



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, November 8, 2022

7:00 PM

Council Chambers

I. Call to Order

Council President France called the meeting to order at 7:35 p.m.

II. Pledge of Allegiance

III. Roll Call of Council Members

Present: 6 - Clark A. DeVitis, Dave France, Rocco Yeargin, CJ Meager, Jeff Noble and Barbara Babbitt

Absent: 1 - Richard Brandenburg

Also present:

Nichole Messner, Clerk of Council

Steve Schmidt, Finance Director

Paul Pickett, City Engineer

Valerie Carr, Service Director

Wayne Wiethe, Planning Director

Mayor Neugebauer, Mayor

Aaryan Qureshi, Student Representative

Grant Kuwatch, Student Representative

IV. Council Study Session

[TMP-4033](#)

Approval of the October 25, 2022 Council Meeting Minutes

Attachments: [10-25-22 Council Meeting Minutes](#)

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

Aye: 6 - DeVitis, France, Yeargin, Meager, Noble and Babbitt

Absent: 1 - Brandenburg

V. Public Report

None.

VI. Public Hearings

None.

VII. Reading of Correspondence

The Clerk of Council read in the correspondence.

[TMP-4045](#)

Email from Paul Darby RE: Ext Property Maintenance Code

Attachments: [Email from Paul Darby RE Maintenance Code](#)

[TMP-4046](#)

November 2, 2022 Parks & Recreation Board Meeting Agenda

Attachments: [Meeting Agenda 2022-11-02](#)

[TMP-4047](#)

October 2022 Planning Department Monthly Financial Summary

Attachments: [October Planning Monthly Summary](#)

[TMP-4048](#)

News Release for the November 10, 2022 Public Meeting RE: Community Courts Project

Attachments: [TheCommunityCourtsPublicMeetingNov10](#)

VIII. New Legislation - Items on First Reading

Nichole Messner, Clerk of Council read in the new legislation. Council President France referred each item to a committee.

[2022-R63AA](#)

A RESOLUTION APPROVING AND ADOPTING THE 2023 ANNUAL CAPITAL APPROPRIATIONS FOR THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22) (*Amended November 22, 2022*)(Amended January 10, 2023)

Attachments: [2022-R63 Amended 2023 Capital Annual Appropriations 1-10-23](#)
[2022-R63 Amended Exhibit A 1-10-23](#)
[2022-R63 Request for Legislation](#)

[2022-R64](#)

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL (“TIRC”) REGARDING THE COMMUNITY REINVESTMENTS AREA, AND TAX INCREMENT FINANCING AGREEMENTS WITHIN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22)

Attachments: [2022-R64 2022 TIRC Recommendations Legislation](#)
[TIRC Meeting Minutes](#)
[2022-R64 Request for Legislation](#)

[2022-R65](#) 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 RABER ROAD, ALTOGETHER WITH THE NECESSARY APPURTENANCES TO BE FURTHER IDENTIFIED AS THE RABER ROAD MULTI-USE PATH PROJECT, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22) ****SECOND READING PASSAGE REQUESTED****

Attachments: [2022-R65 Raber Rd Multi-Use Path Appropriations Legislation](#)
[2022-R64 Request for Legislation](#)

[2022-R66](#) A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTION PROGRAM SERVICES, LOCATED IN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22)

Attachments: [2022-R66 Bridge Inspection Services Legislation](#)
[2022-R66 Exhibit A](#)
[2022-R66 Request for Legislation](#)

[2022-R67AA](#) A RESOLUTION AUTHORIZING THE CITY TO SPEND FUNDS FOR THE DESIGN OF THE “COMMUNITY COURTS PROJECT”; GREEN LOCAL SCHOOL DISTRICT HAS ENGAGED SOL HARRIS DAY TO PROVIDE DESIGN SERVICES FOR THE NEW GREEN MIDDLE SCHOOL WHICH INCLUDES THE “COMMUNITY COURTS PROJECT”, AUTHORIZING AN ADVANCE, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22) (***Amended November 22, 2022***)(Amended December 13, 2022)

Attachments: [2022-R67 Amended Community Court Project Legislation 12-13-22](#)
[2022-R67 Exhibit A](#)
[2022-R67 Amended Exhibit B 12-13-22](#)
[2022-R67 Request for Legislation](#)

[2022-R68](#) A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL DESIGN GROUP, LLC TO PROVIDE MUNICIPAL ENGINEERING SERVICES FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2025, AND DECLARING

AN EMERGENCY. -(Introduced on 11/8/22)

Attachments: [2022-R68 re EDG Contract 2022-2025](#)

[2022-R68 Exhibit A](#)

[Council RFQ letter](#)

[2022-R68 Request for Legislation](#)

2022-R69

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO CONTRACTS WITH VARIOUS ENGINEERING, CONSTRUCTION MANAGEMENT, AND TESTING COMPANIES FOR PROFESSIONAL SERVICES FOR A THREE-YEAR TERM COMMENCING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY. -(Introduced on 11/8/22)

Attachments: [2022-R69 Various Eng Prof Services Contract Legislation](#)

[2022-R69 Request for Legislation](#)

IX. Report of Council Committees

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

Councilman Yeargin gave his committee report.

THIRD READING ITEMS

2022-20A

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)(***Amended January 10, 2023***)

Attachments: [2022-20 Amended Massillon-619 Access Rd 1-10-23](#)

[Proposed Access Road Rendering](#)

[2022-20 Request for Legislation](#)

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

The legislation will be amended for next meeting per the Finance Director. Time was requested and granted.

SECOND READING ITEMS

[2022-R61AA](#) **A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING AND DECLARING AN EMERGENCY. -(Introduced on 10/25/22)(Amended November 8, 2022)(Amended November 22,2022)**

Attachments: [2022-R61AA FINAL 2022 Amended Appropriations 11-22-22](#)
[2022-R61 Amended Exhibit A](#)
[2022-R61 Exhibit B](#)
[2022-R61 Request for Legislation](#)

Councilman Yeargin read in the legislation and gave an overview.

This will be amended again before the next meeting, therefore time was requested and granted.

[2022-R62A](#) **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. -(Introduced on 10/25/22)(Amended on November 22, 2022)**

Attachments: [2022-R62 Amended 2023 Operating Annual Appropriation](#)
[2022-R62 Amended EXHIBIT A](#)
[2022-R62 EXHIBIT B](#)
[2022-R62 EXHIBIT C](#)
[2022-R62 Request for Legislation](#)
[2023 ELECTRONIC BUDGET PRESENTATION](#)

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

Council has been provided with the presentation of the full budget and more time will be given for review. 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-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.

This was a third reading item with no additional questions or comments. Committee and council 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: 6 - DeVitis, France, Yeargin, Meager, Noble and Babbitt

Absent: 1 - Brandenburg

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

Meager gave 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.

Councilwoman Babbitt reiterated why she would be voting no on this legislation. She stated that the residents don't want it and the criminal code needs removed. She feels the code is needed but not with the criminal penalty section.

Additional conversation took place. Councilman Meager made a motion to adopt.

A motion was made by Council Member Meager, seconded by Council

Member Yeargin, to adopt the Ordinance. The motion carried by the following vote:

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

Nay: 1 - Babbitt

Absent: 1 - Brandenburg

2022-16A

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 (Amended November 22, 2022)**

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

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

More time will be given for review at the next meeting. A special meeting will be scheduled if they feel they need more time after the next meeting. Time was requested and granted.

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

Councilman Noble gave his committee report. A first reading item was discussed.

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 and gave a brief summary.

This will further be discussed at the next meeting. Time was taken.

X. Mayor's Report

Mayor Neugebauer gave his report.

XI. Unfinished Business

None.

XII. New Business

****EXECUTIVE SESSION****

At 7:59 p.m. Councilman France made a motion to go into executive session to discuss the salary of a public employee, with all of Council and the Law Director. Councilman Yeargin seconded the motion. All were in favor.

At 8:10 p.m. Councilman France made a motion to end executive session and reconvene the meeting. Councilman Meager seconded. All were in favor.

XIII. Adjournment

A motion was made by Council Member France, seconded by Council Member Noble, to adjourn the meeting at 8:11 p.m. The motion carried by the following vote:

Aye: 6 - DeVitis, France, Yeargin, Meager, Noble and Babbitt

Absent: 1 - Brandenburg

ATTEST: _____
NICHOLE MESSNER, CMC, 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.