



City of Green

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

Agenda City Council

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

Tuesday, August 27, 2019

7:00 PM

Council Chambers

I. Call to Order

II. Pledge of Allegiance

III. Roll Call of Council Members

IV. Council Study Session

[TMP-2729](#) **APPROVAL OF THE JULY 9, 2019 REGULAR MEETING MINUTES.**

Attachments: [7-9-19 Council Minutes](#)

[TMP-2743](#) **APPROVAL OF THE AUGUST 13, 2019 REGULAR COUNCIL MEETING MINUTES**

Attachments: [8-13-19 Council Minutes](#)

V. Public Report

PLEASE STEP TO THE MICROPHONE WHEN ADDRESSING COUNCIL AND GIVE NAME AND ADDRESS.

VI. Public Hearings - No Public Hearings Scheduled

VII. Reading of Correspondence

[TMP-2734](#) **EMAILS OPPOSING ORDINANCE 2019-15 NEW SEASONS PLANNED DEVELOPMENT**

Attachments: [8-13-17 Jessica Kaisk](#)
 [8-13-19 Amy Preston](#)
 [8-13-19 Anna Mills](#)
 [8-13-19 Autumn Drews](#)
 [8-13-19 Brett & Brooke Phillips](#)
 [8-13-19 Britny Miller](#)
 [8-13-19 Brittany White](#)
 [8-13-19 Doreen Thorne](#)
 [8-13-19 Ellyn Moser](#)
 [8-13-19 Heidi Sluss](#)
 [8-13-19 Julia Sisul](#)
 [8-13-19 Kimberly Ausel](#)
 [8-19-19 Donna Lane](#)

[TMP-2735](#) EMAIL FROM TIM BATES RE: 2019-15 NEW SEASONS PLANNED DEVELOPMENT

Attachments: [8-13-19 Tim Bates](#)

[TMP-2736](#) EMAIL FROM DENNIS MANEVAL RE: AGGRESSIVE DRIVERS

Attachments: [8-15-19 Dennis Maneval](#)

[TMP-2738](#) CIVIL SERVICE COMMISSION JULY 10, 2019 MINUTES

Attachments: [July 10 2019 CSC Minutes](#)

[TMP-2741](#) EMAIL FROM KAREN DITTO RE: SPEED

Attachments: [8-21-19 Karen Ditto](#)

[TMP-2742](#) EMAIL FROM JOSEPH BLUBAUGH RE: TREE CITY USA

Attachments: [8-22-19 Joseph Blubaugh](#)

VIII. New Legislation - Items on First Reading

[2019-R78](#) A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR A FEDERAL SURFACE TRANSPORTATION BLOCK GRANT (“STBG”) FUND PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (“AMATS”) FOR THE ARLINGTON ROAD RECONSTRUCTION PROJECT (PROJECT), AND DECLARING AN EMERGENCY. REFERRED TO THE TRANSPORTATION, CONNECTIVITY AND STORM WATER COMMITTEE

Sponsors: Gerard Neugebauer

Attachments: [2019-R78 re STBG Arlington Road Improvement Project](#)

2019-R79 A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. REFERRED TO THE FINANCE COMMITTEE

Sponsors: Gerard Neugebauer

Attachments: [2019-R79 re Appropriations August 27 2019](#)
 [2019-R79 re Exhibits A August 27](#)

IX. Report of Council Committees

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

No Items

B. Environment & Parks (Speight*, Babbitt**, Shaughnessy)

No Items

C. Public Safety (Babbitt*, Humphrey*, Dyer)

No Items

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

2019-04 AN ORDINANCE ESTABLISHING PUBLIC NOTIFICATION REQUIREMENTS PRIOR TO CITY COUNCIL ACTION AUTHORIZING CITY FUNDS OR AUTHORIZING THE APPLICATION FOR GRANTS OR OTHER FUNDING METHODS TO BE USED FOR THE DESIGN OR CONSTRUCTION OF THE MASTER TRAIL PLAN OR SIMILAR LONG-RANGE CITY-DEVELOPED PLANNING, OR PORTIONS THEREOF, AND DECLARING AN EMERGENCY. (INTRODUCED ON 2/26/19)

Sponsors: Matt Shaughnessy and Stephen Dyer

Attachments: [2019-04 re Master Trail Plan Notification](#)

THIRD READING ITEMS[2019-15](#)

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONTAINING APPROXIMATELY 13.6 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF MASSILLON ROAD AND WISE ROAD FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT); AND, APPROXIMATELY 5.1 ACRES OF LAND FROM B-1 (GENERAL BUSINESS) TO PD (PLANNED DEVELOPMENT); AND APPROXIMATELY 1.8 ACRES OF LAND FROM B-3 (NEIGHBORHOOD BUSINESS) TO PD (PLANNED DEVELOPMENT); AND, ACCEPTING THE CONCEPTUAL SITE PLAN OF THE PROPOSED NEW SEASONS PLANNED DEVELOPMENT. INTRODUCED 7/9/19 *** PUBLIC HEARING SCHEDULED FOR AUGUST 13, 2019 @ OR ABOUT 7:05 P.M.***

Sponsors:

Gerard Neugebauer

Attachments:

[2019-15 re New Seasons Planned Development](#)

[2019-15 re Exhibit A](#)

[19-34 New Seasons PD PZC Staff Report](#)

[New Seasons General Plan-Layout](#)

[51049A General Phasing Plan](#)

[New Seasons Rezoning Map-](#)

[New Seasons aerial](#)

[New Seasons Bldg Concept Images](#)

[Concept Bldg Elevations-Floor Plans](#)

[Epcon Marvin Md Clubhouse Exercise Room 100 dpi Web](#)

[Epcon Marvin Md Clubhouse Main Room 2 100 dpi Web](#)

[Medium+CH+Floor+Plan](#)

[Epcon Marvin Md Clubhouse Main Room 4 100 dpi Web](#)

[Medium Clubhouse \(A\) 100 dpi Web](#)

[Land Use Plan doc](#)

[New Seasons Contig Prop Owner Letters](#)

[New Seasons PD PZC Recommendation to CC](#)

E. Rules and Personnel (Young*, Dyer**, Humphrey)

No Items

F. Transportation, Connectivity & Storm Water (Shaughnessy*, Young**, Yeargin)**SECOND READING ITEMS**

[2019-R73](#) 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 8/13/19

Sponsors: Gerard Neugebauer

Attachments: [2019-R73 re ODOT Bridge Inspection](#)
[2019-R73 re Exhibit A VAR-STW-Municipal Br-Insp](#)

G. Intergovernmental & Utilities (Dyer *, Shaughnessy**, Speight)

No Items

H. Charter Amendment Implementation Committee (Yeargin*, Babbitt**, Shaughnessy)**THIRD READING ITEMS**

[2019-R52 A](#) A RESOLUTION TO AMEND THE APPROPRIATE ARTICLE(S) AND SECTION(S) OF THE CHARTER OF THE CITY OF GREEN RELATING TO THE NON-SUBSTANTIVE CHANGES THROUGHOUT THE CHARTER, PER CHARTER SECTION 12.10 CHARTER CORRECTIONS, AND DECLARING AN EMERGENCY. INTRODUCED 6/25/19 (AMENDED AUGUST 13, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R52 A re Amended Index of Non-Substantive Changes 2019 Charter](#)
[2019-R52 re Amended Exhibit A Index of Non Substantive City Charter](#)

[2019-R56 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 3.1 OF THE CHARTER OF THE CITY OF GREEN TO LIMIT THE MAYOR, TO SERVE TWO (2) CONSECUTIVE FOUR (4) YEAR TERMS WITH PARTIAL TERMS LASTING PROVIDE THAT A PARTIAL TERM OF OFFICE TO FILL A VACANCY IN THE OFFICE OF MAYOR THAT LASTS MORE THAN TWO YEARS COUNTING SHALL COUNT AS A FULL FOUR (4) YEAR TERM AGAINST THE TWO-TERM LIMIT APPLICABLE TO THE MAYOR, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R56 re Amended Section 3 .1 The Mayor Term](#)
[2019-R56 re Section 3.1 The Mayor Term Of Office](#)

[2019-R57 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 3.2 OF THE CHARTER OF THE CITY OF GREEN TO REQUIRE THAT THE MAYOR SHALL BE A RESIDENT OF THE CITY OF GREEN FOR AT LEAST TWO (2) CONTINUOUS YEARS IMMEDIATELY PRIOR TO THE MAYOR'S ELECTION OR APPOINTMENT, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R57 re Amended Section 3.2 Qualifications](#)
[2019-R57 re Section 3.2 Qualifications of the Mayor](#)

[2019-R58 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 3.3 D (D) OF THE CHARTER OF THE CITY OF GREEN TO AUTHORIZE THE MAYOR TO MAKE SHORT-TERM INTERIM OR ACTING APPOINTMENTS OF DIRECTORS WHEN NECESSARY, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R58 re Amended Section 3.3 D Powers of the Mayor](#)
[2019-R58 re Section 3.3 D Powers of the Mayor](#)

[2019-R59 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 4.1 OF THE CHARTER OF THE CITY OF GREEN TO LIMIT COUNCIL MEMBERS TO SERVING TWO (2) SUCCESSIVE PROVIDE THAT A PARTIAL TERM OF OFFICE TO FILL A VACANCY IN THE OFFICE OF COUNCIL MEMBER THAT LASTS MORE THAN TWO YEARS SHALL COUNT AS A FULL FOUR (4) YEAR TERMS, WITH PARTIAL TERMS LASTING MORE THAN TWO (2) YEARS COUNTING AS A FOUR (4) YEAR TERM AGAINST THE TWO TERM LIMIT APPLICABLE TO COUNCIL MEMBERS, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R59 re Amended Composition and Terms of Office](#)
[2019-R59 re Section 4.1 Council Composition & Terms of Office](#)

[2019-R60 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN PROPOSALS TO AMEND SECTION 4.3 OF THE CHARTER OF THE CITY OF GREEN TO REQUIRE EACH COUNCIL MEMBER BE A RESIDENT OF THE CITY OF GREEN AT LEAST TWO (2) CONTINUOUS YEARS IMMEDIATELY PRIOR TO EACH COUNCIL MEMBER'S ELECTION OR APPOINTMENT, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R60 re Amended Section 4.3 Qualifications](#)
[2019-R60 re Section 4.3 Qualifications Council Composition & Terms of Office](#)

[2019-R61 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 4.6 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE ADJUST THE TIMING FOR COUNCIL TO FILL VACANCIES ON COUNCIL THAT OCCUR BETWEEN A NOVEMBER GENERAL ELECTION AND THE END OF DECEMBER OF THAT SAME YEAR, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R61 re Amended Section 4.6 Vacancies](#)
[2019-R61 re Section 4.6 Vacancies](#)

[2019-R62 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 5.4 OF THE CHARTER OF THE CITY OF GREEN TO SET MEMORIALIZE EXISTING REQUIREMENTS FOR NOMINATING PETITIONS FOR THE OFFICE OF THE DIRECTOR OF LAW, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R62 re Amended Section 5.4 Nominations and Petitions Law Director](#)
[2019-R62 re Section 5.4 Nominations and Elections](#)

[2019-R63 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 6.2 OF THE CHARTER OF THE CITY OF GREEN TO BE CONSISTENT WITH SECTION 3.3(D) WHICH REQUIRES REQUIRE PERSONS APPOINTED BY THE MAYOR AS DIRECTORS OF CITY DEPARTMENTS TO BE CONFIRMED BY A MAJORITY VOTE OF THE MEMBERS OF COUNCIL, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R63 re Amended Article 6.2 City Departments](#)
[2019-R63 re Article 6.2 City Departments Directors](#)

[2019-R64 A A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN PROPOSALS TO AMEND SECTIONS 6.4 A (A), 6.4(B) AND 6.4 C (C) OF THE CHARTER OF THE CITY OF GREEN TO ESTABLISH THE CURRENT REQUIREMENTS OF QUALIFICATIONS REQUIRED FOR THE POSITION OF DIRECTOR OF LAW FOR A PERSON FIRST ELECTED TO SUCH OFFICE AFTER JANUARY 1, 2020, AND TO CLARIFY THAT A PARTIAL TERM OF OFFICE RESULTING FROM AN APPOINTMENT TO FILL A VACANCY SHALL NOT COUNT AGAINST THE TWO-TERM LIMIT FOR AN ELECTED DIRECTOR OF LAW, AND TO DEFINE THE PHRASE “EMPLOYMENT OR PUBLIC PRACTICE EXPERIENCE IN MUNICIPAL AND/OR OTHER GOVERNMENTAL LAW” AS USED IN SECTION 6.4 OF THE CHARTER OF THE CITY OF GREEN, AND DECLARING AN EMERGENCY.

(AMENDED JULY 9, 2019) (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R64 re Amended Amended Section 6.4 A and C City Department](#)
[2019-R64 A re AMENDED Article 6.4 A and C City Departments Directors](#)
[2019-R64 re Article 6.4 A and C City Departments Directors](#)

[2019-R65 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 6.4 D (D) OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE SPECIFY THE PROCEDURE FOR FILLING A VACANCY IN THE OFFICE OF THE DIRECTOR OF LAW, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R65 re Amended Article 6.3 D Vacancy in Office Law Director](#)
[2019-R65 re Article 6.4 D Vacancy in Office](#)

[2019-R66 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 8.3 OF THE CHARTER OF THE CITY OF GREEN TO INCLUDE A CREDIT FOR INCOME TAX PAID TO MULTIPLE MUNICIPALITIES AND/OR TO A JOINT ECONOMIC DEVELOPMENT DISTRICTS, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R66 re Amended Section 8.3 Finance and Taxation](#)
[2019-R66 re Section 8.3 Finance and Taxation Llimitation on Total Muni Income](#)

[2019-R67 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 9.1 OF THE CHARTER OF THE CITY OF GREEN TO EXPRESSLY RESERVE TO THE CITY THE RIGHT TO DICTATE BALLOT LANGUAGE FOR ALL PROPOSED CHARTER AMENDMENTS, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R67 re Amended Section 9.1 Charter Amendment](#)
[2019-R67 re Section 9.1 Charter Amendment](#)

[2019-R68 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 10.1 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE THAT THE CITY EXPRESSLY RESERVES THE RIGHT TO DICTATE BALLOT LANGUAGE FOR ALL PROPOSED INITIATIVE ISSUES, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R68 re Amended Section 10.1 Initiative](#)
[2019-R68 re Section 10.1 Initiative Referendum Recall](#)

[2019-R69 A](#) A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 12.8 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE FOR THE REMOVAL OF THE ELECTED DIRECTOR OF LAW IN THE SAME FASHION AS OTHER ELECTED CITY OFFICIALS, AND DECLARING AN EMERGENCY. (AMENDED AUGUST 27, 2019)

Sponsors: Gerard Neugebauer

Attachments: [2019-R69 re Amended Section 12.8 Removal of Office Law Director](#)
[2019-R69 re Section 12.8 Removal of Officials](#)

X. Mayor's Report

XI. Unfinished Business

XII. New Business

XIII. Adjournment

All persons other than members of the Council, desiring to be heard by Council can sign in on the speaking roster before the public report of the agenda. Each person will be allowed a maximum of three (3) minutes to address the Council and a maximum of one half hour for all persons addressing the Council. No person shall be recognized more than once on any subject unless by unanimous consent of the Council.

NOTE: An Executive Session may be called during the Meeting, anytime after the roll call and before adjournment by a majority vote of Council. All Executive Sessions will only be held pursuant to the Sunshine Laws provisions. Any decisions based on the Executive Sessions discussions will be made in the open meeting.

SCHEDULE OF COMMITTEE MEETING

Committee meetings are held starting at 5:00 p.m. on the second and fourth Tuesdays at the Administration Building. A Committee Chair may schedule a meeting at any other time as necessary. For special meeting times call the Clerk's Office at 896-6604.

Molly Kapeluck - Clerk of Council - 896-6604

Council@cityofgreen.org

ADMINISTRATION

GERARD NEUGEBAUER, MAYOR - 896-6602

BILL CHRIS, LAW DIR., INTERIM - 896-6615

WAYNE WIETHE, PLANNING DIR. - 896-6614

STEVEN SCHMIDT, FINANCE DIR. - 896-6603

VALERIE WOLFORD, COMM. MANAGER-896-6602

JEFF FUNAI, FIRE CHIEF - 896-6610

VALERIE WAX CARR, SERVICE DIR. 896-4176

PAUL PICKETT, CITY ENGINEER - 896-5510

PAM SERINA, H.R. MANAGER – 896-2313