



City of Green

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

Meeting Minutes

City Council

Bob Young - Ward 2 - President
Barbara Babbitt - Ward 1 - Vice President
Rocco Yeargin - Ward 3
Matt Shaughnessy - Ward 4
Stephen Dyer - At-Large
Chris Humphrey - At-Large
Justin Speight - At-Large
Molly Kapeluck, MMC Clerk of Council

Tuesday, July 9, 2019

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 Young presided over the meeting which he called to order at 7:00 p.m.

II. Pledge of Allegiance

Councilmember Young 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-2683](#)

Approval of the June 25, 2019 Regular Meeting Minutes

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

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

V. Public Report

Pat Carleski, 3878 Greenfield Road - She thanked the City for the prompt action in her neighborhood when a big tree fell and took out the electricity. She also thanked the Fire Chief for sending someone to install her fire extinguisher.

Joel Helms, 4977 Massillon Road - He talked about the Charter change for Article VI Administrative Departments to City Departments and why he felt it could lead to issues.

VI. Public Hearings

Mr. Yeargin opened the public hearing at 7:05 p.m.

Mr. Yeargin explained the Charter Review Process. He introduced the Charter Review Committee and thanked them for their efforts. He explained these changes will go on the ballot unless 3/4 of the voters feel otherwise. He explained how they will review the changes for this meeting.

Sherry Neubert, 2766 Park Place Drive - She explained how they developed their amendments to 3.1 through 5.4. They provided index of adopted changes by the Charter Review Commission. (See attached)

Vivianne Duffrin, 2821 Crows Nest Circle - She explained Article 6 and Article 8.3 changes.

Sherry Neubert addressed Article 9.1 and 10.1.

Vivianne Duffrin reviewed 12.8.

2019-R56

**A RESOLUTION TO AMEND SECTION 3.1 OF THE CHARTER OF THE CITY OF GREEN TO LIMIT THE MAYOR, TO SERVE TWO (2) CONSECUTIVE FOUR (4) YEAR TERMS WITH PARTIAL TERMS LASTING MORE THAN TWO YEARS COUNTING AS A FOUR (4) YEAR TERM, AND DECLARING AN EMERGENCY. Introduced 6/25/19
Public Hearing held July 9, 2019.**

Sponsors: Gerard Neugebauer

Attachments: [2019-R56 re Section 3.1 The Mayor Term Of Office](#)

Mr. Yeargin pointed out that 2019-R59 is a companion piece as it has the same amendment as it applies to Council. He read in both pieces of legislation. Mr. Dyer thanked the commission for doing this work. He asked if they looked at other states or municipalities were doing. He said those that have this language are considered as the most stringent and restrictive states in terms of term limits. He wondered why we would want to be out of step with what the State legislative and Statewide officials are.

Ted Mallo, 3379 Ashton Drive - He said they did look at that from a number of points of few. He explained the options they looked at. He said they looked at large and small cities.

Mr. Dyer asked what problem this is trying to fix. Mr. Mallo said it wasn't necessarily a problem, it was more of an commission in the Charter. This was raised to the commission by a member of the public. Mr. Dyer said he was concerned that this is out of step with State wide legislatures are doing.

Mr. Humphrey said each time the issue of term limits comes before the voters in Green, the voters have sided with the concept of term limits. One of the ways to get around those strict term limit restrictions is to have someone get elected, serve only a portion of time and getting around those term limits. He thinks it is consistent of what voters have said in Green.

Mr. Speight thanked the commission for their hard work. He said he doesn't have a strong feeling on either 2019-R56 or R59 but he would like Council to consider pushing this to another election. He said if you look at the fourteen amendments, as well as the positions up for election, he would hate to see some of the important things get clouded. He thinks we should move them forward but he thinks they should be moved to next year.

Mr. Yeargin said he attended all of the meetings and the general consensus that term limits apply. If someone is appointed to a position and they spend more than two years in that position, does that not fly in the face of the idea that an elected official should be limited to two consecutive terms. The ultimate decision was yes it does.

No one from the public wished to speak.

[2019-R57](#)

A RESOLUTION TO AMEND SECTION 3.2 OF THE CHARTER OF THE CITY OF GREEN TO REQUIRE THAT THE MAYOR SHALL BE A RESIDENT OF THE CITY OF GREEN FOR AT LEAST TWO (2) CONTINUOUS YEARS IMMEDIATELY PRIOR TO THE MAYOR'S ELECTION OR APPOINTMENT, AND DECLARING AN EMERGENCY. Introduced 6/25/19 *Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R57 re Section 3.2 Qualifications of the Mayor](#)

Mr. Yeargin explained this also has a companion piece of legislation in 2019-R60. Mr. Speight said he felt this was a good idea but like the other two he suggested they push them to next year to clean up the ballot. He was at the meeting when this was discussed and there is good merit behind it.

No members of the public wished to speak.

[2019-R58](#) A RESOLUTION TO AMEND SECTION 3.3 D OF THE CHARTER OF THE CITY OF GREEN TO AUTHORIZE THE MAYOR TO MAKE SHORT-TERM INTERIM OR ACTING APPOINTMENTS OF DIRECTORS WHEN NECESSARY, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R58 re Section 3.3 D Powers of the Mayor](#)

Mr. Yeargin explained this was a blind spot in our existing Charter. It makes the effort to define an acting director as one who is appointed on a temporary basis with the expectation of returning versus an interim director that is appointed on a temporary basis with no expectation of returning. There was nothing in our current Charter that said what to do and this clarifies that.

[2019-R59](#) A RESOLUTION TO AMEND SECTION 4.1 OF THE CHARTER OF THE CITY OF GREEN TO LIMIT COUNCIL MEMBERS TO SERVING TWO (2) SUCCESSIVE FOUR (4) YEAR TERMS, WITH PARTIAL TERMS LASTING MORE THAN TWO (2) YEARS COUNTING AS A FOUR (4) YEAR TERM, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R59 re Section 4.1 Council Composition & Terms of Office](#)

See 2019-R56 above.

[2019-R60](#) A RESOLUTION TO AMEND SECTION 4.3 OF THE CHARTER OF THE CITY OF GREEN TO REQUIRE EACH COUNCIL MEMBER BE A RESIDENT OF THE CITY OF GREEN AT LEAST TWO (2) CONTINUOUS YEARS IMMEDIATELY PRIOR TO EACH COUNCIL MEMBER'S ELECTION OR APPOINTMENT, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R60 re Section 4.3 Qualifications Council Composition & Terms of Office](#)

See 2019-R57 above.

[2019-R61](#)

A RESOLUTION TO AMEND SECTION 4.6 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE FOR COUNCIL TO FILL VACANCIES THAT OCCUR BETWEEN A NOVEMBER GENERAL ELECTION AND THE END OF DECEMBER OF THAT SAME YEAR, AND DECLARING AN EMERGENCY. Introduced 6/25/19 *Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R61 re Section 4.6 Vacancies](#)

Mr. Speight said this is one he also thinks that could be done next year. Mr. Shaughnessy asked the clerk for clarification. When a vacancy occurs, Council has 30 days to seek letters of interests. By tolling this are we just delaying getting another person in the seat. That particular body couldn't vote until the next year. Mr. Humphrey said the current Council that would not be voting on it could call for applications through the clerk. They would just not be the Council that would be voting on it. Mrs. Babbitt said she agrees with Mr. Speight about holding some things back but she thinks this is one that should go forward this year. Because we could be facing this scenario after the up coming election. She said it should be in place before they are faced with that situation.

Staci Schweikert, 1261 Steese Road - She thinks delaying changes is contrary to the Charter. Section 9.2 says the Charter Review will bring everything forward for the next election.

Mr. Chris said he does not believe delay is set up by the Charter and he would have to look into that. If you do move any of these back you are moving them to the 2020 election. He thinks they will be buried by the Federal Elections. He will have to look into it in greater detail. Mr. Yeargin said they can look at the issue of timing and see if it is possible. Mr. Young asked for clarification, it would take six people not to move it forward. As long as two say they want to move it forward, it is not an option anyway. Discussion took place on how these could be moved to another year or not.

Lynda Smole, 3819 Greenfield Road - Ms. Smole pointed out that the first sentence of the resolutions say the Charter is required to be reviewed every 7 years. I know there was discussion that that was too long and maybe it needs reduced. She thinks this should be looked at. If you look at what they did this time it is evident that the City has changed. Seven years puts a tremendous strain on the Charter Commission. She also thanked the Charter Commission for the work they did.

[2019-R62](#) **A RESOLUTION TO AMEND SECTION 5.4 OF THE CHARTER OF THE CITY OF GREEN TO SET REQUIREMENTS FOR NOMINATING PETITIONS FOR THE OFFICE OF THE DIRECTOR OF LAW, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R62 re Section 5.4 Nominations and Elections](#)

Mr. Shaughnessy read the ballot language. He asked if the voters rejected this amendment, what would be the signature requirements for the Director of Law. Mr. Yeargin explained Issue 14 attempted to address this issue, this just puts the provision in the right part of the Charter and makes Issue 14 consistent with the current Charter. Mr. Humphrey said he believes they would go to the lower requirement that is for ward council members and he explained why he thought that. Mr. Yeargin said that was one interpretation and the purpose of this provision is to not worry about legal interpretations of our Charter but to be clear. Mr. Shaughnessy said he would further investigate.

[2019-R63](#) **A RESOLUTION TO AMEND SECTION 6.2 OF THE CHARTER OF THE CITY OF GREEN TO BE CONSISTENT WITH SECTION 3.3(D) WHICH REQUIRES PERSONS APPOINTED BY THE MAYOR AS DIRECTORS OF CITY DEPARTMENTS TO BE CONFIRMED BY A MAJORITY VOTE OF THE MEMBERS OF COUNCIL, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R63 re Article 6.2 City Departments Directors](#)

Mr. Yeargin explained this changes Section 6.2 were made to be consistent with 3.3. They did not have the same vote burden for confirming members. One section called for majority and the other called for 2/3. After careful consideration the Charter Review Commission decided a majority approval was appropriate. No other comments.

[2019-R64 A](#) **A RESOLUTION TO AMEND SECTIONS 6.4 A AND 6.4 C OF THE CHARTER OF THE CITY OF GREEN TO ESTABLISH THE CURRENT REQUIREMENTS OF QUALIFICATIONS FOR THE POSITION OF DIRECTOR OF LAW, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R64 A re AMENDED Article 6.4 A and C City Departments Directors](#)
[2019-R64 re Article 6.4 A and C City Departments Directors](#)

Mr. Dyer said this is the only resolution that has two sections and is that subject to the one subject rule. Mr. Chris said he would like to stay out of this but in response to the question, he thinks it is okay together but also could be separated. Mr. Yeargin asked if Mr. Hanna weighed in on the wording and division. Mr. Chris said he stayed out of those discussion.

Ted Mallo, explained why they should be kept together. He suggested they look at outside legal council for feedback.

Mr. Dyer spoke about his concerns about making this position far more restrictive. He asked where the language came from and what other municipality requires the law director to have this kind of experience.

CJ Meager - Mr. Meager said Mr. Dyer brought up a good point. He explained they tried to implement Issue 14 the best they could. Issue 14 did not remove the municipal law requirement from the Charter. They decided to go with the current law and they defined what municipal law is. He also explained how they came up with this language and why. He said they used the more broader definition.

Mr. Dyer spoke about his assumption regarding the spirit of Issue 14. He is concerned about including this requirement.

Mr. Meager explained you could not enforce a municipal law requirement without putting in a definition.

Mr. Humphrey spoke regarding Issue 14 and the ballot language that people actually voted on. He also talked about qualifications.

Mr. Shaughnessy said, concerning this substantially equivalent position requirement, it is his understanding that it relates to the experience as a director of law or an assistant director of law. He asked if any study was done looking into how this definition would affect qualified candidates in Green.

Vivian Duffrin - Explained the Commission's intention was that you would have to be a law director or assistant director of law or you could work in another capacity filling those same duties in representing a municipality. That would qualify, even if your title was not law director or assistant law director. Mrs. Duffrin said their intention was to take the existing language and not change the existing requirements but to further define it. They did not do a study.

CJ Meager - Mr. Meager explained the Commission had two options, either vote to remove the municipal law requirement or define it. He said they decided to go with defining it.

Mr. Dyer - - He said the Supreme Court ruled that in the 1980's so that requirement has been unenforceable since 1992.

Mr. Mallo - Said different attorney's could have different opinions on this. It wasn't an issue when the Mayor was appointing a law director pursuant to the qualifications provided in the Green Charter, also subject to approval of Council. It was Mayor and Council attaching the definition of what those qualifications meant. Had there been a challenge it would have been up to the Mayor and Council. This wasn't an issue until we had an elected law director. He explained this change was made to expand not limit the qualified candidates.

Mr. Speight - Mr. Speight said he understood the reasoning behind adding this job description in there; however, a red flag comes up to him. When the Mayor is allowed to appoint to this position they are not required to pick an elector of this City. He is concerned that this restricts the pool of candidates and would not enable the true will of the voters when they passed Issue 14. His bigger concern is that red flag is going to echo with other voters in this community and come election time. If this amendment fails the City is left with a Charter that is in shambles when it comes to director of law. He thinks it would be a good idea to send back to the Commission and ask them to remove that section and bring it back and let the community vote on it and then maybe attack in another format. If we are that particular on defining the job lets do it at another time but right now if this doesn't pass it could be detrimental to the director of law that we will have elected. The City has been operating with this Charter since 1992 with that definition in there and a couple more years aren't going to hurt the City if they have to do a council initiated Charter change.

Mr. Humphrey - He does not understand the argument against. The argument against essentially is, who ever decides to run, whether they are qualified or not, the voters will get to choose. He asked if we really wanted our City represented by someone who does not know what they are doing when it comes to the specialty of municipal law. As a taxpayer he wants them to know what they are doing. If they don't the City will have to go out and hire competent counsel to be able to represent the City. The Charter Review didn't limit it to five years municipal law experience, they broadened it out to include other government law experience so you expand your pool. Otherwise you don't define it, it is not enforceable and you are at a higher risk of getting someone that is not qualified to do the job.

Mr. Shaugnessy - He thinks a narrow net was cast, not a wide net. It could be defined wider to include more potential candidates. He pointed out that in Ohio, municipal law is not a specialty designations. There are 18 specialty designations and municipal law is not one of them. This has defined it in a narrow way and that is what is limiting and will affect the voters ability to have qualified candidates.

Mr. Dyer - He trusts people to choose qualified candidates. Even though we have had appointed law directors we have had very large outside counsel charges. In 2015 we were around \$100,000 for outside legal counsel and now we are over \$200,000 for outside counsel. We appoint outside legal counsel all the time, even when we have appointed law directors. He is not convinced that the City has to go to outside counsel from some sort of specialty is going to be a detriment. He trust the citizens to pick the right person. He agreed with Mr. Speight.

Mr. Young - Said he thinks Qualifications matter. He does not think it is unreasonable to require qualifications.

Mrs. Babbitt - She thinks they should think about everything that has been said tonight. She said they keep coming back to the same point and that is the electors went to the ballot and they passed issue 14 so they want this. We have citizens of Green working on our Charter Review Commission. They worked hard and she respects and trusts them and now we will take it to the voters and lets trust them to evaluate what the Charter Commission has put together. She thinks the process is working how it is supposed to and she thinks Council needs to focus on that.

Mr. Shaughnessy - Mr. Shaughnessy said he agreed with Mr. Young, qualifications do matter. He would like to point out that the majority of the Supreme Court of the United States would not qualify under this definition. Their qualifications are just to be an attorney in good standing.

Mr. Humphrey said if you look at each of those people on the Supreme Court they would qualify if they were licensed in the State of Ohio because each of them had government law experience before they sat on the bench.

Mr. Shaughnessy said they all want qualifications, the sticking point is the narrow definition.

Mr. Yeargin added that Issue 14 did not ask the voters whether they wanted to maintain qualifications for the law director. He sees that Mr. Dyer makes some good points but he disagrees that they should take that question away from the public. He said lets not take the choose away from the people.

Pat Carleski, 3878 Greenfield Road - Mrs. Carleski she gave a scenario with the City Engineer to show her point in needing qualifications.

Katie Stoyhoff, 235 Lake Front Drive- She started with a disclaimer that she is an elected member of the Green School Board but she is not representing the school board but as a citizen and elector. The problem isn't qualifications, it is the narrowing

of the qualifications. Her concern is the ballot language. She explained why she thinks it is miss leading. She feels the definition just discussed should be in the ballot language.

Ted Mallo - He said he agrees with the first point of the previous speakers comments and explained why. He feels outside counsel should review what is used for outside ballot language.

Greer LangKamp- 465 Comet Lane - The concern she has is the paragraph that says for the purpose of this section 6.4A3c. She said it is all on the government's side and every side has two sides, the plaintiff's side and the defense side. This totally wipes out anyone who has ever been a plaintiffs lawyer against a municipality. She thinks that is wrong and needs to be open to ether side.

Deb Carney - 988 East Turkeyfoot Lake Road - She said she was a little confused. She thinks this takes the people out of this whole section. She said the residents are smart enough to make that decision. What has worked in the past has worked.

Jane Weaver - 4013 April Drive - She thinks this broadens the definition of what was there before. She explained her reasoning. Making them be a resident of Green is narrowing the field not the qualifications.

Mr. Speight - Asked the five attorneys on Council who would be eligible, per this definition, to fill this position. Mrs. Babbitt said she is close. He asked the five who thought they could be the law director for the City of Green. Mr. Shaughnessy said absolutely. Mr. Humphrey said he doesn't know of any other entity, he wouldn't go to his doctor and say...I know you have never done this surgery before but could you learn it. Mr. Speight said they weren't doing surgery, this is law and there is a big difference. Mr. Humphrey said he has seen bad lawyers that didn't know what they are doing cause millions of dollars of problems for clients because they didn't know what they were doing. He said this is going back to we care if we have someone who is qualified as long as we have someone or we get someone that is qualified. Mr. Speight said he had confidence that Mr. Humphrey could do it and he didn't want any of the attorneys on Council to down play their roles in this community. His point is, by restricting this as much as this legislation does, and we find out that one member of the five up here are eligible to do this job. He knows they all could and he doesn't know if this needed right now and since they have been arguing so long it might be better to take it out so they could fix the Charter as originally proposed. Mr. Humphrey said that we keep saying we are restricting, and he guesses if you repeat something often enough that, that narrative takes root but we are not restricting anything. What we had in the past was five years of municipal law experience. That definition under this charter amendment is actually broadened. It will bring in many more people but it will also bring many more people that are qualified.

Mr. Yeargin said if he was called upon to be law director, he would put his heart and soul into the job but part of his motivation would be fear. The question isn't, could he learn the position of law director, the question is whether it is better to have someone with five years of experience versus someone that is eager and has none. He feels that is something the electorate is entitled to answer.

Katie Stoyhoff - 235 Lake Front Drive - Who will enforce and determine if someone meets those qualifications? Where is the enforcement of those qualifications come from? CJ Meager - He wanted to explain how this would play out. By putting a definition in there, you have protest between Candidates. Not having definition you can't have two candidates challenge each other because one doesn't meet the qualifications. Mrs. Stoyhoff said who is going to enforce if the person does not meet the qualification. What happens if someone says, this person does not meet the qualifications. Mr. Meager said it would be the candidates. One could challenge the qualifications and it could end up in court. Mr. Mallo - He said it would end up in court and the judge would look at the qualifications against what the Charter says. The court would look at the definition in the Charter to determine.

Joel Helms - 4977 Massillon Road - He said there were two basic concerns on what the lawyer is doing. One is a general lawyer that is trying to take care of all the ills, the communication of the City. You don't have to be a specialist in municipal law to be a good communicator and save the city money. Second, one of the largest funds the City has paid out in legal fees is to bonding lawyers, more so than to our own personal lawyers that we had. He said it is restrictive and going to cost the City money.

Dave Mucklow, 4882 Mayfair Road - He said there is no doubt this provision is more restrictive. It eliminates attorneys who participate in civil/private practice from participating. He said it is a misrepresentation to tell the people it is opening the door broader. He feels that down the road you will not have a qualified attorney and the Mayor is going to appoint. It is an end run around Issue 14. He said two people on the Commission were part of the anti 14 committee that defamed people who were responsible for getting this on the ballot. He was called names and it did not add anything to the process. It is a shame and shameful. He hopes the citizens shoot these down and vote no.

[2019-R65](#)

A RESOLUTION TO AMEND SECTION 6.4 D OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE FOR FILLING A VACANCY IN THE OFFICE OF THE DIRECTOR OF LAW, AND DECLARING AN EMERGENCY. Introduced 6/25/19 *Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R65 re Article 6.4 D Vacancy in Office](#)

Mr. Yeargin pointed out that in the vacancy of the law director wouldn't be the Mayor but it would be City Council that would fill that vacancy.

2019-R66

A RESOLUTION TO AMEND SECTION 8.3 OF THE CHARTER OF THE CITY OF GREEN TO INCLUDE A CREDIT FOR INCOME TAX PAID TO MULTIPLE MUNICIPALITIES AND/OR TO A JOINT ECONOMIC DEVELOPMENT DISTRICTS, AND DECLARING AN EMERGENCY. Introduced 6/25/19 *Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R66 re Section 8.3 Finance and Taxation Llimitation on Total Muni Income Tax](#)

Mr. Yeargin said he sat in on this meeting and a lot of thought went into this language. There were no speakers for 2019-R66.

2019-R67

A RESOLUTION TO AMEND SECTION 9.1 OF THE CHARTER OF THE CITY OF GREEN TO EXPRESSLY RESERVE TO THE CITY THE RIGHT TO DICTATE BALLOT LANGUAGE FOR ALL PROPOSED CHARTER AMENDMENTS, AND DECLARING AN EMERGENCY. Introduced 6/25/19 *Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R67 re Section 9.1 Charter Amendment](#)

Mr. Dyer feels this is a solution in search of a problem. Anti 14 people were concerned about the ballot language that was put on the ballot. Mr. Mallo and Mr. Meager actually put in print that was a big problem. He read their comments out of the papers. He pointed out that ballot language came from Council. He read the ballot language for Issue 14 that council passed 7-0. Even the five who opposed Issue 14 voted to put that language on the ballot. He didn't remember any debate about this language. The only issue that has been put out by the City in official statements is the ballot language created an untenable conflict of interest. The Walter Haversfield opinion that was released a few weeks ago said that was not true. He explained the process if people do not like the language used for the ballot. With this change, it will eliminate that process. The Board of Election is bipartisan and they do good work.

Mr. Yeargin asked who drafted the Issue 14 ballot language. No one seemed to know.

Mrs. Neubert wanted to clarify that the document that was distributed does not match the recommendation of the Commission. The Commission recommended that Council has the right not the City. What they are saying isn't that it has to be but it

could be. During the many hours of conversation it was not clear who wrote the language and it wasn't clear that the Council had the right to do this. The reason for adding was to make that clarification.

Mr. Humphrey said the Board of Elections drafted the language, it was present to Council. We asked the question what our duty was and our duty was to vote on it. Which is why it was 7-0 even though he was against the issue. He was told unless there was some obvious legal defect that Council had to forward it. You can't say keep saying I want the voters to decide this and then say let's let the Board of Elections tell us what to do. He thinks in a city we should have the right to say this is the ballot language. He as a city council person has the right to vote on the ballot language if that is in the Charter and he doesn't want to rely on someone at the Board of Elections to do that. The people of the City of Green have elected him to make those calls. He asked why they would want to give up control to the Board of Elections. He thinks the argument is misplaced because if you want the voters to decide their elected representatives have the opportunity to say this is the ballot language and if the voters don't like the decision the Council makes the voters can replace the council.

Mr. Shaughnessy said it is not the voters that choose the ballot language, it is the Board of Elections. He is addressing 2019-R68 which is similar to 2019-R67. An initiative is the people's tool. It is for the people to address a concern that its elected leaders are not addressing. He explained the process. They can rely on the Board of Elections to draft fair ballot language. He said the City/Council wants to control that ballot language. He doesn't think City/Council should have their hands on that scale.

Mr. Humphrey said he understood Mr. Shaughnessy's point but what if you have someone draft an initiative petition, they get signatures on it because it is popular but when we go to our legal counsel they say there are a couple problems with it. He asked, is it Council's duty as elected officials to allow it to go to the voters even though it could never be enacted in law?

Mr. Shaughnessy said that was a false option, Obviously, the answer would be no. Your duty then is to inform the public but it is not to change the ballot language. It is to make your argument to the public. With Issue 14 the City issued a legal opinion saying that it would create an unmanageable conflict of interest. It was put on the City website. Later Council found out there is no unmanageable conflict of interest, yet that opinion still sits on the website.

Mr. Humphrey said when he takes the oath of office to serve as a City Council person, I swear an oath to uphold the laws, the Constitution of the United States and the State of Ohio. If he puts something before them that is clearly unconstitutional and violates the law then he has violated his oath of office.

Mr. Shaughnessy stated if the voters propose something that is unconstitutional the courts would throw that out.

Mr. Speight said the way he looks at this is, this amendment as well as the initiative and referendum amendments, if there is an initiative or referendum that means that the public does not like something we did on City Council and therefore they don't want our input when it comes to the ballot language. He understands it may be Council's legal authority to adjust the ballot language but it is not Council's moral authority to dictate the way someone reads when people are making a decision at the ballot box. He has seen some misleading ballot language before. He seen it with he primary date, there was bad language written there and Council made that decision, however; the Board of Elections, that is their job, lets let them do their job and let the residents, if they want to put forward an initiative or referendum they should be able to do that unhindered by City Council. He has a different definition of what his job is as a public servant and that is to act at the will of the people. If the will of the people is to put something on the ballot, we should do that.

Mr. Dyer said the reason people go out and get initiative petitions is because they don't like what the City is doing or they want to change something. Of course, the City/Council is not going to like what is coming before them because if they did like it they would have written the legislation themselves. Now you are giving the agency, against whom, the people have a grievance the right to determine the language on the ballot.

Mrs. Babbitt said she did not see Issue 14 as passing judgment on Council. That was passing judgment on how our Charter was structured and how we put a law director in place. She doesn't think that every initiative or referendum is directed at an act of Council. She thinks in a case like that it is not wrong for Council to work on language.

Mr. Yeargin said the thing about the Board of Elections is they are probably the most political place in Summit County. He said everyone there identifies themselves as a democrats or a republican. When you visit there you are very conscious of that when you deal with them. There is a political electricity about the place. His question is, Do you want politicians that are not responsible to the people making language or do you want folks that are directly responsible to the people making that ballot language. He said the Commission was wise and did not make the language mandatory so that Council can look at any ballot or initiative and say in this case we are not appropriate to determine the language. There are other situations where it would be appropriate for Council. Ultimately this is a question for the voters, Do you want to give your elected officials, who are responsible to you, the opportunity, not the mandatory obligation, but the opportunity to determine ballot language on these issues.

Mr. Dyer said the Ohio Revised Code says that it is the Board of Elections purview. Just like on State issues, there is a state board where they decide the language and they are made up of equal parts democrats and republicans. The reason the Ohio Revised Code puts it in the hands of the Board of Elections is to get it out of the interested parties status. If there is a referendum or initiative the Board of Elections is the best agency to come in from the outside without a dog in the hunt picking the ballot language. Both sides can say how they think it should be but the Board of Elections decides the way. He doesn't understand why we would want to do this, other than the people opposed to Issue 14 did not like the ballot language and he can't divorce himself from that reality. One of the main reasons, that those that did not like Issue 14, thought it passed because of miss leading ballot language and this is their attempt to undo that.

Mr. Humphrey asked, Isn't it interesting as we create this boogie man of people who were opposed to Issue 14 when the issue came before Council, even though he believes at that time there were a majority of Council that disagreed with Issue 14 we were adults and did our duty and passed along the ballot language that was given to us and we didn't alter it. To say that elected officials can't do the responsible thing and use it in the context of Issue 14, Issue 14 is the best argument to prove you wrong because that is exactly what they did.

Mr. Meager clarified that 9.1 and 10.1 do not apply to referendum at all it is initiative. He also pointed out that according to the Ohio Secretary of State handbook you have to have in your charter council's ability to dictate ballot language or you can't dictate ballot language. He quoted, "The exception to the Board of Elections authority regarding ballot language for local questions and issues is the rare case of a charter that reserves to the city, village or county the right to dictate ballot language with questions or issues submitted to the electorate in accordance with the charter." Without this language in there you can't go against what the board of elections said. He asked Council if they knew at the time that the language presented to them on Issue 14, that you could change the language. And if you knew that would you have changed it. Mr. Yeargin said they would have considered it, if they new it was an option. Mr. Meager said without this in the Charter you don't have an option to do that.

Katie Stoyhoff, 235 Lake Front Drive - She reminded everyone she is not representing her position on the Green School Board, she is here as an electorate. She said these are two bad amendments. The reason why you shouldn't change the language is, what Mr. Humphrey admitted, he was against it. If you are going to change the language there is no guarantee you are going to change it to fair and accurate language. The bipartisan job at the Board of Elections is to set ballot language and they should do their job. This is the equivalent of letting a horrible

employee write their own performance review. This gives it to the City, Council may have to pass it, but that doesn't mean the City itself couldn't have input on it. She thinks it spits in the face of the community and electors to have a say and address their government when they think their government is out of line. If Council doesn't like what someone does, it says it has to be fair and accurate but the other problem is who is going to enforce it. Someone is going to have to go to court. She said she is angry about what is going on with this amendment.

Mrs. Duffrin referred to 2018-20 and explained that Council is already deciding the language.

Joel Helms, 4977 Massillon Road - He stated he has done at least 12 Charter amendment initiative petitions and the citizens have the right to actually put the language they want in the petition. The BOE can only change the language if there is a good reason. He said currently if the citizens want to object they can go to court and it is a fast procedure. If Council wants to send their on proposal they can but if you mandate it then it is impossible to sue the City.

Lynda Smole said this language offends her. She objects to that, she said if anyone thinks politics don't play into this, for them to please come down from their ivory tower. This is such a political divided City. She talked about the process. She is frustrated because it is so political and has been since the very beginning. People were vilified, names were called and it happened at every meeting. Something would be said about the people that believed this were not good. They don't represent our City. She said this is a democracy and you don't dictate. Maybe the wording needs looked at.

Mrs. Babbitt pointed out that a lot of Council wanted to see the exact language that was on the petition put on the ballot. She thinks it should have been exactly what the people signed on to.

Mr. Dyer asked if they could find out how many municipalities reserve this right to dictate ballot language. He would like to know.

[2019-R68](#)

A RESOLUTION TO AMEND SECTION 10.1 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE THAT THE CITY EXPRESSLY RESERVES THE RIGHT TO DICTATE BALLOT LANGUAGE FOR ALL PROPOSED INITIATIVE ISSUES, AND DECLARING AN EMERGENCY. Introduced 6/25/19 *Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R68 re Section 10.1 Initiative Referendum Recall](#)

Mr. Yeargin explained that that a lot of the conversation about 2019-R67 spilled over to 2019-R68. They are very similar. There was no additional discussion.

[2019-R69](#)

A RESOLUTION TO AMEND SECTION 12.8 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE FOR THE REMOVAL OF THE DIRECTOR OF LAW, AND DECLARING AN EMERGENCY. Introduced 6/25/19 *Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R69 re Section 12.8 Removal of Officials](#)

Joel Helms - The Law Director is elected position and there already is a procedure for any elected officer called recall. This adds an extra provision where Council can get rid of elected positions. Why should Council have the right to remove.

Mr. Meager - He explained the intention of this piece was for simplicity because this section applies to the removal of other elected officials. They thought it would be important to have language in there that talks about appointing special counsel, otherwise the Director of Law would be presiding over his or her own removal.

Mr. Dyer said this is sort of like, on the Federal level, impeachment. Yes there is recall but this is a different kind of process. Directors can be removed through this process. The problem is the procedure would be overseen by the Director of Law and it would seem silly to have the Director of Law see over their own procedure. This is already in there for every director and this is just carving it out of the elected director.

Mr. Yeargin thanked everyone for the healthy discussion and the Charter Review Commission Members for all their hard work.

Mr. Yeargin closed the public hearing at 9:42 p.m.

VII. Reading of Correspondence

[TMP-2679](#)

Email from Dennis Maneval RE: Speed on Jarvis Road

Attachments: [6-25-19 Dennis Maneval](#)

[TMP-2689](#)

Press Release from Ilene Shapiro regarding appointment of Diane Miller-Dawson

Attachments: [6-27-19 Press Release](#)

[TMP-2684](#)

Email from Jerry & Theresa Moon RE: Mayfair East Lighting

All Correspondence read in and filed.

VIII. New Legislation - Items on First Reading

[2019-R70 A](#) A RESOLUTION AUTHORIZING THE FUNDS TO ENABLE THE MAYOR TO GRANT SALARY ADJUSTMENTS TO CITY OF GREEN NON-BARGAINING EMPLOYEES, AND DECLARING AN EMERGENCY. Introduced July 9, 2019 (Amended August 13, 2019)
*****SECOND READING PASSAGE REQUESTED.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R70 A re Amended Salary Adjustments Non Bargaining](#)
[2019-R70 re 2nd Reading Passage Request Memo](#)

[2019-R71 A](#) A RESOLUTION AMENDING THE CITY OF GREEN COMPENSATION SYSTEM BY UPDATING THE SALARY RANGE SCHEDULE FOR NON-BARGAINING UNIT EMPLOYEES, AND DECLARING AN EMERGENCY. Introduced 7/9/19 (Amended August 13, 2019)
*****SECOND READING PASSAGE REQUESTED.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R71 A re Amended NonBargaining Salary Range Schedule](#)
[2019-R71 re Amended Exhibit A 2019 Pay Grades Council Review.xlsx](#)
[2019-R71 re 2nd Reading Passage Request Memo](#)

[2019-R72](#) A RESOLUTION ADOPTING THE SUMMIT COUNTY EMERGENCY MANAGEMENT AGENCY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN, AND DECLARING AN EMERGENCY. Referred to the Intergovernmental and Utilities Committee

Sponsors: Gerard Neugebauer

Attachments: [RES 2019-R72 Hazard Mit Plan](#)
[2019-R72 re Summit County Emergency Mitigation Plan](#)
[2018 Hazard Mitigation Plan Final](#)

Mr. Dyer explained the reason for first reading passage. To be part of this emergency management agency plan this needs passed by July 31, 2019 and Council will not meet again before then. The Committee agreed to first reading passage.

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

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 Dyer, 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

2019-15

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONTAINING APPROXIMATELY 13.6 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF MASSILLON ROAD AND WISE ROAD FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT); AND, APPROXIMATELY 5.1 ACRES OF LAND FROM B-1 (GENERAL BUSINESS) TO PD (PLANNED DEVELOPMENT); AND APPROXIMATELY 1.8 ACRES OF LAND FROM B-3 (NEIGHBORHOOD BUSINESS) TO PD (PLANNED DEVELOPMENT); AND, ACCEPTING THE CONCEPTUAL SITE PLAN OF THE PROPOSED NEW SEASONS PLANNED DEVELOPMENT. Introduced 7/9/19 * Public Hearing Scheduled for August 13, 2019 @ or about 7:05 p.m.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-15 re New Seasons Planned Development](#)

[2019-15 re Exhibit A](#)

[19-34 New Seasons PD PZC Staff Report](#)

[New Seasons General Plan-Layout](#)

[51049A General Phasing Plan](#)

[New Seasons Rezoning Map-](#)

[New Seasons aerial](#)

[New Seasons Bldg Concept Images](#)

[Concept Bldg Elevations-Floor Plans](#)

[Epcon Marvin Md Clubhouse Exercise Room 100 dpi Web](#)

[Epcon Marvin Md Clubhouse Main Room 2 100 dpi Web](#)

[Medium+CH+Floor+Plan](#)

[Epcon Marvin Md Clubhouse Main Room 4 100 dpi Web](#)

[Medium Clubhouse \(A\) 100 dpi Web](#)

[Land Use Plan doc](#)

[New Seasons Contig Prop Owner Letters](#)

[New Seasons PD PZC Recommendation to CC](#)

IX. Report of Council Committees

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

SECOND READING ITEMS

[2019-R53](#) **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 APPROPRIATIONS, AND DECLARING AN EMERGENCY. Introduced 6/25/19**

Sponsors: Gerard Neugebauer

Attachments: [2019-R53 re Massillon Boettler Stage 2 3 Structurepoint](#)
[StructurePoint Massillon Boettler Rd Proposal](#)

Mr. Humphrey advised the total amount of the additional appropriation is \$8,748.
Time requested and granted.

[2019-R54](#) **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, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. Introduced 6/25/19**

Sponsors: Gerard Neugebauer

Attachments: [2019-R54 re Massillon Rd Corporate Woods 2 3 Structurepoint](#)
[StructurePoint re Massillon Rd Corporate Woods](#)

Mr. Humphrey explained money was previously appropriated for this but there needs to have a separate fund created so the City can track the costs and expenses associated with this particular roundabout. The amount that was appropriated before is \$340,000. This unappropriates that amount and appropriates \$348,300 to the appropriate fund so the City can track expenses.
Time Requested and Granted.

[2019-R55](#) **A RESOLUTION Approving a final change order for the increase in the Lockhart Concrete co. contract for the 2018 Misc. concrete repairs PROJECT, and declaring AN EMERGENCY. Introduced 6/25/19**

Sponsors: Gerard Neugebauer

Attachments: [2019-R55 re re Additional Concrete Repairs Request 2018 #18-H-33](#)
[Additional Request 2018 Misc. Concrete Repairs #18-H-33](#)

Mr. Humphrey explained after the City got into some of these concrete repair projects it turned out that the base of some of the concrete that was needing to be replaced, also needed work, which resulted in a couple change orders that increased the cost of the project by 13%. This legislation allows those change orders to be approved and paid. Time Requested and Granted.

[TMP-2702](#) Income Tax 2019 Second Quarter Report

Attachments: [CNC2nd19 signed](#)

Mr. Humphrey advised the committee adjourned at 5:12 p.m. but reopened to give the Tax Administrator's report. For the second quarter the City is up 11.32%. When we compare to last years second quarter the City is trending ahead by 6.35%.

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

No Meeting Held.

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

LICENSE ITEMS

[TMP-2681](#) Approval of the D5J and D6 Liquor License Transfer from Chop & Swizzle to ELG Pizza LLC dba Deluca's Pizza Pub at 3700 Massillon Road Ste 220

Attachments: [Delucas Pizza](#)

Mrs. Babbitt advised the Sheriff's Office had no reports of issues at that location.

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

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

D. Planning, Community & Economic Development (Yeargin*, Speight**, Young)2019-04

AN ORDINANCE ESTABLISHING PUBLIC NOTIFICATION REQUIREMENTS PRIOR TO CITY COUNCIL ACTION AUTHORIZING CITY FUNDS OR AUTHORIZING THE APPLICATION FOR GRANTS OR OTHER FUNDING METHODS TO BE USED FOR THE DESIGN OR CONSTRUCTION OF THE MASTER TRAIL PLAN OR SIMILAR LONG-RANGE CITY-DEVELOPED PLANNING, OR PORTIONS THEREOF, AND DECLARING AN EMERGENCY. (Introduced on 2/26/19)

Sponsors: Matt Shaughnessy and Stephen Dyer

Attachments: [2019-04 re Master Trail Plan Notication](#)

Mr. Yeargin said the Committee continues to do research and development on.
Time Requested and Granted.

2019-R44

A RESOLUTION AMENDING THE CONCEPTUAL SITE PLAN OF THE BAYSIDE INVESTMENTS PLANNED DEVELOPMENT DISTRICT (NOW KNOWN AS FOREST LAKES SUBDIVISION PLANNED DEVELOPMENT) LOCATED BETWEEN THE NORTH END OF TABS DRIVE AND INTERSTATE 77, AND DECLARING AN EMERGENCY. (Introduced 5/28/19) *** Public Hearing held on June 25, 2019. ***

Sponsors: Gerard Neugebauer

Attachments: [RES 2019-R44 Bayside PD](#)

[2019-R44 re Bayside Investments Forest Lake Subdivision](#)

[19-21 Forest Lakes PD PZC Staff Report](#)

[03-28-19 Green Lineup](#)

[2017-222 Site01B Prelim-WES-SP-1 Hybrid Color](#)

[2017-222 Site01B Prelim-WES-SP-1 Hybrid](#)

[Forest Lakes Subdivision PD aerial](#)

[Site Plan - Forest Lakes](#)

Mr. Yeargin advised a public hearing was held on this Resolution on June 25, 2019.

A motion was made by Council Member Yeargin, 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

THIRD READING ITEMS

[2019-13](#) **AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY CAM GREEN 2 LLC TO BE A PUBLIC PURPOSE, EXEMPTING ONE HUNDRED PERCENT (100%) OF THE VALUE OF THE IMPROVEMENTS FROM REAL PROPERTY TAXATION; requiring the owners of those parcels to make service payments in lieu of taxes equal to the real property tax; the depositing of those service payments in the appropriate fund; and providing for the payment of a portion of said service payments to the Green Local School District FOR THIRTY YEARS, AND DECLARING AN EMERGENCY. (Introduced 6/11/19)**

Sponsors: Gerard Neugebauer

Attachments: [ORD 2019-13 CAM TIF](#)
[2019-13 re CAM Green 2 LLC \(Chipotle\) TIF](#)
[2019-13 re Exhibits Chipotle](#)

Mr. Yeargin advised that Mr. Wiethe had explained that the school district superintendent and treasurer have been advised and are on board.

A motion was made by Council Member Yeargin, 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

[2019-14](#) **AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY Freddy's Akron Ohio LLC TO BE A PUBLIC PURPOSE, EXEMPTING ONE HUNDRED PERCENT (100%) OF THE VALUE OF THE IMPROVEMENTS FROM REAL PROPERTY TAXATION; requiring the owners of those parcels to make service payments in lieu of taxes equal to the real property tax; the depositing of those service payments in the appropriate fund; and providing for the payment of a portion of said service payments to the Green Local School District FOR THIRTY YEARS, AND DECLARING AN EMERGENCY. (Introduced 6/11/19)**

Sponsors: Gerard Neugebauer

Attachments: [2019-14 Freddy's TIF](#)
[2019-14 re Freddys Custard TIF](#)
[2019-14 re Exhibits Freddy's](#)

Mr. Yeargin said this is like 2019-13, it is a T.I.F. that has been discussed and also presented to officials for the school district.

A motion was made by Council Member Yeargin, 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 (Young*, Dyer**, Humphrey)

THIRD READING ITEMS

[2019-R46](#) **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
[AA](#) CONTRACT WITH RODERICK LINTON BELFANCE, L.L.P. TO
PROVIDE DIRECTOR OF LAW SERVICES TO THE CITY OF GREEN,
AND DECLARING AN EMERGENCY. (Introduced 6/11/19) **(AMENDED
6/25/2019)(AMENDED 7/9/2019)****

Sponsors: Stephen Dyer, Barbara Babbitt, Rocco Yeargin, Chris Humphrey, Bob Young, Justin
Speight and Gerard Neugebauer

Attachments: [2019-R46 Law Director Contract](#)

[2019-R46 AA re AMENDED Amended Roderick Linton Belfance firm](#)

[Law Director](#)

[2019-R46 AA re Exhibit A](#)

[Email Bill Chris 6-20-19](#)

Mr. Dyer said this legislation is a good example of Council working together to fix an issue that is out there. Addressing this issue of interim law director is something that the Charter Review Commission recognized that the City needed to do. He commended Mrs. Babbitt, Mr. Yeargin and everyone else on Council and the Mayor for working to make this work and Mr. Chris for providing a new contract so we can all start fresh. This is a fine example of Council working together for the people of Green.

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

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

F. Transportation, Connectivity & Storm Water (Shaughnessy*, Young**, Yeargin)

THIRD READING ITEMS

[2019-R47](#) **A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL
CONGESTION MITIGATION/AIR QUALITY FUNDS PROGRAMMED
BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY
FOR THE ARLINGTON ROAD RECONSTRUCTION PROJECT
(PROJECT), AND DECLARING AN EMERGENCY. (Introduced 6/11/19)**

Sponsors: Gerard Neugebauer

Attachments: [2019-R47 Amats Arlington Rd](#)
[2019-R47 re CMAQ 2019 Arlington Road Reconstruction Project](#)

Mr. Shaughnessy explained this is for future improvement and widening of South Arlington Road just south of 619 to Boettler. The preliminary project estimate is \$10 million and if awarded this grant we could receive up to \$6 million with as little as a 20% match.

A motion was made by Council Member Shaughnessy, 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

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

THIRD READING ITEMS

[2019-R51](#) A resolution DECLARING THE NECESSITY TO MAKE IMPROVEMENTS TO THE STREET LIGHTING SYSTEM FOR MAYFAIR EAST SUBDIVISION PHASES ONE, TWO, AND THREE, ASSESSING THE COST OF THE IMPROVEMENTS TO THE PROPERTY OWNERS WITHIN THE SUBDIVISION, AND DECLARING AN EMERGENCY. (Introduced 6/11/19) ***Public Hearing held on June 25, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R51 Mayfair St. Light Assess](#)
[2019-R51 re Mayfair East Street Lighting](#)
[2019-R51 re Exhibit A](#)
[2019-R51 re Exhibit B](#)
[2019-R51 re Exhibit C](#)
[Petitions 2019-R51](#)
[Wayne's answer to Jerry & Theresa Moon](#)

Mr. Humphrey recused himself and will abstain from voting. Mr. Dyer said the issue is a lot of street lights are going out in Mayfair East this will make it so they can make upgrades to their system. Many in the subdivision spoke and are okay with moving ahead with legislation as it is before Council.

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

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

Abstain: 1 - Humphrey

2019-12

AN ORDINANCE APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND A PLAN FOR PUBLIC IMPROVEMENTS; APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF GREEN IN COOPERATION WITH THE AKRON-SUMMIT COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT; DETERMINING TO PROCEED WITH SUCH PROJECT; AND DETERMINING TO LEVY SPECIAL ASSESSMENTS IN CONNECTION WITH SUCH PROJECT, AND DECLARING AN EMERGENCY. (Introduced 6/11/19)

Sponsors: Gerard Neugebauer

Attachments: [2019-12 Special Assessments](#)
[2019-12 re Exhibit A](#)
[2019-12 re Special Assessment ESID](#)
[2019-12 Summit County Attachments](#)

Mr. Dyer explained this is an energy improvement project with Summit County. They allow local businesses to access grant funding and other financing to put in energy improvements. This will allow the County of Summit to set up this district in the City of Green.

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

H. Charter Amendment Implementation Committee (Yeargin*, Babbitt**, Shaughnessy)

SECOND READING ITEMS

2019-R52 A

A RESOLUTION TO AMEND THE APPROPRIATE ARTICLE(S) AND SECTION(S) OF THE CHARTER OF THE CITY OF GREEN RELATING TO THE NON-SUBSTANTIVE CHANGES THROUGHOUT THE CHARTER, PER CHARTER SECTION 12.10 CHARTER CORRECTIONS, AND DECLARING AN EMERGENCY. Introduced 6/25/19 (Amended August 13, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R52 A re Amended Index of Non-Substantive Changes 2019 Charter](#)
[2019-R52 re Amended Exhibit A Index of Non Substantive City Charter](#)

He explained the non-substantive changes had to do with form over substance and had to do with typographical errors, changing the gender of pronouns and making words consistent. Time Requested and Granted.

2019-R56 A RESOLUTION TO AMEND SECTION 3.1 OF THE CHARTER OF THE CITY OF GREEN TO LIMIT THE MAYOR, TO SERVE TWO (2) CONSECUTIVE FOUR (4) YEAR TERMS WITH PARTIAL TERMS LASTING MORE THAN TWO YEARS COUNTING AS A FOUR (4) YEAR TERM, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R56 re Section 3.1 The Mayor Term Of Office](#)

Mr. Yeargin said 2019-R56 through 2019-R69 were subject of the extensive public meeting just held. He advised they were read into the record during the public hearing and because of the public hearing they do not have the option of voting on them tonight. He advised they must vote on them by the second meeting in August or as early as the first meeting in August.

Time Requested and Granted for 2019-R56 - 2019-R69.

2019-R57 A RESOLUTION TO AMEND SECTION 3.2 OF THE CHARTER OF THE CITY OF GREEN TO REQUIRE THAT THE MAYOR SHALL BE A RESIDENT OF THE CITY OF GREEN FOR AT LEAST TWO (2) CONTINUOUS YEARS IMMEDIATELY PRIOR TO THE MAYOR'S ELECTION OR APPOINTMENT, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R57 re Section 3.2 Qualifications of the Mayor](#)

Time Requested and Granted.

2019-R58 A RESOLUTION TO AMEND SECTION 3.3 D OF THE CHARTER OF THE CITY OF GREEN TO AUTHORIZE THE MAYOR TO MAKE SHORT-TERM INTERIM OR ACTING APPOINTMENTS OF DIRECTORS WHEN NECESSARY, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R58 re Section 3.3 D Powers of the Mayor](#)

Time Requested and Granted.

[2019-R59](#) A RESOLUTION TO AMEND SECTION 4.1 OF THE CHARTER OF THE CITY OF GREEN TO LIMIT COUNCIL MEMBERS TO SERVING TWO (2) SUCCESSIVE FOUR (4) YEAR TERMS, WITH PARTIAL TERMS LASTING MORE THAN TWO (2) YEARS COUNTING AS A FOUR (4) YEAR TERM, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R59 re Section 4.1 Council Composition & Terms of Office](#)

Time Requested and Granted.

[2019-R60](#) A RESOLUTION TO AMEND SECTION 4.3 OF THE CHARTER OF THE CITY OF GREEN TO REQUIRE EACH COUNCIL MEMBER BE A RESIDENT OF THE CITY OF GREEN AT LEAST TWO (2) CONTINUOUS YEARS IMMEDIATELY PRIOR TO EACH COUNCIL MEMBER'S ELECTION OR APPOINTMENT, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R60 re Section 4.3 Qualifications Council Composition & Terms of Office](#)

Time Requested and Granted.

[2019-R61](#) A RESOLUTION TO AMEND SECTION 4.6 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE FOR COUNCIL TO FILL VACANCIES THAT OCCUR BETWEEN A NOVEMBER GENERAL ELECTION AND THE END OF DECEMBER OF THAT SAME YEAR, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R61 re Section 4.6 Vacancies](#)

Time Requested and Granted.

[2019-R62](#) A RESOLUTION TO AMEND SECTION 5.4 OF THE CHARTER OF THE CITY OF GREEN TO SET REQUIREMENTS FOR NOMINATING PETITIONS FOR THE OFFICE OF THE DIRECTOR OF LAW, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R62 re Section 5.4 Nominations and Elections](#)

Time Requested and Granted.

2019-R63 A RESOLUTION TO AMEND SECTION 6.2 OF THE CHARTER OF THE CITY OF GREEN TO BE CONSISTENT WITH SECTION 3.3(D) WHICH REQUIRES PERSONS APPOINTED BY THE MAYOR AS DIRECTORS OF CITY DEPARTMENTS TO BE CONFIRMED BY A MAJORITY VOTE OF THE MEMBERS OF COUNCIL, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R63 re Article 6.2 City Departments Directors](#)

Time Requested and Granted.

2019-R64 A A RESOLUTION TO AMEND SECTIONS 6.4 A AND 6.4 C OF THE CHARTER OF THE CITY OF GREEN TO ESTABLISH THE CURRENT REQUIREMENTS OF QUALIFICATIONS FOR THE POSITION OF DIRECTOR OF LAW, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R64 A re AMENDED Article 6.4 A and C City Departments Directors](#)
[2019-R64 re Article 6.4 A and C City Departments Directors](#)

Time Requested and Granted.

2019-R65 A RESOLUTION TO AMEND SECTION 6.4 D OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE FOR FILLING A VACANCY IN THE OFFICE OF THE DIRECTOR OF LAW, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R65 re Article 6.4 D Vacancy in Office](#)

Time Requested and Granted.

2019-R66 A RESOLUTION TO AMEND SECTION 8.3 OF THE CHARTER OF THE CITY OF GREEN TO INCLUDE A CREDIT FOR INCOME TAX PAID TO MULTIPLE MUNICIPALITIES AND/OR TO A JOINT ECONOMIC DEVELOPMENT DISTRICTS, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R66 re Section 8.3 Finance and Taxation Llimitation on Total Muni Income Tax](#)

Time Requested and Granted.

2019-R67 **A RESOLUTION TO AMEND SECTION 9.1 OF THE CHARTER OF THE CITY OF GREEN TO EXPRESSLY RESERVE TO THE CITY THE RIGHT TO DICTATE BALLOT LANGUAGE FOR ALL PROPOSED CHARTER AMENDMENTS, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R67 re Section 9.1 Charter Amendment](#)

Time Requested and Granted.

2019-R68 **A RESOLUTION TO AMEND SECTION 10.1 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE THAT THE CITY EXPRESSLY RESERVES THE RIGHT TO DICTATE BALLOT LANGUAGE FOR ALL PROPOSED INITIATIVE ISSUES, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R68 re Section 10.1 Initiative Referendum Recall](#)

Time Requested and Granted.

2019-R69 **A RESOLUTION TO AMEND SECTION 12.8 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE FOR THE REMOVAL OF THE DIRECTOR OF LAW, AND DECLARING AN EMERGENCY. Introduced 6/25/19 ***Public Hearing held July 9, 2019.*****

Sponsors: Gerard Neugebauer

Attachments: [2019-R69 re Section 12.8 Removal of Officials](#)

Time Requested and Granted.

X. Mayor's Report

The Mayor gave his report.

XI. Unfinished Business

No Unfinished Business

XII. New Business

No New Business

XIII. Adjournment

Mr. Dyer moved to adjourn at 10:09 P.M., seconded by Mr. Humphrey.

ATTEST: _____
MOLLY KAPELUCK, CLERK OF COUNCIL

APPROVED: _____
BOB YOUNG, 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.