



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

Sunday, March 22, 2020

3:55 PM

Council Chambers

I. Call to Order

The Green City Council met in special session at the Central Administration Building, 1755 Town Park Blvd., Green, OH. President Babbitt presided over the meeting which she called to order at 4:03 p.m.

II. Pledge of Allegiance

Councilmember Babbitt led the Pledge of Allegiance.

President Babbitt explained the next order of business was to appoint a temporary clerk. She moved to appoint Lisa Carey Dean for this meeting only, seconded by Mr. Yeargin. Motion approved unanimously.

III. Roll Call of Council Members

Mrs. Babbitt advised Mr. Shaughnessy's absence is excused.

Present: 6 - Barbara Babbitt, Richard Brandenburg, Clark A. DeVitis, Dave France, Rocco Yeargin and Bob Young

Absent: 1 - Matt Shaughnessy

IV. New Legislation - Items on First Reading

[2020-R37](#)

A RESOLUTION AUTHORIZING THE MAYOR TO TEMPORARILY MODIFY, 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 UNTIL JUNE 1, 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 3/22/2020) *First Reading Passage Requested*****

Sponsors: Gerard Neugebauer

Attachments: [2020-R37 re Chapter 258 AND 260 Re Employees Generally and Civil Service Commission](#)

The Mayor explained several government entities have done similar legislation. Mrs. Carey Dean explained this mirrors what the County is doing. The Mayor explained the Liaison work the employees are involved in. He then talked about essential employees and no essential. He said it dawned on him when Pam Serina said maybe we should be talking about essential "work" and not essential "employees". He said he is looking for flexibility so that when the employee is not here we can get them a full days pay and get you tasks you can do from home. He said this legislation is necessary for him to feel okay about if someone is not fully utilized at home, he has the flexibility to say we are paying you for a day because you are working for us as we give you task. It is not of their own making they don't have task. He then talked about strategies for the service department. He said those that didn't feel comfortable coming to work has asked to use sick time and that has been granted. He said he has talked with Valerie Wax Carr and it is hard for service works to do work from home. One of the solutions was a staggered staff so if there was a sickness it wouldn't be the entire staff. The Mayor than discussed an employee who has a son that has leukemia and been in treatment for a year. He has exhausted all sick time and his resources of transferred sick time. He is afraid to be here because his son still have a compromised immune system. These are scenarios he wants everyone to consider.

Mrs. Carey Dean said the intent is to be functional while this is occurring in a way that the rules were limiting you from helping the employees to keep busy and to keep their jobs and keep an income coming in.

Mayor Neugebauer talked about the cost to the city being the same whether this was done or they used accrued sick time.

Mrs. Babbitt asked if the law director could explain specifically how the Mayor might exercise his powers differently under this specific rules that are covered in this legislation. Mrs. Carey Dean briefly explained. She said she wrote the legislation rather broadly, as Summit County did, was to give the Mayor the ability to function whether Council is together or not. Mrs. Babbitt then asked how the Civil Service

Section would be impacted by the changes. The Mayor says he has not intention of changing anything, this is just saying if something comes up and they want to make a change and someone says you can't because of the Civil Service and they don't have time to come to Council to change the Civil Service rules. He reiterated starting June 1 it will all go back to how it was.

Mr. Yeargin talked about his and Mrs. Babbitt's opportunity to sit in on meetings and see how things have changed on a daily basis. He said Cleveland and Columbus are also being very generous and flexibly with employees. He strongly supports the resolution.

Mr. France asked if the Mayor had discussions with the Unions and if they were on board. The Mayor said he has had conversations with the unions. It is his understanding that the declaration of emergency gave him the ability to go outside of Union contracts. Now is not the time to grieve them, that would be later. He talked about how he talks to the Unions and how things will change and get their input. Mr. France said he supported dividing the service department and explained why.

Mrs. Babbitt advised they are having the meeting is to make sure this Council is understanding exactly what is intended by the legislation and how it affects Council and their typical duties. By asking questions doesn't mean they don't mean they care about the employees. She just wants to make sure it is cleanly done and done in the right way. She asked if there was any formal notice in this built in for Council when you do take an action that would normally have required the approval of Council.

The Mayor pointed out his first executive order, allow paid administrative leave. He advised it was to the HR director from him, its distribution is to all City Council Members, Clerk of Courts, Lisa Carey Dean, Director of Law and all department heads so every time it would be documented and sent to Council as well. He commended Mrs. Babbitt for scheduling the meeting for Sunday afternoon. Mrs. Babbitt thanked everyone for being there on a Sunday.

Mr. Brandenburg said he spoke with the law director about a possible amendment. Mrs. Babbitt explained the procedure they will use for today. He explained he had a concern about 4.9B in the Charter talking about making legislation and it's interaction with 4.10 which is about emergency legislation. He talked about sharing Council's powers with the Mayor, to do that a public meeting is required, seven days time and then take a vote on it. He said the change he worked with Mrs. Carey Dean on was a mirror to what Twinsburg was doing.

Mrs. Carey Dean read Section One: Green City Council authorizes the Mayor, by Executive Order, to temporarily DEVIATE ~~modify~~, as necessary, sections ... She explained they will change the word modify to temporarily deviate. Mr. Brandenburg

explained instead of allowing substandard changes to the code that would expire on June 1, this allows a temporarily deviations because there is no actual changes to the code. Council is agreeing that they will not bring legislation to cancel out whatever the Mayor does. Mrs. Babbitt said the language change seems appropriate to her. She asked the Mayor how he felt. He explained he was fine with the changes and why. Council all agreed to the change.

Mr. Young asked if the Mayor had put any thought into the cost of those that he is letting go home with pay. He said is this a human problem or a fiscal responsibility thing. Mayor Neugebauer asked what the alternative was. He said if they let them go and use sick time, it would be no change in cost. He explained how he looked at the governor changes. Mr. France talked about the value of our employees and the training we have already invested in our employees. The City is not going to be shut down. Discussion took place regarding this solution and others. Mr. Brandenburg asked about third party providers. The Mayor explained why he thought no additional third part providers would be needed. There was discussion regarding the fire medics and keeping them healthy.

The committee was comfortable with first reading passage. President Babbitt thanked everyone for coming in and for really looking at this.

Mr. Brandenburg moved to amend 2020-R37. by changing, throughout the legislation, the word modify to diviate, seconded by Mr. Yeargin. Motion approved unanimously.

Mr. Yeargin moved to bypass committee deliberations, seconded by Mr. France. Motion passed unanimously.

Mr. Yeargin moved to bypass the three reading rule, seconded by Mr. France. Motion passed unanimously.

Motion by Mrs. Babbitt to adopt as amended Resolution 2020-R37, seconded by Mr. Yeargin. The motion carried by the following vote: Ayes: 6 - Babbitt, Brandenburg, DeVitis, France, Yeargin and Young Absent: 1 - Shaughnessy

The Committee discussed having the meeting on March 24. Mrs. Babbitt said she will continue with the plan to meet. She asked people to stay tuned to see if the plans are changed.

V. Adjournment

Mrs. Babbitt moved to adjourn the meeting at 5:15 p.m., seconded by Mr. Yeargin. Motion passed Ayes: 6 - Babbitt, Brandenburg, DeVitis, France, Yeargin and Young Absent: 1 - Shaughnessy

ATTEST: _____
MOLLY KAPELUCK, CLERK OF COUNCIL
LISA DEAN, ACTING 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.