



# 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, Clerk of Council*

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Tuesday, October 25, 2022

7:00 PM

Council Chambers

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#### I. Call to Order

Council President France called the meeting to order at 7:12 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  
Mayor Neugebauer, Mayor

Aaryan Qureshi, Student Representative  
Chase Borland, Student Representative

#### IV. Council Study Session

[TMP-4026](#) Approval of the October 11, 2022 Council Meeting Minutes

**Attachments:** [10-11-22 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:** 7 - Brandenburg, DeVitis, France, Yeargin, Meager, Noble and Babbitt

**\*\*Council President France announced that Clerk of Council Nichole Messner had received her Certified Municipal Clerk Designation from the International Institute of Municipal Clerks and congratulated her on her hard work.**

## V. Public Report

None.

## VI. Public Hearings

[2022-06 A](#)

**AN ORDINANCE TO REPEAL CHAPTER 1480, INTERNATIONAL PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN; AND TO ESTABLISH CHAPTER \_\_\_\_\_, EXTERIOR PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN, AND PROVIDE FOR IMMEDIATE ENACTMENT.**-(Introduced on 4/26/22) \*PUBLIC HEARING WAS HELD ON TUESDAY, JUNE 14, 2022\* **(AMENDED MAY 10, 2022)** (*Amended June 28, 2022*)(*Amended September 13, 2022*)(*September 27, 2022*)(AMENDED OCTOBER 11, 2022) \*\*SECOND PUBLIC HEARING SCHEDULED FOR OCTOBER 25, 2022 AT 7:00 PM IN COUNCIL CHAMBERS\*\*

**Attachments:** [2022-06A Amended Exterior Property Maint Code Legislation-10-11-22](#)  
[2022-06A Amended Exhibit A- Final Marked Version 10-11-22](#)  
[1998 IPMC - FOR REFERENCE ONLY](#)

Councilman Meager opened the public hearing at 7:15 p.m.

He went over the history of this piece of legislation and explained how they had gotten to this final draft.

Law Director Dean briefly went over the due process that is included in this final draft.

Dave Mucklow, 4882 Mayfair Road, Green OH-

Mr. Mucklow was opposed to the draft and gave his comments on the code.

Meredith Jones-Newhouse, 2994 Quail Ridge, Green OH-

Opposed to the exterior property maintenance code and felt it was a government overreach.

Teresa Hart, 1410 Hightower Drive, Green OH-

Mrs. Hart is concerned about this code and the complaining of neighbors about other neighbors and where do they draw the line.

Joel Helms, 4977 Massillon Road, Green OH-

Issues with intent of the code. Questions about the intent with drainage, are they able to have rain barrels? Felt that Sections 10, 11 & 12 should be combined.

Terry Jacobs, 636 Killinger Road, Green OH-

Council is in violation of the constitution. She stated that if they go forward with this,

there will be consequences.

Councilman Meager closed the public hearing at 7:39 p.m.

## VII. Reading of Correspondence

The Clerk of Council read in the correspondence.

### [TMP-4027](#)

October 19, 2022 Planning & Zoning Commission Agenda

**Attachments:** [10-19-22 PZC Agenda with attachments](#)

### [TMP-4028](#)

October 19, 2022 Civil Service Commission Meeting Agenda

**Attachments:** [October 19, 2022 CSC Agenda](#)

### [TMP-4029](#)

Email from Tony Ziehler RE: Comments & suggestions on the Dangerous Buildings Code

**Attachments:** [Tony Ziehler- Comments on 2022-16 a](#)

## VIII. New Legislation - Items on First Reading

Nichole Messner, Clerk of Council, read in the new legislation.

### [2022-R61](#)

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

**Attachments:** [2022-R61 FINAL 2022 Amended Appropriations Legislation](#)

[2022-R61 Exhibit A](#)

[2022-R61 Exhibit B](#)

[2022-R61 Request for Legislation](#)

### [2022-R62](#)

**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.** -Referred to the Finance Committee

**Attachments:** [2022-R62 2023 Operating Annual Appropriation Legislation](#)

[2022-R62 EXHIBIT A](#)

[2022-R62 EXHIBIT B](#)

[2022-R62 EXHIBIT C](#)

[2022-R62 Request for Legislation](#)

## IX. Report of Council Committees

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

Councilman Yeargin gave his committee report.

## THIRD READING ITEMS

[2022-R55](#)     **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO PURCHASE A PIERCE VELOCITY HDR PUMPER (HEAVY RESCUE), MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.**-(Introduced on 9/27/22)

**Attachments:**   [2022-R55 Pierce Rescue Truck Purchase Legislation](#)  
[2022-R55 Exhibit A-Heavy Rescue Truck Contract](#)  
[2022-R55 Request for Legislation](#)  
[Rescue Replacement Report](#)

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

No additional comments or questions. 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:**   6 -   DeVitis, France, Yeargin, Meager, Noble and Babbitt

**Nay:**   1 -   Brandenburg

## SECOND READING ITEMS

[2022-20](#)     **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)

**Attachments:**   [2022-20 Massillon-619 Access Road Legislation](#)  
[Proposed Access Road Rendering](#)  
[2022-20 Request for Legislation](#)

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

Discussion was limited and time was requested and granted.

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

Did not meet.

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

Did not meet.

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

Councilwoman Babbitt gave her committee report.

**THIRD READING ITEMS**

[2022-R57](#)      **A RESOLUTION APPROVING THE REPLAT OF HERRING'S ADDITION TO GREENSBURG AND TOUSLEY'S ADDITION TO GREENSBURG, AND DECLARING AN EMERGENCY. -(Introduced on 9/27/22)**

**Attachments:**   [2022-R57 Stake Drive Replat Legislation](#)  
[2022-R57 Exhibit A- Stake Drive Replat](#)  
[2022-R57 Request for Legislation](#)

Councilwoman Babbitt read in the legislation and gave a brief summary.

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

**A motion was made by Council Member Babbitt, 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

[2022-R58](#)      **A RESOLUTION APPROVING THE FINAL PLAT AND PERFORMANCE BOND FOR SPRING HILL BUSINESS PARK PHASE II, AND DECLARING AN EMERGENCY. -(Introduced on 9/27/22)**

**Attachments:**   [2022-R58 Spring Hill Business Park Ph 2 Legislation](#)  
[2022-R58 Exhibit A-Spring Hill Phase 2 Final Plat](#)  
[2022-R58 Request for Legislation](#)

Councilwoman Babbitt read in the legislation and gave a brief summary.

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

**A motion was made by Council Member Babbitt, 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

**2022-R59      A RESOLUTION APPROVING THE FINAL PLAT AND PERFORMANCE BOND FOR SPRING HILL BUSINESS PARK PHASE III, AND DECLARING AN EMERGENCY. -(Introduced on 9/27/22)**

**Attachments:**   [2022-R59 Spring Hill Business Park Ph 3 Legislation](#)  
[2022-R59 Exhibit A -Spring Hill Ph 3 Final Plat](#)  
[2022-R59 Request for Legislation](#)

Councilwoman Babbitt read in the legislation and gave a brief overview.

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

**A motion was made by Council Member Babbitt, 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

**2022-17      AN ORDINANCE AMENDING ORDINANCE NO. 2003-18 TO REMOVE CERTAIN PARCELS FROM AN EXISTING TAX INCREMENT FINANCING EXEMPTION PROVIDED FOR IN SAID ORDINANCE; AND DECLARING AN EMERGENCY. -(Introduced on 9/27/22)**

**Attachments:**   [2022-17 Amending Ordinance 2003-18 Legislation](#)  
[2022-17 Exhibit A](#)  
[2022-17 Request for Legislation](#)

Councilwoman Babbitt read in the legislation and gave a brief overview.

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

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

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

**2022-18      AN ORDINANCE AMENDING ORDINANCE NO. 2018-22 TO REMOVE A CERTAIN PARCEL FROM AN EXISTING TAX INCREMENT FINANCING EXEMPTION PROVIDED FOR IN SAID ORDINANCE; AND DECLARING AN EMERGENCY. -(Introduced on 9/27/22)**

**Attachments:**   [2022-18 Amending Ordinance 2018-22 Legislation](#)  
[2022-18 Exhibit A](#)  
[2022-18 Request for Legislation](#)

Councilwoman Babbitt read in the legislation and gave a brief summary.

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

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

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

**[2022-19A](#)**

**AN ORDINANCE DECLARING IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY DEHOFF DEVELOPMENT COMPANY AND GREEN LAND TRUST, LTD. WITHIN THE CITY OF GREEN, OHIO TO BE A PUBLIC PURPOSE; EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THE PROPERTY TO MAKE SERVICE PAYMENTS IN LIEU OF REAL PROPERTY TAXES; PROVIDING FOR THE DEPOSIT OF THE SERVICE PAYMENTS INTO THE MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; MAKING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42, 5709.43 AND 5709.83; AUTHORIZING THE MAYOR TO EXECUTE A FIFTH AMENDMENT AND RESTATED DEVELOPMENT AGREEMENT, AND DECLARING AN EMERGENCY. -(Introduced on 9/27/22)(**Amended on 10/25/2022**)**

**Attachments:** [2022-19 Amended DeHoff TIF 5th Amendment- 10-25-22](#)  
[2022-19 Amended Exhibits A-D including Dev Agreement](#)  
[2022-19 Request for Legislation](#)

Councilwoman Babbitt read in the legislation and gave a brief overview.

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

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

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

**SECOND READING ITEMS**

**[2022-R60](#)**

**A RESOLUTION APPROVING THE FINAL PLAT AND PERFORMANCE BOND FOR FOREST LAKES SUBDIVISION PHASE III, AND DECLARING AN EMERGENCY.-(Introduced on 10/11/22)**

**Attachments:** [2022-R60 Forest Lakes Phase 3 Final Plat Legislation](#)  
[2022-R60 Exhibit A -Forest Lakes Ph 3 Final Plat](#)  
[2022-R60 Request for Legislation](#)

Councilwoman Babbitt read in the legislation and gave a brief summary.

Time was requested and granted.

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

Councilman Meager gave his committee report.

[2022-06 A](#)

**AN ORDINANCE TO REPEAL CHAPTER 1480, INTERNATIONAL PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN; AND TO ESTABLISH CHAPTER \_\_\_\_\_, EXTERIOR PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN, AND PROVIDE FOR IMMEDIATE ENACTMENT.**-(Introduced on 4/26/22)  
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[2022-06A Amended Exhibit A- Final Marked Version 10-11-22](#)  
[1998 IPMC - FOR REFERENCE ONLY](#)

Councilman Meager read in the legislation and gave a brief summary.  
Public hearing was held this evening therefore no vote can be taken at this time.

Will have Attorney Dean provide a clean unmarked copy for next meeting. Time requested and granted.

[2022-16](#)

**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\*\*

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

Councilman Meager read in the legislation and gave a summary.

This was not discussed due to time being limited. Will discuss fully at next meeting. Time requested and granted.

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

Councilman Noble gave his committee report. Heard construction updates from Valerie Welford, Communications Manager.

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. This was not discussed due to lack of time. Will be discussed fully at the next meeting.  
Time was taken.

X. Mayor's Report

Mayor Neugebauer gave his report.

XI. Unfinished Business

Council Babbitt gave well wishes to the Green sports teams that were going to tournaments and championships this week and weekend.

XII. New Business

Councils Christmas recess will be held on December 27, 2022 therefore no meeting will be held.

XIII. Adjournment

**A motion was made by Council Member France, seconded by Council Member DeVitis, to adjourn the meeting at 8:10 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.