

REGULAR COUNCIL MEETING MARCH 21, 2017

The second semi-monthly meeting of Mansfield City Council met on Tuesday, March 21, 2017 at 7:30 PM in the Council Chambers of the City Building.

The Pledge of Allegiance was recited by the audience.

Councilwoman Garnetta Pender and led the audience in prayer.

ROLL CALL: The following answered present at roll call: Bryant, Hill, Jefferson, Lawrence, Mears, Pender, Rock, Scott and Van Harlingen.

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

DEB MOUNT, 114 CLIFFBROOK DR.: First, I want to address a question a Council member raised asking J.R. Rice what his office would do with seized or abandoned chickens. There are several places that would like to adopt such and we desire to work with Codes & Permits to assist as needed. In these Chambers, in recent weeks, you have heard from 31 Mansfield residents asking you to allow backyard chickens in Mansfield. 16 Mansfield residents, primarily from Westgate Dr. have spoken in opposition. It is noteworthy that no residents that live in the 4th, 5th, or 6th Wards have spoken in opposition. You have our facts, figures and fears. I know you must be tired of seeing and hearing from us. The big decision is about to be made and you may ask, why not vote no? It's simple. A no vote doesn't kill the issue. We will keep working until chickens come to Mansfield. We want Mansfield to, once again, become a city desirable to live in. So, we've given you the facts, we've answered the objections. We refuse to be a burden, so we're paying our way. You have a choice and we are all watching. Vote yes for the chicken legislation. And for shorter meetings.

MATTHEW STANDFIELD, 133 ROWLAND AVE.: I'm the owner and principal architect of Field Nine Architecture. I'm active in the community, both as an individual and as a business. We were recently asked to put a proposal together for the master planning of Sterkel Park. In order to give the City the best product we could, we submitted a proposal and a joint effort to Splash Makers, the company who does nationally renowned work and is located right here in Mansfield. After being told we were \$13,000 less than the other company, that we would be doing the project, subject to approval of the Board of Control. We later found out that we were not going to be doing the project. This is not an isolated incident, it has happened to me before, most notably with the Garden City Café, and frankly, starting to feel a little personal. So we met with the Mayor and Mr. Bianchi to get a better sense of why the board decided to go with EMH&T out of Columbus against the recommendation of the Park Manager. The reason we were given was, we felt they were a better fit. When pressed why they were a better fit, we were given the same response, based solely on feeling. It seems to me that if you're going to go with the proposal that's \$13,000 higher, it should be easy to justify

why EMH&T is more qualified. Are they more qualified? Possibly, but there's no way of knowing that as a statement of qualification was never requested of us. In fact, when we asked if we needed to provide one, we were told no, it was not needed. To me, that tells me we were already pre-qualified and if both bidders are qualified, certainly you would go with the lower price. Yes, there were some issues with the proposal, but they could have been negotiated out had things been done in accordance with state law. I've come to find out the city's not supposed to enter into negotiations for fees for professional services until after the design firm has been qualified and ranked based on those qualifications. As this was not a fee based decision, but one that's supposed to be made based on merit and qualifications and I don't think it is right those were made based purely on feeling, without consideration of our qualifications. As such, I would ask you consider rejecting the contract with EMH&T and secure the services of a design professional and a manner that is more in line with what state law prescribes. Thank you.

MAYOR THEAKER: The decision that the Administration made and the Board of Control made was to pick the best, best company for this project and the way it can be done is that it can be done with the lowest and best of the project and so we, after deciding, picked the best company.

DENISE BENO, COLUMBUS: I teach classes on urban poultry and urban livestock there at a shop in Columbus. The City of Columbus has had a animal permitting process on the books for about 25 years now. Recently, there's been a big movement on urban homesteading and sustainability, green initiatives are all the buzz now. The city realized that there were all these applications coming in and they didn't have updated policies, so I worked with the city and the city health dept. and others of interested parties in Columbus and we updated some of the verbiage and crafted new policies and ordinance that reflects better what's going on today. I've been asked to speak tonight to share with you some of the things that have happened in Columbus. We have issued, now, a 4 year permit, costs \$100. Before this permit is issued, the people must be able to prove that they are keeping public safety, public health at the forefront, along with animal welfare and cruelty and husbandry knowledge of what they're doing and waste management. That's always a big one. Currently, Columbus does allow animals up to 500lbs. This means I can have a sheep, goat, a pig in my yard. As long as I go through the permitting process and I meet all the criteria, I'm issued a permit, which is good for 4 years. That does include an inspection. The people are required to take their animals to the vet and get a certificate of veterinary inspection. Now, since November, these new policies have come into effect and what we've noticed is that there are a lot of people who are discouraged because of the seemingly high bill of \$100 for a permit. These kind of weeds out those that are on the fence and wishy washy about it, they're going to put their money where their interest is and where they want to go. The city was very active and they had several meetings with the Health Dept. and our group of chicken enthusiasts and there was some give and take and we're really grateful that the City of Columbus was able to work with us, since this all so dove tailed well into their now economic development green initiative, so the new standards were written to comply with both of that. In all the cases of property realtors I've spoke with, nobody has noticed an affect, positive or negative, yet with any property values there in the City of Columbus. Some

people are kind of not wanting to live next door to a place that has chickens, others think it's the best thing in the world, those that are of like mind. The city has, currently, about 697,000 households and as of November of last year, only 257 permits had been issued. That's less than 1/2% of the people in Columbus who have actually applied to get a permit. I'm a real big fan of having a permit. If you don't, or if you don't enforce a policy, I believe people are going to do it anyway and then you've got the risk of these people running rogue and you have no idea how many chickens or what's going on. Most of the complaints we get in Columbus are people calling up and saying, did you know my neighbors had chickens? And Dr. Messer can look at the list and say, yes, Mr. Johnson has chickens and he's got a permit. So, Dr. Messer said probably 80% of the complaints are just to let the city know that somebody has chickens. All in all, it's going very well, a lot of the chicken keepers are kind of a little upset that we require a pervious floor and have to make modifications to their coops and runs but all and all, I think it's going very well. Thank you very much for your time.

JAMES BOYD, 990 MORITY LN.: I just wanted to thank Council and the Mayor and everybody for giving us this opportunity. I know you have a tough decision. I actually do not live in the city but I have 3 properties in the city of Mansfield which we keep immaculate and I'm very proud of these properties and I wish other landlords and investors would do the same. I'm here also in behalf of somebody that has grown up in a farming community and has chickens and had fresh eggs this morning. One thing I want to point out, and I understand the other sides opposition about the concerns and the fears, but what we realistically have to look at is in 2050, a billion more people are going to be on the planet. We're going to have to come up with a new way to feed ourselves. The younger generation has said, this is how we're able to do it. We're able to self-sustain ourselves. I've been doing it in the country for a long time, but now, with all these green spaces that the land bank's been tearing down, they've been putting gardens in there and most of the people that are in support of the chickens, are the ones that are going down in the 4th, 5th wards and cleaning it up and planting community gardens. So guess what? They got free fertilizer. The point I'm getting at is basically, when you take in consideration, a small group of people, you have to take into consideration, what are their motives behind it. They're not raising them for cock fights, this isn't Tijuana. I know that that goes on here but the people that are genuinely trying to do it the right way, they're doing it the right way, they're here trying to pass a law so they're not breaking any violations against the city and I am in support of this and as a realtor, I haven't been able to see one side or the other that shows me there's enough proof that property values are going to go up or down. I would like to point out that Mansfield's had a negative growth population for quite awhile and I would love to see that change. Is this the answer? I don't think it is but I think it can't hurt. Thank you.

SARAH RUSSELL, 790 MAPLE ST.: I'm pro chicken. I learned at the last meeting and from the opponents letter to the News Journal that chickens were allowed until 1988 and it seems to me property values haven't done well since 1988 so maybe chickens are the answer to our property value problem. Thank you.

STEVE RUSSELL, 790 MAPLE ST.: I think whichever way the vote goes tonight, we're not going to see disaster or chaos, thankfully, so I say let's go ahead and let these handful of folks have their handful of hens. Thank you.

COMMITTEE REPORTS

MR. BRYANT: I do want to talk about the Safety committee. The issue that this young lady, ma'am what's your name? Miss Roar? That she brought up. I want to get that address and she's having that meeting on April 13. I'm just curious if there's any way we can do a joint meeting of some sort so we don't waste time.

PRESIDENT SCOTT: I would be opposed to it but that's Councils vote.

MR. BRYANT: I'm just asking for some kind of advice here, what to do with that. Do we want to go ahead with the Safety Committee meeting?

PRESIDENT SCOTT: If they want to come to our committee meeting, that would be fine, but I'm welcome to Council's input but I think we should have our own meeting.

MR. JEFFERSON: Is there a conflict there? We have Council that night and you're having a meeting that night?

MR. BRYANT: No, there's no conflict.

PRESIDENT SCOTT: That's my opinion. If Council wishes to overrule me, that's fine, but that's just my personal opinion.

MAYOR THEAKER: The only thing I had Mr. President is that awhile back we passed legislation, Council passed legislation, to demolish 220 Park Ave. West and Thursday morning, they have been working on 220 Park Ave. West for the past 3 weeks to clean out the asbestos and to abate the building and starting Thursday morning, we are going to have a press conference and show that the PRIDE dollars that we have received for demolitions, that building will be started on Thursday, weather permitting, to be torn down.

MONDAY DEADLINE

MR. HILL: I move with respect to Bill 17-053 that the rule requiring legislation be submitted by Monday at 4 pm be suspended and that 17-053 be allowed on the floor tonight, seconded by Mr. Rock and passed by voice vote.

SUSPEND RULES

MR. HILL: 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. Rock. The vote was taken and resulted as follows:
Ayes: 8, Nays: 0.

LEGISLATION

AMEND CHAPTER 505 – KEEPING OF CHICKENS – DEFEATED

BY: MR. LAWRENCE

ORDINANCE 17-024

Amending Sections 505.02 and 505.08 and enacting Section 505.021 of the Mansfield Codified Ordinances of 1997 to allow for the keeping of chickens on residential property smaller than three acres.

Upon motion by Mr. Lawrence that Bill 17-024 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: 1, Nays: 7. Ayes: Lawrence. Nays: Bryant, Hill, Jefferson, Mears, Pender, Rock and Van Harlingen.

The bill was declared defeated.

MR. MEARS: I just want to say, this initiative has certainly gone on a long time and I know more about chickens and eggs than I thought I ever would. But I want to applaud both sides for articulating their arguments, pro and con. It was very, I think, healthy discussion, and I think, at least in my case, I can't speak for everybody, but, in spite of personal inclinations that I've not (?) which direction to take. I think in the final analysis, it comes down to the voices we heard, here in Council and meetings, and in my case, voicemails, text messages, emails and the preponderance of people that contacted me personally as well as the voices here are going to be the basis of my vote and my decision. There's my two cents worth.

MR. JEFFERSON: I would have to echo, pretty much, what my colleague Mr. Mears said. I've had numerous constituents come talk to me about this chicken issue and, of course, both sides did present a good argument or dialogue on why they wanted it, why they didn't want it, but there is still 40 something, 50 thousand people in this city and we have to be concerned for the majority, at least I have to be concerned more for the majority than the minority. There are recourses to get fresh eggs, they're all around this community in terms of Belleville, Lucas or wherever and with the energy that people put in to have eggs, if they would co-op or get together and try to have some initiative to, I don't know, car pool and get those eggs and also, I'm not very computer illiterate but I can do some things on there and I found eggs stay fresh from 3-5 weeks if I believe what's on the internet (laughter) so I guess I got to believe that cuz it was on there so anyway, there's good pro and cons from both sides but again, Mr. Mears said, like he says, my constituents and things I've heard and it's just that I got to look out for the majority of the people which gives me the way I'm going to vote.

MR. BRYANT: So, I want to thank all of you for your calls. I've gotten calls from both sides every single day, several times a day, emails and being a city wide representative I don't want to say yes or no and I did get myself in this situation. I put it out on Facebook, I said I'm a yes vote for you guys, you chicken people, so, I'm going to walk that back. I'm going to abstain from tonight's vote. I have gotten a number of yeses and a number of nos and I don't really think my vote is going to make a difference here, so I'm not voting on this issue here tonight.

MR LAWRENCE: Does anybody have my number? Because I'm not getting many calls. (laughter). I'm not a great speech guy, I'm really not. I want to thank Bill, Ms. Mounts, Stanfield for bringing this to me. This is not me. This is the peoples' bill. Mr. Leadham, where are you sir? Thank you. I want to thank you. I'm a proponent. I'm for this. I'm going to vote yes. But I understand your side sir. I'm not going to get into all the issues that everybody's brought up, but I'm shocked, over a chicken issue, how many people have come out and the passions that people have shown. I did get one phone call, today, while I was trying to take a nap, and the young lady said to me, she's one of my constituents on Main St., and basically, what I told her was, this is not about chickens. This is not about chickens. This is ultimately about a progressive mindset. When I took office, appointed 3 years ago, I came in with the mindset that I was going to have a progressive mindset. I love this city. I want so much for this city. I want to see so many things come to this city and I think that this issue tonight, is going to kick it off. I respect all of my colleagues up here, one in the same. As I've met you and I've talked to you, I respect all of you and I'll respect your vote tonight. It's not going to sway me either way how you vote, so let's do this. Thank you all.

MR. BRYANT: I've been advised by the Law director that I do have to vote on this. (laughter) So, I want to thank everybody that contacted me, but I'm going to have to go with the majority on this and I just want to let you know that.

MR. VAN HARLINGEN: I really don't know what I can add to what my colleagues just said. There've been a great output to this situation and there's been some comments made that kind of led me to believe that, well maybe there's a majority in this certain area of town that are more in favor of, and then on this side of town there's a more of a majority that's not in favor of. In the third ward, I have received calls pro and to the young lady that has spoken a couple times, my email for the city is actually jonvanharlingen. I didn't get your email until kind of late. You spoke very well, you are in my ward, I appreciate your comments, but by far, by far, the majority of the comments and calls that I have received have been the other way. But I have to agree with my colleagues once again, the pro, the con, the arguments, the discussions were phenomenal. You all did a great job. The sad truth is, it's gotten to the point where it's almost starting to get personal, but anyways, thank you very much for taking your interests in this role in the part of city government and legislation, but I have to admit, I will have to vote for the majority of the calls and conversations I have had in my neighborhood. Thank you.

MRS. PENDER: I wasn't going to say anything, but I would like for everyone to know that I am for the City of Mansfield and what's best overall, and the young lady that was

here tonight from Columbus, I thank her for her comments and what she brought forth to me seemed like a more, something that we need to do in legislation instead of the legislation that we have onboard tonight to consider. We need to look more, I know it's been a year we've been going through this back and forth but we need to reach out to other communities, maybe Columbus, and have that young lady come in and give us some more pointers on what we need to do, cuz right now, Mansfield's in a situation where we do not have the funds to have somebody to monitor those things that are going on, that possibly could go on with the chickens, but we need to have a better legislation than what we have in order to pass this and that's my personal opinion.

FINAL BUDGET FOR 2017

BY: MR. VAN HARLINGEN

ORDINANCE 17-044

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

Upon motion by Mr. Van Harlingen that Bill 17-043 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: 8, 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.

AUTH SSD ENTER CONTRACT FOR REPLACING CITY BUILDING ELEVATOR

BY: MR. VAN HARLINGEN

ORDINANCE 17-045

Authorizing the Safety-Service Director to enter into a contract or contracts for the replacement of the elevator system located at the Mansfield Municipal Building, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-044 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: 8, 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.

MR. VAN HARLINGEN: Having talked with the Finance Director and Mr. Bianchi the City Engineer, I would like to move this bill forward for a final reading on April 4 instead of running it clear out to April 18. We do have the money and the main purpose of this is there is a very serious concern about our elevators, the Finance Director has talked to us tonight....

LAW DIRECTOR SPON: Are we on...?

MR. VAN HARLINGEN: 17-044.

PRESIDENT SCOTT: 44

MRS. PENDER: 44

PRESIDENT SCOTT: 17-43 was passed. We're on 44.

MR. VAN HARLINGEN: Anyway, the Finance Director spoke to us about this bill here in our last council meeting and there is a very serious concern about the elevators themselves and we have 3 bills pertaining to this right now and I'm not so sure. The monies are available and I'm not so sure that we shouldn't allow the City Engineer to proceed and get this thing moving along. What I'd like to do is put a motion on the floor is that we wave the April 18 reading and put it up for a final vote and consideration on April 4. That's still gives my colleagues time to think about what we've been talking about, the budget, and how we're going to finance this project. If there's any questions, we can move it back. (Mr. Rock seconded the motion).

MR. ROCK: I guess if there's such an urgency, why are we taking another reading? If this is something that needs to be done, why can't we put it forward tonight?

MR. VAN HARLINGEN: And I have no problem with that Mr. Rock, I was just concerned that we just passed the budget, that we're a little concerned, it's a little tight but the money is available. There's no reason why we couldn't move this forward if my colleagues are comfortable with how we're going to finance this. We are going to borrow funds from the water and pay them back, currently, over a 5 year period but that's not been finalized yet. I personally would see no reason, we need these elevators.

LAW DIRECTOR SPON: Just a point that I (?) to council members. Our office is not going to directly, with the safety issues of these elevators then it could be an issue of safety and therefore, that's a factor that should also be thrown in cuz it's not only for the employees of the building but involves the public using these elevators as well.

MR. VAN HARLINGEN: So, with Mr. Rock's consideration and recommendation....

PRESIDENT SCOTT: I'm sorry Mr. Van Harlingen, the Mayor asked to be heard on this issue.

MAYOR THEAKER: And it's also not going to be a matter that we go out, even if we pass it tonight, which would be great, because it's going to take a considerable amount of time to engineer it, get it ready, and then start installing it and the installation alone, if I can remember Bob, will be 6 weeks?

CITY ENGINEER BIANCHI: It could be from 8-12 weeks per elevator.

MAYOR THEAKER: 8-12 weeks, so the faster we get started, like the Law Director said, the better it is for this city and the building to be secure and safer for, not only the employees, but the citizens that use it.

PRESIDENT SCOTT: I guess I would just have a question then, in light of all that has been said, Mr. Van Harlingen, would you wish to withdraw your previous motion and amend it to that we pass it tonight?

MR. VAN HARLINGEN: That is correct. I would like to withdraw the previous motion to move this forward for a final reading on April 4, I would now like to make a motion....

PRESIDENT SCOTT: And then, along with that, Mr. Rock are you withdrawing your second? Sorry, I had the wrong, Mr. Mears you'll withdraw your second?

MR. MEARS: Yes.

MR. VAN HARLINGEN: Mr. President, I would like to make a motion that we move Bill 17-044 forward tonight to tonight's council meeting for a final consideration and a vote. (Mr. Rock seconded the motion. Vote was 8-0)

AUTH ISSUANCE OF BONDS NOT TO EXCEED \$900,000 FOR ELEVATORS

BY: MR. VAN HARLINGEN

ORDINANCE 17-046

Authorizing the issuance of bonds in the amount of not to exceed \$900,000 for the purpose of renovating, improving, and or replacing the City Administration Building elevators and authorizing and approving related matters, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-047 be read and placed upon the floor for discussion, seconded by Mr. Rock. Mr. VanHarlingen made motion to pass the bill tonight, seconded by Mr. Rock and passed 8-0. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, 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 \$900,000 FROM GENERAL FUND FOR ELEVATORS

BY: MR. VAN HARLINGEN

ORDINANCE 17-047

Appropriating the sum of Nine Hundred Thousand Dollars (\$900,000) from the unappropriated General Fund (#101) for the purpose of renovating, improving, and or replacing the City Administration building elevators which will be funded by the issuance of manuscript debt, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-048 be read and placed upon the floor for discussion, seconded by Mr. Rock. Mr. VanHarlingen made motion to pass the bill tonight, seconded by Mr. Rock and passed 8-0. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, 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.

HONOR LT. DOUG SEMAN

BY: ALL MEMBERS OF COUNCIL

ORDINANCE 17-048

Honoring Lieutenant Douglas A. Seman upon his retirement from the Mansfield Division of Police.

Upon motion by Mr. Bryant that Bill 17-049 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: 8, 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.

OPPOSE HB 53 – RIGHT TO WORK

BY: ALL MEMBERS OF COUNCIL

ORDINANCE 17-049

Strongly opposing the passage of HB 53 by the Ohio General Assembly which proposes changes to weaken collective bargaining laws and rights in the State of Ohio, and declaring an emergency.

Upon motion by Mrs. Pender that Bill 17-050 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: 8,

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.

AUTH SSD ENTER CONTRACT WITH EMH&T FOR PARK PLANNING-TABLED

BY: MR. ROCK

ORDINANCE 17-050

Authorizing the Safety-Service Director to enter into a contract or contracts with EMH&T for park planning, and declaring an emergency.

Upon motion by Mr. Rock that Bill 17-051 be read and placed upon the floor for discussion, seconded by Mr. The bill was placed upon the floor for final passage, seconded by Mr. Rock.

MR. JEFFERSON: We listened to the one citizen come up here and make some type of complaint, but the Mayor gave an answer that the city, in this instance, took the best of the 2 bids but only because it was the best. I don't know what the best means when it's just best. Do they have more workers, do they have better workers, because the bid that was turned down was lower and spending money and I thought our purpose was to save money for the citizens of Mansfield, so why did we take the higher bid and only saying it's the best? I need some more criteria to tell me why they were the best for more money.

MAYOR THEAKER: The company, it's what they do, it's their core business, it's their core competency, what they perform and how they perform. They have done a lot of work for the city and in doing the work for the city they have performed excellent and we just wanted to make sure that we get a company that does this and does it in the manner that we should be expecting.

MR. JEFFERSON: So you're telling me, if I mind saying this, the company you chose, you have past experience with and they've done a good job for the city.

MAYOR THEAKER: That is correct.

MR. JEFFERSON: So you don't want to take the chance of venturing with a new company or upstart company to save money. You don't want to take that chance and spend that extra money. Is that correct?

MAYOR THEAKER: Yes.

MR. JEFFERSON: Thank you. That's all I wanted.

MR. LAWRENCE: I don't feel comfortable voting for this just because of the concerns that Mr. Jefferson brought, I think Mr. Mears had some questions also. I didn't get a good answer from the Parks Director and now I'm going to have to go tomorrow, talk them later on, after we've already voted on this, so I'm going to vote no. I want to hear more about this, what \$58,000 gets us. I know, in the grand scheme of things that's not a large amount of money, but actually it is, so if we could, I would like to have one committee meeting on it to talk about this. Again, the citizen that came forward and Mr. Jefferson brought up some good points tonight, so maybe we can talk about this a little bit more before we move forward.

MR. ROCK: I just don't understand what the big concern is. We accepted this grant a couple meetings ago and the Administration, I think, (?) of finding someone to accept in the amount that the grant was given from the Sterkel Foundation and I don't see Sterkel Foundation offering that money to us, I don't know why we're not moving forward with it tonight.

MRS. PENDER: I think we should postpone this bill tonight and bring it back before the committee.

PRESIDENT SCOTT: Is that in the form of a motion?

MRS. PENDER: Yes, I can make that in a motion. (Mr. Lawrence seconded the motion and it passed 5-3).

PRESIDENT SCOTT: Do you have a date, how long we're going, are we indefinitely tabling or how long are you...

MRS. PENDER: No, I, Mr. Rock and I can talk and we can set up a meeting. Is that alright?

MR. ROCK: We have to vote on the motion first.

PRESIDENT SCOTT: I was just kind of wondering how long we were going to, before we vote on the motion, how long we were considering tabling it. If this was kind of indefinitely or maybe til the next....

MRS. PENDER: No, til we can, we will let you know.

PRESIDENT SCOTT: So you're planning on having a Parks & Recreation Committee meeting maybe next Council meeting and then bringing it forward?

MRS. PENDER: Is that good Jeff? Yes.

MR. VAN HARLINGEN: Can I have one quick comment before we take the vote. I attend quite a few of the Board of Control meetings, and not being pro or con one way or the other, I had a chance to look at the 2 proposals that were put before the board and one

of the main concerns I had, and I'm not a voting member, I just listen, I just look and one of the proposals required upfront money prior to any work being done, which is not the way the city does business. The other proposal, as the work is done, there's, as it progresses, the city is billed for the amount of work done and what have you. That sticks out in my mind what was said in that Board of Control meeting as to why that bid was not accepted. The city doesn't pay for work upfront before we receive goods and services. So that kind of stuck in my mind.

MAYOR THEAKER: What I'm hearing tonight is a discussion to table this proposal for two different things and I'm just trying to get clarification. The first thing is, the question of spending the money for a master plan that is a grant that is being provided by a foundation that has said that this money is to be spent for a master plan. And that's what I'm hearing as to why we're tabling it. Or why you guys are tabling it, I don't have anything to do with it, but what I'm asking though is, my question is, we have an organization, they are willing to pay money, there is no money out of city coffers, there is, if we do not do this master plan, that money is withdrawn, so there is nothing that the city is out anyway and that's why I'm questioning.

MR. LAWRENCE: Is there a deadline to when we would lose this money?

MAYOR THEAKER: We want to make sure we don't interfere with this. Why prolong it if...

MR. LAWRENCE: Again sir, all due respect to you. I just wanted to know a deadline.

MAYOR THEAKER: I don't know if there's a deadline or not. Mr. Abrams, is there a deadline?

MR. ABRAMS, PARK SUPT.: Yes, the money has to be allocated and spent by October.

MR. LAWRENCE: Mr. Abrams, you wouldn't be opposed to us having a one, 15 minute committee meeting to discuss this a little bit more, you wouldn't be opposed to that, and we could vote on it in 2 weeks. I'm not opposed to that. I just want a little discussion on it.

MAYOR THEAKER: What might you get out of a 15 minute meeting, I'm just asking.

MR. LAWRENCE: I don't want to get into it tonight. I think I made my point, bullet points, what does 58 get you, you know, all the points that were brought up about \$6 million afterwards, that this could come back to be a \$6 million project.

MAYOR THEAKER: No, we generate a master plan. A master plan tells you what and how to develop a specific area and it would generate a master plan whether you abide by the master plan or not.

MR. LAWRENCE: That master plan would then have a dollar amount attached to it correct?

MAYOR THEAKER: Not necessarily because that master plan would have, it may have a dollar amount applied to it as a guesstimated dollar amount. That's not an actual dollar amount because you haven't put it out for bid, you haven't gone out and tried to obtain either the services or the equipment. Now, even if it did have a dollar amount guesstimated, we had a dollar amount when we did the master plan for the flood mitigation. The master plan that came in said that it's going to cost \$23 million dollars. After doing more research and more looking into the flood mitigation, it is a lot less now. That doesn't mean that that master plan said it's \$23 million, you got to spend \$23 million. The master plan for Sterkel Park is being paid for, they're going to tell us what their vision of that park is, could be a splash park, could be developing the tennis courts, it could be anything, and that, then, would come back with, here's how we feel that this master plan and the connectivity with the Y and the Health Dept. and all the other facilities that are over there, Children's Services and everything else, how it could be utilized together because that's what the Sterkel Foundation feels that we are lacking in putting a, they wanted that park to service a community and the service of Mansfield. So, we're just trying to, I'm not trying to push it down your throat at all, but what I'm trying to do is, this is money that is a grant that we're receiving, it is no money out of the city funds and after we get it done, there may be changes, there may be additions, there may be other things that we get. It's kind of like somebody giving you a car and saying, here, drive this around and there's no cost to you at all. Now whether you take that car or not, that's up to you.

MR. ROCK: I can't remember any time that we've ever had a committee meeting on allocating funds for a grant, first of all. We've heard from not only the Mayor, but another council member that this also went through the Board of Control and it was also the recommendation of the Board of Control to go with EMH&T so I don't see why the point of a committee meeting. I received a request for legislation last week, I've seen the legislation last Friday, I spoke to Mr. Abrams, we both decided there was no need for a committee meeting, it was pretty much straight forward, I never heard from one other council member and said, listen, there's this piece (?), do you think we should have a committee meeting on that I have concerns. So I'll be voting no against the motion.

MRS. PENDER: My reason for the motion was I did not understand why we had a local engineer bid for it and the price was lower and he was rejected, that's what I needed to know. That was my reason for the motion and I was not at the Board of Control meeting, I have been attending some but this particular one I did not attend. If I had known the circumstances of why his offer was rejected. I would have never had a question about it, but I did not have that information and that's the information that I needed.

MR. ROCK: What I'm saying is, I think that our questions, if we have a committee meeting, we're going to hear the same answers we've already heard tonight.

MRS. PENDER: That's fine. I made the motion before I heard the evidence.

AUTH DONATION OF DRINKING FOUNTAINS

BY: MR. VAN HARLINGEN

ORDINANCE 17-051

Authorizing the City to accept a donation of two drinking fountains from Richland Public Health, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-052 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: 8, 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.

AUTH SSD ACCEPT 2017 MARINE PATROL GRANT

BY: MR. VAN HARLINGEN

ORDINANCE 17-052

Authorizing the Safety-Service director to accept the 2017 Marine Patrol Assistance Grant from the Ohio division of Watercraft in the amount of Twenty-two Thousand three Hundred forty and 43/100 dollars (\$22,340.43) for use at the Clearfork Reservoir and to execute an Agreement therefore, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-053 be read and placed upon the floor for discussion, seconded by Mr. Rock. Mr. Van Harlingen made motion to pass the bill tonight, seconded by Mr. Bryant and passed 8-0. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, 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.

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

Amy Yockey
Clerk of Council

Phillip Scott
President of Council