



# 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*

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Tuesday, September 14, 2021

7:00 PM

Council Chambers

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#### I. Call to Order

Council President Yeargin called the meeting to order at approximately 7:48 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

Also present:

Gerard Neugebauer, Mayor  
Wayne Wiethe, Planning Director  
Steve Schmidt, Finance Director  
Valerie Carr, Service Director  
Paul Pickett, City Engineer  
Nichole Messner, Clerk of Council

Rachel Bologa, Student Representative  
Eden Deger, Student Representative

#### IV. Council Study Session

[TMP-3586](#) Approval of the August 24, 2021 Council Meeting Minutes

**Attachments:** [8-24-21 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

**\*\* Mayor Neugebauer will present a Proclamation to the Daughters of the American Revolution**

Mayor Neugebauer read in the proclamation for the Daughters of the American Revolution.

V. Public Report

Cindy Rutherford, 1121 Newcomb Dr. Green, OH-  
Mrs. Rutherford spoke about the need for sidewalks and trails.

Season Irwin, 379 Derbyshire Rd. Green, OH-  
Mrs. Irwin spoke in support of sidewalks and trails. She was struck by a vehicle while running. She was severely injured. She urged the city to provide sidewalks and paths for safety.

Regina Jesser, 4016 Highpoint Dr., Green OH-  
Mrs. Jesser spoke in support of trails/paths for safety and the ability to be active.

Andrew Gucciardo, 3723 Troon Dr. Green, OH-  
Mr. Gucciardo spoke in support of the sidewalks and trails. They want a community that is walkable/runnable with potential growth.

India Laubacher, 33 Mt Pleasant, Green, OH-  
Mrs. Laubacher spoke in concern with safety at the intersection of Arlington and Mt. Pleasant.

VI. Public Hearings

None.

VII. Reading of Correspondence

Council Clerk read in the correspondence and then it was filed.

[TMP-3588](#) Planning Depts. August 2021 Financial Summary

**Attachments:** [Planning Dept. August 21 Financial Summary](#)

[TMP-3589](#) Sept 1, 2021 Parks & Recreation Board Agenda

**Attachments:** [Meeting Agenda 2021-09-01](#)

VIII. New Legislation - Items on First Reading

Council Clerk Nichole Messner read in the new legislation.

[2021-R66](#) A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH FRED AND DEBORAH CARR FOR THE PROPERTY LOCATED AT 3220 MASSILLON ROAD, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. -(Introduced on 9/14/21)

**Attachments:** [2021-R66 re Carr Land Purchase](#)  
[2021-R66 re Exhibit A](#)  
[2021-R66 re Exhibit B](#)

[2021-R67](#) A RESOLUTION AUTHORIZING NEW FRANKLIN, 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. -(Introduced on 9/14/21)

**Attachments:** [2021-R67 re New Franklin and COG Waste Hauling](#)

[2021-R68](#) A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AQUA OHIO, INC., AND DECLARING AN EMERGENCY. -(Introduced on 9/14/21)\*\*A PUBLIC HEARING WAS HELD ON TUESDAY, OCTOBER 12, 2021\*\*

**Attachments:** [2021-R68 re AquaOhio Agreement](#)  
[2021-R68 re Exhibit A](#)

[2021-R69 A](#) A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. -(Introduced on 9/14/21) (AMENDED September 28, 2021) \*\*SECOND READING PASSAGE REQUESTED\*\*

**Attachments:** [2021-R69 re Amended Appropriations](#)  
[2021-R69 re Amended Exhibit A](#)  
[2021-R69 re Exhibit B](#)  
[Steve Schmidt 2nd Reading Passage Request](#)

## IX. Report of Council Committees

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

Councilwoman Babbitt gave her Committee report.

## SECOND READING ITEMS

[2021-R65](#) A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH BL COMPANIES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE RABER ROAD SIDEWALK AND MULTI-USE TRAIL PROJECT, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. -(Introduced on 8/24/2021)

**Attachments:** [2021-R65 re Raber Road sidewalk project design history](#)

Councilwoman Babbitt read in legislation and gave brief summary.

Time was requested and granted.

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

All present. No items of legislation; did not meet.

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

Councilman DeVitis gave his Committee report.

[TMP-3590](#) Liquor License Transfer of Corporate Shareholders  
Fred W Albrecht Grocery Co DBA Acme  
3875 Massillon Rd., Unit 100  
Green, OH 44685

**Attachments:** [Liquor License Transfer of Stockholder Acme](#)

Councilman DeVitis gave brief summary. This was a housekeeping item for the change in stakeholders for the Acme Grocery liquor license.

**A motion was made by Council Member DeVitis, seconded by Council Member Shaughnessy, to not request a hearing for the Liquor License. The motion carried by the following vote:**

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

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

Councilman Yeargin gave his Committee report.

### THIRD READING ITEMS

[2021-R60](#) A RESOLUTION AUTHORIZING A MUNICIPAL ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH DIRECTION HOME, AND DECLARING AN EMERGENCY. -(Introduced on 8/10/2021)

**Attachments:** [2021-R60 re Direction Home](#)  
[2021-R60 re Exhibit A](#)

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

Much discussion took place. Committee and Council were good with passage. A motion was made to adopt.

**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

### 2021-13

**AN ORDINANCE ADOPTING AN ECONOMIC DEVELOPMENT PLAN FOR THE SOUTHWOOD EXTENSION INCENTIVE DISTRICT, AND DECLARING AN EMERGENCY. -(Introduced 8/10/2021)**

**Attachments:** [2021-13 re Southwood Extension ID ED Plan](#)

[2021-13 re Exhibit A](#)

[2021-13 re Exhibit B](#)

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

Committee and Council ok with passage. A motion was made 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

## SECOND READING ITEMS

### 2021-19

**AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY CAE PROPERTIES, LLC TO BE A PUBLIC PURPOSE, EXEMPTING 100% OF THE VALUE OF THE IMPROVEMENTS FROM REAL PROPERTY TAXATION FOR THIRTY YEARS, AND DECLARING AN EMERGENCY. -(Introduced on 8/24/2021)**

**Attachments:** [2021-19 re TIF CAE Properties Taco Bell](#)

[2021-19 re Exhibit A](#)

[2021-19 re Exhibit B](#)

[2021-19 re Exhibit C](#)

[2021-19 re Exhibit D](#)

[2021-19 re Exhibit E](#)

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

Director Wiethe briefly touched on the TIF for Taco Bell in Committee.

Time was requested and granted.

[2021-20](#)

**AN ORDINANCE CREATING A TAX INCREMENT FINANCING INCENTIVE DISTRICT PURSUANT TO SECTIONS 5709.40, 5709.42 AND 5709.43 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY. -(Introduced on 8/24/2021) \*\*PUBLIC HEARING WAS HELD TUESDAY, AUGUST 24, 2021 \*\***

**Attachments:** [2021-20 re Southwood Extension ID Creation LAW Revision](#)

[2021-20 re Exhibit A ID Creation](#)

[2021-20 re Exhibit B ID Creation](#)

Councilman Yeargin read in the legislation and gave a brief summary. He explained the idea behind the TIF District. This is companion to 2021-13. Discussion on this item was held until the next meeting so that the Law Director could be present.

Time requested and granted.

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

Councilman Meager gave his Committee report.

**SECOND READING ITEMS**

[2021-17](#)

**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 on 8/24/2021)**

**Attachments:** [2021-17 re Code Changes Aug 2021](#)

[2021-17 re Exhibit A](#)

Councilman Meager read in the legislation and gave brief summary.

He reported that conversation on this item was postponed so that the Law Director could be present..

Time was requested and granted.

[2021-R63](#)

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENGAGEMENT AGREEMENT WITH ROETZEL & ANDRESS FOR PROFESSIONAL LITIGATION MATTERS, AND DECLARING AN EMERGENCY. -(Introduced on 8/24/2021)**

**Attachments:** [2021-R63 re professional services with Roetzel & Andress](#)

Councilman Meager read in the legislation and gave brief summary.

Time was requested and granted.

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

Councilman France gave his Committee report.

### THIRD READING ITEMS

[2021-R58](#)

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENGAGEMENT AGREEMENT WITH BLACK MCCUSKEY SOUERS & ARBAUGH FOR THE LEGAL SERVICES TO LITIGATE MATTERS FOR THE CITY'S PUBLIC IMPROVEMENT PROJECTS RELATING TO EASEMENTS, AND DECLARING AN EMERGENCY.**  
-(Introduced on 8/10/2021)

**Attachments:** [2021-R58 re professional services with Black McCluskey Rod Moore](#)

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

Committee and Council ok with passage. A motion was made to adopt.

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

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

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

All members were present. No items of legislation; did not meet.

### X. Mayor's Report

Mayor Neugebauer gave a brief report.

### XI. Unfinished Business

None.

### XII. New Business

None.

### XIII. Adjournment

**A motion was made by Council Member Yeargin, seconded by Council Member France, to adjourn the meeting at 8:20 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.