-21 Council Meeting Minutes](#)

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

Aye: 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Meager

[TMP-3674](#) Approval of the October 2021 Electronic Financial Report, Subject to Audit

Attachments: [October 2021 Electronic Financial Report](#)

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

Aye: 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Meager

V. Public Report

Pat Carleski, 3878 Greenfield Rd., Green OH-
Concerned with run-off from the new development at Springhill Farms. Also
concerned with the additional traffic. Commented on a dog bite event that happened

on her road and she is concerned that this is a quality of life issue. She would like the City to take a look at the dog bite code section 618.02.

VI. Public Hearings

[2021-24](#)

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT TO SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY THROUGH NOPEC AS A NOPEC MEMBER. -(Introduced on 10/26/21) **PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR NOVEMBER 9 & 23, 2021 AT 7:00 P.M. IN COUNCIL CHAMBERS**

Attachments: [2021-24 re NOPEC Opt In Natural Gas Program](#)

Councilman Shaughnessy opened the public hearing 7:58 p.m.

Councilman Shaughnessy read in the legislation and gave a brief summary.

Service Director Carr explained that we are currently in an opt-out program. The option of opting in streamlines the ability for people to get into the program.

Jose Delgado of NOPEC-

Mr. Delgado explained the Nopec plan- stating that it takes 3 months to opt-in to the current program. This new way will streamline that process and allow residents to get in with just a quick phone call.

A couple questions asked. Residents will be notified by mail of their options to opt-in once this legislation is passed. Nopec is competitive and is a safer choice due to keeping a more constant fee, versus fluctuating with the market.

No resident questions.

Public hearing closed at 8:10 p.m.

[2021-25](#)

AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC NATURAL GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING A GAS AGGREGATION PROGRAM AS A NOPEC MEMBER. -(Introduced 20 10/26/21) **PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR NOVEMBER 9 & 23, 2021 AT 7:00 PM IN COUNCIL CHAMBERS**

Attachments: [2021-25 re NOPEC Adot Natural Gas Program](#)

VII. Reading of Correspondence

Clerk of Council read in the correspondence and filed it.

[TMP-3664](#) Email from the Goddard School in Support of the New Spring Hill Farms PD

Attachments: [Email from Goddard School RE New Springhill Farms Development](#)

[TMP-3665](#) Email from Nancy Lupi RE: Opposed to the 500 New Apts.

Attachments: [Email from Nancy Lupi RE 500 Apartment Complex](#)

[TMP-3666](#) Email from the Village of St. Edward in Support of the Spring Hill Farms PD

Attachments: [Spring Hill Development--Letter of Support - 10.26.2021](#)

[TMP-3667](#) Planning Dept. October 2021 Financial Summary

Attachments: [Planning Dept. Oct 2021 Financial Summary](#)

[TMP-3668](#) Parks & Recreation Board November 3, 2021 Meeting Agenda

Attachments: [Meeting Agenda 2021-11-03](#)

VIII. New Legislation - Items on First Reading

Council Clerk, Nichole Messner read in the new legislation.

[2021-R77](#) **A RESOLUTION APPROVING AND ADOPTING THE 2022 ANNUAL CAPITAL APPROPRIATIONS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 11/9/21)**

Attachments: [2021-R77 2022 Capital Annual Appropriations](#)
[2021-R77 re Exhibit A 2022 CAPITAL BUDGET](#)

[2021-R80](#) **A RESOLUTION AUTHORIZING COVENTRY TOWNSHIP, SUMMIT COUNTY, OHIO TO PARTICIPATE IN THE CITY OF GREEN'S WASTE HAULING CONTRACT WITH REPUBLIC SERVICES OF OHIO HAULING, LLC., AND DECLARING AN EMERGENCY. -Referred to the Intergovernmental and Utilities Committee**

Attachments: [2021-R80 re Coventry and COG Waste Hauling](#)
[Coventry Resolutio 211028-0111-02-2021-160238](#)

Councilman Shaughnessy briefly explained the legislation and reason for first reading passage. This is good neighbor legislation allowing Coventry to get the same price as we did.

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

Aye: 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Meager

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

Aye: 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Meager

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

Aye: 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Meager

2021-R81 A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL REGARDING THE COMMUNITY REINVESTMENTS AREA, AND TAX INCREMENT FINANCING AGREEMENTS WITHIN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 11/9/21)

Attachments: [2021-R81 re TIRC Recommendations](#)

2021-R82 A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO CONTRACTS WITH VARIOUS LAW FIRMS FOR INCOME TAX COLLECTION SERVICES, FOR A THREE-YEAR TERM COMMENCING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2024, AND DECLARING AN EMERGENCY. -(Introduced on 11/9/21)

Attachments: [2021-R82 re Income Tax Legal Firms](#)

IX. Report of Council Committees

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

Councilwoman Babbitt gave her committee report.

SECOND READING ITEMS

2021-R75 A A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. -(Introduced 10/26/21) (Amended November 9, 2021) (Amended November 23, 2021)

Attachments: 2021-R75 re Amended Amended Appropriations
2021-R75 A re Amended Amended Exhibit A
2021-R75 re Exhibit B Oct 21 Amended Appropriation
Valerie Wax Carr Memo re Parks Minor Capital

Councilwoman Babbitt read in the legislation and gave a brief summary of the

discussion that took place at Committee.

Time requested and granted.

2021-R76 A A RESOLUTION APPROVING AND ADOPTING THE 2022 ANNUAL OPERATING APPROPRIATION FOR THE GENERAL FUND AND ALL OTHER FUNDS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced 10/26/21) (Amended November 23, 2021)

Attachments: 2021-R76 A re Amended 2022 Operating Budget annual appropriation
2021-R76 re Amended EXHIBIT A
2021-R76 re Exhibit B 2022 OPERATING BUDGET

Councilwoman Babbitt read in the legislation and gave a brief overview of the discussion that took place in Committee regarding the budget.

Time requested and granted.

B. Environment & Parks (Brandenburg*, France**, DeVitis)

Did not meet. No report.

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

Councilman DeVitis gave his report. The October Sheriffs Dept. activity report was given by Detective Cadwell. No other business.

D. Planning, Community & Economic Development (Yeargin*, DeVitis**, Meager)

Councilman Yeargin gave his committee report.

2021-21 **AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 26.4 ACRES OF LAND FROM B-2 (BUSINESS OFFICE) TO PD (PLANNED DEVELOPMENT) AND ACCEPTING THE PLAN OF THE PROPOSED SPRING HILL FARMS PLANNED DEVELOPMENT. -(Introduced on 9/28/21) **A PUBLIC HEARING WAS HELD ON TUESDAY, OCTOBER 26, 2021****

Attachments: [2021-21 re Zoning Change Spring Hill Farms](#)
[2021-21 re Exhibit A](#)
[Codified Ordinance 1224.04](#)

Councilman Yeargin read in the legislation and gave a brief summary of the discussion that took place during committee meetings and during the public hearing.

Third reading item, Committee ok with passage. Councilman Yeargin moved to adopt.

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

Aye: 6 - Babbitt, Brandenburg, DeVitis, France, Yeargin and Meager

Nay: 1 - Shaughnessy

THIRD READING ITEMS

[2021-22 A](#) **AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY TO BE PURCHASED BY TURKEYFOOT GREEN, LLC, TO BE A PUBLIC PURPOSE, EXEMPTING 100% OF THE VALUE OF THE IMPROVEMENTS FROM REAL PROPERTY TAXATION FOR THIRTY YEARS, AUTHORIZING THE MAYOR TO ENTER INTO A TAX INCREMENT FINANCING AGREEMENT, AND DECLARING AN EMERGENCY. -(Introduced on 10/12/21) (AMENDED NOVEMBER 9, 2021)**

Attachments: [2021-22 re Amended Exhibit G Turkeyfoot Green LLC TIF Agreement](#)

[2021-22 A re Amended Turkeyfoot Green LLC TIF](#)

[2021-22 re Exhibits A B C D E F](#)

[2021-22 re Exhibit F](#)

Councilman Yeargin read in the legislation and gave a brief overview of the discussion that took place during committees.

Third reading item, Committee good with passage. Councilman Yeargin moved to adopt.

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

Aye: 6 - Babbitt, DeVitis, France, Shaughnessy, Yeargin and Meager

Nay: 1 - Brandenburg

SECOND READING ITEMS

[2021-R78](#) **A RESOLUTION APPROVING THE FINAL PLAT OF UNION SQUARE PHASE I, AND DECLARING AN EMERGENCY. -(Introduced on 10/26/21)**

Attachments: [2021-R78 re Union Square Phase I](#)

[2021-R78 re Exhibit A](#)

[21-53 Union Square Phase I PZC Staff Report](#)

[21-53 Union Square Phase I Plat plans](#)

Councilman Yeargin read in the legislation and gave a brief overview of the discussion

that took place during Committee.

Time requested and granted.

2021-R79

A RESOLUTION ACCEPTING THE PLANNING & ZONING COMMISSION'S ("PZC") APPROVAL OF THE REPLAT # 2 OF GREENSBURG HEIGHTS ALLOTMENT, AND DECLARING AN EMERGENCY. -(Introduced on 10/26/21)

Attachments: [2021-R79 re Greensburg Heights Replat #2](#)
[2021-R79 re Exhibit A 21-49 Greensburg Heights Replat #2 plans](#)
[21-49 Greensburg Heights Replat #2 PZC Staff Report](#)
[21-49 Greensburg Heights Replat #2 plans](#)
[21-49 Greensburg Heights Replat #2 aerial](#)

Councilman Yeargin read in the legislation and gave a brief summary of the discussion that took place in Committee.

Committee ok with second reading passage. Councilman Yeargin moved to adopt.

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

Aye: 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Meager

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

Aye: 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Meager

2021-26

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 79 ACRES OF LAND LOCATED AT 1265 BOETTLER ROAD FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) AND ACCEPTING THE CONCEPTUAL SITE PLAN OF THE PROPOSED PULTE PLANNED DEVELOPMENT. -(Introduced on 10/26/21) Committee **A PUBLIC HEARING IS SCHEDULED FOR NOVEMBER 23, 2021 AT 7:00 PM IN COUNCIL CHAMBERS**

Attachments: [2021-26 re Pulte 1265 Boettler Rd changes](#)
[2021-26 re Exhibit A](#)
[21-51 Pulte PD Concept Plan PZC Staff Report](#)
[21-51 Pulte PD Concept Plan](#)

Councilman Yeargin read in the legislation and gave a brief summary. This item is scheduled for public hearing at next meeting so no discussion took place.

E. Rules and Personnel (Meager*, Yeargin**, France)

Councilman Meager gave his committee report.

SECOND READING ITEMS

**2021-23 A AN ORDINANCE TO REGULATE ~~SOLICITORS AND PEDDLERS'~~
TRANSIENT VENDORS WITHIN THE CITY OF GREEN. - (Introduced on
10/26/2021) (Amended November 23, 2021)**

Attachments: 2021-23 A re Do Not Know Peddlers and Solicitors

Q & A regarding No Knock

Q & A (2) regarding No Knock

Councilman Meager read in the legislation and gave a brief summary of the discussion that took place during Committee meetings.

Second reading item. Time requested and granted.

F. Transportation, Connectivity & Storm Water (France*, Shaughnessy**, Brandenburg)

Did not meet. No report.

G. Intergovernmental & Utilities (Shaughnessy*, Meager**, Babbitt)

Councilman Shaughnessy gave his Committee report.

SECOND READING ITEMS

2021-24 **AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO
ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT TO
SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY THROUGH
NOPEC AS A NOPEC MEMBER. -(Introduced on 10/26/21) **PUBLIC
HEARINGS HAVE BEEN SCHEDULED FOR NOVEMBER 9 & 23, 2021
AT 7:00 P.M. IN COUNCIL CHAMBERS****

Attachments: 2021-24 re NOPEC Opt In Natural Gas Program

Councilman Shaughnessy read in the legislation and gave a summary. This had a public hearing this evening where much discussion took place.

Time requested and granted.

2021-25 **AN ORDINANCE APPROVING THE PLAN OF OPERATION AND
GOVERNANCE FOR THE NOPEC NATURAL GAS AGGREGATION
PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND
IMPLEMENTING A GAS AGGREGATION PROGRAM AS A NOPEC
MEMBER. -(Introduced 20 10/26/21) **PUBLIC HEARINGS HAVE BEEN
SCHEDULED FOR NOVEMBER 9 & 23, 2021 AT 7:00 PM IN COUNCIL**

CHAMBERS**

Attachments: [2021-25 re NOPEC Adot Natural Gas Program](#)

Councilman Shaughnessy read in the legislation and gave a summary. This had a public hearing this evening where much discussion took place.

Time requested and granted.

X. Mayor's Report

Mayor Neugebauer gave his report.

XI. Unfinished Business

None.

XII. New Business

Councilwoman Babbitt congratulated the GHS Bulldog Football team for making it to the sectionals and wished them luck at their next game.

XIII. Adjournment

A motion was made by Council Member Yeargin, seconded by Council Member France, to adjourn the meeting at 8:37 p.m. The motion carried by the following vote:

Aye: 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Meager

ATTEST: _____
NICHOLE MESSNER, CLERK OF COUNCIL

APPROVED: _____
ROCCO YEARGIN, 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.