

## REGULAR COUNCIL MEETING OCTOBER 17, 2017

The second monthly meeting of Mansfield City Council met on Tuesday, October 17, 2017 at 7:30 PM in the Council Chambers of the City Building.

The Pledge of Allegiance was recited by the audience.

Councilman Jeff Rock led the audience in prayer.

**ROLL CALL:** The following answered present at roll call: Bryant, Jefferson, Lawrence, Mears, Pender, Rock, Scott and Van Harlingen. Upon motion by Mr. Rock and seconded by Mr. Mears, Mr. Hill was excused.

There being no objections, the reading of the Journal and Communications were dispensed with.

**MR. BRYANT:** I met with the Law Director last week regarding the bill, the dog bill, and we're moving forward with removing the BSL but we also moving forward with adding some safety, some teeth perhaps, is what you asked for last City Council meeting, so have 2 things to introduce to you next City Council session and I hope to call a Safety Committee meeting, Amy if you could help me get that scheduled, I'll try and keep it brief but I have 3 things for you next City Council session, removing the BSL and then 2 pieces of legislation that will tighten things up, I guess.

**MAYOR THEAKER:** I think Mike Hill is having surgery and I think that we just want to keep him in our prayers to make sure everything goes well.

**PRESIDENT SCOTT:** Is he having it or has he already had it?

**MAYOR THEAKER:** He's already had it, yesterday.

### MONDAY DEADLINE

**MR. ROCK:** I move with respect to Bill17-194 that the rule requiring legislation be submitted by Monday at 4:00 be suspended and that Bill 17-194 be allowed on the floor tonight, seconded by Mr. Jefferson and passed by voice vote.

### SUSPEND RULES

**MR. ROCK:** I move with respect to all bills that come before Council tonight that the rule requiring reading on three different days be suspended and that each bill be read one time by title only, seconded by Mr. Jefferson. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

### LEGISLATION

**CLAIM – LINDS SOUZA, 345 RUTH AVE - \$600**

**BY: MR. MEARS**

**ORDINANCE 17-185**

Authorizing partial payment of the claim of Linda Souza, 345 Ruth Avenue Mansfield, OH 44907, and declaring an emergency.

Upon motion by Mr. Mears that Bill 17-188 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**CLAIM – MICHAEL EDWARDS, LEXINGTON, OH - \$601.34**

**BY: MR. MEARS**

**ORDINANCE 17-186**

Authorizing payment of the claim of Michael Edwards, P.O. Box 3042 Lexington, OH 44904, and declaring an emergency.

Upon motion by Mr. Mears that Bill 17-189 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**APPROP \$4,000 FROM UNAPPROP. ALARM MONITORING**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 17-187**

Appropriating the sum of Four Thousand Dollars (\$4,000) from the unappropriated Alarm Monitoring Fund (#204), to be used for additional funds which will be available for contractual services for the remainder of 2017, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-190 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**ADOPT RESOLUTION CHALLENGING THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 – INCOME TAX**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 17-188**

Adopting a resolution challenging the constitutionality of amendments to Chapter 718 of the Ohio Revised Code relating to municipal income tax, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-191 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Jefferson. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**MR. ROCK:** I make a motion to add the emergency clause on Bill 17-191. Mr. Van Harlingen seconded the motion and it passed 7-0.

**AUTH CITY JOIN COALITION FOR INITIATING LITIGATION TO CHALLENGE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 17-189**

Authorizing the City of Mansfield through its Law Director to join a coalition of municipalities retaining special counsel for purposes of initiating litigation to challenge the constitutionality of amendments to chapter 718 of the Ohio Revised Code relating to municipal income tax, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-192 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**AUTH CITY PAY AMOUNT TO FROST BROWN TODD FOR COALITION CHALLENGING AMENDMENTS TO CHAPTER 718**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 17-190**

Authorizing the City of Mansfield through its Law Director to pay a specified amount to the law firm of Frost Brown Todd LLC for the coalition of municipalities

challenging the constitutionality amendments to chapter 718 of the Ohio Revised Code relating to municipal income tax, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-193 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Bryant, Hill, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

### **APPROP \$50,000 FOR CLEANUP OF COUNCIL CHAMBERS**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 17-191**

Appropriating the sum of Fifty Thousand Dollars (\$50,000) from the unappropriated General Fund (#101), to be used for cleanup and remediation of mold in City Council Chambers, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-194 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 6, Nays: 1. Ayes: Bryant, Lawrence, Mears, Pender, Rock and Van Harlingen. Nay: Jefferson.

The bill was declared passed, signed by the President, approved by the Mayor and attested by the Clerk.

**MR. JEFFERSON:** This bill never came to committee and for 12 years, 14 years, I was in that room right there where they say there's mold now. I get health checks and everything and I don't think mold bothered me. Where did this mold issue come from? Who found it? Anybody know?

**MAYOR THEAKER:** The mold issue?

**MR. JEFFERSON:** Yeah, that's in the chambers. Who found that?

**MAYOR THEAKER:** I'm not sure I understand the question.

**MR. JEFFERSON:** Somebody smelled it?

**MAYOR THEAKER:** Yes, somebody smelled it.

**MR. JEFFERSON:** Ok.

**MAYOR THEAKER:** If that's what you're talking about.

**MR. JEFFERSON:** Yes, that's what I'm talking about. Somebody smelled mold.

**MAYOR THEAKER:** It smelled mildewy, I guess, from someone.

**MR. JEFFERSON:** Ok. That answers that. And now we're...

**MAYOR THEAKER:** Just the pinch hatcher. (laughter) I'm just kidding.

**MR. JEFFERSON:** I don't find it funny. Anyway, now we're not sure, what are they going to clean? They'll clean this white looking stuff up there and carpet?

**MAYOR THEAKER:** No, actually there's no mold in the ceiling.

**MR. JEFFERSON:** There's no mold in the ceiling? Just in the carpet and in the vents and on the walls. And we need a floating amount of money, we don't have nothing appropriated? It may go more than \$50,000?

**MAYOR THEAKER:** We have no idea.

**MR. JEFFERSON:** Alright then. I'm done. That's good. Thank you.

**AFTER LEGISLATION:**

**MR. BRYANT:** I just have one more thing. Superintendent Brian Garver from Mansfield City Schools is inviting all of you, tomorrow, to attend the Ambassadors meeting for the Mansfield City School district. It's tomorrow at 2:30 at 850 W. Cook Rd.

**ADJOURN:** Upon motion by Mr. Rock, seconded by Mr. Van Harlingen, and passed by voice vote, the meeting was adjourned.

---

Amy Yockey  
Clerk of Council

---

Phillip Scott  
President of Council