

ORDINANCE NO.: 2002-11  
SPONSOR: MAYOR CROGHAN & COUNCIL AS A WHOLE  
INTRODUCED: SEPTEMBER 10, 2002 ASSIGNED TO: PLANNING

AN ORDINANCE REPEALING CHAPTER 1480 OF THE CITY OF GREEN CODIFIED ORDINANCES.

WHEREAS, on August 27, 2002, Green City Council unanimously passed Ordinance 2002-08, enacting an Exterior Property Maintenance Code for the City of Green; and

WHEREAS, the City of Green had previously adopted the International Property Maintenance Code pursuant to Ohio Revised Code Section 731.231; and

WHEREAS, Green City Council now desires to repeal Chapter 1480 of the Green Codified Ordinances due to the enactment of Ordinance 2002-08.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

**SECTION ONE:**

Green City Council repeals Chapter 1480 of the Green Codified Ordinances in total, as follows:

**~~1480.01. — 1998 EDITION ADOPTED.~~**

~~Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the City the International Property Maintenance Code, being particularly the 1998 edition thereof, prepared and promulgated by the International Code Council, save and except such portions thereof as may be hereinafter amended or deleted.~~

**~~1480.02. — PURPOSE.~~**

~~The purpose of the International Property Maintenance Code, as adopted in Section 1480.01, is to provide minimum standards for maintenance, lighting, ventilation, heating, sanitation, fire prevention and protection, space, location, egress, rehabilitation, use and re-use of residential and nonresidential structures.~~

**~~1480.03. — FILE AND DISTRIBUTION COPIES.~~**

~~At least one copy of the International Property Maintenance Code, as adopted in Section 1480.01, is on file with the Clerk of Council for inspection by the public. At least one copy is also on file in the County Law Library. In addition, the Clerk of Council has copies available for distribution to the public, at cost.~~

**~~1480.04. — AMENDMENTS.~~**

~~The following articles and sections of the International Property Maintenance Code, as adopted in Section 1480.01, are hereby amended to read as follows:~~

~~—— CHAPTER 1 - ADMINISTRATION (Repealed)~~

**1480.05. — CONFLICT OF LAWS.**

In the event of a conflict between any of the provisions of the International Property Maintenance Code, as adopted in Section 1480.01, and any other provision of these Codified Ordinances or any other ordinance of the City, or between any of the provisions of such Code, the more restrictive provision, or the stricter standard, shall control.

**1480.99 — PENALTY.**

(a) — Whoever violates or fails to comply with any of the provisions of the International Property Maintenance Code, as adopted in Section 1480.01, is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) — The application of the penalty provided in subsection (a) hereof shall not be deemed to prevent the enforced removal of prohibited conditions, or the application of any other equitable remedy.

**SECTION TWO:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Molly Kapeluck, Clerk

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Daniel L. Croghan, Mayor

ENACTED EFFECTIVE: \_\_\_\_\_

ON ROLL CALL:    Mickelson                      Padrutt                      Reed  
                         Reilly                      Robinson                      Sheehan                      Taylor

Green Leader Publication on Sept. 27, 2002 and Oct. 4, 2002

Molly Kapeluck  
Molly Kapeluck, Clerk

\_\_\_\_\_  
Carl Mickelson, Council President

COPIED \_\_\_\_\_  
SVCE ZONE PARK ROAD ENG  
LAW FIN MAY PLAN FIRE

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**RECORD OF PROCEEDINGS**  
**Minutes of the Green City Council**

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Held September 24, 2002

The Green City Council met in regular session on September 24, 2002 at the Green Administration Building, 1900 Steese Road, Green, Ohio. With President Mickelson presiding, the meeting was called to order at 7:01 p.m.

President Mickelson lead the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Robinson, Mr. Reilly, Mr. Mickelson, Mr. Padrutt, Mr. Reed, Mr. Sheehan and Mrs. Taylor.

**COUNCIL STUDY SESSION**

Mr. Mickelson introduced Sgt. Larry Limbert of the Summit County Sheriff's Office. Sgt. Limber came to provide insight about the laws and regulations regarding sexual offenders.

Sgt. Limbert explained the sexual offenders' registration laws for Ohio that was patterned after Meghan's Law which was a federally adopted statute. Sgt. Limbert answered questions from the Council.

**PUBLIC REPORT**

No Report

**READING OF CORRESPONDENCE**

Planning & Zoning Committee September 18, 2002 Agenda

Parks and Recreation August 14, 2002 Minutes

Fiscal Officer's certificate concerning roll-over of \$915,000 of Notes for improvements to Massillon Road and extending Graybill Road.

Fiscal Officer's certificate concerning roll-over of \$975,000 of Notes for constructing two water storage tanks on Tabs Drive.

**NEW LEGISLATION**

**FIRST READING RESOLUTION 2002-R46 (Mayor Croghan) Finance Committee  
A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS  
DETERMINED BY THE BUDGET COMMISSION, AUTHORIZING THE  
NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY  
AUDITOR, AND DECLARING AN EMERGENCY.**

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## RECORD OF PROCEEDINGS

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### Minutes of the Green City Council

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Held September 24, 2002

#### NEW LEGISLATION con't

**FIRST READING ORDINANCE 2002-14** (Mayor Croghan) **Planning Committee**  
**AN ORDINANCE AMENDING SECTION 1288.07 OF THE GREEN CODIFIED**  
**ORDINANCES WITH RESPECT TO THE LOCATION OF OIL AND GAS**  
**WELLS FROM STRUCTURES.**

#### REPORT OF COUNCIL COMMITTEES

##### FINANCE COMMITTEE

**SECOND READING RESOLUTION 2002-R41 - Time Requested and Granted.**

Mrs. Taylor explained that if the fund-raising committee working on the Heritage Hill playground project could raise \$50,000.00, the Mayor and Council agreed to match the dollar amount that they raised. To date the volunteer group has raised more than \$48,000.00 with the anticipation that they will raise the additional \$2,000. Mrs. Taylor said the project was a tremendous success and was a great showing of community support. She also advised that if the City paid for this playground it would have cost upwards of \$150,000.00. The committee that volunteered really had an all out effort to provide a playground for the children of the City of Green for a cost that was much less than what we would have had to pay otherwise.

**SECOND READING RESOLUTION 2002-R45 - Time Requested and Granted.**

Mrs. Taylor explained this is for janitorial services for all of the buildings in the City of Green. Basically, we are paying approximately \$25,000.00 right now and the bids have come in at about the same price. We will issue a two-year contract effective either October or November of this year.

**SECOND READING ORDINANCE 2002-12 - Time Requested and Granted.**

Mrs. Taylor explained we are rolling over the note for this particular project. The Massillon Road project is complete. She said we are rolling over this note in anticipation of issuing bonds at some later date. These funds paid for the improvements from Boettler Road to Graybill Road.

**SECOND READING ORDINANCE 2002-13 - Time Requested and Granted.**

Mrs. Taylor explained this was similar to the last ordinance. The project is complete. The water storage facilities are being filled and this is a roll over of a note in anticipation of issuing bonds.

Mrs. Taylor advised that the Mayor brought the committee up-to-date on the budget process. The administration has completed the operating budget reviews. We anticipate moving ahead as scheduled, Mrs. Taylor said. She announced there will be a meeting Wednesday, September 25, 2002 at 2:00 p.m. in the south annex building to review the capital budget. That is a public meeting and everyone is welcome to attend.

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**ENVIRONMENT & PARKS**

Mr. Padrutt stated the Heritage Hill Playground project was a success. He said he participated in the building and it was enriching for those that did.

Mr. Padrutt said the Mayor noted there is no new information on the Lion's Park but they are set to meet and discuss the issue on October 10.

**PUBLIC SAFETY**

Mr. Reed said Mr. Reilly brought to the committee's attention that there was some discussion about combining the Franklin Township Youth Diversion Program with Green and it would be called the Southern Summit County Youth Diversion Program. Those discussions are still on going.

**PLANNING, COMMUNITY & ECONOMIC DEVELOPMENT**

**SECOND READING RESOLUTION 2002-R42 - Time Requested and Granted.**

Mr. Reilly explained this is associated with the roadway widening accompanying the Chapel project and includes the sidewalk area from Frawood to Avanti Lane. This is the necessary step to dedicate the land that was not previously the City's responsibility.

**SECOND READING RESOLUTION 2002-R43 - Time Requested and Granted.**

Mr. Reilly explained that this concerns the portion of Graybill Road between Ramsey and Kreighbaum. This is an area that has been traditionally maintained by the City of Green. There are still some loose items remaining on the full dedication with some property owners. Hopefully those issues will be addressed and we will have final resolution before the third reading.

**SECOND READING RESOLUTION 2002-R44 - Time Requested and Granted.**

Mr. Reilly explained this was an area already taken over by the airport and is actually presently a runway that runs across that area.

**SECOND READING ORDINANCE 2002-11 - WITHDRAWN** The Mayor and Council as a whole has decided to withdraw this ordinance in light of the recent developments of the referendum on 2002-08. Mr. Mickelson polled the Council and they agreed 7-0 that the Ordinance be withdrawn. The Mayor also agreed.

Mr. Reilly said they discussed the Main Street/Talent Drive rezoning that was before the Planning and Zoning Commission. Mr. Sheehan brought up block lengths. According to subdivision regulations, the length of roadways between intersections is subject to minimum and maximum limits.

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## **RECORD OF PROCEEDINGS**

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### **Minutes of the Green City Council**

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#### **RULES AND PERSONNEL**

Mr. Robinson said Mr. Eberwine, Human Resource Director, let the committee know that there would be a new draft of Civil Service Rules for the City. This will be the first redraft of the rules since 1994.

#### **STREETS & HIGHWAYS**

Mr. Sheehan said Mrs. Taylor raised the issue of having the City Engineer consider deer crossing signs on Myersville Road south of 619.

#### **INTERGOVERNMENT & UTILITIES**

Mr. Mickelson said the law director informed the committee that he was party to a pre-hearing settlement conference with the PUCO regarding our petition on the 619/882 extended area service request. The PUCO is in receipt of information from all the telephone companies that provide local and toll calls in those areas. We were informed that on average the daily call rates of phone calls between the two exchanges are approximately 3/10 of one call per subscriber line per day. Mr. Mickelson advised that we stand very little chance of having any kind of extended service relief granted by the PUCO regarding those two exchanges. Council is requesting that a member of the Ameritech staff come before Council at a future meeting to discuss publically the alternative rate plans that the phone company has available that people can subscribe to in an attempt to reduce their telephone bill.

#### **STORM WATER COMMITTEE**

Mr. Padrutt said Mr. Sheehan reported to the committee that he investigated a storm water problem on Laburnum Road. Mr. Padrutt said the City was aware of the problem and it is a large scale project that is currently in the Capital Improvement budget. Mr. Sheehan also reported that he visited a detention pond on Cedarwood Way and it seems to be functioning sufficiently.

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**MAYOR'S REPORT**

Mayor Croghan said the Heritage Hill Playground project was a fulfilling project. He said if you want a sense of gratification and contribution to your community you certainly want to participate in an event like that. He thinks anyone that was there over the six days secured the same sense of satisfaction. He said it is an absolutely fantastic facility. He understands there is only one bigger in the State of Ohio and it is in Lakewood. He said it will officially open for kids to come and play on Wednesday. He said he wanted to recognize some of the volunteers and if he over looks anyone he apologizes because the list is from memory. Donna and Larry Anderson, Cherri and John Staley, people from the Summit County Farm Bureau, Ed Brown, Kim and John Vorhies, Rick Angeletti, George Camilletti, the Green Fire Department, Nancy and Andy Claytor, Danial Rand, Debbie and John Ludwig, Jerry Miller, Dave Plum, Rick Jacobson, Kim Goodhart, Andy Padrutt and Maria Lindsay.

The Mayor also gave special recognition to some of the local business that provided volunteers. Jim Davies of Integrity Homes was there with employees and equipment. Thompson Electric, Warmus Builders, Kempel Builders, Design Construction, Residential Rehap Group, Joe Conjereti and MJR. Electrical. He said those people went beyond what was expected. He said there were others that he would send letters to. Mayor Croghan said they were fed everyday lunch and sometimes supper. He doesn't have a list of contributors and he didn't want to mention them and leave someone out.

Mayor Croghan announced that petitions were submitted with the required number of signatures to postpone enactment of Ordinance 2002-08, the External Property Maintenance Code. That item will go on the November 2003 ballot and until then, we are prevented from enacting that as an effective ordinance in the City.

The Mayor announced that on October 24 there will be a meeting to meet with senior citizen residents to discuss the process they will have to go through to apply for one of the rooms at the new facility to be built. He said they are trying to get the high school and it will begin at 6:00 p.m. The Mayor said they will not only meet with you as a group but meet with you individually and review with you what you need to do to make application to get an opening.

Mayor Croghan announced that Begger's Night will be the last Sunday, October 27 from 6:00 to 8:00. The Trick or Treat Trail at Boettler Park is on October 19, from 1:00 to 3:00 p.m.

Mayor Croghan advised that the City had to temporarily close the recycling center that takes the limbs, twigs and branches and turn it into mulch. He said there were significant abuses of that. He said it will remain closed until we can figure out how to control contractors coming in and dumping their leaves and twigs. It is a service we offer the residents, it doesn't come free and cost the City approximately \$25,000.00 to provide that

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## **Minutes of the Green City Council**

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Held September 24, 2002

### **MAYOR'S REPORT** con't

service. We do not want to be underwriting the cost of contractors coming in here, quoting our residents a rate to provide services and then taking those things to our facility and dumping them. We will reopen it sometime in October, for the month of October, to give residents time to clean up their yards before winter. We will then close it for the winter and then between winter and spring we will try to figure out what we want to do at that facility to continue to provide service.

Mr. Mickelson said two weeks ago, you heard Council introduce legislation to repeal Section 1480 of our Green Codified Ordinances. That was a piece of legislation that we committed to introduce pending the effectivity of 2002-08, the Exterior Property Maintenance Code. Section 1480 has to do with the International Property Maintenance Code. If we would consider and pass 2002-11, this community would have no maintenance code at all. It was the collective opinion of Council and the Mayor to decline to continue to consider repealing that chapter of our current code until such time as the November 2003 election is held and a decision is reached on the Exterior Property Maintenance Code that was so heavily debated this summer. If the referendum up holds the Council decision he will entertain considering repealing Section 1480 again.

Mayor Croghan said he forgot to mention Carl's work on the Heritage Hill Playground and Joel was also there.

### **OLD BUSINESS**

Mr. Padrutt made a motion to approve the August 27, 2002 Regular Meeting Minutes. Seconded by Mr. Reilly. Motion passed 7-0.

Mr. Padrutt made a motion to approve the September 10, 2002 Regular Meeting Minutes. Seconded by Mr. Reilly. Motion passed 6-0, Mr. Sheehan abstained.

Mrs. Taylor made the motion to approve the August 2002 Financial Statement subject to future audit, seconded by Mr. Reilly. Motion passed 7-0.

### **NEW BUSINESS**

With no further business to come before Council, Mr. Reilly moved to adjourn, seconded by Mr. Padrutt. Motion carried unanimously, Council adjourned at 7:41 p.m.

ATTEST

  
MOLLY KAPELUCK, CLERK

APPROVED

  
CARL MICKELSON, PRESIDENT