



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, CMC - Clerk of Council

Tuesday, November 22, 2022

7:00 PM

Council Chambers

I. Call to Order

Council President France called the meeting to order at 7:40 p.m.

II. Pledge of Allegiance

III. Roll Call of Council Members

Present: 7 - Richard Brandenburg, Clark A. DeVitis, Dave France, Rocco Yeargin, CJ Meager, Jeff Noble and Barbara Babbitt

Also present:

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

Jackson Hall, Student Representative
Chase Borland, Student Representative

IV. Council Study Session

[TMP-4054](#) Approval of the November 8, 2022 Council Meeting Minutes

Attachments: [11-8-22 Council Meeting Minutes](#)

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

Aye: 6 - DeVitis, France, Yeargin, Meager, Noble and Babbitt

Abstain: 1 - Brandenburg

[TMP-4059](#) Approval of the October 2022 Electronic Financial Report, Subject to Audit

Attachments: [OCTOBER 2022 ELECTRONIC FINANCIAL REPORT](#)

A motion was made by Council Member DeVitis, seconded by Council Member Meager, to approve the Financial Statement. The motion carried by the following vote:

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

V. Public Report

None.

VI. Public Hearings

None.

VII. Reading of Correspondence

The Council Clerk read in the correspondence.

[TMP-4060](#) Email from Wendy Shocklee in support of the City Courts Project

Attachments: [Email from Wendy Shocklee RE City Courts Plan](#)

[TMP-4061](#) November 9, 2022 Civil Service Commission Meeting Agenda

Attachments: [Novembe 9, 2022 CSC Agenda](#)

VIII. New Legislation - Items on First Reading

Nichole Messner, Clerk of Council read in the new legislation. Council President France referred each piece to a committee.

[2022-R70](#) **A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT, UNDER THE FISCAL YEAR 2022 ASSISTANCE TO FIREFIGHTERS GRANT (“AFG”), IN THE CATEGORY OF OPERATIONS AND SAFETY - PERSONAL PROTECTIVE EQUIPMENT, FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR THE PURCHASE OF NFPA COMPLIANT STRUCTURAL FIREFIGHTING HELMETS AND DECLARING AN EMERGENCY. -(Introduced on 11/22/22)**

Attachments: [2022-R70 AFG Grant- Helmets Legislation](#)
[2022-R70 Request for Legislation](#)

[2022-R71](#) A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT, UNDER THE FISCAL YEAR 2022 ASSISTANCE TO FIREFIGHTERS GRANT (“AFG”), IN THE CATEGORY OF OPERATIONS AND SAFETY - EQUIPMENT, FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR THE PURCHASE OF A FIRECOM COMMUNICATIONS SYSTEM FOR ENGINE 2, ENGINE 3, TANKER 1 AND LADDER 1, AND DECLARING AN EMERGENCY. -(Introduced on 11/22/22)

Attachments: [2022-R71 AFG Grant-Firecom Legislation](#)
[2022-R71 Request for Legislation](#)

[2022-21A](#) AN ORDINANCE TO AMEND SECTION 1223.06 OF GREEN CODIFIED ORDINANCE TO INCREASE THE TERM LENGTH AND METHOD OF APPOINTMENT FOR MEMBERS OF THE DESIGN REVIEW BOARD. -(Introduced on 11/22/22)(*Amended January 10, 2023*)

Attachments: [2022-21 Amended DRB Appointment Legislation](#)
[2022-21 Request for Legislation](#)

IX. Report of Council Committees

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

Councilman Yeargin gave his committee report.

THIRD READING ITEMS

[2022-R61AA](#) A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING AND DECLARING AN EMERGENCY. -(Introduced on 10/25/22)(*Amended November 8, 2022*)(*Amended November 22, 2022*)

Attachments: [2022-R61AA FINAL 2022 Amended Appropriations 11-22-22](#)
[2022-R61 Amended Exhibit A](#)
[2022-R61 Exhibit B](#)
[2022-R61 Request for Legislation](#)

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

There were no additional questions or comments. A motion was made to adopt.

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

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

[2022-R62A](#) **A RESOLUTION APPROVING AND ADOPTING THE 2023 ANNUAL OPERATING APPROPRIATION FOR THE GENERAL FUND AND ALL OTHER FUNDS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 10/25/22)(Amended on November 22, 2022)**

Attachments: [2022-R62 Amended 2023 Operating Annual Appropriation](#)
[2022-R62 Amended EXHIBIT A](#)
[2022-R62 EXHIBIT B](#)
[2022-R62 EXHIBIT C](#)
[2022-R62 Request for Legislation](#)
[2023 ELECTRONIC BUDGET PRESENTATION](#)

Councilman Yeargin read in the legislation and gave a brief overview.

There were no additional questions or concerns from Council. A motion was made to adopt.

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

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

[2022-20A](#) **AN ORDINANCE AUTHORIZING THE NECESSITY AND INTENTION OF APPROPRIATION PROCEEDINGS TO ACQUIRE LAND FOR AN ACCESS ROAD ON THE NORTH SIDE OF EAST TURKEYFOOT LAKE ROAD TO PROVIDE SAFE INGRESS AND EGRESS TO AND FROM THE ADJACENT PROPERTIES, AND MAKING AN APPROPRIATION. -(Introduced on 10/11/22)(Amended January 10, 2023)**

Attachments: [2022-20 Amended Massillon-619 Access Rd 1-10-23](#)
[Proposed Access Road Rendering](#)
[2022-20 Request for Legislation](#)

Councilman Yeargin read in the legislation and gave a brief overview.

City Engineer Pickett reported that there would be some changes to this legislation and requested time. Time was requested and granted.

SECOND READING ITEMS

[2022-R63AA](#) **A RESOLUTION APPROVING AND ADOPTING THE 2023 ANNUAL CAPITAL APPROPRIATIONS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22) (Amended November 22, 2022)(Amended January 10, 2023)**

Attachments: [2022-R63 Amended 2023 Capital Annual Appropriations 1-10-23](#)
[2022-R63 Amended Exhibit A 1-10-23](#)
[2022-R63 Request for Legislation](#)

Councilman Yeargin read in the legislation and gave a brief overview.

This item cannot be passed until January. Time was requested and granted.

2022-R64

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL (“TIRC”) REGARDING THE COMMUNITY REINVESTMENTS AREA, AND TAX INCREMENT FINANCING AGREEMENTS WITHIN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22)

Attachments: [2022-R64 2022 TIRC Recommendations Legislation](#)
[TIRC Meeting Minutes](#)
[2022-R64 Request for Legislation](#)

Councilman Yeargin read in the legislation and gave an overview.

This is an annual piece of legislation done once the Tax Incentive Review Committee makes there recommendations. No additional questions or concerns. Committee ok with 2nd reading passage. A motion was made.

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

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

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

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

2022-R67AA

A RESOLUTION AUTHORIZING THE CITY TO SPEND FUNDS FOR THE DESIGN OF THE “COMMUNITY COURTS PROJECT”; GREEN LOCAL SCHOOL DISTRICT HAS ENGAGED SOL HARRIS DAY TO PROVIDE DESIGN SERVICES FOR THE NEW GREEN MIDDLE SCHOOL WHICH INCLUDES THE “COMMUNITY COURTS PROJECT”, AUTHORIZING AN ADVANCE, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22) (Amended November 22, 2022)(Amended December 13, 2022)

Attachments: [2022-R67 Amended Community Court Project Legislation 12-13-22](#)
[2022-R67 Exhibit A](#)
[2022-R67 Amended Exhibit B 12-13-22](#)
[2022-R67 Request for Legislation](#)

Councilman Yeargin read in the legislation and gave a brief overview.

A lengthy discussion was held during committees on this legislation. Time was requested and granted.

2022-R68

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, 2023 THROUGH DECEMBER 31, 2025, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22)

Attachments: [2022-R68 re EDG Contract 2022-2025](#)

[2022-R68 Exhibit A](#)

[Council RFQ letter](#)

[2022-R68 Request for Legislation](#)

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

No additional questions or concerns. Committee ok w second reading passage. A motion was made.

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

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

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

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

2022-R69

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, 2023 AND ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22)

Attachments: [2022-R69 Various Eng Prof Services Contract Legislation](#)

[2022-R69 Request for Legislation](#)

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

No additional questions or concerns. Committee ok w 2nd reading passage. A motion was made to adopt.

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

Aye: 6 - Brandenburg, DeVitis, France, Yeargin, Meager and Babbitt

Abstain: 1 - Noble

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

Aye: 6 - Brandenburg, DeVitis, France, Yeargin, Meager and Babbitt

Abstain: 1 - Noble

B. Environment & Parks (Brandenburg*, Yeargin**, Babbitt)

Did not meet.

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

Councilwoman Babbitt gave the committee report due to Councilman DeVitis being late to the Committee meetings.

LICENSE ITEMS

[TMP-4055](#)

3582 Arlington LLC. Liquor License Transfer
DBA Thomas Drive Thru
3582 S. Arlington Road
Green, Ohio 44312

Attachments: [Thomas Drive-Thru License Transfer](#)

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

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

D. Planning, Community & Economic Development (Babbitt*, DeVitis**, Noble)

Did not meet.

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

Councilman Meager gave his committee report.

[2022-16A](#)

AN ORDINANCE TO ESTABLISH CHAPTER _____, DANGEROUS BUILDINGS CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN, AND PROVIDE FOR IMMEDIATE ENACTMENT.
-(Introduced on 9/13/22) **A PUBLIC HEARING WAS HELD ON OCTOBER 11, 2022** (*Amended November 22, 2022*)

Attachments: [2022-16 Amended Dangerous Buildings Code Legislation](#)
[2022-16 Amended Exhibit A](#)

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

No additional comments or questions from the Committee or Council. A motion was made to adopt.

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

Aye: 5 - DeVitis, France, Yeargin, Meager and Noble

Nay: 2 - Brandenburg and Babbitt

F. Transportation, Connectivity & Storm Water (Noble*, France**, DeVitis)

Councilman Noble gave his committee report.

SECOND READING ITEMS

[2022-R65](#)

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 RABER ROAD, ALTOGETHER WITH THE NECESSARY APPURTENANCES TO BE FURTHER IDENTIFIED AS THE RABER ROAD MULTI-USE PATH PROJECT, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22) **SECOND READING PASSAGE REQUESTED**

Attachments: [2022-R65 Raber Rd Multi-Use Path Appropriations Legislation](#)
[2022-R64 Request for Legislation](#)

Councilman Noble read in the legislation and gave a brief overview.

No additional questions or concerns. Committee ok with 2nd reading passage. A motion was made to adopt

A motion was made by Council Member Noble, seconded by Council Member DeVitis, to bypass the three reading rule the Resolution. The motion carried by the following vote:

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

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

Aye: 5 - DeVitis, France, Yeargin, Meager and Noble

Nay: 2 - Brandenburg and Babbitt

[2022-R66](#)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTION PROGRAM SERVICES, LOCATED IN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22)

Attachments: [2022-R66 Bridge Inspection Services Legislation](#)
[2022-R66 Exhibit A](#)
[2022-R66 Request for Legislation](#)

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

No additional comments or questions. Committee ok with 2nd reading passage. A motion was made to adopt.

A motion was made by Council Member Noble, seconded by Council Member DeVitis, to bypass the three reading rule the Resolution. The motion carried by the following vote:

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

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

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

G. Intergovernmental & Utilities (France*, Noble**, Meager)

Did not meet.

H. Council as a Whole

[2022-R54](#)

A RESOLUTION ADJUSTING THE SALARY FOR CITY COUNCIL MEMBERS, ELECTED OR APPOINTED TO OFFICE FOR FUTURE TERMS. -(Introduced on 9/27/22)

Attachments: [2022-R54 Council Salary Update Legislation](#)
[2022-R54 Request for Legislation](#)

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

No additional questions or concerns. A motion was made to adopt.

Babbitt commented on why she would be voting no. She does not support an increase and does not support the legislation.

Yeargin commented on why he was going to vote yes.

Brandenburg commented on why he was going to vote no.

DeVitis commented that he will vote no as well and agrees that their compensation is adequate.

Noble commented that he would be voting no.

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

Aye: 2 - France and Yeargin

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

X. Mayor's Report

Mayor Neugebauer gave his report.

XI. Unfinished Business

None.

XII. New Business

None.

XIII. Adjournment

A motion was made by Council Member Dave France, seconded by Council Member CJ Meager, to this adjourn the meeting at 8:16 p.m. The motion carried by the following vote:

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

ATTEST: _____
NICHOLE MESSNER, CLERK OF COUNCIL

APPROVED: _____
DAVE FRANCE, 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.