



City of Green

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

Meeting Minutes

City Council

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

Tuesday, November 13, 2018

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 Humphrey presided over the meeting which he called to order at 7:14 p.m.

II. Pledge of Allegiance - Led by Webelos Pack 3330

Mr. Humphrey introduced the Webelos, who led the Pledge.

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 - No Items

V. Public Report

Gus Callos, 220 Market South, He is the attorney for Mr. Raneri, Raintree and Prestwick. He said he was here to answer any questions and displace any rumors. None were presented to him.

Pat Carleski, 3878 Greenfield Rd. - She is opposed to the purchase of Raintree and she explained why. She said continuing it as golf course for \$3.3 million she is against.

Steve Braswell, 1207 Peach Wood Way - He said there are three choices when it comes to Raintree and he reviewed. He urged Council if they decided to purchase, reject the idea of using it as a golf course.

VI. Public Hearings - No Public Hearing Scheduled

VII. Reading of Correspondence - No Correspondence

VIII. New Legislation - Items on First Reading

2018-R86 **A RESOLUTION APPROVING AND ADOPTING THE 2019 ANNUAL OPERATING APPROPRIATION FOR THE GENERAL FUND AND ALL OTHER FUNDS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY.** Introduced 11-13-18

Sponsors: Gerard Neugebauer

Attachments: [2018-R86 re 2019 operating annual appropriation.docx](#)
[2018-R86 re Exhibit A.pdf](#)
[2018-R86 re Exhibit B.pdf](#)

Referred to the Finance Committee

2018-R87 **A RESOLUTION APPROVING AND ADOPTING THE 2019 ANNUAL CAPITAL APPROPRIATIONS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY.** Introduced 11/13/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R87 re 2019 Capital Annual Appropriations.docx](#)
[2018-R87 re Exhibit A.pdf](#)

Referred to the Finance Committee

2018-R88 A **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH INFINITY CONSTRUCTION, CO., INC AS CONSTRUCTION MANAGER AT RISK, TO PROVIDE PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES FOR THE CONSTRUCTION OF FIRE STATION NO. 3, WITHIN THE CITY OF GREEN, MAKING AN APPROPRIATION, AUTHORIZING AN ADVANCE, AND DECLARING AN EMERGENCY.** Introduced 11/13/18 --
-- Second Reading Passage Requested.

Sponsors: Gerard Neugebauer

Attachments: [2018-R88 Fire Station #3 Construction Manager at risk](#)
[2018-R88 Exhibit A](#)
[2018-R88 Exhibit B](#)
[2018-R88A re Amended Infinity Construction](#)
[2018-R88 re Amended Exhibit A](#)
[2018-R88 re Amended Exhibit B](#)
[2018-R88A - Second reading passage request](#)

Referred to the Public Safety Committttee

[2018-R89 A](#) A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY.

Sponsors: Gerard Neugebauer

Attachments: [2018-R89 Modifying Appropriations](#)
[2018-R89 re Amend Appropriations year end 2018](#)
[2018-R89 Amend YEAR END 2018 Exhibits A](#)

Referred to the Finance Committee

[2018-R90](#) A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH SUMMIT COUNTY FOR THE INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING, AND DECLARING AN EMERGENCY. Introduced 11/13/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R90 re Jobs Preservation.docx](#)
[2018-R90 re Exhibit A.pdf](#)

Referred to the Planning and Economic Development Committee

[2018-R91 A](#) A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT with AQUA OHIO, INC., AND DECLARING AN EMERGENCY. Introduced 11/13/18--- Public Hearing scheduled for November 27, 2018 @ or about 7:05 p.m. (AMENDED DECEMBER 11, 2018)

Sponsors: Gerard Neugebauer

Attachments: [2018-R91 re Amended Aqua Ohio Agreement](#)
[2018-R91 re Exhibit A.pdf](#)

Referred to the Intergovernmental and Utilities Committee

[2018-26](#) AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATERIAL IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY. Introduced 11/13/18 --- SECOND READING PASSAGE REQUESTED.

Sponsors: Gerard Neugebauer

Attachments: [2018-26 Codified update](#)
[2018-26 re Codified Ordinance revision codes.docx](#)
[2018-26 re Exhibit A Codified Ordinance revisions.pdf](#)

Referred to the Intergovernmental and Utilities Committee

2018-27 AN ORDINANCE ESTABLISHING AND ADOPTING A POLICY FOR CREDIT CARD USE AND PROCEDURES THAT NEED TO BE FOLLOWED BY ALL EMPLOYEES WITHIN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. Introduced 11/13/18

Sponsors: Gerard Neugebauer

Attachments: [2018-27 Credit Card Policy](#)
[2018-27 re Credit Card Policy.docx](#)
[2018-27 re Exhibit A Proposed Revised Credit Card Policy.docx](#)
[2018-27 re Exhibit B Credit Card Use Form.docx](#)
[2018-27 re Exhibit C Sign Out Form.docx](#)

Referred to the Finance Committee

IX. Report of Council Committees

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

2018-R61 A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN ASSET PURCHASE AGREEMENT WITH RAINTREE COUNTRY CLUB, INC. AND RAINTREE GOLF, LLC. FOR THE REAL PROPERTY LOCATED AT 4340 MAYFAIR ROAD, UNIONTOWN, OHIO 44685, AND ALL PERSONAL PROPERTY SITUATED THEREON AND/OR RELATED THERETO, MAKING AN APPROPRIATION, AUTHORIZING AN ADVANCE, APPROVING TERMS FOR REPAYMENT OF ADVANCE, AND DECLARING AN EMERGENCY. -Introduced on 8/14/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R61 Raintree Country Club purchase](#)
[2018-R61 re Raintree Purchase \(003\).docx](#)
[2018-R61 re Exhibit A Agreement of Asset Sale.pdf](#)
[2018-R61 Exhibit B Advance Repay Schedule.pdf](#)

Mr. Humphrey talked about the different presentations regarding this legislation for public comment and feed back that was held by the Administration.

Mr. Yeargin said one of the issues the Council was waiting on from the Administration was the response to the RFPs.

Mrs. Carr talked about the proposals that were received.

Mayor Neugebauer said his first intention was to buy this land as green space. He talked about the five proposals that they are considering. He also talked about future uses of the property and looking at the needs and wants of our community.

Mr. Yeargin showed a map of central Green and reviewed his research and reasons for purchasing the property. He does not think we need to commit to a use but commit it to green space.

Mr. Humphrey said he has been impressed with the level of discussion on this with the community. He sympathies with those from Raintree Estates who are concerned about future development. His responsibility is to all the citizens of the city, not just those in Raintree Estates. He talked about his respect for John Raneri. He explained his reasons for not agreeing to the purchase of Raintree Country Club. Mr. Humphrey advised he would be voting no.

Mr. Dyer said he has been going back and forth. He shares Mr. Humphrey's concerns and Mr. Yeargin's enthusiasm. He is not convinced that the homes will be adding a burden on the schools. He is not convinced that putting a development in there would be horrible. He is concerned about the cost. Mr. Dyer said he will be supporting this. He said the process has been how it should have been and the administration has done a good job at listening to the community. The flexibility is what sold him on the legislation.

Mr. Shaughnessy asked if the Charter Review can look at this next year to see if the 7.5% should be changed. He asked if this purchase would take this out of the Charter Reviews control. That money would be spoken for so would it be hard for them to make a change.

Mr. Humphrey explained it would not and said it would just take longer.

Mayor Neugebauer talked about the last Charter Review when they changed it to add the ability to use part of it for programming

Mr. Shaughnessy talked about the ten parks the City already owns, that total 491 acreage. He is concerned about the cost to maintain, especially with handing it over to a management company. He is in opposition also.

Mr. Speight said he looks at this as an opportunity to control the future development. He will be supporting the legislation.

Mr. Young said he appreciated Mr. Humphrey's perspective. He said a lot of the community has reached out to him. He plans on supporting it. It is a leap of faith. He can agree with the negatives. The purchase price is in line. It is \$22,000 per acre.

Mrs. Babbitt said she has struggled over supporting this purchase. She believes the administration has put many of her concerns to rest. She said it is also a leap of faith for her.

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

Aye: 5 - Babbitt, Dyer, Speight, Yeargin and Young

Nay: 2 - Humphrey and Shaughnessy

SECOND READING ITEMS

[2018-R82](#)

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ACCEPT THE 2018 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR ADA RENOVATIONS AT THE TOROK COMMUNITY & SENIOR CENTER, AUTHORIZING THE MATCHING FUNDS FROM THE CITY, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. Introduced 10/23/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R82 Torok Center Renovations grant](#)
[2018-R82 re CDBG Grant Torok Center ADA Renovations.docx](#)
[2018-R82 re Exhibit A Grant for ADA Torok Center.pdf](#)

Mr. Humphrey briefly explained the grant is for \$45,000 and the City's appropriation is \$10,000. It will include sidewalk improvements.

A motion was made by Council Member Humphrey, 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

A motion was made by Council Member Humphrey, 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

[2018-R83](#) A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH A MANAGEMENT COMPANY TO ACCEPT THE PROPOSED BID PURSUANT TO THE REQUEST FOR PROPOSAL FOR RAINTREE COUNTRY CLUB, INC. AND RAINTREE GOLF, LLC., AND DECLARING AN EMERGENCY. Introduced 10/23/18

Sponsors: Gerard Neugebauer

Attachments: [2018-R83 Raintree Country Club Management Co](#)
[2018-R83 re Agreement with Management Company for Raintree.docx](#)

Mr. Humphrey explained the administration is looking at the RFPs.
Time requested and granted.

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

No Meeting

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

THIRD READING ITEMS

[2018-24 A](#) AN ORDINANCE AUTHORIZING THE CITY OF GREEN TO PROHIBIT THE SALE OR OTHER DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, ~~OR~~ ALTERNATIVE NICOTINE PRODUCTS, ~~OR TOBACCO PRODUCT PARAPHERNALIA~~ TO PERSONS UNDER 21 YEARS OLD, ~~AUTHORIZING A CONTRACT WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT TO IMPLEMENT THESE PROVISIONS THROUGH REGULATIONS, AND—DECLARING AN—EMERGENCY.~~ Amended 10/23/18 and 11/27/18 Introduced October 9, 2018

Sponsors: Gerard Neugebauer and City Council

Attachments: [2018-24 Cigarette sales](#)
[2018-24 re Exhibit A Intergovernmental Agreement COG Summit](#)
[County Combined General Health](#)
[2018-24 re Amended Amended T21 Tobacco](#)

Mrs. Babbitt advised this legislation was discussed at length at the last meeting. Tobacco use by high school students has ramped and they get it from people 18-20 year olds. This legislation will help to preserve those even younger than 18-20. The schools are in favor of the legislation.

Mr. Speight presented an amendment to exempt military from the legislation. He commended Mrs. Babbitt on her work on this legislation. He explained his amendments to sell to active military that are 18-20.

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

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

Mrs. Babbitt thanked everyone on Council for taking the time to hear the testimony and for supporting this legislation. She thinks we are doing something really good for the youth in the community.

Mr. Yeargin stated now that it was amended there may be more council members that wanted to be added as sponsors. Mr. Dyer asked if could be done after it was adopted and then you they could move to amend and add the names. Mr. Humphrey said you could just be added and if they wanted to be added to let us know.

A motion was made by Council Member Babbitt, seconded by Council Member Shaughnessy, to adopt as amended the Ordinance. The motion carried by the following vote:

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

LICENSE ITEMS

[TMP-2316](#)

Attachments: [Senor Papas LLC](#)

Mrs. Babbitt said there was no reason to request a hearing.

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

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

Mrs. Babbitt advised the Committee heard Mr. Yeargin's report on Nexus.

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

No Meeting

E. Rules and Personnel (Shaughnessy*, Humphrey**, Young)[TMP-2315](#)

Attachments: [Bd & Comm Advertisement](#)

Mr. Shaughnessy advised there are Council appointments to Design Review Board and Civil Service Commission. He also explained requirements to be appointed to each.

F. Transportation, Connectivity & Storm Water (Yeargin*, Dyer**, Speight)**SECOND READING ITEMS**

[2018-R85](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH O.R. COLAN ASSOCIATES, LLC FOR PROFESSIONAL ENGINEERING SERVICES FOR A THREE-YEAR TERM COMMENCING NOVEMBER 13, 2018, AND DECLARING AN EMERGENCY. Introduced 10/23/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R85 O.R. Colan Ass. Prof. Engineering](#)
[2018-R85 re O.R. Colan Contract.docx](#)

Mr. Yeargin explained the resolution and the need for second reading passage.

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

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

[2018-25 A](#) **AN ORDINANCE ESTABLISHING A CITY TREE ADVISORY COMMISSION FOR THE REGULATION OF PUBLIC PROPERTY TREES, , AND DECLARING AN EMERGENCY. Introduced 10/23/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-25 Tree Advisory Commission](#)
[2018-25 re AMENDED Tree Committee Board.docx](#)

Mr. Yeargin reviewed the committee discussion. This includes a provision for the City to cut down trees that could create a hazard in the right-of-way, public parks or other public property. It also contains a provision that if there is a tree on private property that is dangerous the City would have a procedure to notify the owner to cut

or trim the tree and if that owner is not responsive it would allow the City to move in and abate the danger.

He requested time and time was granted.

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

SECOND READING ITEMS

[2018-R79](#) **A RESOLUTION APPROVING AN AGREEMENT WITH THE CITY OF BARBERTON FOR PROSECUTORIAL SERVICES, AND DECLARING AN EMERGENCY. Introduced 10/23/18**

Sponsors: Gerard Neugebauer

Attachments: [2018-R79 Barberton Prosecutorial Services](#)
[2018-R79 re Agreement with City of Barberton.docx](#)
[2018-R79 re Exhibit A City of Barberton Prosc Agreement.pdf](#)
[Letter from City of Barberton.pdf](#)

Mr. Dyer explained the Resolution and the slight change. The fee is going up slightly due to new equipment in the office.

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

[2018-R80](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO EXTEND ITS AGREEMENT TO PROVIDE COMMUNITY CORRECTIONAL SERVICES WITH ORIANA HOUSE, INC. Introduced 10/23/18**

Sponsors: Gerard Neugebauer

Attachments: [2018--R80 Oriana House for 2018](#)
[2018-R80 re Oriana House Agreement.docx](#)
[2018-R80 re Exhibit A Oriana House Agreement.pdf](#)

Mr. Dyer briefly explained the Oriana House and this Resolution is for work done this year (2018).

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 his report.

XI. Unfinished Business - No Unfinished Business

XII. New Business

Mr. Dyer welcomed back the clerk Molly Kapeluck. He said she has been through a lot the past few months and it is wonderful to see her back in the spot she needs to be in. He thanked her for coming back.

XIII. Adjournment

Mr. Dyer moved to adjourn at 8:47 p.m.

ATTEST: _____
MOLLY KAPELUCK, CLERK OF COUNCIL

APPROVED: _____
CHRIS HUMPHREY, 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.