



# City of Green

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

## Meeting Minutes

### City Council

**Barbara Babbitt - Ward 1 - President**  
**Rocco Yeargin - Ward 3 - Vice President**  
**Bob Young - Ward 2**  
**Matt Shaughnessy - Ward 4**  
**Richard Brandenburg - At-Large**  
**Clark A. DeVitis - At-Large**  
**Dave France- At-Large**  
**Molly Kapeluck, MMC Clerk of Council**

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**Tuesday, December 10, 2019**

**7:00 PM**

**Council Chambers**

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### Amended Agenda 12-9-19

#### 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 8:46 p.m.

#### II. Pledge of Allegiance

Councilmember Young led the Pledge of Allegiance.

#### III. Roll Call of Council Members

**Present:** 4 - Barbara Babbitt, Matt Shaughnessy, Rocco Yeargin and Bob Young

#### IV. Council Study Session - No items

#### V. Public Report

Pat Carleski, 3878 Greenfield Road - She thanked everyone for their kind thoughts during her recent illness. She wished outgoing members good luck. She commended directors on what they do. She complemented the first responders. She complemented the paramedic community support and Brian Lloyd. She wished everyone the best in the future and wished them happy holidays.

Joel Helms, 4977 Massillon Road - He spoke regarding 2019-R111. He said once Lisa Dean is in office she is in charge. 2019-R107 - He said it is a moral issue on giving back and it will take a charter amendment.

#### VI. Public Hearings - No Public Hearing Scheduled

#### VII. Reading of Correspondence

[TMP-2872](#) Email from Lt. Plance RE: Terry Miller's concerns

**Attachments:** [11-22-19 Lt. Plance](#)

[TMP-2873](#) Email from Terry Miller RE: Sheriffs Training

**Attachments:** [11-25-19 Terry Miller](#)

[TMP-2874](#) Letter from Joel Helms RE: Resolution 2019-R110

**Attachments:** [12-3-19 Joel Helms](#)

All Correspondence read in and filed.

#### VIII. New Legislation - Items on First Reading

[2019-R112](#) **AN Emergency RESOLUTION declaring the necessity and intention to appropriate for street purposes certain fee simple interests, temporary and permanent easements in and to Various premises along Moore Road, altogether with the necessary appurtenances to BE further identified as the SUM-MOORE Road sidewalk PROJECT, AND DECLARING AN EMERGENCY. -Introduced 12/10/19--**

**Sponsors:** Gerard Neugebauer

**Attachments:** [2019-R112 re SUM-Moore Road Sidewalk Improvement Appropriation](#)  
[Paul Pickett 1st reading discussion](#)

Referred to the Transportation, Connectivity and Storm Water Committee

[2019-R113](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL DESIGN GROUP, LLC TO PROVIDE MUNICIPAL ENGINEERING SERVICES FROM JANUARY 1, 2020 THROUGH DECEMBER 31, 2022, AND DECLARING AN EMERGENCY. -Introduced 12/10/19--**

**Sponsors:** Gerard Neugebauer

**Attachments:** [2019-R113 re EDG Contract 2020-2022](#)  
[2019-R113 re Exhibit A EJCDC EDG Agreement](#)

Referred to the Transportation, Connectivity and Storm Water Committee

[2019-R114](#)     A RESOLUTION AUTHORIZING THE CITY OF GREEN TO EXTEND ITS AGREEMENT TO PROVIDE COMMUNITY CORRECTIONAL SERVICES WITH ORIANA HOUSE, INC., AND DECLARING AN EMERGENCY. -Introduced 12/10/19--

**Sponsors:** Gerard Neugebauer

**Attachments:**   [2019- R114 re Oriana House Agreement](#)  
[2019- R114 re Exhibit A Oriana House Agreement](#)

Referred to the Intergovernmental and Utilities Committee

[2019-R115](#)     A     RESOLUTION     APPROVING     THE     FINAL     PLAT     AND  
PERFORMANCE BOND FOR BRIER CREEK PHASE II, AND  
DECLARING AN EMERGENCY. -Introduced 12/10/19--

**Sponsors:** Gerard Neugebauer

**Attachments:**   [2019-R115 re Brier Creek Phase II](#)  
[2019-R115 re Exhibit A Plat](#)

Referred to the Planning and Economic Development Committee

[2019-21](#)     AN     ORDINANCE     AUTHORIZING     ENTERING     INTO     A     NATURAL  
GAS PROGRAM AGREEMENT WITH THE NORTHEAST OHIO  
PUBLIC ENERGY COUNCIL AND DECLARING AN EMERGENCY.  
-Introduced 12-10-19--

**Sponsors:** Gerard Neugebauer

**Attachments:**   [2019-21 re NOPE Agreement](#)  
[2019-21 re Exhibit A](#)

Referred to the Intergovernmental and Utilities Committee

[2019-22](#)     AN ORDINANCE AUTHORIZING THE CITY OF GREEN, OHIO TO  
ENTER INTO THE NORTHEAST OHIO PUBLIC ENERGY  
COUNCIL (“NOPEC”) AND THE EXECUTION AND DELIVERY OF  
THE AGREEMENT ESTABLISHING NOPEC AND APPROVING  
THE BYLAWS OF NOPEC, AND DECLARING AN EMERGENCY.   -  
-Introduced 12/10/19--

**Sponsors:** Gerard Neugebauer

**Attachments:**   [2019-22 re Joining NOPE](#)  
[2019-22 re Exhibit A](#)

Referred to the Intergovernmental and Utilities Committee

[2019-23](#) AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING A GAS AGGREGATION PROGRAM, AND DECLARING AN EMERGENCY. -Introduced 12/10/19-Public Hearings to be held January 7 and January 14, 2020.

**Sponsors:** Gerard Neugebauer

**Attachments:** [2019-23 re Approving NOPEC](#)  
[2019-23 re Exhibit A](#)  
[NOPEC Ad](#)  
[2018- NOPEC annual-report.pdf](#)  
[The Safe Choice NOPEC Brochure.pdf](#)

Referred to the Intergovernmental and Utilities Committee

[2019-24](#) AN ORDINANCE TO ENACT SECTION 242.06 ENTITLED “TACTICAL MEDICS; CARRYING OF FIREARMS” OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN, AND DECLARING AN EMERGENCY. --Introduced 12/10/19--

**Sponsors:** Gerard Neugebauer

**Attachments:** [2019-24 re Tactical Paramedics Carrying of Firearms](#)

Referred to the Public Safety Committee

#### IX. Report of Council Committees

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

#### THIRD READING ITEMS

[2019-R99](#) A RESOLUTION AWARDING A CONTRACT TO SIGNAL SERVICE COMPANY FOR THE MAYFAIR EAST STREET LIGHT REPLACEMENT PROJECT (“PROJECT”), MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. Introduced 11/12/19 \*\*\*Second Reading Passage Requested.\*\*\*

**Sponsors:** Gerard Neugebauer

**Attachments:** [2019-R99 Mayfair E Light Replacement](#)  
[2019-R99 re Mayfair East Street Light Replacement Project .docx](#)  
[Paul Pickett 2nd reading passage request](#)

Mr. Yeargin handled 2019-R99, Mr. Humphrey recused himself because this involves his neighborhood. Mr. Yeargin explained the Resolution.

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

**Abstain:** 1 - Humphrey

[2019-R100](#)     **A RESOLUTION APPROVING AND ADOPTING THE 2020 ANNUAL CAPITAL APPROPRIATIONS FOR THE CITY OF GREEN, MAKING A TRANSFER, AND DECLARING AN EMERGENCY. Introduced 11/12/19**

**Sponsors:** Gerard Neugebauer

**Attachments:** [2019-R100 re 2020 Capital Annual Appropriations](#)  
[2019-R100 re Exhibit A](#)

Mr. Humphrey explained the legislation and the reason for holding this legislation until next year.

Time was requested and granted.

[2019-R102](#)     **A RESOLUTION APPROVING AND ADOPTING THE 2020 ANNUAL OPERATING APPROPRIATION FOR THE GENERAL FUND AND ALL OTHER FUNDS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY. Introduced 11/12/19**

**Sponsors:** Gerard Neugebauer

**Attachments:** [2019-R102 2020 Annual Operating Budget](#)  
[2019-R102A AMENDED 2020 operating annual appropriation](#)  
[2019-R102 Amended Exhibit A](#)  
[2019-R102 re Exhibit B](#)  
[2019-R102 AMENDED 2020 Electronic Budget Presentation](#)

Mr. Humphrey explained the operating budget for 2019. Mr. Humphrey advised that Mr. Dyer submitted amendments to the budget. Mr. Dyer withdrew his amendments but talked about his concerns. He encouraged future councils to do their job on this kind of issue in the public and ask questions. He said he will support.

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

**Aye:** 6 - Babbitt, Dyer, Humphrey, Speight, Yeargin and Young

**Nay:** 1 - Shaughnessy

## SECOND READING ITEMS

**2019-R107** A RESOLUTION AUTHORIZING THE CITY OF GREEN TO DEVELOP AND ADOPT THE GREEN TAXPAYER REBATE PROGRAM FOR THE PURPOSE OF REBATING UNSPENT MUNICIPAL INCOME TAX REVENUE THAT REMAINS UNSPENT ABOVE A CERTAIN THRESHOLD, AND DECLARING AN EMERGENCY. Introduced 11/26/19

**Sponsors:** Stephen Dyer

**Attachments:** [2019-R107 re Taxpayer rebate](#)

Mr. Humphrey talked about the discussion during the committee meeting. He said he opposed the legislation and explained. Mr. Dyer said this requires the city to invest more into the community and he explained. He said the idea is to give incentive to the city to provide better services to the community while maintaining a healthy reserve. Discussion took place regarding three readings. Time was requested and granted.

**2019-R111 A** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENGAGEMENT AGREEMENT WITH RODERICK LINTON BELFANCE, L.L.P., FOR THE CONTINUATION OF LEGAL SERVICES ALREADY PROVIDED BY RODERICK LINTON BELFANCE, LLC, UNTIL THE LITIGATION MATTERS ARE RESOLVED FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY. Introduced 11/26/19 (Amended January 14, 2020)  
**\*\*\*THIRD READING PASSAGE REQUESTED\*\*\***

**Sponsors:** Gerard Neugebauer

**Attachments:** [2019-R111 A re Amended Roderick Linton Belfance firm Law Director signed 3rd reading passage request Mayor](#)  
[2019-R111 re Exhibit A](#)

Mr. Humphrey explained the legislation and leaving it in the hands of the current attorneys. Time requested and granted.

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

No meeting held.

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

Mr. Humphrey chaired the committee in Mrs. Babbitt's brief absence from the meeting.

**SECOND READING ITEMS**

[2019-R106](#) A RESOLUTION CLOSING GREENSBURG FIELD #4, REQUIRING ALL NEW FIELDS TO BE INSTALLED OUTSIDE THE POTENTIAL IMPACT RADIUS OF THE NEXUS PIPELINE, REQUIRING A SEARCH FOR ADDITIONAL FIELD LOCATIONS WITHIN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. Introduced 11/26/19

**Sponsors:** Stephen Dyer

**Attachments:** [2019-R106 Closing Greensburg Field #4 - Withdrawn](#)  
[2019-R106 re Greensburg Field 4](#)

Mr. Humphrey advised Mr. Dyer withdrew the legislation.

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 Noticifation](#)

No meeting held.

E. Rules and Personnel (Young\*, Dyer\*\*, Humphrey)

**SECOND READING ITEMS**

[2019-R104](#) A RESOLUTION DIRECTING THE CITY OF GREEN TO FILE TRADEMARK PROTECTION FOR ITS INTELLECTUAL PROPERTY, INCLUDING ALL PROTECTABLE CITY-GENERATED MARKS WITH THE UNITED STATES PATENT & TRADEMARK OFFICE WITHIN 6 MONTHS OF THE PASSAGE OF THIS LEGISLATION, AND DECLARING AN EMERGENCY. Introduced 11/26/19

**Sponsors:** Stephen Dyer



**Attachments:** [2019-R104 Trademark Protection - Withdrawn](#)  
[2019-R104 re Trademark Protection](#)  
[U.S. Code 1052 Trademark registrable on principal register](#)

Mr. Young announced Mr. Dyer withdrew the legislation.

[2019-R105](#)    **A RESOLUTION CHANGING CITY COUNCIL RULES TO BETTER MAINTAIN COMITY AMONG MEMBERS, AND DECLARING AN EMERGENCY.** Introduced 11/26/19

**Sponsors:** Stephen Dyer

**Attachments:** [2019-R105 Maintain Comity - Defeated](#)  
[2019-R105 re Comity Rule Change](#)

Mr. Dyer explained the legislation.

Mr. Speight said he will be supporting this tonight out of support for Mr. Dyer and what happened during the election. He thinks it is unfortunate that Mr. Dyer felt that it needed to be brought forward.

Mr. Yeargin said he will oppose. It is about doing the right thing and trying to legislate that is just words on paper.

**A motion was made by Council Member Dyer, seconded by Council Member Speight, to bypass the three reading rule. The motion carried by the following vote:**

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

Mr. Dyer explained the legislation. Mr. Speight said he will support out of respect for Mr. Dyer and what happened during the election. He does not see the need based on the fact that councilmembers are all adults and should just treat each other with respect. He said it was unfortunate that Mr. Dyer felt the need to bring this forward. Mr. Yeargin said he will be opposing the resolution. He agrees with Mr. Speight's sentiment that this is about doing the right thing and being kind and courteous. Trying to legislate that is just words on paper.

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

**Aye:** 3 - Dyer, Shaughnessy and Speight

**Nay:** 4 - Babbitt, Humphrey, Yeargin and Young

[2019-20](#)    **AN ORDINANCE CREATING CAMPAIGN FINANCE CONTRIBUTION LIMITS FOR INDIVIDUALS AND ENTITIES DOING BUSINESS WITH THE CITY, DEFINING THOSE LIMITS, AND DECLARING AN EMERGENCY.** Introduced 11/26/19

**Sponsors:** Stephen Dyer

**Attachments:** [2019-20 re Campaign Contribution Limits](#)  
[2019-20 re Exhibit A \(003\)](#)

Mr. Dyer said there was a healthy discussion and he looks forward to seeing the debate next year. Time requested and granted.

Mr. Young moved to approve the Mayor's appointments of Sherry Neubert - Board of Zoning Appeals, Brent Kuwatch - Planning and Zoning Commission and Susan Allan - Historic Preservation Commission, second Mr. Dyer. Motion passed unanimously.

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

## SECOND READING ITEMS

**2019-R108**     **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO CONTRACTS WITH VARIOUS ENGINEERING, CONSTRUCTION MANAGEMENT AND TESTING COMPANIES FOR PROFESSIONAL SERVICES, FOR A THREE-YEAR TERM COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY. \*\*\*Second Reading Passage Requested.\*\*\*** Introduced 11/26/19

**Sponsors:** Gerard Neugebauer

**Attachments:** [2019-R108 Engineering Contracts 1-1-20 to 12-31-22](#)  
[2019-R108 re 3 Year Legislation](#)  
[Paul Pickett 2nd reading request.msg](#)

Mr. Shaughnessy explained and the reason for second reading passage.

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

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

Mr. Shaughnessy advised the committee discussed a second reading passage that was read in tonight, relating to getti

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

**Aye:** 6 - Babbitt, Dyer, Humphrey, Speight, Yeargin and Young

**Nay:** 1 - Shaughnessy

G. Intergovernmental & Utilities (Dyer \*, Shaughnessy\*\*, Speight)**SECOND READING ITEMS**

**2019-R109** A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF GREEN AND THE LEGAL DEFENDERS OFFICE OF SUMMIT COUNTY, OHIO, INC., AND DECLARING AN EMERGENCY. Introduced 11/26/19

**Sponsors:** Gerard Neugebauer

**Attachments:** [2019-R109 Legal Defenders Office](#)  
[2019-R109 re Agreement COG Legal Defenders Summit Cty](#)  
[2019-R109 re Exhibit A Agreement Legal Defenders Office](#)

Mr. Dyer advised this is an annual contract with very little change from last year.

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

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

**X. Mayor's Report**

Mayor Neugebauer gave the Mayor's report.

**XI. Unfinished Business**

No Unfinished Business

**XII. New Business**

President Young - Presentations

President Young presented Mr. Dyer, Mr. Speight and Mr. Humphrey with a plaque for their service.

XIII. Adjournment

President Young adjourned the meeting at 9:29 p.m., seconded by Mr. Dyer.

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.