



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, May 14, 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.

III. Roll Call of Council Members

Present: 7 - Barbara Babbitt, Stephen Dyer, Chris Humphrey, Matt Shaughnessy, Justin Speight, Rocco Yeargin and Bob Young

II. Pledge of Allegiance

Councilmember Young led the Pledge of Allegiance.

IV. Council Study Session

[TMP-2581](#) Approval of the April 23, 2019 Regular Council Meeting

Attachments: [4-23-19 Council 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

[TMP-2587](#) Approval of the April Financial Statement, Subject to Audit.

Attachments: [APRIL 2019 ELECTRONIC FINANCIAL REPORT](#)

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

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

V. Public Report

Robert Talenda, 2740 Compass Point Drive - He advised they have been working with the developer and the City. They have taken over the HOA Wednesday. He found on the real estate tax side, they have found that a conveyance has not been filed. He said there is past due, nothing has been paid since 2016. The City has sold the lean on three properties. He asked, once the conveyance is filed will the City give back the money to the new lean holder, go back to the developer or the development. He talked about his concerns and things he thinks the City could be doing up front.

Tara Woody, 2754 Superior Drive - Ms. Woody said she agrees with Mr. Talenda's comments. She is on the HOA board. She addressed her concerns with the developer.

Staci Schweikert, 1261 Steese Road - She said she is the secretary of the Historical Society in Green. She came to talk about 2019-R40. She advised the Historical Society fully supports this legislation. She realizes there are pros and cons to the water in the building. She explained what the building was used for the third graders to spend a day in 1885. They reach approximately 400 students each year. She said after the fire both Lake and Jackson offered there historical school. She explained how they are working with Jackson.

Bill Hanna, Attorney for Walter and Haverfield - He came at the request of Mayor Neugebauer to discuss the opinion this firm gave regarding Issue 14. He shared a non privileged memo and briefly reviewed the process. (See attached.)

Mr. Shaughnessy asked if Mr. Hanna was charged with looking into ways to overturn Issue 14. Mr. Hanna replied no.

Mr. Yeargin asked Mr. Hanna, from his perspective what would be the potential damage to the City with sharing the attorney client privilege memo. Mr. Hanna explained there was a piece of the memo that if the City adopted one certain interpretation of the charter amendment and some one disagreed, what could that disability look like. What is the risk of litigation? What does the liability look like. Mr. Yeargin said without getting into specifics of the privileged memorandum, your memo outlined how the City would defend Issue 14 in practice and you would not want anyone that would sue the City to have your professional advice on how the City would defend such an challenge. Mr. Hanna said that was correct. He said the client controls the privilege and the City would not want that to get out. Mr. Yeargin summed it up by saying, Mr. Hanna's advice on protecting the privileged legal memorandum was to protect Issue 14.

Mr. Humphrey asked Mr. Hanna if he has been looking at his job as trying to make the language of the ballot amendment, that the voters passed, operate within the Charter which already exists so there is no conflict to make it unusable. Mr. Humphrey said what Mr. Hanna has not been doing is try to figure out ways to not carry out the will of the voters. Mr. Hanna said that was correct. He asked Mr. Hanna who the primary duty of a law director for the City would be. Mr. Hanna said it would be the City as an entity and then to its officials, employees and directors as agents of the entity. Mr. Humphrey clarified that the law director would not be able to represent individual citizens because that would be a conflict with their duty of loyalty to the individuals and classes of individuals outlined by Mr. Hanna. Mr. Hanna said that was absolutely right. Mr. Humphrey said by doing so, they (the law director) would subject themselves to disciplinary action in the State of Ohio. Mr. Hanna said you can't represent a party against your client. He talked about the only exception under Ohio Law, is in the case of a tax payers action and he explained.

Mr. Dyer said the key sentence on the memorandum was on page two, "Thus, the first two sentences of Issue 14 must be interpreted in a way that is consistent with the language of Section 6.4(B), and could not lawfully be considered to create a duty on the part of the City Law Director to represent any one or more individuals against the City of Green." Mr. Dyer said last year there were a lot of concern about whether the language of the issue created an unworkable position because there was a conflict. It was Mr. Hanna and Walter Haverfield's opinion that that is in fact not the case. Mr. Hanna said yes. He thinks that Walter Haverfield believes that, that is the property interpretation of that language. The challenging part is could the language be more clear or be changed as it is integrated into the Charter. Mr. Dyer said he just went on the City website and found the Brennan, Manna and Diamond opinion that says Attorney Client Privilege and at the end it says it cannot be used for any other purposes other than the City of Green's with out the express written consent of the law firm. What is the difference between the opinions and why one is on the website and the other is not.

Mr. Chris said the difference is the charge that they were told to look into. Brennan, Manna & Diamond were not charged with defenses, concerns, issues on how the City could defend themselves like the Walter Haverfield opinion is. Mr. Dyer said a lot of the analyses was why the Finance Director should find the signatures invalid and the referendum itself is invalid. That was opposed by those that collected signatures. He thinks the City should error on the side of being transparent to the public about the whole thing.

Mr. Chris asked Mr. Dyer if the City should share their defenses. He asked if Mr. Dyer was telling the City to tell residents or people who wanted to cause harm to the City that here is how we will defend this.

Mr. Dyer said he is saying there is an opinion on the website that says attorney client privilege across the top and at the end it says it shall not be used for any other purpose without written consent. He was not aware of any written consent that was obtained, yet it was up before Council even saw it. He said he appreciates Mr. Hanna's 2.5 page summary but we have heard these arguments before that doing something is going to lead to a crazy outcome like Issue 14 itself about this conflict but it is not. He said he thinks they need to look at releasing the whole thing in the interest of fairness and transparency. Especially that we know now there is an effort to try to repeal Issue 14.

Mr. Humphrey said they were talking apples and oranges. He said that statement leads people to conclusions that are not warranted by the facts. If we want to be factual it is necessary to look at the facts. First, to the issue to whether or not wave the attorney client privilege was not a decision that was made by the administration it was a decision by this Council. To throw out the implication it is the administration is not being open and transparent because Mr. Hanna's opinion that there was concern if the City was involved in litigation that information could be used against the City. The administration had no say over it because that was an issue that was brought before City Council and City Council made the determination that they not wave attorney client privilege. Number two, there is a significant difference between a legal memorandum that talks about legal principles and a legal memorandum that talks about legal principles that could be used as a sword or a shield in a piece of litigation involving the City. He said they should be applauding that Mr. Hanna was there with his expertise in municipal law and giving advice to our Charter Review Commission to hopefully keep us from a position of ever having to be in litigation over Issue 14. He said he does not think they are being honest about the facts and being open and transparent and they are not looking at the real essence of what attorney client privilege is designed to protect.

Mr. Shaughnessy said the administration has every right to release the legal opinion without regard on whether or not the question has come before Council. The administration did release the legal opinion related to the referendum. It has nothing to do with whether or not it is brought before Council. He thanked Mr. Hanna for coming and providing the summary. He wishes he would have had notice that Mr. Hanna was coming. He would have liked to had time to review the memorandum, incase he had further questions. He asked Mr. Hanna if, after he reviews the memorandum, is it okay for him to call Mr. Hanna with questions. Mr. Hanna said that is fine with him.

Mr. Young said he knows this is outside of your typical public report but he thinks this issue is justified and is something that has really affected our community. Mr. Young pointed out this council voted 5-2 not to share the Attorney Client Privilege Memorandum.

Mr. Speight thanked Mr. Hanna for coming to the meeting. He said from the Charter Review Commission meetings he has been at, he thinks they are doing a fair job at trying to implement Issue 14 and he feels Mr. Hanna has been instrumental in helping them do that. He said Mr. Mallo is constantly stay true to Issue 14. He talked about the Charter Review Commission and their action on Issue 14.

Mrs. Babbitt asked if it was not common practice to mark the writings provided to a client with that "Attorney Client Privilege" stamp. Mr. Hanna said that it is. Mrs. Babbitt said all of your work product that you turn out to advise a client would be marked with that and probably would be at most firms. Mr. Hanna said it is at their firm and most other firms. She asked if other municipalities that he represents chose to keep some of the information given to them and keep others with in the privilege. Mr. Hanna said yes that is done. He said many times there are pieces and parts of a document that may not be privileged or controversial and their are parts that are and the client could chose that those remain protective. He said with public records request you can some time see a partial redaction. He said they have also had request for a non-privileged version of an argument or issue discussion, which is what the memo he gave today was. Privilege and Confidential do not appear on this document. She said she thinks it was important to for Council to understand the normal practice of how a law firm advises a municipality and how a municipality may want to share as much as they can but need to keep some of that information shielded because it may be used in a lawsuit. This is a common practice, not trying to hide things or be transparent.

Mr. Yeargin said he thought it was important to remember that from the beginning when the City Council subcommittee (Yeargin, Babbitt and Shaughnessy) got involved, the goal along was to implement Issue 14, not to defeat it or deface it. That is also the spirit of the Charter Review Commission. They have been working very hard to get it right. Mr. Hanna's advice to not disclose privileged communication is really all about protecting Issue 14. To take any other course would be to jeopardize the City's position with that priority in mind.

VI. Public Hearings - No Public Hearing Scheduled

VII. Reading of Correspondence

[TMP-2565](#) Email from John Drumm RE: Thank you for speaking at Council Meeting

Attachments: [4-25-19 John Drumm](#)

[TMP-2573](#) Parks and Recreation Board May 8, 2018 Agenda

Attachments: [Meeting Agenda May 8 2019](#)

[TMP-2574](#) HPC May 9, 2019 Agenda

Attachments: [5-9-19 HPC Agenda](#)

[TMP-2578](#) Charter Review Commission May 8, 2019 Agenda

Attachments: [5-8-19 CRC Agenda](#)

[TMP-2579](#) Planning Departments April 2019 Financial Summary

Attachments: [April 2019 Financial Summary](#)

All Correspondence read in and filed.

VIII. New Legislation - Items on First Reading

[2019-R36](#) A RESOLUTION ESTABLISHING A PAY RANGE FOR TEMPORARY STUDENT INTERNSHIPS AND CO-OPS, AND DECLARING AN EMERGENCY. Referred to the Rules and Personnel Committee
***Second reading passage requested. ***

Sponsors: Gerard Neugebauer

Attachments: [2019-R36 Temporary Student Internships & co-ops](#)

[2019-R36 re Student Internships](#)

[Second reading passage memo](#)

Mr. Young explained second reading passage was requested. The committee discussed this piece sets a pay range structure for part-time internship for students. The committee was agreeable to first reading passage.

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

2019-R37 A A RESOLUTION FOR PRIOR APPROVAL OF GREEN CITY COUNCIL TO THE FINANCE DEPARTMENT FOR THE TRANSFER OF PUBLIC FUNDS FROM OR BETWEEN BANKING INSTITUTIONS FOR MONIES HELD PURSUANT TO CITY OF GREEN CODIFIED ORDINANCE 232.05 AND TITLED "INVESTMENT POLICY", AND DECLARING AN EMERGENCY. (Introduced 5/14/19 Amended 6/11/19)

Sponsors: Chris Humphrey, Rocco Yeargin and Barbara Babbitt

Attachments: [2019-R37 Transfer between Banking Institutions](#)
[2019-R37 re AMENDED Changes to COG Codified Ordinances](#)
[2019-R37 re Changes to COG Codified Ordinances](#)

2019-R38 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A[s1] GRANT FOR NATUREWORKS PROGRAM FUNDING AS ADMINISTERED BY THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES FOR SHADE STRUCTURES AT CENTRAL PARK, AND DECLARING AN EMERGENCY. Referred to the Environmental and Parks Committee

[s1]authorizing the filing of a grant application

Sponsors: Gerard Neugebauer

Attachments: [2019-R38 Shade Structures grant](#)
[2019-R38 re NatureWorks Grant](#)

Mr. Speight advised the committees agreed to first reading passage. He explained this Resolution gives the Mayor the ability to apply for a grant through ODNR to purchase shade structures that can be used around the amphitheater at central park. This could provide up to 75% of the funding for this project and would not take place until 2020.

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

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

[2019-R39](#) 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 STATE ROUTE 241, MASSILLON ROAD, ALTOGETHER WITH THE NECESSARY APPURTENANCES TO BE FURTHER IDENTIFIED AS THE SUM-241-4.10 MASSILLON ROAD IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. Introduced May 14, 2019

Sponsors: Gerard Neugebauer

Attachments: [2019-R39 re SUM-241-Massillon Rd Improvement #12-H-10](#)

[1st Reading Request Paul Pickett](#)

[2019-R39 re 241 Massillon Rd Struckthrough](#)

[2019-R40](#) A RESOLUTION AWARDDING A CONTRACT TO CAVANAUGH BUILDING CORPORATION FOR THE LICHTENWALTER SCHOOLHOUSE RECONSTRUCTION PROJECT ("PROJECT"), AUTHORIZING A TRANSFER, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. Introduced May 14, 2019 ***Second Reading Passage Requested***

Sponsors: Gerard Neugebauer

Attachments: [2019-R40 re Lichtenwalter Schoolhouse Reconstruction Project](#)

[Bid Tab Sheet](#)

[Lichtenwalter REBID Bid Unofficial Tabulation](#)

[Second Reading Passage Request 5-10-19](#)

[2019-R41](#) A RESOLUTION REPEALING ADOPTED RESOLUTION 2019-R26 AND AUTHORIZING THE SPENDING OF ADDITIONAL FUNDS FOR THE PURCHASE OF TWO (2) 2019 F-550 CHASSIS XL 4X4 SD CREW CAB 1 TON DUMP TRUCKS FROM LIBERTY FORD, FOR USE BY THE CITY'S SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY. Referred to the Finance Committee ***First reading passage requested.***

Sponsors: Gerard Neugebauer

Attachments: [2019-R41 1 Ton Dump Trucks](#)

[2019-R41 re Purchase of Two 1 Ton Vehicles](#)

[2019-R41 re Exhibit A](#)

[1st Reading Passage Valerie Wax Carr](#)

Mr. Humphrey explained the reason for first reading passage. The dealer we were going to purchase these vehicles through, unfortunately the City received notification, through the dealer, that the manufacturer was not going to be making any more

through this calendar year. The City has a lead through Liberty Ford that perhaps we have a 50/50 shot at getting these chassis this year. It will increase the appropriation by \$5,492.14 per truck. This legislation repeals the legislation approved previously and appropriates an additional \$10,984.28 for a total of \$90,131.00 to obtain these trucks. The committee discussed and agreed to first reading passage.

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

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

IX. Report of Council Committees

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

[2019-07A](#) AN ORDINANCE ESTABLISHING THE CITY OF GREEN PIPELINE SETTLEMENT FUND ADVISORY COMMITTEE TO INFORM CITY COUNCIL ABOUT WAYS TO MOST EFFECTIVELY AND EFFICIENTLY SPEND PIPELINE SETTLEMENT FUNDS REMAINING IN THE PIPELINE SETTLEMENT FUND, AND DECLARING AN EMERGENCY. (Introduced 3/26/19) (AMENDED MAY 14, 2019)

Sponsors: City Council

Attachments: [2019-07 Pipeline Settlement Fund](#)
[2019-07 re Amended Amended Green Pipeline](#)

Mr. Humphrey advised there were additional amendments introduced. Mr. Humphrey entertained a motion on 2019-07 as amended. Mr. Dyer talked about the many drafts and how Council came together. He reviewed the changes since introduced.

Mr. Young said he appreciated the work that went into it. He will not support it, not because it is a bad piece of legislation, he feels strongly that he is part of an elected body and they are the committee. If residents have concerns they can come to council with their concerns and we are responsive to that. He is very satisfied with the way the Administration and with Council's approve has spent the \$7.5 million, we are down to \$1.2 million. We have got a couple, nearly paid for,

fire stations and ball fields. He is proud of the work they have done. He sees this as stirring the pot and making it a political football by making a bigger deal out of something than it needs to be.

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

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

Nay: 1 - Young

THIRD READING ITEMS

[2019-R34 A](#) A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. (INTRODUCED 4-9-19) (AMENDED APRIL 23, 2019) (AMENDED MAY 14, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R34 Modifying Appropriations](#)

[2019-R34 re AMENDED AMENDED Appropriations April 2019](#)

[2019-R34 re Exhibit A Apr19 3rd reading](#)

Mr. Humphrey advised that Mr. Schmidt, during committee meetings, walked Council through the amended Exhibit A.

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

Mr. Humphrey advised the Committee also dealt with 2019-R40 which the Administration will be requesting Council to deal with on second reading. The just passed 2019-R41 that was also discussed in Committee.

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

Mr. Speight advised 2019-R38 was discussed and adopted on first reading.

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

[TMP-2562](#) Transfer of a D5 and D6 Liquor License from Prestwick Golf Club Inc, to Stark Golf Properties LLC dba Ohio Prestwick Country Club located at 2220 Raber Road.

Attachments: [Ohio Prestwick CC](#)

Mrs. Babbitt said the Summit County Sheriff's Office has not offered any evidence of any problems or why the liquor license should not go through.

A motion was made by Council Member Babbitt, seconded by Council Member Humphrey, to not request a hearing on the Liquor 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 Noticifation](#)

Time Requested and Granted.

THIRD READING ITEMS

[2019-R31 A](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND ENTER INTO AGREEMENTS WITH THE SUMMIT COUNTY LAND REUTILIZATION CORPORATION FOR THE PURPOSE OF DEMOLITION OF STRUCTURES ON IDENTIFIED PARCELS OF LAND; AND, AUTHORIZING THE TRANSFER OF PARCELS AS NEEDED BETWEEN THE CITY AND SUMMIT COUNTY LAND REUTILIZATION CORPORATION, DONATING REAL ESTATE OWNED BY THE CITY OF GREEN TO SUMMIT COUNTY LAND REUTILIZATION CORPORATION FOR THE PURPOSE OF DEMOLITION OF THE STRUCTURES ON THE PROPERTY AND ACCEPTING THE LAND FROM THE SUMMIT COUNTY LAND REUTILIZATION CORPORATION TO THE CITY OF

GREEN UPON COMPLETION OF THE DEMOLITION, AND DECLARING AN EMERGENCY.

Sponsors: Gerard Neugebauer

Attachments: [2019-R31 Land Reutilization Corp](#)
[2019-R31 re Amended Park open space land donation](#)
[2019-R31 re Exhibit A](#)

Mr. Yeargin explained how the Land Reutilization works for the City. It creates an efficient process that allows the Mayor to transfer property to the Summit County Land Reutilization Corporation for the purpose of demolishing a structure. Under their rules they must have title to do that and then they transfer it back to the City. It avoids the necessity of getting City Council approval every time they do that. It saves the City between \$10,000 and \$30,000 every time Summit County undertakes the demolition. Mr. Wiethe amended the legislation so that City Council gets notification when properties are going to be right for this program.

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

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

[2019-09](#) AN ORDINANCE VACATING A PORTION OF FORTUNA DRIVE, AND DECLARING AN EMERGENCY. (Introduced 4-9-19)

Sponsors: Gerard Neugebauer

Attachments: [2019-09 Fortuna Drive Vacation](#)
[2019-09 re Fortuna Drive](#)
[2019-09 re Exhibit A](#)
[2019-09 re Exhibit B](#)

Mr. Yeargin explained the reason for the vacation. It relates to a new dealership that will be coming to 619. The vacation is necessary in order to permit the dealership meet its set back requirements. It is land the City is not using and as part of the agreement, the dealership is required if needed, to transfer and equal amount of land back if the City is going to make improvements at the intersection of Fortuna Drive and 619.

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

SECOND READING ITEMS

[2019-R35](#) A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR SUMMIT COUNTY TRAIL & GREENWAY COMMUNITY GRANT FUNDS PROGRAMMED BY THE OHIO & ERIE CANALWAY COALITION FOR THE EXISTING SHRIVER ROAD MULTI USE TRAIL UPGRADE PROJECT, AND DECLARING AN EMERGENCY. Introduced 4/23/19

Sponsors: Gerard Neugebauer

Attachments: [2019-R35 Shriver Road Multi Use Trail Grant](#)
[2019-R35 re Shriver Multi Use Trail Upgrade](#)
[2019-R35 re Exhibit A](#)

Mr. Yeargin explained this is not an extension of a trail but an upgrade. It will replace an aggregate surface with concrete. The committee agreed to second reading passage.

A motion was made by Council Member Yeargin, 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

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

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

SECOND READING ITEMS

[2019-10](#) AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. Introduced 4/23/19

Sponsors: Gerard Neugebauer

Attachments: [2019-10 Codified Updates](#)
[2019-10 re Codified Ordinance revision codes](#)
[2019-10 re Exhibit A](#)

Mr. Young explained the reason for the legislation and the second reading passage.

A motion was made by Council Member Young, seconded by Council Member

Dyer, to bypass the three reading rule the Ordinance. The motion carried by the following vote:

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

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

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

Mr. Young shared that the committee discussed 2019-R36, which dealt with pay range structure for intern students to work in the City of Green. This was passed on first reading.

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

No meeting was held.

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

No meeting was held.

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

No meeting was held.

X. Mayor's Report

Mayor Neugebauer gave his report.

XI. Unfinished Business

Mr. Dyer asked, since three members will be absent on June 11, should they do something official. President Young said the rest of the members will be there for the meeting. Mayor Neugebauer asked if Council officially declared the second meeting in July as their summer recess. President Young said they had.

XII. New Business - No New Business

XIII. Adjournment

Mr. Humphrey moved to adjourn the meeting at 8:19 p.m.

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.