

## **REGULAR COUNCIL MEETING DECEMBER 20, 2016**

The second semi-monthly meeting of Mansfield City Council met on Tuesday, December 20, 2016 at 7:30 PM in the Council Chambers of the City Building.

The Pledge of Allegiance was recited by the audience.

Councilman Jason Lawrence and led the audience in prayer.

**ROLL CALL:** The following answered present at roll call: Bryant, Jefferson, Lawrence, 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:** Amy, I just want to say thank you because you do send out our legislation before meetings via email, including the budget reports, so a lot of people do appreciate that and wanted to let you know we appreciate that. And in regards to that whole presentation with the dog, I will call a Safety Committee meeting next month to address that and although I don't support a ban, seeing that video, it shouldn't have taken that video to convince me, but seeing a big dog like that, with all those muscles, came after a family member, I couldn't pull it off. It just scares me, so I appreciate that video, seeing that, so thank you.

### **MONDAY DEADLINE**

**MR. ROCK:** I moved with respect to Bills 16-277, 281, 282 & 286 that the rule requiring legislation be submitted by Monday at noon be suspended and that those bills be allowed on the floor tonight, seconded by Mr. Lawrence and passed 7-0.

### **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 Mrs. Pender. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

### **LEGISLATION**

#### **TEMP BUDGET FOR 2017**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-236**

An Ordinance making temporary annual appropriations for current expenses and other expenditures of the City of Mansfield, Ohio for the fiscal year beginning January 1, 2017.

Upon motion by Mr. Van Harlingen that Bill 16-237 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.

**MR. VAN HARLINGEN:** We basically already had this discussion with the legislation Bill 16-275, personnel policy, sponsored by Mrs. Pender. That does not concern me with this temporary budget because there was 2% that was added in for the non-bargaining unit people, which was mentioned earlier. Director Remy assured us that he's trying to make sure that they don't have to come back every other year. This is really not unusual and what I said a couple weeks ago, I would, once again, like to repeat it. This is a temporary budget. The Finance Dept. now, at this time, we were waiting on some labor relations and some contracts and what have you, so by the time we get to the permanent budget, we'll have a much, much better idea but for a temporary budget, this is good and I see no reason not to support it this evening.

#### **EST STANDING COMMITTEES OF COUNCIL**

**BY: ALL MEMBERS OF COUNCIL**

**ORDINANCE 16-268**

Establishing Standing Committees of Council, designating membership thereon for the term commencing December 1, 2016, and expiring December 31, 2017, and declaring an emergency.

Upon motion by Mrs. Pender that Bill 16-251 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.

#### **REPEAL & REPLACE CHAPTER 751 – TAXICABS – 1<sup>ST</sup> READING**

**BY: MR. BRYANT**

**ORDINANCE 16-269**

Repealing and replacing Chapter 751 of the Mansfield Codified Ordinances of 1997 to allow for updates and revisions that modernize and simplify the Codified Ordinances to better suit the needs of the community.

Upon motion by Mr. Bryant that Bill 16-262 be given its first reading, seconded by Mr. Rock.

**SUBMIT TO ELECTORS ¼% LEVY FOR STREETS & PARK ROADS**

**BY: MR. JEFFERSON**

**ORDINANCE 16-270**

Submitting to the electors of the City of Mansfield, Ohio, the question of amending the Charter of the City of the City to re-impose an additional levy of one-quarter percent (1/4%) municipal income tax for another period of four (4) years commencing July 1, 2017, for the exclusive purpose of rehabilitation and repair of streets and park roads, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-264 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.

**SUBMIT TO ELECTORS ¼% FOR PRIDE**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-271**

Submitting the question of adopting an additional municipal income tax at the rate of one-quarter percent (.25%) for a period of four (4) years from January 1, 2018 through December 31, 2021 for “City P.R.I.D.E.” to the electors of the City of Mansfield, Ohio, for their approval or rejection at the primary election to be held within the City of Mansfield, Ohio, on May 2, 2017, with such additional income tax receipts to be used exclusively for Parks, Recreation, Illumination, Demolitions, and Emergency Services, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-274 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.

**MR. MEARS:** I know we discussed the language on both 16-264 and 16-274 to reflect the fact that these are renewals and I see that what we just approved on 264, the header reads “income tax renewal”. This header doesn’t say renewal, although it says, farther down “continuation”.

**CLERK YOCKEY:** The ballot language is farther down there in Section 2. The actual ballot language.

**MR. MEARS:** Right. Right. But the header, where it says what's proposed in bold type does not say renewal like 264 does. Is that because one's a city renewal and the other is a Charter amendment maybe? The headers are different, proposed Charter amendment, proposed Municipal income tax levy. I'm just comparing the two. They're both renewals but they read different.

**LAW DIRECTOR SPON:** Well, we can have a motion to amend that to renewal. Chris you want to comment on that?

**ASST. LAW DIRECTOR BROWN:** The only thing I would say, we'd kind or talked about this at the last meeting, the language did not use, for the continuation of, and the reason why, when we drafted that, we stuck really close to what the Ohio Revised Code recommends and the Ohio Revised Code just says, shall the amendment be passed. It does not mention, continuation of. Debbie Mount referred us to a piece of literature from the Secretary of State, which we had seen before, and that's one of those odd things where that's not binding, it does not have any force of law with the Secretary of State kind of advises down and then note below, so as she mentioned in her email, the Secretary of State initially says, just write it what the ordinance tells you to write. Shall the amendment be passed. Without any mention of, continuation of, the word renewal, anything like that, and so, it is possible, Director Spon and I talked about this today, it's absolutely possible that a taxpayer could come forward and say, you have not followed the strict language of the statute, so when we did the PRIDE tax, we went directly by what the statute said. After the conversation of this body, and based on the comments made by Ms. Mount at the last Council meeting, we did then change it and add that language, for the continuation of, because we thought it reflected kind of the spirit of Council. However, we did not then put that word "renewal" up in that. The renewal from the last one though, the pothole tax, that has been there for many years and no one has said anything, so we just kind of let that one go and let it in there, but we've chosen not to add it to the new one, just because we don't feel that there really is significant justification by the Ohio Revised Code to do that. So, I do know we're absolutely splitting hairs but it is a very conscientious and deliberate decision to do that.

**MR. MEARS:** My only concern was perception of the voters.

**MR. BROWN:** If you strictly followed the ordinance, you would not use any of that language, you would not use renewal, you would not use, for the continuation of, but we think it's good to rely on what the Secretary of State says but it's not binding authority.

## **AMEND 16-237 TO RAISE PAY SCALE FOR CERTAIN POSITIONS**

**BY: MRS. PENDER**

**ORDINANCE 16-272**

Amending Ord. #16-237 to raise the pay scale of the certain personnel positions, so as to enable an annual pay raise in 2017 for certain employees of the City of Mansfield effective December 17, 2016, and declaring an emergency.

Upon motion by Mrs. Pender that Bill 16-275 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.

**APPROVE APPT TO BOARD OF UTILITY APPEALS**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-273**

Approving an appointment by the Mayor to the Board of Utility Appeals.

Upon motion by Mr. Van Harlingen that Bill 16-276 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.

**DEMO – 33 SWANGER AVE**

**BY: MR. LAWRENCE**

**ORDINANCE 16-274**

Declaring the remains of a designated dwelling (33 Swanger Avenue) to be insecure, unsafe, structurally defective and unsafe to life and other property; directing the demolition thereof by City forces or contract labor, materials and equipment, and declaring an emergency

Upon motion by Mr. Lawrence that Bill 16-277 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.

**DEMO – 122 WESTERN AVE**

**BY: MR. LAWRENCE**

**ORDINANCE 16-275**

Declaring the remains of a designated dwelling (122 Western Avenue) to be insecure, unsafe, structurally defective and unsafe to life and other property; directing the demolition thereof by City forces or contract labor, materials and equipment, and declaring an emergency

Upon motion by Mr. Lawrence that Bill 16-278 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.

**DEMO – 461 HAMMOND AVE**

**BY: MR. LAWRENCE**

**ORDINANCE 16-276**

Declaring the remains of a designated dwelling (461 Hammond Avenue) to be insecure, unsafe, structurally defective and unsafe to life and other property; directing the demolition thereof by City forces or contract labor, materials and equipment, and declaring an emergency

Upon motion by Mr. Lawrence that Bill 16-279 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.

**DONATION - \$50 FROM ANNIELYNN MILLER**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-277**

Authorizing the City to accept a donation of Fifty Dollars (\$50.00) from Annielynn Miller in memory of Chief Richard Krizan for use by the Mansfield Fire Department in the operation of its fire Prevention Program, and declaring an emergency

Upon motion by Mr. Van Harlingen that Bill 16-280 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 \$7,500 – REPAIRS AT DRCA**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-278**

Appropriating the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) from the unappropriated General Fund (#101), to transfer to the Regional Community Advancement Fund for unexpected water heater, boiler, and roof repairs, and higher than expected salary and communications costs, and declaring an emergency

Upon motion by Mr. Van Harlingen that Bill 16-281 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 \$7,500 – REPAIRS AT DRCA**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-279**

Appropriating the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) from the unappropriated RCA Fund (#205), for unexpected water heater, boiler, and roof repairs, and higher than expected salary and communications costs, and declaring an emergency

Upon motion by Mr. Van Harlingen that Bill 16-282 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.

**TRANSFER \$22,600 WITHIN LAW DIR. FUND**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-280**

Transferring appropriations within the General Fund (#101) Law Director (101.06.01) Operations in the amount of Twenty-two Thousand Six Hundred Dollars (\$22,600) from the Personal Services Classification to the Contractual Services Classification, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-283 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.

**TRANSFERRING \$32,000 WITHIN SAFETY SERVICES FUND**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-281**

Transferring appropriations within the Safety Services Fund (#214) Police (214.15.01) Operations in the amount of Thirty-two Thousand Dollars (\$32,000) from the Personal Services Classification to the Contractual Services Classification for a mandated lead cleanup for the Police firing range, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-284 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 ADVANCE OF FUND FROM GENERAL FUND TO GRANT FUND**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-282**

Authorizing an advance of funds from the General Fund to the Grant Fund for the purpose of providing temporary operational funds until reimbursable federal and state grant funds are received, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-285 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.

**ACCEPT GRANT FROM SOLID WASTE MANAGEMENT AUTHORITY FOR LITTER PREVENTION**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-283**

Authorizing the Mayor and Safety-Service Director to file an application, and to accept a grant from the Richland County Regional solid Waste Management Authority for recycling and litter prevention, for up to \$10,788, authorizing the execution of an agreement, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-286 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 AGREEMENT FOR PAYMENT OF COUNSEL FOR INDIGENT DEFENDANTS**

**BY: MR. LAWRENCE**

**ORDINANCE 16-284**

Authorizing renewal of an Agreement with the Richland County Commissioners for Payment of Counsel Fees for Indigent Criminal Defendants, and declaring an emergency.

Upon motion by Mr. Lawrence that Bill 16-287 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.

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

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Amy Yockey  
Clerk of Council

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Walden Jefferson  
President of Council Pro-Tem