



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 - Ward 3
Jeff Noble - Ward 4
Richard Brandenburg - At-Large
Clark A. DeVitis, Vice President - At-Large
Dave France, President - At-Large
Nichole Messner, Clerk of Council

Tuesday, November 23, 2021

7:00 PM

Council Chambers

I. Call to Order

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

II. Pledge of Allegiance

III. Roll Call of Council Members

Present: 6 - Barbara Babbitt, Richard Brandenburg, Clark A. DeVitis, Dave France, Rocco Yeargin and CJ Meager

Also present:

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

Rachel Bologa, Student Representative
Delanie Hallock, Student Representative

IV. Council Study Session

[TMP-3681](#) Approval of the November 9, 2021 Council Meeting Minutes

Attachments: [11-9-21 Council Meeting Minutes](#)

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

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

V. Public Report

None.

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 WERE HELD ON NOVEMBER 9 & 23, 2021**

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

7:47 pm. Councilman Meager read in the legislation and opened the public hearing for this item.

Jose Delgado, Representative for NOPEC.

2nd of two public hearings for notification requirements.

Mr. Delgado briefly went over the details of the opt-in/opt-out plan program again.

No questions from residents or council.

7:52 closed the public hearing.

[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 WERE HELD ON NOVEMBER 9 & 23, 2021**

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

7:52 p.m. Councilman Meager opened the second public hearing. Councilman Meager read in the legislation and gave a brief summary. This is a sister piece of legislation to the previous legislation.

Mr. Delgado reiterated his previous comments regarding the NOPEC program.

Nopec will make sure that the residents are notified of the opening up of this program once the legislation is passed.

Public hearing closed at 7:57pm

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 WAS HELD ON NOVEMBER 23, 2021**

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 opened the public hearing at 7:58pm.

Keith Filipkowski, Pulte Homes-
Jim O'Connor, Pulte Homes (remotely via Teams)-

Mr. O'Connor and Mr. Filipkowski went over their presentation (attached) in detail.
A residential housing subdivision on 22.8 acres. The request is to rezone the land from R-1 to PD and then build a single-family home subdivision.

Maryanne Flaherty, 1345 Boettler Rd.
Asked if they would be doing buffering on her side of their property, as well.

Randy Wallace, 3890 Willowood Way, Green OH-
Asked where the entrance of the subdivision was and if its close to the hill on Boettler Rd. and if it was that its a concern due to safety.

Tim Devorg, 1287 Cedarwood Way, Green OH-
He is concerned with the additional traffic that will be created due to this new development.

Neil Friery, 1230 Springhill Dr., Green, OH-
Mr. Friery stated that they were not necessarily happy about it but that Mr. O'Connor has been helpful and has tried to work with them as best as they can. They would however still like them to consider building less units.

Ralph Tucker, 1296 Springbury Dr. Green OH-
Mr. Tucker had some questions regarding the wetlands and if they would be filling it in or how close they could develop to it.

Councilman Meager asked a couple questions regarding the size of the new homes and the need for that size opposed to a different size.

Councilman France asked why PD and why they didn't just use the R-1 zoning.

Councilman Shaughnessy asked if Pulte would ever build their homes in an R-1 development instead of PD.

Public hearing was closed at 9:38 p.m. Time will be taken.

VII. Reading of Correspondence

Council Clerk Messner read in the correspondence.

[TMP-3682](#)

November 17, 2021 Planning & Zoning Commission Agenda

Attachments: [11-17-21 PZC Agenda](#)

[TMP-3683](#)

November 10, 2021 Civil Service Commission Agenda

Attachments: [November 10, 2021 CSC Agenda](#)

VIII. New Legislation - Items on First Reading

None.

IX. Report of Council Committees

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

Councilwoman Babbitt provided her committee report.

THIRD 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 summary.

A motion was made to adopt.

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

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

[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 summary.

A motion was made to adopt.

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

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

SECOND READING ITEMS

[2021-R77A](#) A RESOLUTION APPROVING AND ADOPTING THE 2022 ANNUAL CAPITAL APPROPRIATIONS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 11/9/21) **(AMENDED JANUARY 11, 2022)**

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

Councilwoman Babbitt read in the legislation and gave a brief summary. Much discussion took place on this item during Committees.

Time was requested and granted.

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

Did not meet.

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

Did not meet.

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

Councilman Yeargin gave his committee report.

THIRD 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 summary. No discussion took place on this item as the Administration asked for additional time.

Time was requested and granted.

[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 WAS HELD ON NOVEMBER 23, 2021****

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. A public hearing was held this evening and time will be taken.

SECOND READING ITEMS

[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](#)

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

Committee ok with second reading passage. A motion was made 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

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

Councilman Meager gave his Committee report.

THIRD 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.

A motion was made to adopt.

A motion was made by Council Member Meager, seconded by Council Member France, to adopt the Ordinance. The motion failed by the following vote:

Aye: 2 - France and Yeargin

Nay: 5 - Babbitt, Brandenburg, DeVitis, Shaughnessy and Meager

SECOND READING ITEMS

[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](#)

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

Time requested and granted.

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

Did not meet.

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

Councilman Meager gave the committee report due to Councilman Shaughnessy's absence during Committee meetings.

THIRD 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 WERE HELD ON NOVEMBER 9 & 23, 2021****

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

Councilman Meager read in the legislation and gave a brief summary. A public hearing was held this evening on this item.

Time was 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 WERE HELD ON NOVEMBER 9 & 23, 2021****

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

Councilman Meager read in the legislation and gave a brief summary. A public hearing was held this evening on this item.

Time was requested and granted.

X. Mayor's Report

Mayor Neugebauer read a proclamation deeming November 26, 2021 Green Bulldog Day in celebration of the GHS Football team making it to the final four game.

XI. Unfinished Business

None.

XII. New Business

None.

XIII. Adjournment

A motion was made by Council Member Yeargin, seconded by Council Member Meager, to adjourn the meeting at 10:00 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.