



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

Tuesday, July 13, 2021

7:00 PM

Council Chambers

I. Call to Order

Council President Yeargin called the meeting to order at 7:51 p.m.

II. Pledge of Allegiance

III. Roll Call of Council Members

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

Also present:

Gerard Neugebauer, Mayor
Valerie Carr, Service Director
Wayne Wiethe, Planning Director
Steve Schmidt, Finance Director
Paul Ciocca, Engineer
Nichole Messner, Clerk of Council

Lisa Dean, Law Director - Remote

IV. Council Study Session

[TMP-3499](#) Approval of the June 22, 2021 Council Meeting Minutes

Attachments: [6-22-21 Council Meeting Minutes](#)

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

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

[TMP-3501](#) Approval of the June 2021 Electronic Financial Report, Subject to Audit

Attachments: [JUNE 2021 ELECTRONIC FINANCIAL REPORT](#)

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

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

***Vote on the Appointment of the new Parks & Recreation Board Member**

Councilman Meager announced that the new member of the Parks & Recreation Board would be Rachel Richards.

Councilman Meager made a motion to appoint Rachel Richards. Councilman DeVitis seconded the motion. All were in favor.

V. Public Report

None.

VI. Public Hearings

[2021-08](#)

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 8 ACRES OF LAND LOCATED AT 1541 EAST TURKEYFOOT LAKE ROAD FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT), APPROXIMATELY 9.4 ACRES OF LAND FROM I-1 (GENERAL INDUSTRIAL) TO PD (PLANNED DEVELOPMENT), AND APPROXIMATELY 8 ACRES OF LAND FROM B-1 (GENERAL BUSINESS) TO PD (PLANNED DEVELOPMENT) AND ACCEPTING THE CONCEPTUAL SITE PLAN OF THE PROPOSED VISION DEVELOPMENT PLANNED DEVELOPMENT. -(Introduced on 5/25/21)
*PUBLIC HEARING TO BE HELD ON TUESDAY, JULY 13, 2021 AT 7:00 PM***

Attachments: [2021-08 re 1541 Turkeyfoot Lake Rd Rezoning](#)
[2021-08 Exhibit A](#)
[Vision Development PD PZC Recommendation to CC](#)
[21-19 Vision Development PZC Staff Report](#)

Councilman Yeargin called the public hearing to order at 7:55 p.m.

Pete LeRose of Vision Development and Shawn Goodwin of Structure Point gave a presentation on the new proposed development. They provided drawings of the proposed townhouses, apartments and garden style apartments. They went over the proposed layout of the site.

There were several questions from council members about the site. Councilman Yeargin mentioned that the applicants had spoken with residents about the project during part of the Council break and many were comfortable with the project.

After further discussion Councilman Yeargin stated that there would not be a vote on this tonight, that the earliest they could pass the legislation would be August 10, 2021.

Councilman Yeargin closed the public hearing at 8:11 p.m.

VII. Reading of Correspondence

Council Clerk Nichole Messner read in the correspondence.

[TMP-3498](#)

Email from Gary McKee RE: Municipal Broadband

Attachments: [Email from Gary McKee RE Municipal Broadband](#)

VIII. New Legislation - Items on First Reading

Council Clerk read in the new legislation.

[2021-R48](#)

A RESOLUTION MAKING ADDITIONAL APPROPRIATION OF THREE HUNDRED FORTY-TWO THOUSAND THREE HUNDRED EIGHTY DOLLARS AND NINETY-FIVE CENTS (\$342,380.95) FOR UTILITY RELOCATION SERVICES, AND AUTHORIZES THE PAYMENT OF PAST DUE INVOICES FOR CAPITAL PROJECT COSTS, AND DECLARING AN EMERGENCY. -Referred to the Finance Committee
****SECOND READING PASSAGE REQUESTED****

Attachments: [2021-R48 re Approval to pay past due ATT and ROW invoices](#)

[2021-R48 re Exhibit A](#)

[2021-R48 re Exhibit B](#)

[2nd Reading Passage Paul Pickett](#)

[2021-R49](#)

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF GREEN TO ACCEPT AN ASSIGNMENT OF THE TIF DEVELOPMENT AGREEMENT, ENTERED BETWEEN THE CITY OF GREEN AND VISION-WODA, LLC, N.K.A. BOULEVARD AT GREEN, LLC, TO A SUCCESSOR, AND DECLARING AN EMERGENCY. -Referred to the Planning and Economic Development Committee
****FIRST READING PASSAGE REQUESTED****

Attachments: [2021-R49 re Assignment TIF Vision-Woda](#)

[2021-R49 re Exhibit A](#)

[2021-R49 re Exhibit B](#)

[Wayne Wiethe 1st Reading Passage](#)

Councilman Yeargin explained that the discussed this in Committee. The administration had requested first reading passage on this. The legislation was simply transferring the TIF from one owner to another.

Committee and Council in support of first reading passage.

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

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

[2021-R50](#)

**A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. -Referred to the Finance Committee
SECOND READING PASSAGE REQUESTED**

Attachments: [2021-R50 re July Appropriations](#)
[2021-R50 re Exhibit A](#)
[2nd Reading Passage Steve Schmidt](#)

[2021-R51](#)

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ACCEPT A DONATION FROM JOHN RAINIERI SR., IN THE AMOUNT OF TEN THOUSAND DOLLARS IN HONOR AND MEMORY OF HIS WIFE, THE LATE MRS. BETTY JEAN RAINIERI, TO DEPOSIT SUCH MONIES IN THE CITY'S GENERAL FUND, AND DECLARING AN EMERGENCY. -Referred to the Finance Committee

Attachments: [2021-R51 re accept donation for John Raineri](#)

[2021-R52](#)

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH SHULTZ DESIGN & CONSTRUCTION FOR EMERGENCY REPAIRS TO THE GREEN POST OFFICE, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. -Referred to the Finance Committee **FIRST READING PASSAGE REQUESTED**

Attachments: [2021-R52 re Emergency Post Office repairs](#)
[2021-R52 re Exhibit A](#)
[Valerie Wax Carr 1st Reading Passage Request](#)

Councilwoman Babbitt explained that first reading passage had been requested on this item. She stated that the Service Director gave a detailed overview on the urgent need for these repairs.

Committee and Council ok with first reading passage.

A motion was made by Council Member Babbitt, seconded by Council Member Brandenburg, to bypass Committee deliberations 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 Babbitt, seconded by Council Member Brandenburg, 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 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-R53](#)

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF STARK CONCERNING THE MT. PLEASANT STREET/PITTSBURG AVENUE/MAYFAIR ROAD ROUNDABOUT PROJECT, PID 107649, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. - Referred to the Finance Committee

Attachments: [2021-R53 re MtPleasant Pittsburg Mayfair Stark County Agreement](#)
[2021-R53 re Exhibit A](#)

[2021-R54](#)

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 MASSILLON ROAD AT BOETTLER ROAD & CORPORATE WOODS ROUNDABOUTS PROJECT, AND DECLARING AN EMERGENCY. -Referred to the Transportation, Connectivity and Storm Water Committee

Attachments: [2021-R54 re Massillon Rd Boettler Franks Corp Woods Improvement Appropriations](#)

IX. Report of Council Committees

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

All members present.

SECOND READING ITEMS

[2021-R43 A](#) **A RESOLUTION CREATING THE POSITION OF SEASONAL CODE INSPECTOR, ESTABLISHING A PAY RATE OF COMPENSATION, ESTABLISHING THE POSITION AS NON-EXEMPT AND UNCLASSIFIED UNDER THE CIVIL SERVICE RULES AND REGULATIONS, *MAKING AN APPROPRIATION*, AND DECLARING AN EMERGENCY. -(Introduced on 6/22/21) (AMENDED JULY 13, 2021)**
**** SECOND READING PASSAGE REQUESTED****

Attachments: [2021-R43 A re Amended Seasonal Code Inspector](#)
[JD-Class Spec Code Insepctor--Seasonal 20210611](#)
[Pam Serena 2nd Reading Passage memo Seasonal Code Inspector](#)

Councilwoman Babbitt read in the legislation and gave a brief overview. She explained that Planning Director Wiethe described the need for this position and that second reading passage was important to get the position filled before summer was over.

Committee and Council ok with second reading passage. Councilwoman Babbitt moved to adopt.

A motion was made by Council Member Babbitt, seconded by Council Member Brandenburg, 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 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-R47](#) **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT WITH GARDINER SERVICE COMPANY, LLC., FOR AN ENERGY SERVICE PERFORMANCE CONTRACT FOR THE LEASE-PURCHASE OF VARIOUS ENERGY EFFICIENCY IMPROVEMENTS, AND DECLARING AN EMERGENCY. -(Introduced on 6/22/21)**

Attachments: [2021-R47 re Energy Services Gardiner](#)

[2021-R47 re Exhibit A -1](#)

[2021-R47 re Exhibit A -2](#)

[2021-R47 re Exhibit A -3](#)

[2021-R47 re Exhibit B](#)

[Valerie Wax Carr Memo](#)

Councilwoman Babbitt read in the legislation. She reported that the Service Director went over the legislation thoroughly and answered many of the Councils questions. Mark Ludrosky of Gardiner also answered questions.

Councilwoman Babbitt requested time and time was granted.

[2021-12](#)

AN ORDINANCE AUTHORIZING A LEASE PURCHASE-FINANCING TRANSACTION BETWEEN HUNTINGTON PUBLIC CAPITAL CORPORATION AND THE CITY OF GREEN FOR THE FINANCING OF IMPROVEMENTS TO VARIOUS LOCATIONS IN THE CITY.

-(Introduced on 6/22/21)

Attachments: [Huntington Term Sheet](#)

[2021-12 re Green Lease-Purchase Financing](#)

Councilwoman Babbitt read in the legislation. She reported that this was the companion financing piece to the previous legislation and that Finance Director Schmidt gave an overview on this. There were a few questions from Council.

Councilwoman Babbitt requested time and time was granted.

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

All members present. No items of legislation- did not meet.

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

All members present. No items of legislation.

Summit County Sheriff Kandy Fatheree gave a brief introduction of herself and what new things were going on at the SC Sheriffs Dept.

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

All members present.

[2021-08](#)

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 8 ACRES OF LAND LOCATED AT 1541 EAST TURKEYFOOT LAKE ROAD FROM R-1 (SINGLE FAMILY

RESIDENTIAL) TO PD (PLANNED DEVELOPMENT), APPROXIMATELY 9.4 ACRES OF LAND FROM I-1 (GENERAL INDUSTRIAL) TO PD (PLANNED DEVELOPMENT), AND APPROXIMATELY 8 ACRES OF LAND FROM B-1 (GENERAL BUSINESS) TO PD (PLANNED DEVELOPMENT) AND ACCEPTING THE CONCEPTUAL SITE PLAN OF THE PROPOSED VISION DEVELOPMENT PLANNED DEVELOPMENT. -(Introduced on 5/25/21) *PUBLIC HEARING TO BE HELD ON TUESDAY, JULY 13, 2021 AT 7:00 PM*

Attachments: [2021-08 re 1541 Turkeyfoot Lake Rd Rezoning](#)
[2021-08 Exhibit A](#)
[Vision Development PD PZC Recommendation to CC](#)
[21-19 Vision Development PZC Staff Report](#)

Councilman Yeargin read in the legislation and gave a brief overview. He reported that a public hearing was held this evening and alot of good discussion took place.

Councilman Yeargin requested time and it was granted.

THIRD READING ITEMS

[2021-09](#) **AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY BOETTLER FARM LIMITED TO BE A PUBLIC PURPOSE, EXEMPTING 100% OF THE VALUE OF THE IMPROVEMENTS FROM REAL PROPERTY TAXATION FOR THIRTY YEARS, AND DECLARING AN EMERGENCY. -(Introduced 6/8/21)**

Attachments: [2021-09 re Lot 2 Boettler Farms Limited](#)
[2021-09 re Exhibits A B C D E](#)
[Development Agreement Boettler Farm Limited Lot 2](#)

Councilman Yeargin read in the legislation and gave a brief overview. This had been discussed in detail and was on third reading. Committee and Council good with passage.

Councilman Yeargin moved to adopt.

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

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

[2021-10](#) **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA COMPENSATION AGREEMENT WITH THE JACKSON LOCAL SCHOOL DISTRICT FOR**

CRA #1 - AULTMAN, AND DECLARING AN EMERGENCY. -(Introduced 6/8/21)

Attachments: [2021-10 re Jackson Local School District CRA Comp. Agreement Authorization](#)
[2021-10 re Exhibit A](#)
[2021-10 re Exhibit B](#)

Councilman Yeargin read in the legislation and gave a brief description. It had been discussed thoroughly during Committees. Council was good with passage.

Councilman Yeargin moved to adopt.

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

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

SECOND READING ITEMS

[2021-R45](#) **A RESOLUTION APPROVING THE FINAL PLAT AND PERFORMANCE BOND FOR THE REPLAT OF MYSTIC POINTE SUBDIVISION, AND DECLARING AN EMERGENCY. -(Introduced on 6/22/21)**

Attachments: [2021-R45 re Replat Mystic Pointe](#)
[Mystic Pointe Map Key Map](#)
[Mystic Pointe Map](#)
[Mystic Pointe Replat Aerial](#)
[PZC Meeting Sept 16 2020](#)
[Re-Plat of Mystic Pointe Subdivision Maps](#)

Councilman Yeargin read in the legislation. He reported that the Administration had requested that they hold discussion on this until the next meeting. No discussion took place.

Councilman Yeargin requested time and time was granted.

[2021-R46](#) **A RESOLUTION ACCEPTING THE PLANNING & ZONING COMMISSION'S ("PZC") APPROVAL OF THE REPLAT OF GREENSBURG HEIGHTS ALLOTMENT, AND DECLARING AN EMERGENCY. -(Introduced on 6/22/21)**

Attachments: [2021-R46 re Greensburg Heights Allotment](#)
[Greensburg Heights RePlat Tricaso Drive](#)
[21-28 Replat of Greensburg Heights Allotment PZC Staff Report](#)
[21-28 Replat of Greensburg Heights parcel split](#)
[21-28 Replat of Greensburg Heights site plan](#)

Councilman Yeargin read in the legislation and gave a brief overview. He explained that this replat was a housekeeping matter and there were no issues. Committee and Council ok with second reading passage.

Councilman Yeargin moved 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

2021-11

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 24.78 ACRES OF LAND LOCATED AT 2961 AND 3015 GRAYBILL ROAD FROM I-1 (GENERAL INDUSTRIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL). -(Introduced 6/22/21) **PUBLIC HEARING SCHEDULED FOR TUESDAY, AUGUST 10, 2021 AT 7:00 P.M. IN COUNCIL CHAMBERS**

Attachments: [2021-11 re Changing Zoning on Graybill Road](#)

[2021-11 re Exhibit A](#)

[21-27 Breedlove Rezoning PZC Staff Report](#)

[21-27 Breedlove Rezoning site plan](#)

[21-27 Breedlove Rezoning Implementation Strategy](#)

[21-27 Breedlove Rezoning aerial map](#)

Councilman Yeargin read in the legislation. He reported that there was a public hearing scheduled for the August 10, 2021 meeting and that they would discuss the legislation in detail at that time.

Councilman Yeargin requested time and time was granted.

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

All members present. Councilman Meager reported that they held interviews for the vacant Parks & Recreation Board seat during Committees and appointed Rachel Richards to the position. He also mentioned that they withheld conversation on the sponsoring of legislation in the interest of time and would discuss this at the next meeting.

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

All members present.

THIRD READING ITEMS

[2021-R40](#) **A RESOLUTION AWARDING A CONTRACT TO SPANO BROTHERS CONSTRUCTION COMPANY INC. FOR THE 2021 MISC. CONCRETE REPAIRS PROJECT, AND DECLARING AN EMERGENCY. -(Introduced 6/8/21)**

Attachments: [2021-R40 re Misc Concrete Repairs](#)
[ALL IN ONE 2021 Misc Concrete Repairs](#)

Councilman France read in the legislation. He reported that this legislation had been discussed thoroughly. Council and Committee good with passage.

Councilman France moved to adopt.

A motion was made by Council Member France, seconded by Council Member Shaughnessy, 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-R42](#) **A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL CONGESTION MITIGATION/AIR QUALITY FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY FOR THE ARLINGTON ROAD RECONSTRUCTION PROJECT, AND DECLARING AN EMERGENCY. -(Introduced on 6/22/21) **SECOND READING PASSAGE REQUESTED****

Attachments: [2021-R42 re CMAQ Legislation](#)
[Wayne Wiethe 2nd Reading Passage Request](#)

Councilman France read in the legislation. He stated that this was discussed thoroughly and that Planning Director Wiethe advised the need for second reading passage on this. Committee and Council ok with second reading passage.

Councilman France moved to adopt.

Councilman France reported that after last meetings discussion on the speeding issues on Myersville Rd., the Administration had sent out letters to the residents of Mystic Pointe for feedback.

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

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

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

All members present. No items of legislation-did not meet.

MX. 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 Yeargin, seconded by Council Member France, to adjourn the meeting at 8:48 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.