



# City of Green

Central Administration  
Building  
1755 Town Park Blvd.  
PO Box 278  
Green, OH 44232

## Meeting Minutes

### City Council

*Barbara Babbitt - Ward 1*  
*Bob Young - Ward 2 - Vice President*  
*Rocco Yeargin - Ward 3*  
*Matt Shaughnessy - Ward 4*  
*Stephen Dyer - At-Large*  
*Chris Humphrey - At-Large - President*  
*Justin Speight - At-Large*  
*Molly Kapeluck, MMC Clerk of Council*

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Tuesday, October 9, 2018

7:00 PM

Council Chambers

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#### I. Call to Order

Council President Humphrey called the meeting to order at 7pm.

#### II. Pledge of Allegiance

#### III. Roll Call of Council Members

**Present:** 7 - Barbara Babbitt, Stephen Dyer, Chris Humphrey, Matt Shaughnessy, Justin Speight, Rocco Yeargin and Bob Young

Also present:

Mayor Neugebauer

Bill Chris, Law Director, Interim

Valerie Wax Carr, Service Director

Paul Pickett, City Engineer

Steve Schmidt, Finance Director

Wayne Wiethe, Planning Director

Nichole Baldinger, Clerk of Council, Interim

#### IV. Council Study Session

##### [TMP-2275](#)

Approval of the September 25, 2018 Regular Meeting Minutes

**Attachments:** [9-25-18 Council Minutes](#)

**A motion was made by Council Member Young, seconded by Council Member Speight, to approve the Minutes. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

#### V. Public Report

CJ Meager, 3794 Ramsey Drive, Green, OH-

Opposed to Issue 14. Mr. Meager stated that he is one of a small group that actually

is qualified for the position. Mr. Meager commented on why this charter amendment was a bad idea and urged voters to vote No on Issue 14. A full set of Mr. Meagers comments are attached.

Dale Brott, 1850 Raber Rd., Green, OH-

Opposed to Issue 14. The original Charter writers were certain that an elected Law Director was a bad choice. The initiative is poorly written. Mr. Brott felt that his could be dealt with this during the Charter review which will occur in 2019. Residents for effective Green Government are educating the residents on this Issue and encouraged them to look at there website and get informed. He urged voters to vote no on Issue 14.

Steve Braswell, 1207 Peachwood Way, Green, OH-

Opposed to Issue 14. Mr. Braswell mentioned that he was free to use the other parks, however would be not free to use a golf course. He reiterated that it he hoped council would do the right thing and vote against purchasing Raintree.

## VI. Public Hearings

### 2018-21

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONTAINING APPROXIMATELY 8.65 ACRES OF LAND LOCATED ON THE SOUTHWEST CORNER OF MASSILLON AND GRAYBILL ROADS FROM B-2 (PROFESSIONAL OFFICE) TO PD (PLANNED DEVELOPMENT) AND ACCEPTING THE CONCEPTUAL SITE PLAN OF THE PROPOSED TWL INVESTMENTS PLANNED DEVELOPMENT. -Introduced on 8/28/18. \*\*Public Hearing was held on Tuesday, October 9, 2018\*\***

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-21 re TWL Investments property zoning.docx](#)  
[2018-21 re Exhibit A](#)  
[Echelon Sr. Living PD PZC Recommendation to CC](#)  
[18-45 Echelon Green Sr. Living PD PZC Staff Report](#)  
[20180808 Combined Planned Development Submission](#)  
[Echelon Green Aerial](#)  
[Echelon Green Contig Prop Owner Letters](#)  
[2018-21 TWL Rezoning](#)

Public Hearing began at 7:14pm

Mr. Young read in the legislation and gave a brief overview.

Ms. Allen from TC Architects was the representative for this project.

8.65 Acres of land. Combination of Independent, Memory Care and Assisted Living toward the back of the parcel and a fast food restaurant and grocer style building closer to the street. Residents comments have been taken into account with this plan.

Mr. Chris advised the Council members that he had done work with TC Architects in the past but nothing for this project and just wanted to get that on the record.

Jane Weaver, 4013 April Drive, Green, OH-

Mrs. Weaver is in support of the Echelon plan. Mrs. Weaver gave some statistics on existing Senior living facilities. A copy of Mrs. Weavers full comments are attached.

Jennifer Ringer, 4000 Massillon Rd., Green, OH-

Mrs. Ringer gave some stats regarding senior housing. States that no one will be for hire, issues with quality of care. Stated that there facilities are not full so why build additional. Opposed to the project.

Michael Cline, 4003 April Dr., Green, OH-

Mr. Cline supports the project. Feels the developer has done a good job creating a good mix of commercial development. They have worked well with the Residents and incorporating their wishes. This is an acceptable use of land.

John Warmus, 1531 Boettler Rd., Green, OH-

Opposed to the project. Feels that we should not stray from the original vision. No fast food restaurants, nor senior living housing. Should take a step back and wait to see how this all pans out.

Doug Weaver, 4013 April Drive, Green, OH-

Stated that when they moved into their home they were assured that nothing aside from office buildings would be built there and thats just not realistic. He feels this project is a good compromise.

Dan McCall, 4066 High point Dr., Green, OH-

Against changing zoning at all. Should stay B-2. If it moves forward, it should be required to have a right in and right out.

Mrs. Allen clarified that the plans that have been submitted has only right in- right out entrances. The elevation drawings will be created when they go to Design Review Board/Planning & Zoning Commission.

Daryl Seibert & Walid Lababidi-

Mr. Lababidi stated that they have proved with market study's numerous times that office use is not in demand and they would not get return on investment.

Mr. Warmus stated that is not the case, he owns office space and it goes for more than that.

Mr. Seibert explained that they had a market study done and if there was not a need they would not be building this project. Committed to doing a great project for the City of Green. They have spent the time because they want to be good neighbors.

Steve Braswell, 1207 Peachwood Way, Green, OH-

Commented that his wife is in nursing and that Mrs. Ringer has valid concerns. More skilled nursing beds would be better.

Jeff Risner, 3975 Everett Dr., Richfield OH Echelon Green-

There model is a continuum of care. They are proactive as people are aging in place. They provide the higher level of care so that the patient does not have to go to a nursing home. Independent living is becoming more like assisted living. Staffing will always be a pressing issue, that can't be helped. Pay, etc. has to be more aggressive to attract staff.

John Shoff, Green, OH-

Feels there wouldnt be a debate if they had never changed the code and allowed non-conforming uses in the B-2. Urges council to revisit the code and make B-2 mean B-2.

Sandy Cline, 4003 April Dr., Green, OH-

Feels that its not realistic to think that office space will ever go on this land. Supports the project, appreciates the developers working with them. Feels this is a good mix.

Jane Warmus, 4000 Massillon Rd., Green, OH-

Opposed to the development. Feels that the zoning needs upheld, that the development does not belong on Massillon Rd. She reiterated that the vision of Green needs upheld and that the code needs followed.

Robert Chordar, 860 Killinger Rd., Green, OH-

Stated that the Warmus's have rezoned numerous properties in the City and that this is an acceptable request.

Dave Hedrick, Highpoint Drive, Green, OH-

Height of the building is not relevant considering in a B-2 it could be up to 60 ft and the proposed height in this PD is 45 ft.

The Public Hearing ended at 8:05 pm.

## VII. Reading of Correspondence

[TMP-2270](#) Email from Dennis Maneval RE: Speeding on Pickle Road

**Attachments:** [Email from Dennis Maneval RE Speeding on Pickle Rd](#)

[TMP-2271](#) Email from Tim Bates RE: Raintree Country Club Purchase

**Attachments:** [Tim Bates RE Raintree CC](#)

[TMP-2272](#) Letter from Carl Mickelson RE: Issue 14

**Attachments:** [Carl Mickelson- RE Issue 14](#)

[TMP-2273](#) Email from Ted Peck in Support of the Purchase of Raintree CC

**Attachments:** [Ted Peck RE Raintree](#)

[TMP-2276](#) Email from Steve Braswell RE: Raintree Purchase

**Attachments:** [Email from Steve Braswell RE Raintree Purchase](#)

[TMP-2283](#) Email from Mark Herdlick in opposition of the purchase of Raintree CC

**Attachments:** [Mark Herdlick RE- Raintree purchase](#)

All correspondence was read in and filed.

## VIII. New Legislation - Items on First Reading

[2018-R76](#) **A RESOLUTION AUTHORIZING THE MAYOR TO RE-APPLY FOR A GRANT, UNDER THE FISCAL YEAR 2018 ASSISTANCE TO FIREFIGHTERS GRANT (“AFG”), IN THE CATEGORY OF APPARATUS, FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR PURCHASE OF A HEAVY RESCUE VEHICLE, AND DECLARING AN EMERGENCY. -Introduced on 10/9/18 \*\*Second Reading Passage Requested\*\***

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-R76 re 2018 AFG Heavy Rescue Apparatus.docx](#)  
[2nd Reading Passage Chief Funai.pdf](#)  
[Green Contract \(FV\) 2018\(vehicle\).docx](#)  
[2018-R76 AFG Heavy Rescue](#)

**2018-R77** A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT, UNDER THE FISCAL YEAR 2018 ASSISTANCE TO FIREFIGHTERS GRANT (“AFG”), IN THE CATEGORY OF OPERATIONS AND SAFETY, FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR UPGRADES TO THE EXHAUST REMOVAL SYSTEMS OF THE FIRE STATIONS, AND DECLARING AN EMERGENCY. -Introduced on 10/9/18 \*\*Second Reading Passage Requested\*\*

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-R77 re 2018 AFG - Operations and Safety.docx](#)  
[2nd Reading Passage Chief Funai.pdf](#)  
[Operations Contract \(FO\) 2018.docx](#)  
[2018-R77 AFG Exhaust System](#)

**2018-R78** A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT, UNDER THE FISCAL YEAR 2018 ASSISTANCE TO FIREFIGHTERS GRANT (“AFG”), IN THE CATEGORY OF REGIONAL PROJECTS, FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR PURCHASE OF A REGIONAL FIREFIGHTER ACCOUNTABILITY SYSTEM, AND DECLARING AN EMERGENCY. -Introduced on 10/9/18 \*\*Second Reading Passage Requested\*\*

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-R78 re 2018 AFG - Regional Projects.docx](#)  
[2nd Reading Passage Cheif Funai.pdf](#)  
[Green.Contract \(FR-Ops\) 2018\(Regional\).docx](#)  
[2018-R78 AFG Grant Accountability](#)

**2018-24 A** AN ORDINANCE AUTHORIZING THE CITY OF GREEN TO PROHIBIT THE SALE OR OTHER DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, ~~OR~~ ALTERNATIVE NICOTINE PRODUCTS, ~~OR TOBACCO PRODUCT PARAPHERNALIA~~ TO PERSONS UNDER 21 YEARS OLD, ~~AUTHORIZING A CONTRACT WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT TO IMPLEMENT THESE PROVISIONS THROUGH REGULATIONS, AND—DECLARING~~

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~~AN EMERGENCY.~~ Amended 10/23/18 and 11/27/18 Introduced October 9, 2018

**Sponsors:** Gerard Neugebauer and City Council

**Attachments:** [2018-24 Cigarette sales](#)  
[2018-24 re Exhibit A Intergovernmental Agreement COG Summit](#)  
[County Combined General Health](#)  
[2018-24 re Amended Amended T21 Tobacco](#)

## IX. Report of Council Committees

### A. Finance (Humphrey \*, Yeargin\*\*, Babbitt)

All members present.

Mr. Humphrey mentioned that Chelsea Finney gave a presentation regarding Issue 8- Summit County Childrens Services Levy at the Committee meeting.

#### 2018-R61

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN ASSET PURCHASE AGREEMENT WITH RAINTREE COUNTRY CLUB, INC. AND RAINTREE GOLF, LLC. FOR THE REAL PROPERTY LOCATED AT 4340 MAYFAIR ROAD, UNIONTOWN, OHIO 44685, AND ALL PERSONAL PROPERTY SITUATED THEREON AND/OR RELATED THERETO, MAKING AN APPROPRIATION, AUTHORIZING AN ADVANCE, APPROVING TERMS FOR REPAYMENT OF ADVANCE, AND DECLARING AN EMERGENCY. -Introduced on 8/14/18

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-R61 Raintree Country Club purchase](#)  
[2018-R61 re Raintree Purchase \(003\).docx](#)  
[2018-R61 re Exhibit A Agreement of Asset Sale.pdf](#)  
[2018-R61 Exhibit B Advance Repay Schedule.pdf](#)

Mr. Humphrey read in the legislation and gave a brief overview.

He reiterated that there has been much discussion on this item. That this is a 4th Reading of this legislation and since they are still waiting on some additional information regarding the RFP process they will be requesting time.

Time requested and granted.

## SECOND READING ITEMS

[2018-R69](#)     A RESOLUTION REQUIRING THE SUMMIT COUNTY FISCAL OFFICER TO ADVANCE FUNDS TO THE CITY OF GREEN, AND DECLARING AN EMERGENCY. -Introduced on 9/25/18

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-R69 re Advance Property Tax 2019.docx](#)  
[2018-R69 SC Fiscal Advance](#)

Mr. Humphrey read in the legislation and gave a brief overview. He mentioned that they do this type of legislation annually.

2nd reading passage ok with committee.

**A motion was made by Council Member Humphrey, seconded by Council Member Yeargin, to bypass the three reading rule the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

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

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

[2018-R70](#)     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 9/25/18

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-R70 re Accept tax rates FY2018 CY2019.docx](#)  
[2018-R70 re Exhibit A Tax Rates.pdf](#)  
[2018-R70 Budget Comm Tax Rates](#)

Mr. Humphrey read in the legislation and gave a brief overview.

2nd reading ok with committee to keep things moving.

**A motion was made by Council Member Humphrey, seconded by Council Member Yeargin, to bypass the three reading rule the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young



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

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**2018-R73 A** A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. -Referred to the Finance Committee (Amended October 9, 2018)(AMENDED OCTOBER 23, 2018)

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-R73 re AMENDED AMENDED Appropriations Sept 2018.docx](#)  
[2018-R73 RE AMENDED AMENDED EXHIBIT A Sept Appropriations.xlsx](#)  
[2018-R73 Mod Approp](#)

Mr. Humphrey read in the legislation and gave a brief overview.

Will hold off on passing due to possible amendments before the next reading.

Time will be taken.

**B. Environment & Parks (Speight\*, Babbitt\*\*, Dyer)**

All members present.

**SECOND READING ITEMS**

**2018-R74** A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM FUNDS PROGRAMMED BY THE OHIO PUBLIC WORKS COMMISSION (“OPWC”) TO ACQUIRE PROPERTY TO PROVIDE FOR THE DEVELOPMENT OF THE BOETTLER/SOUTHGATE CONNECTOR TRAIL, AND DECLARING AN EMERGENCY. -Introduced on 9/25/18

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-R74 re Southgate Trail Acquisition.docx](#)  
[2018-R74 Clean Green Connector Trail Grant](#)

Mr. Speight read in the legislation and gave a brief overview.

Allows the Mayor to apply for the grant.

2nd reading passage good with committee.

**A motion was made by Council Member Speight, seconded by Council Member Babbitt, to bypass the three reading rule the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**A motion was made by Council Member Speight, seconded by Council Member Dyer, to adopt the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**2018-R75**

**A RESOLUTION ACCEPTING THE DONATION OF A PARCEL OF LAND FOR PARK AND OPEN SPACE PURPOSES, AND APPROXIMATELY EIGHTY-SIX THOUSAND SEVEN HUNDRED FIFTY-FIVE DOLLARS FOR FUTURE MAINTENANCE AND IMPROVEMENTS TO SAID PARCEL OF LAND, AND DECLARING AN EMERGENCY. -Introduced on 9/25/18 \*\*SECOND READING PASSAGE REQUESTED\*\***

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-R75 re Donation of Rayl Land.docx](#)

[2nd reading passage Wayne Wiethe 2018-R75.pdf](#)

[Rayl Family Property.pdf](#)

[2018-R75 Rayl Family Land Donation](#)

Mr. Speight read in the legislation and gave a brief overview.

This would allow them to accept the donation from the Rayl family for parkland. Mr. Rayl wished to donating land and funds to keep it preserved. Requested 2nd reading due to Mr. Rayls failing health.

Would like to thank the Rayl family for their generosity.

2nd reading ok with committee.

**A motion was made by Council Member Speight, seconded by Council Member Babbitt, to bypass the three reading rule the Resolution. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

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

**Aye:** 7 - Babbitt, Dyer, Humphrey, Shaughnessy, Speight, Yeargin and Young

**C. Public Safety (Babbitt\*, Shaughnessy\*, Humphrey)**

All members present, no legislation. Mr Yeargin gave his Nexus report.

D. Planning, Community & Economic Development (Young\*, Speight\*\*, Yeargin)

All members present.

2018-21

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONTAINING APPROXIMATELY 8.65 ACRES OF LAND LOCATED ON THE SOUTHWEST CORNER OF MASSILLON AND GRAYBILL ROADS FROM B-2 (PROFESSIONAL OFFICE) TO PD (PLANNED DEVELOPMENT) AND ACCEPTING THE CONCEPTUAL SITE PLAN OF THE PROPOSED TWL INVESTMENTS PLANNED DEVELOPMENT. -Introduced on 8/28/18.  
\*\*Public Hearing was held on Tuesday, October 9, 2018\*\*

**Sponsors:** Gerard Neugebauer

**Attachments:** [2018-21 re TWL Investments property zoning.docx](#)  
[2018-21 re Exhibit A](#)  
[Echelon Sr. Living PD PZC Recommendation to CC](#)  
[18-45 Echelon Green Sr. Living PD PZC Staff Report](#)  
[20180808 Combined Planned Development Submission](#)  
[Echelon Green Aerial](#)  
[Echelon Green Contig Prop Owner Letters](#)  
[2018-21 TWL Rezoning](#)

Mr. Young read in the legislation and gave a brief overview.

Public hearing was held tonight. Much discussion took place. Will wait to next meeting to vote on this.

Time requested and granted.

E. Rules and Personnel (Shaughnessy\*, Humphrey\*\*, Young)

All members present, no items of legislation, did not meet.

F. Transportation, Connectivity & Storm Water (Yeargin\*, Dyer\*\*, Speight)

All members present, no items of legislation, did not meet.

G. Intergovernmental & Utilities (Dyer \*, Young\*\*, Shaughnessy)

All members present, no items of legislation, did not meet.

Committee of a Whole was held.

Mr. Humphrey wanted the residents to know that we will be advertising the language for Issue 14. So that people may become informed.

#### X. Mayor's Report

Mayor Neugebauer gave a brief report.

#### XI. Unfinished Business

None.

#### XII. New Business

None.

#### XIII. Adjournment

ATTEST: \_\_\_\_\_  
NICHOLE BALDINGER, CLERK OF COUNCIL, INTERIM

APPROVED: \_\_\_\_\_  
CHRIS HUMPHREY, 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.