



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, April 13, 2021

7:20 PM

Council Chambers

I. Call to Order

Council President Yeargin called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

III. Roll Call of Council Members

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

IV. Council Study Session

[TMP-3386](#) Approval of the March 23, 2021 Council-Committee Meeting Minutes

Attachments: [3-23-21 Council-Committee Minutes](#)

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

Aye: 5 - Meager, Babbitt, Brandenburg, Shaughnessy and Yeargin

Abstain: 2 - DeVitis and France

[TMP-3388](#) Approval of the March 2021 Financial Statement, Subject to Audit

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

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

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

**At this time, the video livestreaming was not functioning properly- Council took a brief pause to allow for the video recording to be fixed.

V. Public Report

Kelly Spears, 4851 Massillon Road, Green OH-(Virtually through Teams)
Mrs. Spears shared her concerns with the Parks Master Plan-hours of operation for park; kids on her property.

Erin Yoder, 3461 Madora Ave, Green OH-
Mrs. Yoder shared her concerns with the Parks Master Plan. Trash on trails, safety concerns for children. Mrs. Yoder also shared her opposition for the proposed RV Ordinance.

Joel Duff, 1489 Beechnut Drive, Green OH-
Mr. Duff was in favor of the Parks Master Plan and was pleased with the proposed updates to the parks, and trails.

Staci Schweikert, 1261 Steese Rd., Green OH-
Mrs. Schweikert shared her opposition of the Parks Master Plan, specifically trails.

Jackie Luli, 1264 Steese Rd., Green OH-
Ms. Luli shared her concerns about the Parks Master Plan. Trails on Steese would be dangerous and unsafe. Ms. Luli also shared her opposition for the proposed RV Ordinance.

Darren Shultz, 553 Moore Rd, Green OH-
Mr. Shultz was in favor of the Parks Master Plan. He believes it will raise property values, and create a sense of community.

*During the Public Report section, Councilwoman Barb Babbitt expressed her opposition for the Parks Master Plan. She urged Councilman Brandenburg to allow additional public input and questions during the Parks Committee, that residents were concerned, feeling shut out and wanted to be heard. A lengthy discussion ensued.

Clerk of Council, Nichole Messner read approximately 20 emails into the record, both in support and in opposition of the Parks Master Plan. These emails are attached to the minutes.

[TMP-3401](#) Parks Master Plan Resident Emails

Attachments: [Parks Master Plan Emails](#)

VI. Public Hearings

[2021-03 AA](#) AN ORDINANCE AMENDING CHAPTER 1229, SECTION 1229.05
PARKING, LOADING, AND STACKING REGULATIONS; AND,

CHAPTER 1231, SECTION 1231.02 DEFINITIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 3/9/2021) *PUBLIC HEARING WAS HELD ON APRIL 13, 2021* (AMENDED MAY 25, 2021) (AMENDED JUNE 8, 2021) (AMENDED JUNE 22, 2021)

Attachments: [2021-03 A re Amended Amended Chapter 12 Section 1229 and 1231 draft Exhibit A for 1229.05 \(9\)draft518](#)
[2021-03 re Amended June 22 2021 Exhibit A](#)
[2021-03 Exhibit B- Revised 5-11-21](#)

PUBLIC HEARING INPUT:

Mike Tompkins, Bonshire Rd., Green OH-

Mr. Tompkins expressed his opposition of the proposed changes to the RV Ordinance.

Doug Cincurack, 2054 Jacqueline Drive, Green OH-

Mr. Cincurack expressed his concerns with the proposed changes to the RV Ordinance, including requirement for concrete pad, screening of trailers/RVs.

Kay Kincaid, Berna Rd., Green OH-

Mrs. Kincaid was opposed to the proposed changes to the RV ordinance; specifically the length of time they could have their RV on their property, she felt there were plenty of other City issues to deal with.

Jennifer Wilson & Shelly McGonigal, Green OH-

They expressed their support of the proposed changes to the RV ordinance; specifically the rule that campers/RVs cannot be inhabited on a property. This was an extreme safety concern for neighbors.

Deb Baily, Green OH-

Mrs. Baily shared her opposition for the proposed changes to the ordinance. She was concerned with screening/fencing being costly, she felt these additional rules were unnecessary.

Dustin McGlunphy, Canton Rd, Green OH-

Mr. McGlunphy expressed his opposition for the ordinance; not well written, will be difficult for residents to comply.

Corey Hensley, Turkeyfoot Heights, Green OH-

Mr. Hensley shared his opposition for the proposed changes to ordinance. His neighborhood is a boating community, they have small lots and would not be able to provide screening, etc.

Brad Parnaby, Turkeyfoot Heights, Green OH-
Mr. Parnaby expressed his opposition for the changes to the ordinance.

Dan Mullen, Turkeyfoot Heights, Green OH-
Mr. Mullen expressed his opposition to the legislation. They are a boating community and it will be difficult for residents to comply due to the small lot sizes.

Benjamin Growden, Turkeyfoot Heights, Green OH-
Mr. Growden expressed his opposition to the proposed changes to the RV/boat ordinance.

Clerk of Council, Nichole Messner read in several additional in emails expressing opposition from Daryl Bittner and Shelly Keller. Several other emails were received, they are attached to the minutes.

Planning Director, Wayne Wieth briefly went over a few of the items in the proposed ordinance and explained some of the items that were already in the City's code.

Law Director Dean explained where they got some of the language for the proposed changes.

[TMP-3402](#) Resident Input Emails RE: RV/Boat/Trailer Storage Ordinance

Attachments: [RV Resident Emails](#)

VII. Reading of Correspondence

READ IN AND FILED.

[TMP-3389](#) Email from Donna Anderson, Parks & Rec Board RE: Parks Master Plan Misinformation

Attachments: [Donna Anderson Email](#)

[TMP-3390](#) 4/7/2021 Parks & Recreation Board Agenda

Attachments: [Meeting Agenda 2021-04-07](#)

[TMP-3391](#) Emails in support of the Parks Master Plan

Attachments: [Emails in support of the Parks Master Plan](#)

[TMP-3392](#) Emails opposing the Parks Master Plan

Attachments: [Emails opposing the Parks Master Plan](#)

VIII. New Legislation - Items on First Reading

All new legislation read in by the Clerk of Council.

[2021-R23 A](#) **A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. -Referred to the Finance Committee **FIRST READING PASSAGE REQUESTED** (Amended on the Floor April 13, 2021)**

Attachments: [2021-R23 A re Amended April Appropriations](#)
[2021-R23 A re Amended on the Floor Exhibit A](#)
[2021-R23 re April Appropriations](#)
[2021-R23 re Exhibits A](#)
[1st Reading Passage Request](#)

[2021-R24](#) **A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL 2021 ENERGIZED COMMUNITY GRANT FUNDS, AND DECLARING AN EMERGENCY. -(Introduced 4/13/21)**

Attachments: [2021-R24 re NOPEC Grant Agreement](#)
[2021 NOPEC City of Green Energized Community Grant Agreement 21JAN2021](#)

[2021-R25](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH BL COMPANIES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE RABER ROAD SIDEWALK AND MULTI-USE TRAIL PROJECT, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. -(Introduced 4/13/21)**

Attachments: [2021-R25 re Raber Road sidewalk project design history PID 99729](#)
[2021-R25 re Exhibit A](#)

IX. Report of Council Committees

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

All members present.

FIRST READING ITEMS

[2021-R23 A](#) A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. -Referred to the Finance Committee ****FIRST READING PASSAGE REQUESTED** (Amended on the Floor April 13, 2021)**

Attachments: [2021-R23 A re Amended April Appropriations](#)
[2021-R23 A re Amended on the Floor Exhibit A](#)
[2021-R23 re April Appropriations](#)
[2021-R23 re Exhibits A](#)
[1st Reading Passage Request](#)

Councilwoman Babbitt read in the piece of legislation and gave a brief description. The Administration was requesting first reading passage.

Steve Schmidt, Finance Director gave a detailed overview of the legislation and need for first reading passage.

Committee did not have any questions or concerns and supported first reading passage.

After further discussion, Councilwoman Babbitt made a motion.

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

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

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 - Meager, Babbitt, Brandenburg, DeVitis, France, Shaughnessy and Yeargin

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 - Meager, Babbitt, Brandenburg, DeVitis, France, Shaughnessy and Yeargin

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 - Meager, Babbitt, Brandenburg, DeVitis, France, Shaughnessy and Yeargin

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

All members present.

[2021-R14](#) A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER

INTO AN AGREEMENT WITH FOREVERLAWN SOUTHWEST AND ITS' SUBSIDIARY FOREVER LAWN NEO FOR THE PURCHASE AND INSTALLATION OF SYNTHETIC PLAYGROUND TURF AT CENTRAL PARK PLAYGROUND, AND DECLARING AN EMERGENCY. -(Introduced on 2/23/2021)

Attachments: [2021-R14 re Playground Turf](#)
[2021-R14 Exhibit A](#)

Councilman Brandenburg read in the legislation and gave a brief overview. This item was on fourth reading.

No questions or concerns from the Committee or Council.

After further discussion, Councilman Brandenburg made a motion to adopt.

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

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

THIRD READING ITEMS

[2021-R18](#) **A RESOLUTION AWARDING A CONTRACT TO B&B SEALING LLC FOR THE 2021 PARKS PAVEMENT MAINTENANCE PROJECT, AND DECLARING AN EMERGENCY. -(Introduced on 3/9/2021)**

Attachments: [2021-R18 re Parks Pavement Maintenance 2021](#)
[ALL IN ONE 2021 Parks Pavement Maintenance](#)

Councilman Brandenburg read in the legislation and gave a brief description.

There were no questions or concerns from Committee or Council.

After further discussion, Councilman Brandenburg made a motion to adopt.

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

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

[2021-R20 A](#) **A RESOLUTION IN SUPPORT OF ADOPTING THE 2021 PARKS AND RECREATION MASTER PLAN, AND DECLARING AN EMERGENCY. -(Introduced on 3/9/2021) (AMENDED APRIL 13,2021)**

Attachments: [2021-R20 A re Amended Parks Master Plan Brandenburg Parks Master Plan Emails](#)

Councilman Brandenburg read in the legislation and gave a brief description. At the last meeting they discussed the amendment to this legislation that he had proposed.

At this time, Councilman Brandenburg made a motion to amend the legislation.

After the vote, Councilman Brandenburg opened up to the Committee for brief a discussion.

Mr. Hoagland of Brandstetter Carrol was available virtually to answer any questions.

A heated discussion took place regarding the Parks Master Plan.

Councilman France inquired if they might have an additional public meeting to discuss the plan.

Councilwoman Barb Babbitt expressed in detail her concerns with the plan and concerns with Councilman Brandenburgs unwillingness to hear additional resident input.

Councilman Shaughnessy expressed his opposition to the plan and concern with the lack of resident input allowed. He did not feel it was appropriate to just vote on the legislation.

Councilman Yeargin shared his thoughts and reasons for being in favor of the Parks Master Plan.

After additional discussion on this matter, Councilman Brandenburg made a motion to adopt.

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

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

Nay: 2 - Babbitt and Shaughnessy

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

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

Nay: 2 - Babbitt and Shaughnessy

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

All members present.

LICENSE ITEMS

[TMP-3387](#)

Liquor License (New) for Papas Brick Oven Pub LLC DBA Papas Brick Oven Pub -3700
Massillon Road

Attachments: [Liquor License New Papas Brick Oven Pub LLC](#)

Councilman DeVitis explained the liquor license request, and added that there had not been any issues with the license.

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

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

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

All members present.

THIRD READING ITEMS

[2021-03 AA](#)

AN ORDINANCE AMENDING CHAPTER 1229, SECTION 1229.05 PARKING, LOADING, AND STACKING REGULATIONS; AND, CHAPTER 1231, SECTION 1231.02 DEFINITIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 3/9/2021) *PUBLIC HEARING WAS HELD ON APRIL 13, 2021* (AMENDED MAY 25, 2021) (AMENDED JUNE 8, 2021) (AMENDED JUNE 22, 2021)

Attachments: [2021-03 A re Amended Amended Chapter 12 Section 1229 and 1231 draft Exhibit A for 1229.05 \(9\)draft518](#)
[2021-03 re Amended June 22 2021 Exhibit A](#)
[2021-03 Exhbit B- Revised 5-11-21](#)

Council President Yeargin read in the legislation and gave a brief overview. He explained that a public hearing had been held this evening and a lot of resident input had been heard. The Administration would take a look at the code and more discussion would take place at the next meeting.

Time was taken on the item.

[2021-04](#) AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY DC3 PROPERTIES, LLC, DBA BOGGS CHIROPRACTIC, 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 on 3/9/2021)

Attachments: [2021-04 re TIF DC3 Properties LLC](#)
[2021-04 re Exhibit A B C D E](#)

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

Planning Director Wiethe briefly highlighted the details of the TIF.

Committee ok with passage, no questions or concerns.

After further discussion, Councilman Yeargin made a motion 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 - Meager, Babbitt, Brandenburg, DeVitis, France, Shaughnessy and Yeargin

[2021-05](#) AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY TWL GREEN DEVELOPMENT, LLC 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 on 3/9/2021)

Attachments: [2021-05 re TWL Green Development LLC](#)
[2021-05 re Exhibit A B C D E](#)

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

Planning Director Wiethe briefly highlighted the details of this TIF as well.

Committee good with passage; no questions or concerns.

After further discussion, a motion was made by Councilman Yeargin 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 - Meager, Babbitt, Brandenburg, DeVitis, France, Shaughnessy and Yeargin

SECOND READING ITEMS

[2021-R21](#) A RESOLUTION AUTHORIZING A MUNICIPAL ECONOMIC

DEVELOPMENT GRANT AGREEMENT WITH B2, INC., DBA B-SQUARED, AND DECLARING AN EMERGENCY. -(Introduced on 3/23/2021)

Attachments: [2021-R21 re B2 \(B Squared\) Municipal Grant](#)
[2021-R21 re Exhibit A](#)

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

Planning Director Wiethe went over the details of the Municipal Economic Development Grant.

After further discussion, time was taken on this item.

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

All members present.

THIRD READING ITEMS

[2021-R19](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO UTILIZE ELECTRONIC SIGNATURES AS AN APPROVED METHOD OF CONTROL ON CONTRACTS AND AGREEMENTS, AND DECLARING AN EMERGENCY. -(Introduced on 3/9/2021)**

Attachments: [2021-R19 re Docu Sign electronic signatures 2021](#)

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

Law Director Dean briefly touched on the reasoning for the electronic signatures.

Committee ok with passage; no questions or concerns.

After further discussion, Councilman Meager made a motion to adopt.

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

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

SECOND READING ITEMS

[2021-06](#) **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 on 3/23/2021)

Attachments: [2020-06 re Codified Ordinance revision codes](#)
[2021-06 re Exhibit A](#)

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

Law Director Dean stated that this was just our bi-annual update to our codified ordinances.

After further discussion, time was requested and granted.

[2021-07 A](#) **AN ORDINANCE TO AMEND SECTION 648.13, ADDITIONAL NOISE DISTURBANCES, OF CHAPTER 643, PEACE DISTURBANCE, OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN, AND DECLARING AN EMERGENCY. - (Introduced on 3/23/2021) (AMENDED APRIL 13, 2021) **PUBLIC HEARING WAS HELD ON TUESDAY, MAY 11, 2021****

Attachments: [2021-07 A re Amended Noise Ordinance Chapter 648](#)

Councilman Meager read in the legislation and gave a brief overview. There would be a public hearing held on this matter on May 11, 2021. There are some proposed changes to this ordinance. Resident input encouraged.

After further discussion, time was requested and granted.

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

All members present.

City Engineer Pickett gave an update to the work being done on the Massillon/619 round-a-bout. The road would soon be closed for 60 days.

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

All members present.

THIRD READING ITEMS

[2021-R16](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT TO PROVIDE COMMUNITY CORRECTIONAL SERVICES WITH ORIANA HOUSE, INC., AND DECLARING AN EMERGENCY. -(Introduced 3/9/2021)**

Attachments: [2021-R16 re Oriana House Agreement 2021](#)
[2021-R16 re Exhibit A](#)

Councilman Shaughnessy read in the legislation and gave a brief description.

This was an annual agreement with Oriana House for services. Committee had no questions or concerns.

After further discussion, Councilman Shaughnessy made a motion to adopt.

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

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

X. Mayor’s Report

Mayor Neugebauer gave a brief report.

XI. Unfinished Business

XII. New Business

Councilman France asked if the rest of Council would consider beginning to have Committee meetings separate from Council meetings as they used to help facilitate more public engagement.

XIII. Adjournment

A motion was made by Council Member Yeargin, seconded by Council Member Meager, to adjourn the meeting at the . The motion carried by the following vote:

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

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.