



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

Tuesday, June 14, 2022

7:00 PM

Council Chambers

I. Call to Order

Council President France called the meeting to order at 7:00 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

IV. Council Study Session

[TMP-3888](#) Approval of the May 24, 2022 Council Meeting Minutes

Attachments: [5-24-22 Council Meeting Minutes](#)

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

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

Abstain: 1 - Babbitt

V. Public Report

Dominic Gallagher, 1111 Kingston Rd. Green, OH-
Stormwater issues on Kingston Road. Stormwater run-off does not flow properly. Too much pavement. Fix road and fix drainage. Would like to hear from the City on this matter.

City Engineer Pickett will set up a time to meet with Mr. Gallagher.

VI. Public Hearings

2022-07

AN ORDINANCE AMENDING CHAPTER 1229, SECTION 1229.05(4) PARKING SPACE REQUIREMENTS TABLE 1229-1 REQUIRED NUMBER OF PARKING SPACES OF THE CODIFIED ORDINANCE OF THE CITY OF GREEN. -(Introduced on 5/10/22) **A PUBLIC HEARING WAS HELD ON TUESDAY, JUNE 14, 2022**

Attachments: [2022-07 re Chapter 1229 section 1229.05\(4\) Parking Space Requirements](#)
[2022-07 re Exhibit A](#)
[2022-07 Request for Legislation Form](#)

Public Hearing opened at 7:04 pm. Councilwoman Babbitt read in the legislation and gave a brief summary.

This modification changes the required number of parking spaces at carwashes and car rental agencies. The number of spaces will be decreased.

No comments from public. No comments from Council. Time will be taken.

7:07 pm the public hearing was closed.

2022-06 A 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)**

Attachments: [2022-06 A A re Amended Exterior Property Maintenance Code](#)
[2022-06 A re Amended Exhibit A](#)
[1998 IPMC - FOR REFERENCE ONLY](#)

At 7:07 pm Councilman Meager opened the public hearing and read in the legislation. Councilman Meager gave some history behind the legislation. They will consider all feedback for at least 2 additional committee meetings.

There is currently a property maintenance code on the books. Through the process of speaking with Barberton and updating the code that is currently on the books some issues were found. IPMC was too big and Law Director Dean was asked to create a code more tailored toward the City.

Law Director Dean explained that when she first came in the primary complaints that she received were noise issues and property maintenance issues from residents. She opted to meet with the prosecutor in Barberton to look at the City's current code.

The 1998 IPMC was adopted March 9, 1999. There was additional legislation brought forward, but did not pass. After further research, it was found that the publisher erroneously removed our property maintenance code. Law Director Dean explained that the IPMC needed to be routinely updated to the most recent version.

Council decided that the most recent IPMC was too extensive and asked for something more tailored toward our community and not containing interior maintenance. Other communities use the IPMC. Tallmadge's code was adopted in March 2006, and reflected what we were trying to achieve. Many meetings were held with Tallmadge to get their input before using their code as ours and tweaking it to make it work for our City. Ms. Dean explained that they opted to add extra due process so that our residents had more chances to bring their home into compliance when issues arose.

We already have zoning codes on the books currently that are in effect that have a penalty attached to them. The City will follow the proper process. The Board of Zoning Appeals has seen this code and approved of the format. The code is in place to help resolve issues and gives the City's inspectors a vehicle to enforce the rules.

Director Wiethe explained how the City currently handles complaints/violations. These come from a neighbor complaining to the City zoning dept. Our inspectors drive by the property or go onto the other neighbors property. They then reach out to the violation property owner and try to work with them to get the issue resolved, normally many letters and many months. If it is not resolved then the case is turned over to the Law Dept. Grass code already exists, junk vehicles also already exists currently in our code. The inspectors only want to mitigate the issue. The inspectors do not go onto a property unless they are invited. If they do access a property that is vacant, they have the sheriff accompany them.

PUBLIC COMMENT:

Ku Yang, 1188 Everbright Drive, Green, OH-

Mr. Yang would like the code to be more narrowly scoped and not subjective.

Criminalizing the aesthetics of a home is concerning. Had questions about some of the wording.

Steven Peterson, 530 Neptune Dr, Green, OH-

Disagrees with the proposed code. Suggests more notice to the public and enforce the current laws.

Dave Mucklow, 4862 Mayfair Rd., Green, OH-

Mr. Mucklow was opposed to the proposed exterior property maintenance code. Concerned with right of entry and criminalizing violations. Too subjective and cosmetic issues.

Director Dean explained that zoning codes are enforceable in court. Its similar to a traffic ticket. Right of entry really just means that the inspectors go to the door and try to make contact with the resident.

Director Wiethe mentioned that there are many programs the help residents and seniors with property maint repair when they are unable to afford it.

Albert Brink, 4169 Mayfair Rd. , Green OH-
Does not agree with the wording of code and feels it unfair that a neighbor can dictate how you manicure your property.

Mike Reka, 946 Killinger Rd., Green OH-
Opposed to the new code.

Richard Stratton, 1620 Steese Rd., Green OH-
Concerned with the proposed code. Not a welcoming community.

Sabrina Johnson, 4844 S. Main St., Green, OH-
Concerned with the code, and the criminalizing of people because of their properties.

Wendy Dillon-Schenz, 343 E. Caston Rd. Green, OH-
Opposed to the proposed exterior property maintenance code.

Erin Mort, 1467 Cherry Ln, Green OH-
Concerned with the proposed code. She feels this will put a strain on people who are already struggling with inflation and lack of money. Unnecessary stress.

Erin Yoder, 3461 Madora Ave, Green OH-
This violates the 4th amendment. Opposed to the new code.

Meredith Jones-Newhouse, 2994 Quail Ridge, Green, OH-
Opposed to the proposed code. Unnecessary and unconstitutional.

Richard May, 2788 Sweitzer, Green OH-
Opposed to the proposed exterior prop maintenance code.

Richard Woods, 1939 Kim Dr. Green, OH-
Opposed to the proposed exterior prop maint code. People don't want to live in an HOA city. Doesn't want to see selective enforcement.

Jamie McMillen, Akron Cleve- Assoc of Realtors-

Ms. McMillen spoke on behalf of the ACAR group and supported the proposed exterior property maintenance code. IPMC is more intrusive. Had a couple suggestions for edits to the code to help with clarification.

Pat Carleski, 3878 Greenfield Rd., Green, OH-

Will City hire additional inspectors? Targeted inspections of older neighborhoods?
Will there be a fee associated with having to be heard before the BZA?

Cassandra Roe, 4710 Arlington Rd. Green, OH-

Concerned with getting a grass violation and how long they would have if there is a complaint.

Kristina Tony, 3489 Greensburg Rd., Green, OH-

Commercial businesses are issues too.

Terri Jacobs, 636 Killinger Rd., Green OH-

Opposed to the code and feels the City is violating their 4th amendment right.

Kyle Kuda, Cayugas Dr., Green OH-

Concerns with some definitions and wording within the proposed code.

Kue Yang, 1188 Everbright Dr., Green OH-

Would like better notification to the residents on the types of things.

No additional comments.

Councilman Meager closed the public hearing at 9:06 p.m.

At 9:07 p.m. Council took a short 10 min break.

At 9:17 p.m. Council reconvened.

VII. Reading of Correspondence

Council Clerk Messner read in all correspondence.

[TMP-3890](#)

Email from Alex White RE: Concerns about the Ext Prop Maint Code

Attachments: [Email from Alex White RE Concerns about Ext Prop Maint Code](#)

[TMP-3891](#) Email from Gina Ellinger RE: Opposition to the new Ext Prop Maint Code

Attachments: [Email from Gina Ellinger RE Opposition to 2022-06 Ext Prop Code](#)

[TMP-3892](#) Email from Pat Carleski RE: Safety/traffic concerns on Arlington Rd

Attachments: [Email from Pat Carleski RE Safety Concerns in City of Green](#)

[TMP-3893](#) Planning Departments May 2022 Financial Summary

Attachments: [May Monthly Summary](#)

[TMP-3894](#) Parks & Rec Board June 1, 2022 Meeting Agenda

Attachments: [Meeting Agenda 2022-06-01](#)

VIII. New Legislation - Items on First Reading

The Council Clerk read in all new legislation.

[2022-R32](#) **A RESOLUTION AWARDING A CONTRACT TO THE AERO-MARK COMPANY, LLC FOR THE 2022 PAVEMENT MARKINGS PROJECT, AND DECLARING AN EMERGENCY. -(Introduced on 6/14/22)**
****SECOND READING PASSAGE REQUESTED****

Attachments: [2022-R32 re 2022 Pavement Markings Project](#)
[Request for Legislation 2022 Pavement Markings Project Aero Mark](#)
[ALL IN ONE 2022 Pavement Markings](#)

[2022-R33](#) **A RESOLUTION AWARDING A CONTRACT TO SPANO BROTHERS CONSTRUCTION CO, INC. FOR THE KING DRIVE CULVERT REPLACEMENT 300 FEET EAST OF GREENSBURG ROAD PROJECT, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. -(Introduced on 6/14/22)**

Attachments: [2022-R33 re Kings Drive Culvert](#)
[Request for Legislation King Drive Culvert](#)
[InterofficeMemo King Drive Culvert East of Greensburg](#)

[2022-R34](#) **A RESOLUTION APPROVING THE FINAL PLAT AND PERFORMANCE BOND FOR JACOBS RIDGE PLANNED DEVELOPMENT PHASE I AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT, AND DECLARING AN EMERGENCY. -(Introduced on 6/14/22)**

Attachments: [2022-R34 re Jacobs Ridge Planned Development Phase I](#)
[2022-R34 re Exhibit A](#)
[2022-R34 re Exhibit B](#)
[2022 Request for Legislation Jacobs Ridge Phase I Final Plat](#)
[22-33 Jacobs Ridge Phase I PZC Staff Report](#)
[22-33 Jacobs Ridge Phase I final plat Updated](#)
[22-33 Jacobs Ridge Phase I Final Plat Aerial Map](#)

[2022-R35 A](#) A RESOLUTION ACCEPTING THE PLANNING & ZONING COMMISSION'S ("PZC") APPROVAL OF RAINTREE ESTATES PHASE II REPLAT #3, AND DECLARING AN EMERGENCY. -(Introduced on 6/14/22) **(AMENDED JUNE 28, 2022)**

Attachments: [2022-R35 A re Amended Raintree Estates Phase II Replat #3 final](#)
[2022-R35 re Exhibit A](#)
[2022 Request for Legislation Raintree Estates Phase II Replat #3](#)
[22-24 Raintree Estates Replat PZC Staff Report](#)
[22-24 Raintree Estates Replat Phase II](#)
[22-24 Raintree Estates Replat Aerial Map](#)

[2022-R36](#) A RESOLUTION APPROVING THE FINAL PLAT AND PERFORMANCE BOND FOR FOREST LAKES SUBDIVISION PHASE II, AND DECLARING AN EMERGENCY. -(Introduced on 6/14/22)

Attachments: [2022-R36 re Forest Lakes Phase 2 performance bond](#)
[2022-R36 re Exhibit A](#)
[2022 Request for Legislation Forest Lakes Subdivision Phase 2](#)
[21-61 Forest Lakes Subdivision Phase 2 PZC Staff Report](#)
[21-61 Forest Lakes Phase 2 Final Plat plans](#)

IX. Report of Council Committees

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

Councilman Yeargin gave his committee report.

SECOND READING ITEMS

[2022-R30 A](#) A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. -(Introduced on 5/24/22) **(Amended June 14, 2022) (AMENDED JUNE 28, 2022)**

Attachments: [2022-R30 A A re Amended Amended May Appropriations](#)
[2022-R30 A re Amended May Appropriations](#)
[2022 Request for Legislation - 2022-R30 amended](#)

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

There will be additional amendments at the next meeting, so time was requested and granted.

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

Councilman Brandenburg gave his committee report.

THIRD READING ITEMS

[2022-R27](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH POD DESIGN FOR DESIGN CONCEPT OF RECREATION FACILITIES AND AMENITIES AT KREIGHBAUM PARK, AND DECLARING AN EMERGENCY. -(Introduced on 5/10/22)**

Attachments: [2022-R27 re Kreighbaum Park POD Design](#)
[2022-R27 re Exhibit A](#)
[2022-R27 Request for Legislation Form](#)

Councilman Brandenburg read his legislation and gave a brief summary.

Item is on 3rd reading and Council and Committee ok with passage. A motion was made to adopt.

A motion was made by Council Member Brandenburg, seconded by Council Member Yeargin, 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-R31 A](#) **A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE THE CAPITAL IMPROVEMENT COMMUNITY PARK, RECREATION/CONSERVATION PROJECT PASS THROUGH GRANT AGREEMENT SUMM-023C FOR THE WILLADALE SEGMENT - SOUTHGATE CONNECTOR TRAIL PROJECT - MANAGED BY THE OHIO DEPARTMENT OF NATURAL RESOURCES, AND DECLARING AN EMERGENCY. -(Introduced on 5/24/22) **SECOND READING PASSAGE REQUESTED** (AMENDED JUNE 14, 2022)**

Attachments: [2022-R31 A re AMENDED Authorizing Willadale Grant SUMM -023 C](#)
[2022-R31 re Exhibit A](#)
[2022-R31 Request for Legislation Form](#)
[Planning Memo](#)

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

Second reading passage has been requested, Committee and Council ok with passage. A motion was made to adopt.

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

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

[2022-R29 A](#) **A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH AECOM FOR DESIGN AND ENGINEERING SERVICES FOR THE DEVELOPMENT OF ADDITIONAL RECREATION AND ANCILLARY FACILITIES AT GREENSBURG PARK, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. - (Introduced on 5/10/22) (Amended May 24, 2022)**

Attachments: [2022-R29 A re Amended Greensburg Baseball Fields AECOM](#)
[2022-R29 re Exhibit A](#)
[2022-R29 A Re Exhibit B](#)
[Council memo re Legis Greensburg Park 2022](#)
[2022-R29 Request for Legislation Form](#)

Councilman Brandenburg read in legislation and gave brief summary.

Councilman Noble recused himself from discussion and voting on this legislation.

Council and Committee ok with passage. A motion was made to adopt.

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

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

Recused: 1 - Noble

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

Councilman DeVitis gave his committee report.

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

Councilwoman Babbitt gave her committee report.

THIRD READING ITEMS

[2022-07](#) **AN ORDINANCE AMENDING CHAPTER 1229, SECTION 1229.05(4) PARKING SPACE REQUIREMENTS TABLE 1229-1 REQUIRED NUMBER OF PARKING SPACES OF THE CODIFIED ORDINANCE OF THE CITY OF GREEN. -(Introduced on 5/10/22) **A PUBLIC HEARING WAS HELD ON TUESDAY, JUNE 14, 2022****

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[2022-07 re Exhibit A](#)
[2022-07 Request for Legislation Form](#)

Councilwoman Babbitt read in the legislation and gave a summary.

A public hearing was held this evening. No comments or questions from council or residents.

Time was taken.

SECOND READING ITEMS

[2022-08](#) **AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY JENNINGS INVESTMENT HOLDINGS 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 5/24/22)**

Attachments: [2022-08 re Jennings Investment Holdings Storage Units](#)
[2022-08 re Exhibit A](#)
[2022-08 re Exhibit B](#)
[2022-08 re Exhibit C](#)
[2022-08 re Exhibit D](#)
[2022-08 re Exhibit E](#)
[2022-08 Request for Legislation Form](#)

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

Time was requested and granted.

[2022-09](#)

AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY OWNED BY CANTON GREEN, LLC DBA GENERAL RV 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 5/24/22)

Attachments: [2022-09 re General RV TIF](#)
[2022-09 re Exhibit A](#)
[2022-09 re Exhibit B](#)
[2022-09 re Exhibit C](#)
[2022-09 re Exhibit D](#)
[2022-09 re Exhibit E](#)
[2022-09 Request for Legislation Form](#)

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 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*)**

Attachments: [2022-06 A A re Amended Exterior Property Maintenance Code](#)
[2022-06 A re Amended Exhibit A](#)
[1998 IPMC - FOR REFERENCE ONLY](#)

Councilman Meager read in the legislation and gave a summary.

A public hearing was held and much discussion took place with residents.

Council will discuss and go through the code in detail and address some of the concerns that were brought forth.

Rules Committee will be held last for the next couple meetings.

Time will be taken.

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

Councilman Noble gave his committee report.

Discussed the first reading item 2022-R32 briefly. City Engineer Pickett has requested possible second reading passage due to timing issues and paint costs and availability.

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

Councilman France gave his committee report.

THIRD READING ITEMS

[2022-R28](#) **A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE
NORTHEAST OHIO PUBLIC ENERGY COUNCIL 2022 ENERGIZED
COMMUNITY GRANT FUNDS, AND DECLARING AN EMERGENCY.**
-(Introduced on 5/10/22)

Attachments: [2022-R28 re NOPEC Grant Legislation](#)
[2022-R28 re Exhibit A](#)
[2022-R28 Request for Legislation Form](#)

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

Third reading item, Council and Committee ok with passage. A motion was made to adopt.

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

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

X. Mayor's Report

Mayor Neugebauer gave his report.

XI. Unfinished Business

None.

XII. New Business

None.

XIII. Adjournment

A motion was made by Council Member Meager, seconded by Council Member DeVitis, to adjourn the meeting at 9:55 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.