



# City of Green

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

## Meeting Minutes

### City Council

**Barbara Babbitt - Ward 1 - President**  
**Rocco Yeargin - Ward 3 - Vice President**  
**Bob Young - Ward 2**  
**Matt Shaughnessy - Ward 4**  
**Richard Brandenburg - At-Large**  
**Clark A. DeVitis - At-Large**  
**Dave France - At-Large**  
**Molly Kapeluck, MMC Clerk of Council**

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Tuesday, August 11, 2020

7:00 PM

Council Chambers - Virtual

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#### I. Call to Order

The Green City Council met in regular session at the Central Administration Building, 1755 Town Park Blvd., Green, OH. President Babbitt presided over the meeting which she called to order at 7:00 p.m.

#### II. Pledge of Allegiance - Councilmember Babbitt led the Pledge of Allegiance.

#### III. Roll Call of Council Members

**Present:** 7 - Barbara Babbitt, Richard Brandenburg, Clark A. DeVitis, Dave France, Matt Shaughnessy, Rocco Yeargin and Bob Young

#### IV. Council Study Session

[TMP-3122](#) Approval of the July 14, 2020 Regular Council-Committee Meeting Minutes

**Attachments:** [7-14-2020 Council-Committee Minutes](#)

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

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

#### V. Public Report

Staci Schweikert, 1261 Steese Road - She submitted her written comments. The Master Trail Study is actually still a draft that has not been approved by City Council so I'm not certain that it is appropriate to refer to the Plan as completed and I'm not sure why a resolution is needed to modify a draft study that has not been approved by Council. Why aren't Council and ideally perhaps some of Citizens who have taken issue with the plan working with the Planning Department to address the issues raised in the public meetings a year and a half ago?

Since the Master Trail Study would materially alter the adopted 2014 Land Use Plan, and I believe the Master Trail Study certainly does need to come to Council for approval before the City begins implementing the recommendations of the Study. Let's not forget that this hasn't happened yet. There were and still are many issues of concern in the Master Trail Study beyond the scope of any of the legislation before you tonight that need to be discussed and addressed at a time when it is safe for full public engagement. I hope by incorporating the Master Trail Plan by reference into this legislation Council is not attempting to adopt the Master Trail Plan.

The Master Trail Study could be just as accurately described as the Master Trail Study identifies proposed trail routes along our vulnerable residential areas located along our thoroughfares, where many of our lower income and fixed income citizens reside. Many of these residents choose to live along these busy corridors because they don't desire neighborhood connectivity. But now, because our residents that purchased homes in subdivisions without sidewalks really need to be able to bicycle straight out of their neighbors down to our parks, we would like to take what little privacy our main corridor residents enjoy away and in return ask them to maintain their front yards as public parks for everyone else's enjoyment.

The legislation states that the preliminary study and design work will be done before holding an informational meeting. So, the City determines on which private properties they are going to construct a trail, they spend money to have the preliminary design work done to design the trail across those properties, which certainly sounds like that would include details like exact trail placement, trail width, and construction style and then after the design work is done, we property owners get an informational meeting. As a property owner, this legislation makes it crystal clear how much input and involvement we will have in this process. None.

The citizens who own and maintain the historically significant properties in Green do so as a labor of love for our community and this community's heritage. We already bear a significant financial burden in doing so. Targeting these properties for trail placement adds insult to injury. Many of us open our homes for special events and are happy to share our pieces of history with the community but turning our yards into public parks is asking too much.

If property owners are to be truly heard and not just made to feel heard, take eminent domain for trails off the table. Right now, there is no real incentive or concern on the City's part that warrants truly involving property owners in the process, because you can just take anyone's property that you need under the guise of the serving the greater public good. If you won't take eminent domain off the table for bike trails, you can at least extend the courtesy of notifying property owners that you are making plans for their yards before spending tax dollars or seeking grant money to fund the project. It seems obvious that property owners will play little to no role in the process

if they aren't included until the design work is done and after funding is secured.

There are many unanswered questions regarding building trails in people's yards that need answered before any action is taken on trails. For example, our code already allows bicycles on sidewalks to why do we need to build trails as opposed to sidewalks? What are the design standards for trail construction? The "preferred" standards discussed in the Master Trail Plan are not appropriate for people's front yards. The COG needs to update our code to address the hours of operation and the use restrictions on trails. The maintenance liability for these trails should also be clarified - will property owners be required to maintain these trails? What about trash pick up, snow removal? Duty to repair? And what will our model trail easement look like if we aren't using a standard roadway easement?

I know some here are anxious to begin trail planning and construction but there are some details here that need to be thought through and addressed first. These issues are more than just details to the property owners involved and by addressing these issues first it will clarify exactly what you are asking of private property owners - namely paying taxes and performing maintenance on a substantial portion of their yards that will now be used as a public park facility. Once you clarify exactly what you intend to ask of private property owners, then maybe it will be a little clearer to everyone that property owners should be extended every courtesy possible from the initial planning phase of any trail project. We don't want to feel heard we want to be heard.

Henry Johnson Jr., 1460 Algona Drive - He came to support 2020-R59. He said he feels when there is something important to you, you speak up. He said diverse communities can provide an opportunity from different racial and ethnic backgrounds to come in contact with each other. These experiences can create a positive effect on peoples identities. A diverse employee talent pool can provide the different prospective, innovative ideas and creativity a growing company or City can lead to insuring a long term success.

Kevin Rushing, 3720 Kenway Blvd. - He wanted to voice his support for 2020-R59 as it relates to diversity, equity and inclusion in the City of Green. He believes as a city for us to be the great that we can be we have to be a diverse city, an equitable city and more importantly an inclusive one. We want to be that City that everyone wants to live in because it is diverse, equitable and inclusive.

[TMP-3135](#)

Email from Lloyd and Sharon Aten RE Public Comment

**Attachments:** [Email from Lloyd and Sharon Aten](#)

The Clerk read in the following emails submitted for public comment.

**From:** Lloyd Aten <lsaten2515@yahoo.com>  
**Sent:** Friday, August 7, 2020 10:50 AM  
**To:** Molly Kapeluck <Mkapeluck@cityofgreen.org>  
**Subject:** For Public Comment

This email represents 2 Green residents - Lloyd and Sharon Aten, 2648 Watervale Dr

We want you to support Ordinance 2020-01. We want a heads up and the opportunity to voice our support or disapproval for trails. If a trail cut through our property - what does that do to our insurance? Who is liable if someone gets hurt while walking through? How does a trail effect the value and salability of the property? I do not want unknown people with unabated access to our property.

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**From:** Tim Dvorak <timothy\_dvorak@yahoo.com>  
**Sent:** Friday, August 7, 2020 5:22 PM  
**To:** Molly Kapeluck <Mkapeluck@cityofgreen.org>  
**Subject:** For Public Comment

August 7th, 2020

Good afternoon Rocco, Clark, Dave and Richard,

My wife and I would like you to support Ordinance 2020-01.

Thank you,

Tim and Ann Dvorak  
1287 Cedar Wood Way  
Uniontown, Ohio 44685

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**From:** doc1991@neo.rr.com <doc1991@neo.rr.com>  
**Sent:** Monday, August 10, 2020 10:37 AM  
**To:** Molly Kapeluck <Mkapeluck@cityofgreen.org>  
**Subject:** Shaughnessy trails proposal

For Public Comment: We support Ordinance 2020-01. Stan & Carol Wallace, 3776 Greenock Drive, Uniontown, OH 44685

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**From:** Doug and Jane Weaver <[dugnjane@gmail.com](mailto:dugnjane@gmail.com)>  
**Sent:** Monday, August 10, 2020 6:01 PM

**To:** Rocco Yeargin <[Ryeargin@cityofgreen.org](mailto:Ryeargin@cityofgreen.org)>  
<<mailto:Ryeargin@cityofgreen.org>>>

**Subject:** resolution 2020-36

Dear Rocco,

Many Green residents have expressed an interest in having more trails in the City. Some of the trails suggested connecting various attractions in the city and connecting to Nimisila Reservoir, which would get them closer to the towpath. I participated in the meetings where the professionals that were hired by the City asked for input and then presented their results demonstrating the routes people were interested in. Putting trails into an already established city is a very difficult thing to do. The affected homeowners, and the rest of the public, should be involved. Areas of conflict should be looked at and if residents object, maybe we could get them to brainstorm on other routes and possibly come up with new ideas. In the future Arlington Road and Massillon Road will be expanding. Maybe bike lanes on those roads would alleviate some issues. Maybe homeowners on some streets would like sidewalks, we won't know until we ask. Do the trails have to connect to an attraction or can they stand alone? Is the railroad on the east side of town still active? If not could it be turned into a trail? Stow has a bike trail that is next to Route 8. Was this state property or city property? How did they do that trail? At one time the City of Green was looking to hook up trails with other cities. Is this still a viable option?

So now, I would like to comment on Resolution 2020-36.

I like that this resolution includes meetings with the public. And that should probably mean many meetings. If the Planning Department is considering a trail that would affect homeowners then the homeowners should be contacted, asked for opinions and if they don't approve of the current ideas maybe they could help with alternatives. This is suggested in the last portion of Section Two ("Nothing herein prevents... which I suggest moving to the second sentence in Section Two as I feel this is a very important point). I think these ideas should be considered before going to the Planning and Zoning Commission for their input. This legislation presents at least 2 notifications for the homeowners, by the planning department and by the PZC which is important. And I think the notifications should be very specific and maybe include a map of the the proposed trail area. Should the resolution state somewhere that the meetings will be published on the website and in the local newspaper or is that standard procedure? Therefore I think this resolution sets up a good format on how the planning department approaches the trail projects and insures that affected homeowners and Green residents are informed.

Thanks for listening,

Jane Weaver

4013 April Drive

Also, I hope they just pick one segment of the trail at a time to look at. It would be too confusing to do too many at once.

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**From:** Gary Cooney <[clanocooneys@yahoo.com](mailto:clanocooneys@yahoo.com)  
<<mailto:clanocooneys@yahoo.com>>>  
**Sent:** Tuesday, August 11, 2020 9:42:28 AM  
**To:** Clark DeVitis <[cDeVitis@cityofgreen.org](mailto:cDeVitis@cityofgreen.org) <<mailto:cDeVitis@cityofgreen.org>>>  
**Subject:** Proposed Legislation RE: Trails

Dear Council Member DeVitis:

It has come to our attention that there are two pieces of legislation coming before the Council concerning the proposal and development of trails within the City of Green. As concerned property owners and residents of the City of Green, we are urging you to vote in favor of both Ordinance 2020-01 and Resolution 2020-R36.

Ordinance 2020-01 would require City Council approval prior to any study, plan or design of a trail or sidewalk within the City of Green (except within city parks). This provides a mechanism for promoting fiscal responsibility concerning the development of trails and sidewalks within the City.

Resolution 2020-R36 proposes to require advance notice to affected property owners prior to the ultimate approval by the Planning and Zoning Commission of any proposed Trail Segment. This helps to protect the rights of property owners to have a say in development that may affect the safety, privacy and aesthetics of their property, as well as the natural landscape and wildlife habitats in and around their neighborhoods.

We believe that both pieces of legislation have an important role to play in providing for responsible city planning and development, and therefore both 2020-01 and 2020-R36 need your affirmative vote.

Sincerely,  
Gary and Rhonda Cooney  
3611 Charleston Drive

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**From:** PATRICIA CARLESKI <[pcarleski@sbcglobal.net](mailto:pcarleski@sbcglobal.net)>  
**Sent:** Tuesday, August 11, 2020 11:46 AM  
**To:** Molly Kapeluck <[Mkapeluck@cityofgreen.org](mailto:Mkapeluck@cityofgreen.org)>  
**Subject:** PUBLIC COMMENT 2020-R61

Council Members:

I fully support establishment of a Communications Coordinator position, reporting to Ms. Wolford. In my experience with civilian and military PIO's (Public Information

Officers), I feel that the workload justifies the position. Effective communication is now critically important and will continue to be.

Pat Carleski  
3878 Greenfield Rd.  
Uniontown, Ohio 44685  
330 338-2120

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**From:** SUSAN L RIDGEWAY <[sridgeway@me.com](mailto:sridgeway@me.com)  
<<mailto:sridgeway@me.com>>>

**Sent:** Tuesday, August 11, 2020 12:35:07 PM

**To:** Molly Kapeluck <[mkapeluck@cityofgreen.org](mailto:mkapeluck@cityofgreen.org)  
<<mailto:mkapeluck@cityofgreen.org>>>

**Subject:** For public Comment

This administration needs to consider the input from it's citizens. From my time on council, I found that most residents knew about as much as any elected official on any given topic. Why, especially under this administration, do city officials profess to know more than us, and what is best for us? Please support Ordinance 2020-01 so Green residents can help make informed decisions about why design firms are being hired and how much it will cost in tax dollars which I do believe is still our money. No city should have the power to spend it on whatever they darn well please without our consent.

Susan L Ridgeway, MLIS  
[sridgeway@me.com](mailto:sridgeway@me.com) <<mailto:sridgeway@me.com>>  
37685 Mt. Pleasant Street NW  
North Canton, Ohio 44720  
330.361.2500

The man who does not read has no advantage over the man who cannot read. ~Mark Twain

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**From:** Greer Kabb-Langkamp <[gmkabb@gmail.com](mailto:gmkabb@gmail.com)>

**Sent:** Tuesday, August 11, 2020 12:31 PM

**To:** Molly Kapeluck <[Mkapeluck@cityofgreen.org](mailto:Mkapeluck@cityofgreen.org)>

**Cc:** Barbara Babbitt <[Bbabbitt@cityofgreen.org](mailto:Bbabbitt@cityofgreen.org)>; Rocco Yeargin <[Ryeargin@cityofgreen.org](mailto:Ryeargin@cityofgreen.org)>; MShaughenissy <[MShaughenissy@cityofgreen.org](mailto:MShaughenissy@cityofgreen.org)>; Clark DeVitis <[cDeVitis@cityofgreen.org](mailto:cDeVitis@cityofgreen.org)>; Dave France <[dfrance@cityofgreen.org](mailto:dfrance@cityofgreen.org)>; Richard Brandenburg <[rbrandenburg@cityofgreen.org](mailto:rbrandenburg@cityofgreen.org)>; Bob Young <[byoung@cityofgreen.org](mailto:byoung@cityofgreen.org)>

**Subject:** For Public Comment

Members of Council:

We encourage members of Council to vote IN FAVOR of ORDINANCE 2020-01 which would notify homeowners at an early stage if the city is planning a trail that affects their property or neighborhood. Members who were on Council several years ago may remember the Trails plan presented to Council and multiple committees. That plan put trails behind homes on Spikerman Drive and Comet Lane for a bike-hike trail around Nimisila. Other residents in Green looked closely at the plan, for which thousands of dollars had been expended., and discovered their backyards were in the plan with eminent domain discussions to appropriate land needed for the trails in their backyards. It was an unwelcome surprise to homeowners in Green, especially as it fell on the heels of the Nexus debacle. ORDINANCE 2020-01 would keep homeowners in the loop early in the process of planning for trails in the City. Thank you.

Greer & Ellery Langkamp

465 Comet Lane

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**Subject:** ordinance 2020-01

**Date:** Mon, 10 Aug 2020 16:30:52 -0400

**From:** Doug and Jane Weaver <[dugnjane@gmail.com](mailto:dugnjane@gmail.com)>

<<mailto:dugnjane@gmail.com>>

**To:** [ryeargin@cityofgreen.org](mailto:ryeargin@cityofgreen.org) <<mailto:ryeargin@cityofgreen.org>>

Dear Rocco,

I have been reviewing Ordinance 2020-01 pertaining to the expenditure of funds for professional services for trails in the city of Green. I do agree that there should be notification to property owners if their property might be affected by trails. This should be true for any building projects in the city where new development touches existing residential area (the City has improved in this area the last couple of years by including more details in the notifications). There does need to be a dialog and working relationships with all residents on these types of projects.

However, I do not agree with Section One that states that the City of Green must seek the approval of City Council before hiring professional services to study, plan, or design a trail or sidewalk in the City of Green. Before any project is presented to Council, (let alone a trail project), it must be determined if it is viable, and this would require spending some money. The charter (chapter 210.08 as show below) allows the mayor to spend up to 10,000 for professional services before needing to seek Council approval. Approval of this ordinance could also start a bad precedence of starting to pick what projects need to have City Council approval in order to get funding.

210.08 CONTRACTS FOR PROFESSIONAL SERVICE.

(a) The Mayor shall submit for Council approval, all future contracts for the



following professional services that exceed ten thousand dollars (\$10,000) or more to any one individual or entity or to any related individual(s) and/or entity or entities in the aggregate per year: attorneys, accountants, auditors, architects, engineers, construction project managers, employment search firms, and independent contractors providing public relations/communications services. The Mayor shall notify all City Council members of any contracts entered into for professional services that do not exceed ten thousand dollars (\$10,000) and include detail as to whom the contract was awarded, the general purpose and the amount. This notification shall be provided no later than fifteen days after the contract is entered into by the Mayor. Contracts covering any individuals involved in the production, recording, and broadcasting of any meetings for the Mayor or his/her designee, City Council, and the various commissions and boards of the city, shall be exempt from the provisions of this section, insofar as the contract covers these specific acts.

(b) Upon the Mayor's submission of a request to award and execute a contract for professional services that involve services identified above in division (a) of this section, the request shall be submitted in the form of a resolution and placed before Council, where the resolution shall be read and debated in accordance with Council Rules. A majority affirmative vote of Council is required before the Mayor is permitted to award or execute any contract that has been identified in division (a). In the event of a disaster, that poses an immediate threat to the safety and health of the citizens of Green, the Mayor's adherence to the requirements of this section may be temporarily suspended.

Also I would like to point out that, according to a notation in last years Capital Improvement Project Description (Thursday August 8, 2019 ranking notes on page 55), money was budgeted for the Parks Master plan which includes trails.

With this in mind, I would not want 2020-01 to be approved.

Thank you for listening,

Jane Weaver  
4013 April Dr

Dear Rocco,  
Please note that I erred in stating that 210.08 was in the charter. It is an ordinance.  
Thank you. Jane

VI. Public Hearings - No public hearing scheduled.

VII. Reading of Correspondence

[TMP-3115](#)

Email from Pat Carleski RE: Mask Ordinance

**Attachments:** [7-13-2020 Pat Carleski](#)

[TMP-3116](#) Civil Service Commission June 10, 2020 Meeting Minutes

**Attachments:** [June 10 2020 CSC Minutes](#)

[TMP-3118](#) Email from Jessica Kaisk RE: Trail Legislation

**Attachments:** [7-20-2020 Jessica Kaisk](#)

[TMP-3120](#) Email from Amy Hopkins of First Energy RE: Preparing Customers for Summer Heat

**Attachments:** [7-21-2020 Amy Hopkins](#)

[TMP-3121](#) Email from Louis Blanc RE: Council Rep

**Attachments:** [7-22-2020 Louis Blanc](#)

All Correspondence read in and filed.

#### VIII. New Legislation - Items on First Reading

[2020-R53](#) A RESOLUTION AUTHORIZING THE CITY OF GREEN TO DISPOSE OF UNNEEDED VEHICLES AND EQUIPMENT BY SALE VIA ONLINE AUCTION, PURSUANT TO SECTION 721.15 OF THE REVISED CODE, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020)

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R53 re Auction of equipment](#)  
[2020-R53 re Exhibit A Service Auction List](#)

[2020-R54](#) A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR PARTNERS IN WATERSHED MANAGEMENT PROJECT ASSISTANCE FUNDS PROGRAMMED BY MUSKINGUM WATERSHED CONSERVANCY DISTRICT FOR THE LICHTENWALTER RAIN GARDEN, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020)

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R54 re Muskingum Watershed application for funds](#)

[2020-R55](#) A RESOLUTION AMENDING THE CONCEPTUAL SITE PLAN OF BRIER CREEK, AN EXISTING PLANNED DEVELOPMENT DISTRICT LOCATED ON BOETTLER ROAD AT BRIER CREEK PARKWAY, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020)

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R55 re Conceptual Site Brier Creek](#)  
[51125A Concept Plan-Layout1](#)  
[51125A Overall Plan 2020-Model](#)

**2020-R56** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SUMMIT FOR AN ANIMAL CONTROL CONTRACT, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020)

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R56 re Animal Control Services](#)  
[2020-R56 Exhibit A](#)

**2020-R57** A RESOLUTION AWARDED A CONTRACT TO ABBOTT ELECTRIC, Inc., for THE TOROK CENTER WALKING PATH LIGHTING PHASE 2 Project, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020) Referred to the Finance Committee  
\*\*\*SECOND READING PASSAGE REQUESTED\*\*\*

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R57 Abbott Electric - Torok Walking Path.pdf](#)  
[2020-R57 re #18-P-29 Torok Center Walking Path Lighting Phase 2](#)  
[ALL IN ONE Torok Center Walking Path Lighting Phase 2](#)  
[Paul Pickett 2nd reading request 2020-R57](#)

**2020-R58 A** A RESOLUTION MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY. *AMENDED AUGUST 25, 2020* (Introduced 8/11/2020) \*\*\*Second Reading passage requested\*\*\*

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R58 re Amended Appropriations Aug 2020](#)  
[2020-R58 re Amended Exhibit A Appropriation 8-19-20](#)  
[Second Reading Passage Request S. Schmidt](#)

[2020-R59](#) A RESOLUTION CREATING A COMMITTEE TO REVIEW POLICIES AND PROCEDURES, THROUGH A RACIAL AS WELL AS A GENERAL DIVERSITY AND INCLUSION LENS, RELATING TO THE HIRING OF AND WORKPLACE PROCEDURES FOR EMPLOYEES BY THE CITY OF GREEN AND THE APPOINTMENT OF INDIVIDUALS TO BOARDS AND COMMISSIONS; TO MAKE RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL; AND, TO AUTHORIZE THE APPROPRIATION OF \$20,000.00 TO ENGAGE A CONSULTANT, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020)

**Sponsors:** Rocco Yeargin, Barbara Babbitt, Clark A. DeVitis and Matt Shaughnessy

**Attachments:** [2020-R59 re Consultant Firm for Policies and Procedures](#)

[2020-R60](#) A RESOLUTION AMENDING RESOLUTION 2020-R37, ADOPTED MARCH 22, 2020, AND RESOLUTION 2020-R47, ADOPTED MAY 26, 2020, AUTHORIZING THE MAYOR TO TEMPORARILY DEVIATE FROM, AS NECESSARY, SECTIONS OF CHAPTER 258 OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN ENTITLED “EMPLOYEES GENERALLY” AND SECTIONS OF CHAPTER 260 OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN ENTITLED “CIVIL SERVICE COMMISSION” BY EXECUTIVE ORDER; AND, EXTENDING THROUGH DECEMBER 31, 2020, IN ORDER THAT THE MAYOR OF THE CITY OF GREEN SHALL HAVE THE NECESSARY FLEXIBILITY TO ADDRESS THE OPERATIONAL IMPACT OF THE PUBLIC HEALTH EMERGENCY CREATED BY THE COVID-19 CORONAVIRUS, FOR THE MAYOR’S ADMINISTRATION AND DEPARTMENTS AND FOR THE DEPARTMENT OF LAW IN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020) Referred to the Rules and Personnel Committee \*\*\*First Reading Passage Requested\*\*\*

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R60 Mayor Executive Order.pdf](#)

[2020-R60 re Executive Order Work from home Dec 31 2020 adopted Chapter 258 AND 260 Re Employees Generally and Civil Service Commission Executive Order Dec 31 2020](#)  
[Mayor Neugebauer 1st Reading Passage Request](#)

[2020-R61](#) A RESOLUTION CREATING THE POSITION OF COMMUNICATIONS COORDINATOR, ESTABLISHING A RATE OF COMPENSATION, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020)

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R61 re Communications Coordinator I Position](#)  
[2020-R61 re Exhibit A](#)

**2020-R62** A RESOLUTION AUTHORIZING THE MAYOR TO APPLY PREVIOUSLY ACCEPTED GRANT FUNDS, UNDER THE FISCAL YEAR 2016 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT PROGRAM, FROM THE OHIO EMERGENCY MANAGEMENT AGENCY TO THE PURCHASE OF HAZARDOUS MATERIALS TRAINING EQUIPMENT, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020) Referred to the Public Safety Committee \*\*\*FIRST READING PASSAGE REQUESTED\*\*\*

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R62 Haz Mat Emergency Preparedness Grant.pdf](#)  
[2020-R62 re Haz Mat Grant](#)  
[Chief Funai 1st reading request](#)

## IX. Report of Council Committees

A. Finance (Yeargin\*, Babbitt\*\*, Brandenburg)

## SECOND READING ITEMS

**2020-06 A** AN ORDINANCE REQUESTING THE CITY OF GREEN TO RECEIVE ITS SHARE OF FUNDS FROM THE COUNTY COVID-19 LOCAL GOVERNMENT PAYROLL SUPPORT GRANT PROGRAM FUNDS, ESTABLISHING THE CREATION OF THE SUMMIT COUNTY COVID-19 PAYROLL SUPPORT GRANT PROGRAM SPECIAL REVENUE FUND, AND DECLARING AN EMERGENCY. *AMENDED AUGUST 11, 2020* (Introduced 7/14/2020) \*\*\*SECOND READING PASSAGE REQUESTED\*\*\*

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-06 Covid 19 Payroll support.pdf](#)  
[2020-06 re Amended Summit County COVID19 Program](#)  
[2020-06 re Exhibit A Summit County Executive Payroll Support](#)  
[2020-06 re Exhibit B](#)

Mr. Yeargin explained this was amended since the last meeting because the contract was not finalized with the County at that time. The contract and regulations have been reviewed by Law Director Dean. This will allow the City to receive about \$700,000.00 in COVID funds from the County. He explained they have to be used for necessary expenditures incurred due to the public health emergency related to

COVID. The funds were not accounted for in the City of Green most recent approved budget as of March 20, 2020 and they were incurred between March 1 and December 31, 2020.

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

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

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

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

### Committee Business

#### [2020-R57](#)

**A RESOLUTION AWARDED A CONTRACT TO ABBOTT ELECTRIC, Inc., for THE TOROK CENTER WALKING PATH LIGHTING PHASE 2 Project, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020) Referred to the Finance Committee \*\*\*SECOND READING PASSAGE REQUESTED\*\*\***

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R57 Abbott Electric - Torok Walking Path.pdf](#)  
[2020-R57 re #18-P-29 Torok Center Walking Path Lighting Phase 2](#)  
[ALL IN ONE Torok Center Walking Path Lighting Phase 2](#)  
[Paul Pickett 2nd reading request 2020-R57](#)

Mr. Yeargin advised second reading passage was requested. Mr. Pickett explained the project and why second reading passage was requested. The estimated cost was \$63,000.00, the lowest best bid was \$56,660.00. The appropriation is for the bid amount plus ten percent. Mr. Brandenburg asked why the City just received two bids and what we do to make sure the bids are reasonable. Mr. Pickett explained that by State statute the City cannot award the contract if it more than above ten percent above the estimate and explained process. Mrs. Babbitt suggested first reading passage since there wasn't heavy discussion and there will be a lot of legislation in Finance for the next meeting. The committee and council agreed to first reading passage.

**A motion was made by Council Member Yeargin, seconded by Council Member Babbitt, to bypass Committee deliberations. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

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

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

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

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

[TMP-3119](#) Second Quarter 2020 Income Tax Report

**Attachments:** [CNC2nd20 signed](#)

Mr. Schmidt advised at the end of July, after the filing deadline, the City ended up about \$1,055,000.00 or less than 7% behind last years income tax collections. They City is still on target for 2020 based on a conservative revenue approach. Based on the current collections going forward, that the City should be able to meet our budget but that is contingent upon the estimated collections from both individuals and cooperation's for the third and fourth quarter of this year. Mr. Yeargin summed it up that although the second quarter tax report shows year to date the City income is down 17% as of the end of June, that was really because the income tax collection was pushed back to July 15.

B. Environment & Parks (Brandenburg\*, Shaughnessy\*\*, France)

No Meeting

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

## Committee Business

[2020-R62](#) **A RESOLUTION AUTHORIZING THE MAYOR TO APPLY PREVIOUSLY ACCEPTED GRANT FUNDS, UNDER THE FISCAL YEAR 2016 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT PROGRAM, FROM THE OHIO EMERGENCY MANAGEMENT AGENCY TO THE PURCHASE OF HAZARDOUS MATERIALS TRAINING EQUIPMENT, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020) Referred to the Public Safety Committee \*\*\*FIRST READING PASSAGE REQUESTED\*\*\***

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R62 Haz Mat Emergency Preparedness Grant.pdf](#)  
[2020-R62 re Haz Mat Grant](#)  
[Chief Funai 1st reading request](#)

Mr. France explained there was a grant back in 2016, there was money held over. When the funds were offered to move to cities we had proposals we could move forward to get this grant. The purchase has already been made out of the Fire Department budget. By accepting this grant we would like to replace this money into the Fire Department budget. The cost of the equipment is \$8,549.00. The grant we would receive is \$6,839.00 and the City would match with \$1,709.00. This is training equipment for every day haze mat calls. Chief Funai added that the other opportunity that this training equipment provides for the department is it gives them the opportunity to do some hands on realistic training without having to send people to an outside training center or getting an instructor for a company to come in and train us on it. This is an opportunity to save money later by doing training in house. Mrs. Babbitt said she couldn't see any reason why they would not want to pass, to receive this money.

**A motion was made by Council Member France, seconded by Council Member DeVitis, to bypass Committee deliberations. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

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

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

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

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

[TMP-3123](#) Summit County Sheriff's Department July Monthly Report

**Attachments:** [July Reports.pdf](#)

Detective Brown reviewed his report.

D. Planning, Community & Economic Development (DeVitis\*, Yeargin\*\*, Shaughnessy)

No meeting



E. Rules and Personnel (Babbitt\*, Young\*\*, Yeargin)**SECOND READING ITEMS**

Mrs. Babbitt explained there were two items on second reading. She anticipates both items are going to be withdrawn because of a new piece in the committee.

[2020-R51](#)

**A RESOLUTION CREATING A COMMITTEE TO REVIEW POLICIES AND PROCEDURES RELATING TO THE HIRING OF AND WORKPLACE PROCEDURES FOR EMPLOYEES BY THE CITY OF GREEN AND THE APPOINTMENT OF INDIVIDUALS TO BOARDS AND COMMISSIONS IN THE CITY AND TO MAKE RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL TO ENSURE CITY POLICIES ARE EQUITABLE AND INCLUSIVE; AND TO AUTHORIZE THE APPROPRIATION OF \$20,000.00 TO ENGAGE A CONSULTANT WITH EXPERTISE IN DIVERSITY, EQUITY, AND INCLUSION IN THE REVIEW PROCESS, AND DECLARING AN EMERGENCY. (Introduced 6/23/2020)**

**Sponsors:** Rocco Yeargin, Barbara Babbitt and Clark A. DeVitis

**Attachments:** [2020-R51 Committee ro review policies and Procedures relating to hiring.pdf](#)  
[2020-R51 re Consultant Firm for Policies and Procedures](#)

Mr. Yeargin said he has talked to the other sponsors and they are all willing to withdraw 2020-R51 in place of 2020-R59. He said they have worked together with Mr. Shaughnessy to develop some changes and that joint effort is presented in 2020-R59. Mr. Yeargin withdrew 2020-R51 as the drafter and a sponsor.

[2020-R52](#)

**A RESOLUTION DECLARING RACISM A PUBLIC HEALTH CRISIS AND AUTHORIZING THE MAYOR TO ESTABLISH A WORKING GROUP [SPECIAL REVIEW COMMITTEE] TO REPORT TO THE COUNCIL HOW TO BEST PROMOTE RACIAL EQUITY IN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. (Introduced 6/23/2020)**

**Sponsors:** Matt Shaughnessy

**Attachments:** [2020-R52 Racism a Public Health Crisis.pdf](#)  
[2020-R52 re Public Health Crisis](#)

Mr. Shaughnessy said he is withdrawing 2020-R52 to be replaced with 2020-R59 which will be discusse.

**Committee Business**[2020-R59](#)

**A RESOLUTION CREATING A COMMITTEE TO REVIEW POLICIES AND PROCEDURES, THROUGH A RACIAL AS WELL AS A GENERAL DIVERSITY AND INCLUSION LENS, RELATING TO THE HIRING OF AND WORKPLACE PROCEDURES FOR EMPLOYEES BY THE CITY OF GREEN AND THE APPOINTMENT OF INDIVIDUALS TO BOARDS AND COMMISSIONS; TO MAKE RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL; AND, TO AUTHORIZE THE APPROPRIATION OF \$20,000.00 TO ENGAGE A CONSULTANT, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020)**

**Sponsors:** Rocco Yeargin, Barbara Babbitt, Clark A. DeVitis and Matt Shaughnessy

**Attachments:** [2020-R59 re Consultant Firm for Policies and Procedures](#)

Mr. Yeargin explained this piece is an out growth of the Diversity, Equity Inclusion Committee. He gave a little background on this committee. He talked about a seminar that has been planned. He also explained how they came up with the legislation. This Committee will include the Rules and Personnel Chair, Barbara Babbitt, HR Manager Pam Serina and the Chair of the Diversity, Equity and Inclusion Committee to work together to bring in seven other members of the community. They would then take a look at the City's policy and procedures as it relates to hiring and advancement and to see how we can do better as a community. The other part of the legislation authorizes that Committee, if they see fit to engage a consultant to help them. Someone who has a specialty in this area, especial as it relates to municipalities. The legislation gives the Committee a year to report and report to the mayor monthly.

Mr. Brandenburg said in the whereas statements, it noted that Summit County has already declared racism a public health crisis. In the codified ordinances of Green section 212.02 Green City Council opted to join with other cities in Summit County under the Summit County Board of Health. The Summit County Board of Health will study and determine what can be done in Summit County to end racism as a public health crisis. He said there are four other major cities, a total of about 900,000 non-Caucasian individuals that are going to study this over the next twelve months. He asked for help understanding why the City has to do something now before we see what these other communities find will work. Mr. Yeargin said he, the Mayor and Mr. Shaughnessy have been listening to the residents for the last year and a half on this issue. They have a pretty good idea of where their heart is, what their mind is, the things they would like to see the City look at. The Sheriff's Department came up, and they have been eager to build a relationship. He thinks the City can do better and we are building the community to come to a positive result which sets a standard that we value diversity, equity and inclusion. Mrs. Babbitt added that she was

focused on was a feeling that we had already started looking at this and we were not like every other community in Summit County and we do not need to wait around. Her perspective and view as she joined in on the legislation was to really try to make something happen that was suited to Green and would help Green right now.

Mr. Brandenburg talked about Section One. When doing research he found that the City of Green always has the laws and rules to prevent racial injustice, which is also known as discrimination. In the City of Green employee manual, section two starts off with the Equal Employment Opportunity Commissions statement that discrimination on the basis of race, color, religion, national origin, veteran status, sex, physical and mental disability is illegal. The same statement is in section 260 of out Civil Service Commission. If we already have those non discriminating pieces in place. He asked Pam Serina, HR Manager how many race discrimination cases we've had against the City in the last five years, how many have been lost what has been our condition? She said that in the last five years there have been none. He is wondering since we already have the laws and been falling the laws, what has changed in these hiring practices. He is concerned if we say we have a problem are we opening up to lawsuits. He asked what has happened to think this has to be done now. Mr. Yeargin said we can do better and why not be the best City we can be. Mrs. Babbitt said this is not a matter about following the law, it is about, are there best practices that the City can use to cast the widest net we can when looking to fill a new position. This committee is going to look into best practices.

Mrs. Dean said she wanted to address some of the concerns that Councilmen Brandenburg raised. She thinks the City is doing an excellent job of addressing the issues of diversity, equity and inclusion but not all of the City is involved in that. Council is trying to get all involved by creating this committee.

Mr. France said his concern is recruiting. He said we have been a city for 28 years, usually we post a test we get a qualified number of people to come take the test. But are we actually recruiting, going out and looking for candidates that may be of diversity. He thinks by having this committee and going over our process we can maybe do better by doing some recruiting. He is interested in what the committee can come up with.

Mr. Brandenburg asked about the appointment process. The legislation says establishes a committee to review the appointment process for city boards and commissions to prevent racial injustice. Looking at the Charter under powers of the Mayor section 3.3 E Appointments of Members of Boards, Commissions and Other Bodies. It reads...Unless otherwise provided and subject to the provisions of this Charter, the Mayor shall appoint all members of City Boards, Commissions, and other bodies. He looked at the list of current Board and Commission members. There are 32 of them, 8 were made by Council. Based on the census, the City of

Green is made up of 94% Caucasian or European decent. On those boards and commissions he would expect 30 to be Caucasian. There are 31. He asked for help to understand that if Council and the Mayor appoint these individuals and there are 8 coming up at the end of they year, why does Council need to spend \$20,000.00 and start a committee to look at it when it is easily resolved. Mr. Yeargin said the committee appointment is one aspect of the legislation and went through the rest it would cover. Mr. France said the legislation says, "If the committee thinks that they need to bring someone on board to help them." It doesn't mean the \$20,000.00 is going to be spent. Mrs. Babbitt said she anticipates the committee will be made up of individuals with expertise and backgrounds that will be helpful to the goals of the committee. It could be that the consultant is not necessary but incase the committee feels they need guidance to do this in the best way possible, the money is there. She asked Mr. Brandenburg what the male/femaile split on the boards and commissions. He said he did not look at that because it was not an issue of the legislation. Mrs. Babbitt said it definitely is a part of the legislation because we want to be diverse and representative of our community as far as men and women and many different kinds of ways. The issue of racial injustice led us to this, she thinks the goal when the legislation was put together, everyone was making sure that we would be doing something that would promote diversity in Green and representation as far as many different ways of being diverse. Mr. Brandenburg mentioned the preambles and all of the whereas statements do not address anything other than racism. Mr. Shaughnessy added that setting aside money for a consultant is not new and we did it most recently approved money to be used for a consultant for Fire Station #4 if the Fire Department believed it was necessary. It is there to allow the committee to use good judgments and to use if needed. Mr. DiVitis pointed out the title says, "Through a racial as well as a general diversity and inclusion lens," That is the whole purpose of this committee to be an all inclusive broad scope and not to hone in on just one group of diverse individuals.

Mr. Brandenburg questioned qualifications for the seven members appointed by the Rules and Personnel Chair, HR Manager and member of the Diversity, Equity, and Inclusion Committee. These individuals will need the assistance of an employment law expert to effectively review Green's Employment Laws. He asked who would pay for these outside attorneys. Mr. Yeargin said he did not see the need for outside attorneys. The committee may decide they need to consult with the law director. There are some expertise in this committee and that is their job, they do diversity, equity and inclusion on a professional basis. He did not want to limit who could be on this committee. He consulted with an expert in this area when writing the legislation and that expert is giving a seminar over a four week period to our Diversity, Equity and Inclusion Committee. He said to allow that committee to spread a broad net and bring in people from different backgrounds in the City. Mrs. Babbitt shared her thoughts that she anticipated that the resources of the law director would be available to this committee when needed. She asked if anyone had an idea of a community

member that would have something to offer in this area as far as legal expertise or human resources expertise. She thinks everyone would be open to and glad to receive nominations of residents who possess helpful backgrounds. Mr. Brandenburg asked if anyone on the Civil Service Commission or the Law Director actually advise this committee because they have been involved in writing the laws that now are being evaluated to see if there is an illegality or discrimination in those laws. Mrs. Babbitt said she does not think they are looking to see if laws, even practices are illegal. She believes we are doing things legal, this is about how to do better.

Mayor Nuegebauer echoed what Mrs. Dean said, we are already embarked on this and one of the sub committees of the citizens group could have been this committee. By having Council involved it brings it out to the whole community and it will be a better product. He thanked Council for their efforts.

Mrs. Babbitt suggested they wait to vote on this until the next meeting, just in case community members want to give input. The committee agreed to wait to vote.

Time requested and granted.

[2020-R60](#)

**A RESOLUTION AMENDING RESOLUTION 2020-R37, ADOPTED MARCH 22, 2020, AND RESOLUTION 2020-R47, ADOPTED MAY 26, 2020, AUTHORIZING THE MAYOR TO TEMPORARILY DEVIATE FROM, AS NECESSARY, SECTIONS OF CHAPTER 258 OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN ENTITLED "EMPLOYEES GENERALLY" AND SECTIONS OF CHAPTER 260 OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN ENTITLED "CIVIL SERVICE COMMISSION" BY EXECUTIVE ORDER; AND, EXTENDING THROUGH DECEMBER 31, 2020, IN ORDER THAT THE MAYOR OF THE CITY OF GREEN SHALL HAVE THE NECESSARY FLEXIBILITY TO ADDRESS THE OPERATIONAL IMPACT OF THE PUBLIC HEALTH EMERGENCY CREATED BY THE COVID-19 CORONAVIRUS, FOR THE MAYOR'S ADMINISTRATION AND DEPARTMENTS AND FOR THE DEPARTMENT OF LAW IN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. (Introduced 8/11/2020) Referred to the Rules and Personnel Committee \*\*\*First Reading Passage Requested\*\*\***

**Sponsors:** Gerard Neugebauer

**Attachments:** [2020-R60 Mayor Executive Order.pdf](#)  
[2020-R60 re Executive Order Work from home Dec 31 2020 adopted Chapter 258 AND 260 Re Employees Generally and Civil Service Commission Executive Order Dec 31 2020](#)  
[Mayor Neugebauer 1st Reading Passage Request](#)

Mayor Neugebauer said this is an extension of what was done in March to allow the City to have some flexibility. Some employees were given paid administrative leave and others flexibility in work assignments to allow us to meet the needs of our community through the pandemic. He thinks the pandemic is not over and if you compare the numbers to April it is far more dangerous to be out today. We need to continue to address situations as they come up. He said the staff has done a great job at being flexible at serving the community and he wanted to extend that through the rest of the year.

Mr. France asked if we have had a situation where an employee has been infected or we have had a problem with sickness throughout or employees by letting them have these flexible schedules? The Mayor said there has been no sickness in our about 150 employees. He advised about 50 are involved in emergency services, who are the most at risk and we have had no cases. With the flexible work assignments we have had no cases in the City, Administration Building and in the Service Department. Mr. France said the majority working from home are actually assigned to the CAB. The Mayor said about 2/3 of the employees from the CAB have enjoyed the flexibility to work from home. Mr. France asked if during the five month period has the City added to the cleaning and sanitizing of the building from the past. Pam Serina explained some of the services they are doing in the Service Department. The Mayor advised that Toth Buick offered pick-up trucks to be used by service so they could travel to work sites individually. Mr. France asked for the procedure for someone that needs to come to the CAB. The Mayor explained the building is closed for drop in visits. He explained the policy for visiting the CAB. He said it is a testament to our employees that none of them have been infected. The Mayor explained the practices for the Fire Department.

**A motion was made by Council Member Babbitt, seconded by Council Member Yeargin, to bypass Committee deliberations. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

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

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

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

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

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

### THIRD READING ITEMS

#### 2020-01

**AN ORDINANCE ESTABLISHING PRIOR COUNCIL APPROVAL FOR THE EXPENDITURE OF FUNDS FOR PROFESSIONAL SERVICES USED TO STUDY, PLAN, OR DESIGN TRAILS OR SIDEWALKS, EXCEPTING PARKS, IN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. (Introduced 3/10/20)**

**Sponsors:** Matt Shaughnessy

**Attachments:** [2020-01 re Establish prior approval for professional services trails sidewalks parks](#)

Mr. Shaughnessy said this legislation is about transparency. This legislation gives early notice to potentially affected property owners when the City looks to create trails that would affect their properties and or their neighborhoods. Mr. Young asked what process this legislation had to give early notice. Mr. Shaughnessy said it is the same process that all legislation has, it gets published as a notice that the City will be seeking Council approval for the expenditure of funds for the planning of a trail and or a sidewalk. He said the four ward council members know the hot spots in their ward and could also notify those people in that area. Mr. Young said he thinks Council can do better than the standard three readings and he is not sure six weeks is enough notice to the residence when a trail can be there for a very long time. Mr. Yeargin said, while trying to develop legislation for trails is that you have to approach it humbly. There are lots of different opinions and there are a lot of stake holders. He has spent the last month talking to people. He said they are trying to balance honoring private property owners rights and make sure they are heard and not just feel heard and we respect their ability to have a comment about this. He said as he rides bikes with his daughter he looks around the City of Green and he sees we don't have a lot of safe places to ride a bike and he wonders if we can do better but he doesn't want to do better at the expense of private property owners who aren't willing to be involved. He thinks you have to have a system where people are engaged and brought to the table and you make a firm presentation from the City's perspective and you have some give and take. You have to allow the City to do some amount of homework but not spend so much money that the City is committed to it before private property owners have a right to say we don't agree. He doesn't think the answer is to come to Council and say that they have to approve dollar one. There is

already an ordinance that says Council has to approve any professional contract above \$10,000.00 and Council must get notified of any professional contract under \$10,000.00. So we already have a notice provision for all professional contracts. He thinks that Council has to allow the City enough breathing room to say here is our solid proposal. He said he does not support Mr. Shaughnessy's proposal in its current form. Mr. Shaughnessy responded saying they have heard from a lot of stake holders and when you look at the two different pieces of legislation, they can both exist.

Mrs. Babbitt said it is hard to address this one piece of legislation without talking about the other. While she does think they are distinct and can exist on their own they raise a lot of the same issues. With regard to Mr. Shaughnessy's legislation she sees what he is trying to do and she sees a point to it. She has set with these pieces of legislation over the past month they have had off because when we are talking about individual property rights in our City we are talking about the whole reason the people are here. She thinks 2020-01 would have an interesting effect on the trail process. She thinks if Council would pass this and require the Administration to come to Council for any money at all to explore particular part of a trail we would probably wind up figuring out what all the possibilities of where that trail section could go and it could become political. The Administration could be faced with an ear full from several sets of residents; which could be good thing. Her biggest issue with this legislation, she is concerned with putting this in place before a dime is spent we could establish a precedent where Council takes away the authority from the Mayor to spend up to \$10,000.00 on certain things. Her concern with the other piece of legislation it lacks meaning, teeth. It lacks something that will come in and make the Administration take notice and actually consider and hear what is being said about a particular trail section. She thinks 2020-01 would force the Administrations to hear the opinions of the residents who could be impacted before money was spent. As she said at the last meeting, her concern with the other piece is that it did not talk about where in the spending process these forms of notice fell. We could be in a situation where the Administration had already spent quite a bit of money on research and a trail plan. She does not think the notice and the meetings will have the affect that they are desired to have. She said it could results in residents not being truly heard. Without something about the money and the spending in that piece of legislation it is harder to feel that it goes far enough. Possibly this legislation in combination with that legislation could have that affect. She asked that they have a little more time to consider both pieces and think about how they might be able to work together to either be part of one ordinance or play off of one another and work together in a better way.

Mr. Shaughnessy said he does not want to force a vote, he needs the votes. He wanted to address the idea of precedent. He has heard that by a lot of people and he explained why this would not set a precedent. He asked that they take time if it



affords him more time to look into it.

Mr. France said he does not know how you can ask the Administration to give a proposal for something without allowing them to spend a dollar. They would have no idea about utility lines, wetlands or the financial cost to the City. His second issue is the notification process. If you are a land owner that your property abuts that trail along the way he thinks you need a postcard, a letter or something to your home to make sure you get it. Not rely on a newspaper.

Mr. Shaughnessy said he thinks it is okay to require the City to come in to Council and say they want to run a trail down Steese Road. We aren't sure if it will go on the North or the South side, we want to connect x to y and we want to spend money to investigate that. That gives the people a change to say what they would like. He said nothing would be defined the minute the Administration would hire that professional. The Administration would be doing the same thing with the professional as he would be doing with Council. Mr. Shaughnessy said if that amendment would get Mr. France on board he is all for it. Discussion took place about answering the questions that the residents would have.

Mrs. Babbitt said she shares the same concerns that Mr. France has and that is why she wouldn't support this legislation in the absence of the other that does provide a procedure to follow for notification. She said they are dancing around a Master Trail Plan that has never been approved by Council and she is unclear of the status of that plan and what it means. She doesn't really understand how that plan that she saw several years ago and it just went away, how that factors into what they are dealing with here. If that is the plan that the City is working from, the way that this ordinance would work, the Administration would come and point to a section of that trail that we already have as part of the Master Trail Plan and say we are ready to start looking into connecting Boettler Park and Central Park. That would give people that would be in the way of those two points the opportunity to come sooner rather than later. She talked about how the Master Trail Plan would work with this Ordinance and a place to start.

Mr. Brandenburg said he is struggling with out regard to amount, we already have a process in place to start Council approval at \$10,000.00. He thinks if this was put in place that every piece of legislation in the future would be over \$10,000.00 because to burden Council with \$500.00 for a repair of a sidewalk or design, that we would end up spending more because we would be concerned with every dollar. We can see every dollar in the budget process because the professional services budget is brought before Council to approve. He also feels it is not an effective notice. And he explained why he didn't think it was effective. He thinks he has heard enough that aren't for it and he doesn't know why they would wait to vote on it.

Mr. Shaughnessy said it is never a burden to Council to approve or disapprove how the City's money is spent. He does not feel that is a reason to go against the resolution. He talked about Notice. He said we can amend the legislation to add letters.

Mr. Young asked Mr. Shaughnessy, as the sponsor of the legislation, would he be interested in a vote this evening. Mr. Shaughnessy said he had two people that are interested and he would like to talk more and maybe it takes some amendments and maybe he and Rocco can work together to put together legislation that does both. Mr. France said he is not in favor of the legislation because of the points Mrs. Schweikert brought up about the Master Trail Plan. He needs to know more about that so he is not interested in voting tonight. Mr. DeVitis said he thinks it needs more time and potentially amendments to be feasible.

Time requested.

[2020-R36](#)

**A RESOLUTION ESTABLISHING A PROCESS FOR PUBLIC ENGAGEMENT FOR THE DEVELOPMENT OF TRAILS WITHIN THE CITY OF GREEN, AND DECLARING AN EMERGENCY. (Introduced 3/24/2020)**

**Sponsors:** Gerard Neugebauer and Rocco Yeargin

**Attachments:** [2020-R36 re Trail Plan](#)

Mr. Yeargin said after the last meeting there was a concern about bringing in the Parks Board into the process. He is waiting on input from the Law Director and Planning Director on his latest draft. He explained that before any trail segment becomes final the City must send directly notice to the homeowners that would be affected. The Planning Department would bring them in, after some initial investment into planning so that you can answer questions and talk about the design and why the recommendation is made. This would allow the homeowners to give feedback and hopefully something can be worked out. After that it would go to the Parks Board, again there would be direct notice to the homeowners and they could come again and share their thoughts. If the Parks Board makes a recommendation then it would go to the Planning and Zoning Commission and there would be another hearing where the residents would get a direct notice and would have an opportunity and come out again to explain their thoughts. At the PZC the City could take it from conceptual design to preliminary design so they could answer more questions and fill in more detail. Assuming the Parks Board made the approval. Ultimately the decision would rest with Council and that would provide another forum for residents to come out and participate. In this draft it tries to build in Mrs. Babbitt's concern. Mr. Yeargin read his Section Three...Unless otherwise approved by City Council the City shall not expend funds for services beyond the preliminary design phase for any given trail segment until the segment has received approval at the third stage by the PZC. He

said they are still working through this. He asked for Time.

Mrs. Babbitt said that Mrs. Schweikert made a good point about the Master Trail Plan and where and what it actually is. Mrs. Schweikert is not the only person that has brought this to Barb's attention. The fundamental concern is that we should not work with legislation where the "Whereas" clauses read the way they do in this legislation. They make an assumption that the plan exists and there is a plan that this piece of legislation relates to. She would like more concrete information about the status of that plan with the City. Council has not adopted. It went away to be tweaked but she has not seen it since.

Mayor Neugebauer said this started with a connectivity study and this was a community project. He clarified this was not the Mayor's connectivity plan. He was involved in the process which was a community process that was open meetings, all transparency. He explained there were questions about how you transfer a connectivity study to a Parks Master Plan. One suggestion was to change the name to the Parks Master Plan but he felt maybe there was more to it than just that. It is the foundation of a Parks Master Plan. The one thing the connectivity study did was, said where people wanted to go. It didn't say how it would get there, it didn't say that it would go over any property. It just said where are you coming from and where are you going. Unfortunately, there were lines drawn on maps and someone said there are lines on my property and; therefore, you are trying to take my property. That was probably an assumption and could have been intentionally misled, intentionally distorted. He said the reality was it was just a connectivity study, point to point.

Mrs. Babbitt asked him to clarify, this is something before the trail plan that she saw. Mayor Neugebauer said this is the connectivity study, which is the report that was labeled, The Master Trail Plan. Therefore, at this time last year, there were questions about the proper way to do that and there were also questions on how the public should be included in that process. He said they did two things. The intentionally took some time because they were going to do a Parks Master Plan and they wanted to validate the information they got in the Connectivity Study. He said they wanted to know that, truly trails were a major element in our community that people want. He said that should have been done last year and they would have been closer to the decision. The data is coming now. In the mean time, it would be interesting to note, that we had a Nexus Fund Committee that a five or seven person committee met and they independently (each one of those people on that board) said we want trails and we want to start with the trail in the land that we acquired from Nexus. It is interesting to him that not only did the connectivity study identify what the routes should be in the City, in a public forum, totally transparent, open to the public, multiple meetings but they also had the Nexus Committee talk about how those Nexus funds should be spent at a totally open meeting, totally transparent. He said it is interesting to him, he does like trails (he admits it, he runs on trails) that is his job as Mayor to say what he

wants and what he is going to do but there is been resounding support for trails in our community, board after board, commission after commission, you name it they are supporting trails and you will see it in the Parks Master Plan again this year. The other thing he thinks is important to note is, we have trails in our community today and there is this pandering to saying we are going to put this through your yard. It was in Matt's advertisement last week, oh property owners be careful they are going to put trails in your yard. Someone tell me the last time a trail was put in their yard. He said the assumption that trails will be on peoples yard is used as a tool to get people to be afraid of trails. When we know trails are an asset in any community that they go in. We have no design of putting trails on anyone's personal property without their consent or wishes. He has no desire to do so but that is where the conversation has turned to those that choose to turn it that direction. All the work or effort to date has been to put trails on land we either own or we can get reasonable access to or a reasonable way to do it. We are not threatening eminent domain nor have we ever threatened eminent domain on a trail project. He does not understand why Council wants to have that extra control over the Mayor doing his job and supporting what the community has asked for. He sees strong community support for these trails.

Mr. Shaughnessy said they all saw the Master Trail Plan and saw the lines going through people's yards, going through people's neighborhoods. That is what got people upset. This is a reflection, this legislation addresses that. It certainly doesn't hurt to have the people in and explain what you are doing. He clarified that he did not say the Mayor was threatening to take people's property by eminent domain. Property owners are already concerned and they showed up at a meeting and voiced their concern. He asked they work together to address the residents concerns.

Mrs. Babbitt said she sees that the Mayor is very angry. She said his answer to her question confused her more. She is not willing to get into a discussion on who likes trails and what they like to do with them. She stipulated so that no one else has to discuss that trails can be awesome for a community and we have lots of people in Green who will use them if they exist. It is not about that, what she wants to know...it is a very specific question. She did not know that was a connectivity plan. When she sat here on council it was presented to here as a master trail plan, that is what it was named. She asked Mr. Yeargin, Mr. Young and Mr. Shaughnessy to tell her if she heard wrong. The Mayor said he explained it was a connectivity study and that the Planning Department just changed the name on it to The Master Trail Plan. He said , "The point is, I was not positive that a connectivity study is a Master Trail Plan. The question to me was, Is there more detail necessary to convert that study to what we would call Master Trail Plan and that was part of the reason why we chose to lay...We met with OECC, Ohio And Erie Canal Way Coalition to talk about the process they use for getting projects funded and to go through that process. And we had very specific direction from them about how to do that in your community without creating exactly what we are talking about." "With this angst about, Oh it is going to

come through your yard. That's not, that's really not what it is about and certainly the Ohio and Erie Canal Way Coalition is not about primarily affecting coming through people's yards. But there may be cases where they have to. There may be cases where, to make, to connect the dots they might have to buy some property." He does not know if they every used eminent domain but it takes time and certainly everything in the trail plan, realistically would take 30 to 40 years and you are not going to just force it, or at least his intention, would never be to just force it through somewhere you don't have buy in. The point is you start as a community, identifying where you want to be and start making progress to that.

Mrs. Babbitt clarified that she is "specifically saying she thinks we have an issue here with the language and that your answer to my question illustrates to me more that we have an issue with the language." She explained why she is confused with the legislation that talks about the Master Trail Study it does not talk about connectivity. The Mayor said he has given corrections to Mr. Yeargin that aren't reflected on Council's copy that correctly identify it as a Connectivity Study because he thought that clarity was important. He apologized it was not caught earlier. He then talked about the Master Trail Plan Mrs. Babbitt said she thinks that they are out of order on what they are looking at as a Council. "I think we ought to be looking at approving the Study or the Plan or whatever the proper name is for it and then talking about procedures and looking at something like this. This is my opinion, I am sharing it. I think we are out of order here." She talked about approving the trail plan and this process. Mrs. Babbitt said she needs to be comfortable with what they are voting on and it really does the best thing for our City and actually gives people that opportunity and right to do something about a potential use of their property for recreational purposes. She wants to look at how others value their property as she looks at this. She would like to see something in the legislation that gives the residents affected a stronger voice. She suggested a provision in the legislation that committed the City would not use eminent domain to take property for trails she said for various reasons Mr. Yeargin was not on board with that. She would like them to consider that kind of commitment and she would like that protective element added to the legislation.

The Mayor said part of the delay was the Parks Master Plan and part of the delay was what that public involvement process would look like that Mr. Yeargin has been working on for the past year and they have been working on together. He thinks he would like them to go together so the public understands what the goal is from the information from the connectivity study and the public sees the process that would be used to involve the public in that process. He said he thinks it is important for them to be together. He thinks they should be hand in hand. If they move forward with the connectivity study, Parks Master Plan. They are not going to spend money on designing it and then force Council to fund it. It is going to be an open process with notification to property owners so if you are with in a couple hundred feet of that trail

you will be invited specifically to more than one meeting. He talked about how they would work together. He talked about the right-of-way and how the City can use the right-of-way. He explained there is no need to use eminent domain if you can construct your project within the existing rights-of-way. If you need to go outside of those rights of way and a property owner is not willing to give you the rights then they can effectively stop the project. He explained that Council has the only authority to grant eminent domain and the Mayor does not have that authority.

Mr. Shaughnessy said that at least one member of the Nexus Settlement Committee who supports trails also supports his early notice and we heard her email at the beginning of the meeting. He also wanted to be clear that he supports trails but he also supports early notice.

Mrs. Babbitt said several residents who are following this said they would like to see these two pieces become one or at least be on the same page. She gave everyone credit for working together on the diversity legislation, it might be nice to see that same spirit of cooperation put together here. Mr. Shaughnessy agreed.

Time requested and Granted.

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

No Meeting

X. Mayor's Report

Mayor Neugebauer gave his report.

XI. Unfinished Business - No Unfinished Business

XII. New Business

**Executive Session - Personnel Matter RE: Employment**

Mrs. Babbitt invited Molly Kapeluck, Council Clerk and Pam Serina, HR Manager to join Council in Executive Session to discuss a personnel matter.

**A motion was made by Council Member Babbitt, seconded by Council Member France, to enter executive session to discuss a personnel matter regarding employment at 10:00 p.m.. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

**A motion was made by Council Member Babbitt, seconded by Council Member Yeargin, to adjourn executive session and reconvene the regular meeting at 10:43 p.m. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

XIII. Adjournment

**A motion was made by Council Member Babbitt, seconded by Council Member Yeargin, to adjourn the meeting at 10:43 p.m. The motion carried by the following vote:**

**Aye:** 7 - Babbitt, Brandenburg, DeVitis, France, Shaughnessy, Yeargin and Young

ATTEST: \_\_\_\_\_  
MOLLY KAPELUCK, CLERK OF COUNCIL

APPROVED: \_\_\_\_\_  
BARBARA BABBITT, 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.