

REGULAR COUNCIL MEETING MAY 17, 2011

The second semi-monthly meeting of Mansfield City Council met on Tuesday, May 17, 2011 at 7:30 PM in the Council Chambers of the City Building.

The Pledge of Allegiance was recited by the audience.

Councilman Mike Hill led the audience in prayer.

ROLL CALL: The following answered present at roll call: Haring, Hazen, Hightower, Hill, Jefferson, Rock, Versaw and Scott. Upon motion by Mr. Jefferson and seconded by Mr. Hill, Mrs. Carmichael was excused..

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

HENRY KEULTJES, 228 BOWLAND RD.: I have been a Mansfield resident since 1971. Tonight I am here to address the merits of re-locating the VOA facility because I am not qualified to address all the issues. As a businessman astute and with a CPA type degree from my native Holland and an MBA from Capital University in Columbus, I believe that I am qualified to raise objections to the chosen site. Offering a site that was designated as the future site of a Mansfield Fire Station looks, to a business person like myself, as if the City of Mansfield is liquidating. It looks like a business that is struggling to survive and starts selling strategic assets trying to make ends meet. The cost of doing business is highly influenced by insurance rates which in turn are highly influenced by the proximity of fire hydrants and fire stations. It certainly is possible that the agreement with the Ohio National Guard for coverage in the Airport Industrial area is currently adequate for obtaining reasonable rates but how much better could those rates be if Mansfield were to build that fire station on North Main Street? How much could companies like Artesian, Gorman-Rupp, Warren Rupp and Newman Technologies save if that station became a reality? Have you asked? How many prospects for industrial sites would turn into Mansfield industries if they had the additional benefit of a City of Mansfield fire station, additional security, on North Main St. instead of the VOA facility that they might consider a threat to the security of their employees? How many lawyers would be willing to give their clients a positive legal opinion on the long term adequacy of the National Guard agreement? The irony of all this is that right across the street of the proposed site is a huge piece of property that already houses offender type facilities. It seems that the State of Ohio should be willing to enter into a long term lease with VOA to build this VOA facility roughly north of the existing Ohio State facilities or roughly west of where Fifth Ave. and OH 545 intersect. Vote tonight that VOA pursue that option with the State of Ohio and other possible locations first before considering this issue before council again. Unless you wish to continue creating the impression that the City of Mansfield is in a liquidation mode. Thank you.

JOHN FERNYAK: When the VOA started, they applied to City Council to increase the beds from 140 on up. Council turned it down. Then if I remember correctly, they lodged

a lawsuit against the city and then we have come to the point where we're now working at a different site for 130 beds. I did a little financial probing today. The VOA gets \$63.46 per person per day or about \$8,840 a day to house these folks. If you multiply that times 365 days a year it's \$3,226,000. If they cut back to 130 beds, that's \$8,249 and it drops their revenue down to \$3,000,002. I don't know how long everybody's been in business but very few people want to spend \$3,000,000 and reduce their income. I think what you're going to find is that if you allow them to expand out on N. Main St., at the fire station site, they're going to be back in here saying, wait a minute, we're grandfathered for the site on N. Main St. where we are now, and we'd like to add 140 people there too. So instead of having 140 people, which they have now, they're going to have 270 people. I think there are a lot of things that we really don't understand about this project and I'd like you to defer the vote on this tonight or at least give it only one reading. Thank you very much.

ATTY. BUD VETTER: We do address the issue that Mr. Fernyak just raised. If you'd read the Planning Commission notes, what we talked about was the other building committing that we would not use that for a corrections facility. We'll put a covenant against the building, sign a contractual arrangement, but that's already been discussed, that will become a store, some other use, put a non-profit in there, but that will be a non-corrections used facility so that's already been addressed and been discussed with Planning Commission. It's not an open issue and we'll present that, we go to Planning Commission with the application for conditional use, we'll present that as part of our plan with a commitment that that building will not be used for any corrections use. Everything's been laid on the table, you guys know our positions and our inner uses for the facility, so I think the issues are pretty clear at this point. Thank you.

JOHN FERNYAK: I would appreciate it if Mr. Vetter and the VOA would put that in writing for Council and I'd like to delay the vote until they do.

COMMITTEE REPORTS

MR. VERSAW: I mentioned it last night. I want to make sure that we have June 23rd, Thursday at 3 or 4:00 for a zoning meeting to discuss issues that we talked about last night, code violations that we see around the city and the conditions of some of the buildings and land and see what we can do so mark your calendars.

MR. JEFFERSON: I just like to report on, today the State was here as the Financial Planning the Supervisory Commission which they've done monthly now and the Mayor and his staff as well as the Law Director were there and today the most thing that came out of that is the Mayor and his staff, along with the Law Director are still discussing with the unions trying to reduce some costs there and also they brought to our attention that the performance audit will be done by the end of the month and we should, as council, see something by the first of the month. I just wanted to bring you up to date on that. They're still working on a recovery plan and seem like they're making some small headway. One other thing, the Financial Director's projections are running quite a bit

ahead right now. I can give you that number later if you like but right now, what she had projected that we would take in, she's running a little over a million ahead of that right now, so that's something you might want to consider when we have financial meetings in a future day. I hope you understood what I said. I don't know that I explained it that well.

MR. VERSAW: One thing that will happen in June, we will have a revised budget which will include the estimate of revenues for the remainder of the year, so probably by the first or second meeting in June we will have better indications of what we'll look like.

MAYOR CULLIVER: I'd like to reiterate about our recovery plan. There are a couple things that I told you we would look at and a couple of those things were storm water run off and the street lighting. I would like to let council know that the State Auditors are pushing us on this issue. Next month we will have all the information for council and then we will have a meeting and let council pass over the findings that we have, so all the things that's in the plan has to be accepted or rejected by council. I think, with what we heard today, as far as our recovery meeting, the first couple things (inaudible)...make some decisions because we'll know how those funds are going. There's nothing in there that we're actually recommending but it has to be in there because it has to be in the plan and there's nothing in there that I can do without council's ok. We'll give you the information, then you can decide whether we yea or nay on those two issues. The second thing that I have, I have a couple proclamations.

POLICE WEEK

MAY 15- 21, 2011

AND

PEACE OFFICERS MEMORIAL DAY

WHEREAS, the Congress of the United States has designated May 15th of each year to be Peace Officers Memorial Day; and

WHEREAS, our law enforcement officers are the guardians of life and property, defenders of the individual right to be free men, warriors in the battle against crime, and are dedicated to the preservation of life and property; and

WHEREAS, more than 19,300 law enforcement officers have been killed in the line of duty, including 152 in 2010; and

WHEREAS, our first line of defense against the enemies of freedom is our law enforcement officers; and

WHEREAS, understanding is the watch word to compatibility, and it is important that the people of our city know and understand the problems, duties and responsibilities of their police department.

NOW, THEREFORE, I, DONALD R. CULLIVER, MAYOR OF THE CITY OF MANSFIELD, OHIO, do hereby proclaim May 15 - 21, 2011 as "POLICE WEEK" and May 15, 2011 as "PEACE OFFICERS MEMORIAL DAY" in the City of Mansfield and urge all citizens to take advantage of this opportunity to honor the police officers of our community and to provide a wide base of understanding of their daily work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mansfield, Ohio to be affixed this 17th day of May, 2011.

Donald R. Culliver, Mayor

NATIONAL SAFE BOATING WEEK

MAY 21 – 27, 2011

WHEREAS, on average, 700 people die each year in boating-related accidents in the United States; approximately 70% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public;

WHEREAS, we must continue to spread the message of boating safety, not only during National Safe Boating Week, but also throughout the entire year;

NOW, THEREFORE, I, DONALD R. CULLIVER, MAYOR OF THE CITY OF MANSFIELD, OHIO, do hereby support the goals of the North American Safe Boating Campaign and proclaim May 21-27, 2011 as;

NATIONAL SAFE BOATING WEEK

in the City of Mansfield, Ohio and the start of the year-round effort to promote safe boating. I urge all citizens who boat to “Wear It” and practice safe boating habits.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mansfield, Ohio to be affixed this 17th day of May, 2011.

Donald R. Culliver, Mayor

GENTLEMAN ACCEPTING PROCLAMATION: I would like to thank the Mayor and the City of Mansfield for issuing this proclamation on Safe Boating Week. It's May 21-27. It doesn't seem like boating weather out there now but it's coming, the Mayor promised the weather is going to get better. Mansfield Power Squadron, we've been here for almost 60 years, we're in our 59th year promoting boating safety in the area and we keep plugging away at it, so thank you very much. I appreciate it.

LAW DIRECTOR REMY: Two things. First of all, I made the amendments to 75, should be in your packet. Secondly, on Bill 76, there was some concern raised about the definition of correctional facilities. I have reworded, the phraseology that was in the original is still there and moved around to attempt to make it more clear and more defined and tighten down what a correctional facility is. There was some issues raised last night over how broad it might be. The conditions that are listed and required for the facility for the permit are the same, they haven't been changed. I haven't deleted anything.

WEDNESDAY DEADLINE

MR. HILL: I move that with respect to Bills 11-073, 11-077, 11-078, 11-079 and 11-080 that the rule requiring legislation be submitted by Wednesday noon be suspended and that Bills 11-073, 11-077, 11-078, 11-079 and 11-080 be allowed on the floor tonight, seconded by Mr. Jefferson. Motion 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. Jefferson.

MR. HAZEN: There's been some discussion about Bill 76 and holding it over for 3 readings. Can we take the question, exclude bill 76 and allow all of the suspensions for all of the other bills and then take 76 separately so we can discuss whether or not we want to read this 3 times?

PRESIDENT SCOTT: The Chair has no problem with that.

MR. HAZEN: We have a motion on the floor. I'm asking to rescind the motion and to remake the motion excluding 76 until we have a chance to discuss 76 or 3 separate readings.

PRESIDENT SCOTT: If the maker of the motion would rescind we could.

MR. HILL: I move with respect to all bills except Bill 11-076 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.

MR. HILL: I move that with respect to Bill 11-076 that the rule requiring legislation be submitted by Wednesday noon be suspended and that Bills 11-076 be allowed on the floor tonight, seconded by Mr. Jefferson. So I guess that means it's held to one reading? After the discussion the vote was take and resulted as follows: Ayes: 5. Nays: 2. Absent: 1. Ayes: Haring, Hightower, Hill, Jefferson and Versaw. Nays: Hazen and Rock. Absent: Carmichael.

LAW DIRECTOR REMY: If you vote to waive the rule, it goes to just like the other bills on a single reading. If the motion doesn't pass, then it's subject to 3 readings at the next 3 meetings.

MRS. HARING: So at the second reading of this bill, we cannot pass or fail it.

LAW DIRECTOR REMY: You can waive the reading of the third and final if you want to, yes. It's subject to 3 readings, it could be subjected to 3 readings.

MRS. HIGHTOWER: I guess I want to know, if it's once, 2 times or 3 times, what's the difference?

MR. ROCK: I think it gives us some chance to get some clarity, gives us a chance to hear from our constituents. I think there's some good points brought up here tonight. I, myself, would like some guarantees that they will not use that facility before we vote on

this bill. I know they say its Planning Commission but I would like it in writing for council to know that they will not use their current facility after vacating it.

MRS. HIGHTOWER: I want to say, after I heard Mr. Messer speak last night, of where we are, what other recourse do we have at this time?

MR. HAZEN: I think we always have recourse. My understanding is, is that we, the question is whether or not we want to expand a facility and put it in the current location or whether we want to keep the current facility where it is and I think part of that question also goes back to making sure that it's just the people that are sitting here tonight, but anyone who has this, this is a hot button issue. Anyone who has concerns about this, I want to make sure they have ample time and that's one of the reasons why I'm fine with 3 readings. Three readings doesn't mean that we don't ever vote on the issue, it simply means we allow more time for people to come in, do some research, make their comments, ask their questions and at the end of that 3 reading period of time, we have the opportunity to sit down and do exactly what we're doing tonight. In my mind, I'd rather hear more discussion on this and have more feedback from more people and it's happened in the past Madam Chairman, that we've had readings for 3, we've taken a piece of legislation, we've said we're going read it 3 times and we've had, virtually, no public comment at all, it was a very easy decision. There's been other times where we had 3 readings and we've had more discussion and we changed our minds and I think the way that the bill was presented, granted it was presented in a timely fashion, we had the public hearing and then we had the opportunity to have more discussion last night on council but I still think that with some people having unresolved concerns, we don't want to move forward too quickly to something when, and steamroll something through council when you do have unresolved concerns. That would be my issue at this point, is that, regardless of my own personal feelings toward the issue, I want to make sure that people who are going to be impacted, many of them who are in your ward, are going to have the opportunity to come here and speak. This is going to be right in the middle of your ward.

MRS. HIGHTOWER: That I understand and you know I've lived that along with Mr. Messer but one of the things that concerns me is the fact that we're going to get less and if the courts are going to be involved and they're going to send the drug and alcohol and use that as I understand it's going to be more than 50 or 67% will be drug and alcohol related rather than just for sex offenders. That's going to come from around our community.

MR. HAZEN: Let me clarify my own position on this. If this is drug and alcohol related alone, I'd be standing right there with you saying, do we really need these kind of facilities and it doesn't matter where it's located, we have to do it somehow, someday because we'd have significant drug and alcohol problems in town. But there are people with very valid concerns about the other services that are provided by the facility and I think giving this 3 readings gives them ample opportunity to come in and speak to whether or not they agree or disagree with the issue. If we have a council session, at the beginning of June, and nobody shows up to talk about it, I think it would be pretty clear

that the public isn't interested in that stuff. If we have 3 readings and have a lot of feedback from a lot of people, what's the harm in hearing the official voices, and of course I'm going to (inaudible) but that again, besides the point in this particular issue because it is such an emotional issue. I don't want to speak for anybody else, but that's my opinion.

MRS. HIGHTOWER: And one of the things that, at this point, help me out, Mr. Messer said there's going to be 130 beds, going to be less. At this point we have no control, if they build the new facility it does give us some type of control. Is that correct?

MR. HAZEN: That's, at least, what we've been told at this point, but I, like Mr. Rock, I want to make sure those guarantees are there although I certainly trust the word of Mr. Vetter and believe him to be an honest individual and not going to lead us astray on this. I also want to cushion it by saying, in my opinion, it's always better to have a guarantee in front than it is to have a guarantee behind it because if lines change or plans change or there's some sort of structural issue that need to be addressed, we could be sitting back here with another issue down the road. I'd just rather take a cautious approach. I understand any hesitance any other council person (inaudible). That's my belief.

MRS. HARING: Mrs. Hightower, I understand what you're saying and I agree and the only thing that sticks in my mind is that having attended the City Planning commission meeting when they first brought this up last month, or whenever that was. When they had this discussion, the parting words of the City Planning Commission were, I hope City Council takes their time on this. There will be a lot of interest, there will be a lot of discussion, and, so, in the back of my mind, I'm thinking, that's only fair, give it a little extra time, see what people have to say, let them speak their piece and by delaying this a little bit, at least for a second reading, we can say that we have done that.

MR. HILL: I would just like to reiterate or agree with Mrs. Hightower that director Messer told us last night that a no vote on council will make them stay where they're at. If we say yes, they're moving out to a new location and will be capped at no more than 40. I really respect Mr. Messer and what he's done. (inaudible).

MR. HAZEN: I think it's a valid point Mr. Hill, sorry to interrupt sir, I think it's a valid point, but I don't believe what we're saying at this point is, because it's a very emotional issue and because a lot of people have a lot of questions, let's give them the opportunity and let's see if people, the citizens of Mansfield, particularly the citizens could be directly impacted by it, the opportunity to come in and speak. I don't see us, as a group, saying, no we aren't going to do it or yes we are going to do it, we're merely taking our time and being cautious about the decision and make sure the decision is in the best interest of the city. I would agree with Mrs. Haring that we've got the opportunity to take a measured approach and think carefully about the issue and I think we can come to the right decision for the citizens.

MAYOR CULLIVER: You know, I see the same thing doing on this issue when we first brought it up. Mrs. Hightower learned, when that came in it wasn't even in my area.

I sit up here and told you that you need to fight this from the beginning and there were those who wanted to play politics with this so they didn't listen. If we really wanted to cut that and folks, we got to have an understanding. You need to do things at the beginning of the process, not at the end. Now, since we did what we did, we're at the end of this process, you guys have to make a decision on what's best for the community. I'm on the Planning Commission and know what our jobs is. Know what they told us and I can tell you one thing, if those covenants don't come in and they don't keep their word, they don't have to worry about me. Messer, he's on that too. All I've heard is what they said and I don't know, the only one I really know is Bud and I met these folks and my word is at stake. Every time we do anything on him, I'm all the time, my word should be my (inaudible). There will be nothing coming through the Planning Commission without those covenants and without those things that they said and then I'm going to make sure that's proper by going through our Law Director. When you ask for those things, that's the proper place that you put them in, not here. I'm not telling you guys how to vote but I'm just saying, you have to do, in your mind, think about what's best for the city, no matter where I come and say (inaudible), you have to say what's best for the city. This is a bad situation. I never wanted those, the VOA (inaudible)...and go to the next step and do what's best to decrease that population. Now, the Judges say that some of that is going to happen because, what's going to happen is they're going to take our locally and start sending them over here. Bottom lines is what Mr. Fernyak said. Bottom line is the money. And I agree with him. Either you accept what the Judges tell you or accept what our Law Director tell us about what we can and cannot do or we play politics with it.

MR. HAZEN: I disagree that we're playing politics.

MAYOR CULLIVER: Well you have your opinion, sir, and I got the floor, thank you. Everybody has their opinion on whatever it is, you know, but I've seen this happen and then so many time, when we don't want to make a decision, it always want to take it to the next step and what new information are we going to have? We've been talking about this thing over two months. In two months, it just came past the Commission. In fact Bud came on, how long you been working on that Bud? And everybody on this council knew, and this is problematic, systematic (inaudible) by the VOA cuz we have to make decisions. If you want to vote them down, vote them down. If you want to vote them up, vote them up and make a decision. We got elected to be leaders, not put off everything, then we make some bad, to me, that's what I mean by politics. Don't take anything personally, sir, maybe you're not the one, but whoever the one is (inaudible).

MR. HAZEN: I don't take the politics personally, Mr. Mayor. Sometimes a good decision is a cautious decision. Leadership doesn't just necessarily mean press the yes or no button. Sometimes it means be careful and be cautious and certain times require quick action. I think we all understand that. There's certain pieces of legislation here tonight that, while I would love to sit and debate them for weeks on end because of certain fiscal constraints from the public government, for instance Bill 75, I realize that there's time constraint and I think the committee did the best they possibly could in coming to an agreement that said, I don't see where this is something that if we don't act this meeting, or if we act the next meeting that that's going to hamper this process. All it's going to do

stretch it out and give us a measured approach. There are times when, if you make a decision simply because it's in front of you, you've made the wrong decision period. Yes or no. So, and while you say there may not be any new information, we don't necessarily know that. We know that there's a lot of interest in the issue, we know that there's a lot of people who are talking about the issue, there's obviously a great deal of concern on both sides, there's good, valid points on both sides. So why not, again, set back, think about it, rather than simply saying yes or no and if I'm pushed into a vote tonight, I'll vote and I know how I'll vote. But I also know that I've had a chance to discuss with the Director herself, some very valid points and with Mr. Fernyak, some very valid points and with some other concerned individuals who have very valid points on both sides for the issue and I think that taking our time and thinking through the issue will only make it more prevalent in the minds of the citizens that we didn't just steam roll this, that we took our time, we analyzed it carefully and came up with what we believe is the best decision for the citizens and that's all I'm asking. I don't think anybody's asking for you, if we have the majority of council tonight that says, let's vote on it, let's vote on it. But if we have a majority of council tonight that says, let's wait, let's wait.

MR. VERSAW: I think all of you know that we have to have 6 votes against to defeat this. I'm not so sure I see 6 votes, that means that 6 out of the 7 sitting here have to vote no to defeat this. Got to have 6 votes no. If we're overturning the Planning Commission decision. I don't see 6 votes no here tonight. Now, we can vote tonight and if somebody really wants this to go on any further, I guess you could go for 2 readings or 3 readings because if we vote tonight, I don't see that, I think we're going to have to approve this stuff. Now, I guess I don't have problems of looking at a second reading and maybe getting some assurances in writing if that's what people on City Council want and some of the citizenry out there. I think the citizens think tonight we're voting to approve this. Probably most of them think that we vote tonight, we're voting to, it's going to start construction after the Planning Commission approves their plans they're going to start, but that's not the case, but that's how people are looking at this thing probably. I guess I don't have any problem of voting next week if the VOA and Mr. Vetter wants to give us some assurances in writing. If that makes us feel a little better, fine, otherwise I think (end of tape).

MR. JEFFERSON: ...on the Codified Ordinance to allow the VOA a conditional permit. That's what I came here to vote for tonight. I didn't come in here to vote for how many beds they gonna have or how many they're not gonna have. That's not, to my colleagues, what we're supposed to be voting on. We vote on whether they'll have the permission to build in that area. Then they will go to the Planning Commission and make all those assurances of how they're going to build it and what the uses will be. That's where we stop that at. Tonight is not to get all the assurances, tonight is to see if they can go forward. I understand how we got off track here. We're here to vote on changing the zoning to give them permission for use, conditional use. That's what we're here for. We're off track here, now, where we going to go with this? Any comments from colleagues?

MR. HAZEN: Can you clarify Mr. Versaw's comments on the 6 votes?

LAW DIRECTOR REMY: To modify or reject the Planning Commissions approval would take a ¾ vote of those elected to council. It would have to go down 6-2. 6 negative votes to reject the Planning Commission proposal. Short of that it passes by majority. To clarify Mr. Jefferson's feeling as to what this ordinance could do, what it does is it allows correctional facilities to be a conditionally permitted use within a limited I-2 district. That's all this piece of legislation does. If you pass it and it passes, then and only then can Mr. Vetter and the VOA approach the Planning Commission and request a conditional permit to build the facility on the property that's in question. If the Planning Commission decides to grant a conditional permit, they can put all kinds of perimeters and conditions on it that they want, including capping the size of the facility, capping the types of treatment options that they have, there's also the other option, separate option, since we own the property and are going to be transferring it or selling it to Mr. Vetter and his company to put deed covenants on the deed in addition to any other covenants that might be imposed upon, by the Planning Commission. You are not voting to grant a conditional permit tonight. You're voting to allow Mr. Vetter and his company and the VOA, in conjunction with each other, to apply for a conditional permit to place this facility on this property on N. Main St. The conditional permit is approved by Planning Commission once Mr. Vetter and the VOA make application. It's a two step process.

MR. HAZEN: Mrs. Carmichael is also not here, so there's at least one vote that would go one way or the other regardless of how it would be. I would like to call for the question.

LEGISLATION

GRANT A LICENSE TO ANTONELLI'S FOR BIKE RACK

BY: MR. VERSAW

ORDINANCE 11-069

Granting a license to Antonelli's Personal Training Systems, LLC., 14 W. 4th Street, Mansfield, Ohio, to install and use a bike rack in the public right-of-way, and declaring an emergency.

Upon motion by Mr. Versaw that Bill 11-072 be read and placed upon the floor for discussion, seconded by Mr. Hazen. The bill was read and placed upon the floor for final passage, seconded by Mr. Hazen. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw. Absent: Carmichael.

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

MAYOR CULLIVER: I would like to thank Antonelli's for putting up this bike rack. There was some discussion on Council and some of the Council people asked me about the one in the parking lot. You will probably start seeing a bunch of bike racks around town and those bike racks will (inaudible) to the city so we're hoping that people will

start using that. With gas at \$4 a gallon they might be used quite frequently now. I want to thank them for that.

MR. VERSAW: Also, at 11:00 Friday they're going to have, like a ribbon cutting on this bike rack at Antonelli's which is on the corner of 4th and Walnut across from the Carrousel so if anybody wants to go down to the ribbon cutting you're more than welcome.

AMEND SEC 1 OF 04-214, SSD EXECUTE HANGAR LEASES

BY: MRS. HIGHTOWER

ORDINANCE 11-070

Amending Section 1 of Ordinance 04-214 to authorize the Service-Safety Director to execute Airport hangar leases rather than the Public Works Director, and declaring an emergency.

Upon motion by Mrs. Hightower that Bill 11-073 be read and placed upon the floor for discussion, seconded by Mr. Jefferson. The bill was read and placed upon the floor for final passage, seconded by Mr. Jefferson. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw. Absent: Carmichael.

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

AMEND SEC 1 OF 11-042, HOME FUNDS

BY: MR. JEFFERSON

ORDINANCE 11-071

Amending Section 1 of Ordinance 11-042 relating to Mansfield FY 2011 Action Plan to the United States Department of Housing and Urban Development (HUD) for 2011 HOME Investment Partnership Program Funds, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 11-074 be read and placed upon the floor for discussion, seconded by Mr. Hazen. The bill was read and placed upon the floor for final passage, seconded by Mr. Hazen. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw. Absent: Carmichael.

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

AMEND SEC 1 OF 11-041, CDBG FUNDS

BY: MR. JEFFERSON

ORDINANCE 11-072

Amending Section 1 of Ordinance 11-041 relating to the proposed uses for the City's 2011 Community Development Block Grant Funds under the provisions of Public Law 393-383, as amended, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 11-075 be read and placed upon the floor for discussion, seconded by Mr. Hazen. The bill was read and placed upon the floor for final passage, seconded by Mr. Hazen. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw. Absent: Carmichael.

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

MR. HAZEN: Again, I'd like to extend my thanks to Mr. Jefferson for reworking the piece of legislation and for the advocacy of the members of Council to get the piece of legislation in the shape that it's in. Good news, bad news with this piece of legislation, obviously the bad news is we did take a 16% cut, the good news is it could have been a heck of a lot worse so you have some funds to work with through the CDBG program and I'm glad to see that we're able to, at least fund, for the most part, the projects that we feel are credible for the city. Thank you sir.

MR. VERSAW: I'd like to thank Mr. Jefferson and also Mrs. Hightower for making the suggestion to take \$10,000 for NECIC. I appreciate that. (Microphone not on).

AMEND 1153.03, 1167.09 AND 1183.03, CORRECTIONAL FACILITIES IN I-2

BY: MRS. HIGHTOWER

ORDINANCE 11-073

Amending Sections 1153.03, 1167.09 and 1183.03 of the Mansfield Codified Ordinances, as amended, to allow Correctional Facilities as conditionally permitted uses in the General Impact Industrial District (I-2).

Upon motion by Mrs. Hightower that Bill 11-076 be read and placed upon the floor for discussion, seconded by Mr. Jefferson. The bill was read and placed upon the floor for final passage, seconded by Mr. Jefferson. The vote was taken and resulted as follows: Ayes: 5, Nays: 2. Ayes: Haring, Hightower, Hill, Jefferson and Versaw. Nay: Hazen and Rock. Absent: Carmichael.

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

MR. JEFFERSON: I'd just like to say, I want to thank the VOA to a point because these people that either make bad choices or make mistakes, they have to be rehabbed and I want to thank you for taking that tough task on. We need to be diligent in watching them and as citizens and I know you'll do your job, the best of your ability but we need this facility, the Judges have warned us that we need it, that it's not the citizen in the

weeds that's raping our daughters and mothers and sisters, it's family members a lot of time and they know that we need it and they're behind you so I hope you're successful from here on out. Keep up the good work.

MRS. HARING: We've had a lot of discussion about how you make the decisions and I know exactly what we're voting on tonight, however, before I give permission or deny permission for that, it's important for me to have done some research, feel comfortable with my decision, so today I made some phone calls and I found them to be very interesting and I would encourage anyone else who has questions to do the same, and those phone calls were made to the Bureau of Community Sanctions under the Dept. of Rehabilitation and Corrections. Also, they referred me to a website called the U.S. Center for Sex Offender Management and I also had a discussion with Asst. Prosecutor Bambi Couch-Page. What every community must face is the task of managing these offenders. From the time they are arrested, to when they are incarcerated to (inaudible) supervision. Every community has to make the choice of how important it is to them and how they will pull together the team of agencies and public stakeholders who will make those decisions. When you have a comprehensive approach to sex offender management, you are ahead of the game. We have the VOA which puts us ahead of the game. We have the attorneys office, we have the courts, we have all these people who are working to rehabilitate or at least control our sex offender population. The Bureau of Community Sanctions holds our local VOA in high regard. They have no intention of revoking their contact any time soon. They feel that Director Cary, Phil, are doing an excellent job with their evidence based treatment which is what is required. It's been said that the legislature maybe could hold that hope for us that they could legislate this out. It won't happen. The legislature can maybe pull some funding, but as we've all been told, the Governor's very interested in having local control of managing your offenders. Butch, you are absolutely right, many of these offenders are local people that we must have management for, in other words, out of the 169 sex offender cases in the last 3 ½ years, only 4 were strangers to the victim. All others were family members and acquaintances. And do they come back and re-offend? Well, generally if they do, it's a drug charge, a theft charge or something else. Now, if we did not have the VOA, it would put a hole in our management team. It would also mean that offenders getting out of jail, out of prison, would then be released to a shelter or perhaps to stay with friends. No supervision. If you get rid of a halfway house, you don't necessarily get rid of the sex offenders either. So, those are just some things that I had a discussion with, this does not make me, certainly, a supporter of housing sex offenders in our community. What I am trying to say here is that our community, whether we realize it or not, has a management team for these offenders. We are very fortunate to have a management team. Would it work as well without the VOA present? I guess I can draw my own conclusion and you can draw yours. I know that's not what this bill is about. I'm just saying that if you have questions about voting on this, I wish you had time today to maybe look at some of these, to talk to some of these people. It's helped me make a decision and I guess we'll go from there. Thank you.

MR. VERSAW: Thank you for the comments. They are very enlightening and in my conversations with Kris Jordan that's what he's saying as well. There's not going to any

change anytime soon to effect this VOA being here in Mansfield, Ohio. This is a very tough decision for us all to make, but I guess I'm torn between many of the influences in the community, but I think it's been said, what we really are doing here is giving it to the Planning Commission. The Planning Commission is the one that's going to make all the rules. The fact that it's going to be here, whether it's the present location, which could be worse than the new location, but we don't know, but I would think so. I guess being torn, I guess I'm going to vote in favor of it tonight but we need to hold the Planning Commission feet to the fire, I think that's where it's all at. I don't think our decision can stop this thing, which tonight means 6 votes no.

MR. HAZEN: Just a couple of points. Let me state this because I honestly hoping that we would take a more measured approach to this piece of legislation and here more voices from the public. That didn't happen. So you move on and you have to make the decision. As I stated during the earlier debate, there are very good elements to what's going on. I don't debate or doubt that in any way, shape or form. But I think there's a couple points of logic here that I'm drastically disagreeing with. Number 1, I've heard it said, many times, that we're making the best of a bad situation. To me, that's defeatist. The best of a bad situation is accepting the bad situation. So you can either say, I'm going to draw the line here and I'm not going to go any further with this or you can say, I'm just going to accept that this is what it is. Second, I've said it repeatedly and I'll say it again tonight. The State is negligent in dealing with this issue. Negligent. Because if every community in this state had to take a sex offender treatment program, we'd be having a different discussion. But, the state legislature has not done their job. Now, part of my issue with this facility has been that we have taken offenders in from other areas. It sounds to me like that's, at least, partially been addressed, which I do like and I do appreciate, but the State has not done their job. What they've done is they've screwed up their sentencing guidelines and now, people who are a very real danger to communities, are walking the streets. There's no doubt about that. Now, could you go, ok yeah, is a percentage 70% of the individuals who go through these treatment programs aren't really the hard core sex offenders we think they are? Yeah, maybe so. It could be the 19 year old that dated the 15 year old and that whole scenario that Bambi was talking about. I'll even give you that. That's still means 30% of those people shouldn't be walking the streets. So they need to address the sentencing guidelines for pedophiles, number one. They haven't done that and they need to. The second thing is, Mansfield, Ohio shouldn't think about anybody else's offenders but Mansfield, Ohio and Richland County. Period. And that means, a treatment facility in Lima and Youngstown and Bucyrus, everywhere else should have to deal with their issue if we're going to be forced to deal with ours. I don't want to deal with anybody else's. The final point that I would make, Mr. Hill brought up Director Messer's comments. Director Messer sat here 5 years ago and told this council the number one, number one law enforcement concern he had was the VOA and the residents that were coming out of the VOA. Now, that was 5 years ago and I got a long memory for this stuff and I'm telling ya, if something's changed in the last 5 years, I'd love to know what it is. I can sit here all day long and tell ya, I really think Carrie is a nice gal and she's done great work down there and I'm sure a lot of these people haven't re-offended because they went through the program and I'm sure I'd get a lot heads nodding and saying yeah, but on the other hand, we also have the opportunity tonight to

say, I don't agree with it and it's time for us to put it in writing and say I don't agree. Now, I wasn't here on Council when the Mayor was and when this was brought up, but I sure hear this every single time I go out in public. Everyone says, why do we have this facility. So either more education's got to happen or something else has to happen. Now, we can cushion this any way we want and say, this is just a rezone and the real work will be somewhere else but it's passive approval of something that we have long said is a significant issue. I think it's probably pretty clear where my vote's going to rest and I hope you, at least, consider my point of view before you cast your vote.

REPEAL 10-202, LEASE AT AIRPORT TO TTI WINGS

BY: MRS. HARING

ORDINANCE 11-074

Repealing Ordinance 10-202 relating to a lease of space at the Mansfield Lahm Airport to TTI Wings, LLC, for purposes of operating a restaurant, and declaring an emergency.

Upon motion by Mrs. Haring that Bill 11-077 be read and placed upon the floor for discussion, seconded by Mr. Jefferson. The bill was read and placed upon the floor for final passage, seconded by Mr. Jefferson. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw. Absent: Carmichael.

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

DETERMINE PROPERTY NOT NEEDED, SELL TO STEPHEN & MARY WEBSTER

BY: MRS. HARING

ORDINANCE 11-075

Determining that certain property in the City of Mansfield, Ohio, is not required for City purposes, that the lease of said property will promote the welfare of the people of the City, etc., specifying the terms and conditions of such lease, authorizing the Richland County Growth Corporation to lease such property on behalf of the City of Mansfield to Stephen W. and Mary L. Webster, without competitive bidding, and declaring an emergency.

Upon motion by Mrs. Haring that Bill 11-078 be read and placed upon the floor for discussion, seconded by Mr. Jefferson. The bill was read and placed upon the floor for final passage, seconded by Mr. Jefferson. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw. Absent: Carmichael.

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

DETERMINE PROPERTY NOT NEEDED, SELL TO STEPHEN & MARY WEBSTER

BY: MRS. HARING

ORDINANCE 11-076

Determining that certain property in the City of Mansfield, Ohio, is not required for City purposes, that the lease of said property will promote the welfare of the people of the City, etc., specifying the terms and conditions of such lease, authorizing the Richland County Growth Corporation to lease such property on behalf of the City of Mansfield to Stephen W. and Mary L. Webster, without competitive bidding, and declaring an emergency.

Upon motion by Mrs. Haring that Bill 11-079 be read and placed upon the floor for discussion, seconded by Mr. Jefferson. The bill was read and placed upon the floor for final passage, seconded by Mr. Jefferson. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw. Absent: Carmichael.

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

MRS. HARING: On behalf of the Airport Commission I can tell you they're very excited about the opening of the Subway restaurant. It's going to be a real boom for business, I think, out there. It's been vacant for a long time and we're very excited that Steve and Mary Webster decided to make an investment in that restaurant and go forward with their plans, not only to be a Subway franchise out there but to have the other half of the restaurant be available for rentals, parties, events, I think it's going to be a wonderful addition to the airport. This is going to be up and running the first weekend in July and on July 2nd is our second Airport Day, where there will be a lot of fun. Helicopter rides, displays, food, all kinds of activities for children. It should be a lot of fun and you'll be hearing more about that but Mary and Steve Webster said even if the Subway portion isn't up and running, food will be there in the restaurant, so that's really exciting and we appreciate their cooperation in that.

MR. HAZEN: We went to that event last year and it's a really great event. I loved seeing the people out at the airport and taking advantage of what we have, so, that's a fantastic event. Thank you.

AMEND SEC 26 OF 10-284, ADD LABORER TO PARKS

BY: MRS. CARMICHAEL

ORDINANCE 11-077

Amending Section 26 of Ordinance 10-284, relating to the Parks and Recreation Division by deleting the position of Carpenter/Laborer and adding a new position of Laborer, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 11-080 be read and placed upon the floor for discussion, seconded by Mr. Hazen. The bill was read and placed upon the floor for final passage, seconded by Mr. Hazen. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw. Absent: Carmichael.

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

AFTER LEGISLATION:

MR. VERSAW: I'd like to remind everybody about the Sister Cities meeting Thursday evening at the Congregational Church. We'll have Dan Lehman, Professor of English Literature at Ashland University talking about our first Sister City, Dar Es Salaam in Tanzania so if you'd like to learn a little bit out our first sister city come Thursday evening at 7 pm.

MR. HAZEN: I don't know if any of you have seen it or not but at the corner of Diamond and First there's some buildings that are being taken down and I talked to Mr. Bissman who is doing some development down there and it looks like we're going to get a store that's going to be a little more like a convenience store but it's nice to see some development going in downtown and a lot of residents down there have been without a place to go get food and drinks and whatever and that's going to be down there, so that's going to be a real nice addition.

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

Amy Walker
Clerk of Council

Phillip Scott
President of Council