

## **REGULAR COUNCIL MEETING DECEMBER 5, 2017**

The first monthly meeting of Mansfield City Council met on Tuesday, December 5, 2017 at 7:30 PM in the Council Chambers of the City Building.

The Pledge of Allegiance was recited by the audience.

Councilman Jason Lawrence 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.

### **COMMITTEE REPORTS**

**MR. LAWRENCE:** Just an update on the backyard chickens. The people have elected to table the pilot program at this time. No more chicken issues right now.

**MR. JEFFERSON:** Did they mention when they may come back to Council?

**MR. LAWRENCE:** No. They're re-stratigizing right now.

### **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**

#### **AMEND 505.04 TO INCREASE PENALTIES FOR DOGS RUNNING AT LARGE – 2<sup>nd</sup> READING**

**BY: MR. BRYANT**

**ORDINANCE 17-213**

Amending Section 505.04 of the Mansfield Codified Ordinances of 1997 to increase penalties for owners, keepers, and harborers of dogs who recklessly allow their dog to run at large.

Upon motion by Mr. Bryant that Bill 17-195 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was given its second reading.

**MR. JEFFERSON:** Is there a set fee or would the Judge have the discretion to give a fee?

**LAW DIRECTOR SPON:** I'm sorry. I didn't hear you.

**MR. JEFFERSON:** Is there a set fee for that violation or does the Judge have the discretion to go from \$50 to \$500?

**LAW DIRECTOR SPON:** The Judge would have the discretion, but it's being amended to a first degree misdemeanor and then if the dog is allowed to recklessly run free, something more than negligence by the owner, like the example I gave the last time is, somebody puts their dogs in the backyard, the backyard is clearly not fenced in, the dog gets loose, that would be considered, possibly, recklessly allowing a dog to run loose. And then, another part of it is, if that dog attacks somebody, then the Municipal Court can have the discretion to order restitution for the payment, veterinarian or vet medical bills in the amount of twice the actual bill, so for the first time, it gives our citizens, who unfortunately, might be victims of an attack, the possibility of receiving some remuneration to pay, at least, medical or veterinarian bills without the necessity of having to file a civil suit, of course they would also be still entitled to file their suit, but it's a solid proposal and I tried to carry out the wishes of City Council to make the penalty as stiff as possible, first degree misdemeanor is high as we can go under the law.

**AMEND 505.15 TO INCREASE PENALTIES FOR FAILING TO REGISTER DOGS – 2<sup>nd</sup> READING**

**BY: MR. BRYANT**

**ORDINANCE 17-214**

Amending Section 505.15 of the Mansfield Codified Ordinances of 1997 to increase penalties for owners, keepers, and harborers of dogs who recklessly fail to register their dog.

Upon motion by Mr. Bryant that Bill 17-196 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was given its second reading.

**AMEND ORD 16-275 TO CREATE POSITION OF ANIMAL CONTROL OFFICER – 2<sup>nd</sup> READING**

**BY: MR. BRYANT**

**ORDINANCE 17-215**

Amending Ord. #16-275 to raise to create the position of Animal Control Officer.

Upon motion by Mr. Bryant that Bill 17-197 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was given its second reading.

**MR. LAWRENCE:** I'm under the understanding that, from where I read this, that this animal control officer, should we hire one, will fall under Police?

**PRESIDENT SCOTT:** That's the way I would take this legislation, yes.

**LAW DIRECTOR SPON:** Could be under a civilian non-bargaining unit personnel.

**MR. LAWRENCE:** So there's 2 sections, one is civilian and the other is, Section 22 civilian, Section 23 is safety personnel.

**LAW DIRECTOR SPON:** It gives the administration the discretion to fill the position either as an Animal Control under the, not directly under the Police Dept. but as a civilian, or as a Police Officer, safety personnel, an actual Police Officer. So it gives the administration the discretion.....

**MR LAWRENCE:** With the current language, we're creating one position, but it can fall under 2 different....

**CLERK YOCKEY:** My understanding is you guys have to choose which one to vote on, is that not correct?

**LAW DIRECTOR SPON:** Right. If you pass the personnel ordinance, it simply creates 2 positions, doesn't mean that they have to be filled, but it gives the administration, in the future, the discretion to fill one or the other.

**MR. LAWRENCE:** Or both.

**LAW DIRECTOR SPON:** Or both, yeah. But it's not mandatory that both are filled, it's not not mandatory that either one is filled.

**PRESIDENT SCOTT:** But if we pass this, both positions are on the books.

**LAW DIRECTOR SPON:** Correct. It would represent a step in the direction recognizing we don't have the money right now, but at least, if we, in the future, do have the money...

**MR. LAWRENCE:** So help me understand, if we do fill both. Say the city comes into a windfall and we do fill both, we have 2 animal control officers answering to 2 different people or...

**LAW DIRECTOR SPON:** They would both be under the Police. So we can have a police officer, qualified trained police officer, that's a rookie that's just getting his feet wet or her feet wet, or we can have a non- police officer, civilian person, who would be in the non-bargaining unit employee...

**MR. LAWRENCE:** You keep saying OR, but I want to hear you say AND/OR cuz we can have, I'm still getting the impression we can have 2 at the same time.

**LAW DIRECTOR SPON:** You're creating 2 possibilities...

**PRESIDENT SCOTT:** So the answer to Mr. Lawrence's question, we could have one filling the civilian personnel position and then one filling the safety personnel position, both at the same time, correct?

**LAW DIRECTOR SPON:** In theory, that's possible, yes.

**PRESIDENT SCOTT:** Well, that was his question. In theory, we could, yes.

**MR. VAN HARLINGEN:** We've discussed this topic before and I still have a very serious concern about adding additional personnel to the city's payroll. I think there's a little bit more that would need to go along with this. We're talking about this individual is going to have to have a vehicle, what are we going to do with the dogs, my understanding is there's a problem at the dog pound, they're almost always full. If we do pick up the dogs, what are we going to do with them?

**LAW DIRECTOR SPON:** I've answered that question several times. If have a dog that runs free, in violation of the law, that attacks somebody, we'll have our police officers take possession of that dog and drive that dog out to the county dog pound and leave the dog there.

**MR. VAN HARLINGEN:** We're just going to tie him to the fence Director?

**LAW DIRECTOR SPON:** Yes. Absolutely. Where else would we take a vicious...

**MR. VAN HARLINGEN:** See, that's where I'm hanging up on this. I think we need a better agreement with the county.

**LAW DIRECTOR SPON:** It takes 2 parties to enter into an agreement, but in the meantime, until something's done, the public is at risk, and somebody needs to do something to protect the public because the County Dog Warden, they're very rarely in the city. I have it all planned out. We have a place that we can have a, we already have a holding facility for a few hours for a dog. If a dog is caught running free, that attacked somebody, all we have to do is have an affidavit filed with the Mansfield Municipal Court and the Judge has the authority to order the County Dog Warden to take that dog to the dog pound, under court order. But, I recognize we have limitations of expenses, all that I'm recommending is for Council to give serious consideration to, at least, demonstrate that we're concerned enough that we can, at least, create the position.

**MR. VAN HARLINGEN:** I feel we're doing that with the piece of legislation on the penalties and the fees and holding the dog owners responsible.

**LAW DIRECTOR SPON:** The problem is, unless you have people to enforce the law, the law is meaningless.

**MR. VAN HARLINGEN:** Oh, I totally agree. I totally agree. With the piece of legislation, then our Police Dept. can then enforce the codified ordinances that we'll have on the books. Why are we hiring more people?

**LAW DIRECTOR SPON:** Because the Police Chief does not want, as a primary responsibility, the burden of enforcing the animal control ordinances placed upon his Police Dept. They're there after the factoring, after every emergency and unfortunately they're there before the County Dog Warden gets there.

**MR. VAN HARLINGEN:** Well, I can appreciate the fact that...

**LAW DIRECTOR SPON:** What harm is there to create the position if we're not even funding it at the present time?

**MR. VAN HARLINGEN:** Well, now we're telling people that we're opening up the positions and they're going to expect them filled. I would like to enforce what we have.

**LAW DIRECTOR SPON:** There's a lot of people out there that are concerned about (?) safety. Not a week goes by that I don't get a phone call by somebody that's afraid of being attacked by a dog. But I recognize the city doesn't have the money but the question is, what higher priority do we give, in serving the community, than to protect the citizens? I think it's a small step to ask for the position to be created because the public understands we may not have the money right now but at least we're saying we care about the citizens enough to create the position.

**MR. VAN HARLINGEN:** I guess I'm still hanging up, Director, on the fact that we have an ordinance and when our police officers are called to a residence because of a dog, a vicious dog, or barking or carrying on, just attacked a neighbors dog, why can't our current police officers handle that situation and site these people into court, get your affidavits, get everything you need to do, do a GO and take these people to court. Why do we have to hire somebody special to do that job?

**LAW DIRECTOR SPON:** Because part of animal control is prevention and if you have 1800 dogs running free, no animal control officer to even cite those that are allowing their dogs to run free, you increase the risk of danger of harm to the public, so there's more than animal control involves more than the prosecution of the owner, it involves an element of prevention to try to protect a 9 year old child that waiting at a bus stop to go to school.

**MR. VAN HARLINGEN:** If someone calls that dog and reports that dog is a danger to someone and that child, using your example at that bus stop, our officers on the job should react to that situation immediately. Period.

**LAW DIRECTOR SPON:** Well, I hope that would be true but there's a burden already placed on our Police Dept. They have a priority of responses, so if they're responding to domestic violence and a bank robbery or somebody with a gun that's deranged walking

down the street, they have to reduce the priority, they don't have the manpower to respond in a totally dedicated way to dangerous animal control situations. I've talked with our Chief of Police on many occasions and he's willing to do all that he can possibly do to serve the community, to protect the community and he's made it very clear that he does not want that to be a primary burden of the few officers that are on duty each shift.

**MR. VAN HARLINGEN:** And I can appreciate that. Police Division. So when you're talking about civil, we're talking about an animal control officer that's just simply, where we going to send them? We're probably going to have to train somebody.

**LAW DIRECTOR SPON:** It's not complicated.

**MR. JEFFERSON:** Point of order Mr. President. We can debate this all night. If we're going to do it this way, we need to go to a committee and debate this, and we've already been there several times, so I would like to move on to other pressing business.

**LAW DIRECTOR SPON:** I want to say I have great respect for Councilman Van Harlingen. I tried to respond....

**PRESIDENT SCOTT:** Well, Mr. Jefferson has asked that we suspend discussion on this and move on.

**AUTH SSD CHANGE RATES AT CLEARFORK MARINA & CAMPGROUNDS  
– 2<sup>nd</sup> READING**

**BY: MR. ROCK**

**ORDINANCE 17-216**

Authorizing the Safety-Service Director to change the rates at Clearfork Marina and Campgrounds, and declaring an emergency.

Upon motion by Mr. Rock that Bill 17-199 be read and placed upon the floor for discussion, seconded by Mr. Jefferson. The bill was given its second reading.

**MR. MEARS:** The more we discuss this issue, the more I end up repeating myself and I feel that we have no business trying to manage a campground. We don't have the expertise. We have opportunities from interested parties who do have the expertise to manage this. I don't feel easy using Mansfield taxpayer dollars to satisfy people from Parma, Findlay and West Layfayette, as well as other places. When we have an option, with interested parties to contract with, where our only obligation, once a month, would be to open the envelope and take that check out and deposit it. I think we're going the wrong direction with this.

**MR. JEFFERSON:** I crunched some numbers and I came up with about, I'm going to keep it as short as I can, about if we raised it up to about \$1800 we can recoup the money and still, after we pay our bond fee of a half a million dollars, over a 10 year period, we could still have, annually, \$12,000 left. I also talked to the Finance Director and she said

she has not, at this point, crunched any numbers of her own on the campgrounds and I'll call her tomorrow and get back with her and she's going to get her staff to crunch some numbers on this. I think we need some more discussion on it. It's only the second reading. I'm hoping all my Council members are really, I'm sure they're paying attention and I don't want to run out front. I think Mansfield is Mansfield. We should be different. We should look at everything. We have some time. We have time in terms of another reading, we could table it, we could take it back to committee and we have some time in terms of the months. The campground doesn't open up until April and this is just December, so we, at least, have, I would say, 2 months to work through this, so let's not be too quick on this one. Let's do some more discussion on it and I think we need to do that. That's what I wanted to say.

### **TEMPORARY APPROP FOR 2018 – 2<sup>nd</sup> READING**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 17-217**

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, 2018.

Upon motion by Mr. Van Harlingen that Bill 17-220 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was given its second reading.

**MR. VAN HARLINGEN:** I have a few comments Mr. President, if you don't mind. I kinda dropped the ball on this. This would have been a perfect night for a Finance Committee meeting but I didn't get it scheduled, as our Clerk told me maybe I should. But anyways, since this is not a Finance Committee meeting, I'd just like to make a few quick comments cuz this is coming up for a final reading on the 19<sup>th</sup>. It is a temporary budget, it is required to be passed by Dec. 31, we do have time. There has been some questions in the past, we've gone through the budget hearings, we've also had some questions concerning that and I want to make sure all my members and colleagues of Council don't have any questions in their mind. I know there was some concerns about Capital Outlay and the General Fund vs. the Enterprise funds. General operation costs. It was very well made, documented, and we were advised by the Finance Committee more than once that these numbers are definitely increasing, health care and what have you. There's a 7% increase health care in the temporary budget but we were told after the temporary budget was printed, that it's going to end up being a total of 13.15 by the time we're done, so there's going to be some adjustments made. With the 5 year forecast, there was some very serious concerns about where we're going. I think the Finance Director made that very clear, we'll just take a few more minutes and run through this real quick and just real short, for the end of the year now. The end of November, all of our numbers should be right at, or about 92% either received or expended. When it comes to the General Fund, our revenue is right at 98%, we're doing just fine. The expenditures for this year, for the General Fund, currently as of November, is at 80%, so we're really on track for finishing out the year with good numbers. When it comes to Safety Services, it's always a concern, along with the General Fund. We are at 90% of

our revenue and our expenditures are 86%. Now we're just a little bit in the red on that one but we're not done with the year yet. Overall, I would say we're going to be closing out the year pretty good. Although we do have some divisions, some departments in December will stock up and buy chemicals and different things trying to beat the costs of next year, but for what it's worth, we're doing pretty well. We will schedule a Finance Committee meeting for the benefit of Council and the committee on the 19<sup>th</sup>. I plan on going over, I know the Capital Outlay was a little bit of a concern and we will definitely go over that. If there are anything in particular that my colleagues have questions about, I could be better prepared, if you would let me know exactly what you're looking for and if we need to have the Finance Director here, we'll have her here.

### **REAPPT MEMBER TO HISTORIC PRESERVATION**

**BY: ALL MEMBERS OF COUNCIL**

**ORDINANCE 17-230**

Approve the reappointment of a Council member to the Historic Preservation Commission.

Upon motion by Mr. Bryant that Bill 17-233 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: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender and Rock. Abstain: Van Harlingen.

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

### **APPROVE REAPPOINTMENTS TO BOARD OF TAX APPEALS**

**BY: ALL MEMBERS OF COUNCIL**

**ORDINANCE 17-231**

Approving the reappointments of Mark Wilging and Paul Lintern to the Board of Tax Appeals for the City of Mansfield.

Upon motion by Mr. Van Harlingen that Bill 17-234 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 – 117 W SECOND ST**

**BY: MR. LAWRENCE**

**ORDINANCE 17-232**

Declaring the remains of a designated dwelling (117 West Second Street) 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. Van Harlingen that Bill 17-235 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.

### **AGREEMENT WITH COUNTY FOR INDIGENT DEFENDANTS**

**BY: MR. LAWRENCE**

**ORDINANCE 17-233**

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 17-236 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 \$20,000 FROM STREET LIGHTING FUND TO RELAMP LIGHT TOWERS OVER RT 30**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 17-234**

Appropriating the sum of Twenty Thousand Dollars (\$20,000) from the unappropriated Street Lighting Fund (#237) to the Street Lighting Non-Departmental Operations Contractual Services Classification therein, this appropriation is for the relamping of light towers over U.S. 30 between Wayne Street and Springmill Street, and on the ramps at Main Street, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-237 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. JEFFERSON:** Quick comment. That used to be a very dangerous area and the state finally went in and put some dividers in there, used to call it blood alley, and it's dark down through there and it's an area that could use some updated lighting so this is a good bill.

**MR. MEARS:** Do we know when this will take place? (No response)

**MR. LAWRENCE:** I know it's a little late in the game, but, so this \$20,000 is just to put up light towers, right?

**MAYOR THEAKER:** It's actually to redo the lights that are there because the lights that are there (inaudible).

**APPROP \$600,000 FROM HEALTH INSURANCE FUND**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 17-235**

Appropriating the sum of Six Hundred Thousand Dollars (\$600,000) from the unappropriated Health Insurance Fund (#606) to the Contractual Services Classification therein, and utilizing the Health Insurance Fund reserve balance to account for the possibility of actual claims expense exceeding budgeted claims by year end, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-238 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. Jefferson, seconded by Mr. Rock, and passed by voice vote, the meeting was adjourned.

---

Amy Yockey  
Clerk of Council

---

Phillip Scott  
President of Council