



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, October 11, 2022

7:00 PM

Council Chambers

I. Call to Order

Council President France called the meeting to order at 7:24 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
Paul Pickett, City Engineer
Valerie Carr, Service Director
Wayne Wiethe, Planning Director
Lisa Dean, Law Director

Jackson Hall, Student Representative
Chase Borland, Student Representative
Aaryan Qureshi, Student Representative
Grant Kuwatch, Student Representative

IV. Council Study Session

[TMP-4014](#) Approval of the September 27, 2022 Council Meeting Minutes

Attachments: [9-27-22 Council Meeting Minutes](#)

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

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

[TMP-4016](#)

Approval of the September 2022 Electronic Financial Report, Subject to Audit

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

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

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

V. Public Report

Pat Carleski, 3878 Greenfield Rd., Green Oh-

Does not support the damage of or removing of campaign signs from peoples yards.

VI. Public Hearings

[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](#)

7:28 pm

Councilman Meager opened the public hearing. He read in the legislation and briefly went over the history of the legislation. This was separated from the Exterior Property Maintenance code.

Tony Ziehler, 3883 Goldenwood Way, Green OH-

Feels their are some vague terms in the code section. He also doesn't feel this code is necessary. Will be providing some suggestions for changes to wording.

Chief Funai explained that he is only involved in the deeming a building dangerous/condemn when there has been an event, fire, flood, natural disaster etc. He feels this is an important code to have, so that they have something to follow and apply.

Director Wiethe explained that SC Public Health can condemn a building or the chief building official at SC Building Dept. This new code would fill a void and create a mechanism that would allow Green Zoning officials to deal with vacant/neglected homes and possibly clean them up or tear them down, when the SC Building or Public Health doesn't have time/resources to get involved. The City has raised 4 or 5 properties in the last 3 yrs, but they had to convince them to, they could not go through a process to enforce it. The homes are never inhabited.

Councilman Meager stated that Council would go through this code line by line at the next meeting.

Councilwoman Babbitt asked if the City would be looking at dilapidated barns to condemn or tear down.

Director Wiethe explained that possibly, but its dependent on the situation, the state of the barn, etc. He also mentioned that there is a process, they wouldn't just tear a barn down the City would give the resident the opportunity to remediate the issue/problem. These would be complaint driven as well.

Councilman Meager closed the public hearing at 7:49 p.m.

VII. Reading of Correspondence

The Clerk of Council read in the correspondence.

[TMP-4017](#) Planning Departments Sept 2022 Financial Summary

Attachments: [Monthly Summary September 2022](#)

[TMP-4018](#) Parks & Recreation Board October 5, 2022 Meeting Agenda

Attachments: [Meeting Agenda 2022-10-05](#)

[TMP-4019](#) Email from Mateen Haque RE: Roundabouts

Attachments: [Email from Mateen Haque RE Roundabouts](#)

[TMP-4024](#) Letter from Mayor Neugebauer RE: Appointments to the CUE-COG

Attachments: [Letter from Mayor Neugebauer RE Appointments to the CUE-COG](#)

VIII. New Legislation - Items on First Reading

Clerk of Council Nichole Messner read in the new legislation.

[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](#)

[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](#)

IX. Report of Council Committees

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

Councilman Yeargin gave his committee report.

SECOND READING ITEMS

[2022-R52](#) **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.**-(Introduced on 9/27/22)

Attachments: [2022-R52 Accept Tax & Rates FY2022 CY2023 Legislation](#)
[2022-R52 Exhibit A -Tax Rates](#)
[2022-R52 Request for Legislation](#)

Councilman Yeargin read in the legislation and gave a summary.

Committee and council 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: 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-R53

A RESOLUTION REQUIRING THE SUMMIT COUNTY FISCAL OFFICER TO ADVANCE FUNDS TO THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 9/27/22)

Attachments: [2022-R53 Advance Property Tax 2023 Legislation](#)
[2022-R53 Request for Legislation](#)

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

Committee and council ok with 2nd reading passage. A motion was made to adopt by Councilman Yeargin.

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-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 discussion. Time was requested and granted.

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

All members present. Couple updates.

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

Councilman DeVitis gave his committee report.

LICENSE ITEMS

[TMP-4020](#)

Robert J Hall Enterprises Inc- Liquor License Stock Transfer
DBA RJ's Pub & Patio
4195 Massillon Road, Unit 235
Green Ohio 44685

Attachments: [RJs Pub Liquor License Stock Transfer](#)

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

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

[TMP-4021](#)

Akron Hotel Group LLC-Liquor License Transfer
DBA Residence Inn Akron/Green
897 Arlington Ridge E
Akron Ohio 44312

Attachments: [Residence Inn Liquor License Transfer](#)

A motion was made by Council Member DeVitis, seconded by Council Member Babbitt, to not request a hearing on 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)

Councilwoman Babbitt gave her committee report.

[2022-15A](#)

**AN ORDINANCE AMENDING CHAPTER 1226, SECTION 1226.01
TABLE 1226-1: ALLOWABLE USES AND CHAPTER 1226, SECTION
1226.02: USE-SPECIFIC REGULATIONS AND CHAPTER 1231,
SECTION 1231.02: DEFINITIONS TO ADD CHILDREN'S GROUP
HOME AS AN ALLOWED LAND USE. -(Introduced on 8/23/22) **A
PUBLIC HEARING WAS HELD ON TUESDAY, SEPTEMBER 27,
2022****

Attachments: [2022-15 Amended Childrens Group Home Txt Amend Legislation](#)
[2022-15 Exhibits A, B & Amended C](#)
[2022-15 Request for Legislation](#)

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

No additional questions or concerns. 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

THIRD READING ITEMS

[2022-R51](#) **A RESOLUTION ACCEPTING THE CONSOLIDATION OF PARCELS OF LAND FOR CITY MAINTENANCE AND SCHOOL PURPOSES, AND FOR FUTURE JOINT IMPROVEMENTS TO SAID PARCEL OF LAND, AND DECLARING AN EMERGENCY. -(Introduced on 9/13/2022)**

Attachments: [2022-R51 Kleckner Parcel Consolidation Maint Garage Legislation](#)
[2022-R51 Exhibit A](#)
[2022-R51 Request for Legislation](#)

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

Council & Committee ok with passage. 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

SECOND READING ITEMS

[2022-R56](#) **A RESOLUTION APPROVING GREENSBURG WOODLANDS ALLOTMENT REPLAT, AND DECLARING AN EMERGENCY. -(Introduced on 9/27/22) **SECOND READING PASSAGE REQUESTED****

Attachments: [2022-R56 Greensburg Woodlands Replat](#)
[2022-R56 Exhibit A-Greensburg Woodlands Replat](#)
[2022-R56 Request for Legislation](#)

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

Council & Committee ok with second reading passage. A motion was made to adopt.

A motion was made by Council Member Babbitt, 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 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-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 concerns. Time was requested and granted.

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 questions at this time. Time was requested and granted.

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 questions at this time. Time requested and granted.

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 summary.

No additional questions at this time. Time was requested and granted.

[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 overview.

No additional questions at this time. Time requested and granted.

[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 summary.

No additional questions at this time. Time requested and granted.

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

Councilman Meager gave his committee report.

[2022-06A](#) **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)(Amended November 8, 2022)**

****SECOND PUBLIC HEARING WAS HELD OCTOBER 25, 2022****

Attachments: [2022-06A Amended Exterior Property Maint Code Legislation-11-8-22](#)
[2022-06A Exhibit A-Final Clean Version Exterior Property Maintenance Code](#)
[1998 IPMC - FOR REFERENCE ONLY](#)

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

No additional questions or comments at this time. Time was requested and granted.

THIRD READING ITEMS

[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 brief summary. A public hearing was held this evening where some discussion took place.

No additional questions at this time. Time was requested and granted.

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

Councilman Noble gave his committee report.

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

Did not meet.

H. Council as a Whole

SECOND READING ITEMS

[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. No discussion took place due to time.
Discussion will take place at next meeting.

X. Mayor's Report

Councilman France gave report on Mayor Neugebauers behalf due to his absence.

XI. Unfinished Business

None.

XII. New Business

None.

XIII. Adjournment

A motion was made by Council Member France, seconded by Council Member DeVitis, to adjourn the meeting at 8:17 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.