

PUBLIC HEARING – MAY 3, 2011 – 7:00 P.M.
AMEND 1167.09 (C) TO EXPAND CONDITIONALLY PERMITTED USES i.e.,
COMMUNITY BASED CORRECTIONAL FACILITIES, HALFWAY HOUSES
AND ANY OTHER SUCH LIKE FACILITIES

ATTY. BUD VETTER: Microphone not working.

MR. VERSAW: I have one question. I understand you have another 10 year contract with the State. Who is the contract with and how many more years do you have and when would you petition to have that extended or, just give me some information on the contract.

ATTY. VETTER?: Microphone not working.

MR. VERSAW: So as long as you get your license and renew it every year and as long as the VOA wants to have a facility here, nobody can stop them. Right?

ATTY. VETTER?: Microphone not working.

MRS. CARMICHAEL: I apologize for being late, I had another meeting that ran over a little and this question may have already been asked. But, do they live in the community in apartments, homes, and still get your treatment? Or do they stay in your facility?

GENTLEMAN IN AUDIENCE: Microphone not working.

MRS. CARMICHAEL: I just find that there's, I work at a school, and we get all of these papers stating that we have sex offenders in our community. I have a stack, this high, that I'm supposed to recognize the minute they walk in our school. I just can't believe that they would just, all them people would be from one county. I don't understand that.

GENTLEMAN: Microphone not working.

MR. ROCK: You mentioned earlier that after they leave parole you can't control them. How many percentage actually leave parole before they leave the treatment center?

GENTLEMAN: Microphone not working.

MR. ROCK: I guess what I'm saying is, can they be released from parole while they are in treatment?

GENTLEMAN: Microphone not working.

MR. HILL: The comment was made, maybe by Atty. Vetter, that it was the city's desire to put them there? Is that right?

GENTLEMAN: Microphone not working.

MR. HILL: We, being? Who is that? The Mayor, Planning Commission?

GENTLEMAN: Microphone not working.

MAYOR CULLIVER: Can I add something to that? I have a letter here from (inaudible). We did have plenty of discussions with the VOA previous to this because we really didn't want them in the downtown area. We fought not to get the rezoning and it came up that they really did listen to what we had to say but the recommendation came from the community corrections board. This is a letter from them to the state and it says in this one part, "At our most recent meeting on March 2, 2011, it was attended by the Mayor, the Police Chief, SSD, Law Director of Mansfield, 2 County Commissioners and the Sheriff, both general division Judge and representative of the Municipal Court, County Probation, Chief Probation Officer and the Mansfield Regional Adult Parole Authority, Asst. Prosecutor, Rep. from VOA. Our review of VOA request to relocate their program to a new location and building are very helpful in addressing all the concerns and gain our approval of the proposed change. That was all the law enforcement and the prosecution and anybody that has to do with these types of issues. Does that answer your question?"

MR. VERSAW: They approved the real estate.

MAYOR CULLIVER: Yes, they approved the relocation. They are there. If you deny them, the only thing you're saying is, we don't want to take the recommendations of the 45, you can get 145. This is the best of a bad situation. Then you've solved the downtown area problem. You're not going to solve the problem by not getting them out. You should have fought that fight, I've said that a million times, when that first happened. If they're not here, then you don't need to get them out. That's the reality of all this. Now that they're there, we're trying to make the best decisions for the community in how we deal with it.

MRS. HARING: Mr. Vetter, you said this could be a win, win situation because treatment would be improved. At your facility, you not only give treatment to sex offenders, what other type of individuals get treatment at your facility?

ATTY. VETTER: Microphone not working.

MRS. HARING: So, because we live near a large prison, and because there are other offenders being released into our community frequently and these offenders could be as frightened, perhaps, as their crime committed, not paid for, but still their crimes committed can be as frightening as some we're talking about tonight, so it's a win, win situation that some of these offenders are getting this sort of intervention before they're released into the community with, perhaps, some other release and may not be getting any sort of intervention before being released into the community.

ATTY. VETTER: Microphone not working.

END OF TAPE

MRS. HIGHTOWER: What percent, in your program, what percent are drug and alcohol, what percent. What's the percentage rate?

GENTLEMAN: Microphone not working.

LAW DIRECTOR REMY: I guess I need to point out, technically we are not, the legislation does not rezone this territory. It is currently I-2 where it is located. What this legislation would do would allow correctional facilities, such as the VOA's treatment center to be a conditionally permitted use within that I-2 area, and the I-2 area is defined and refined down to those I-2 areas north of 30 and east of Ashland railway eastern most railway line right-of-way that runs up, really their railway line is east of the old steel mill, the south buildings of the old steel mill that was just torn down. It's the railroad track that runs between the steel mill and Main St. If this passes, as approved by the Planning Commission, Mr. Vetter and the VOA would have to come back to Planning Commission and get a conditional permit to open this facility. Part of the conditions of that permit are that it has to be so far away from another correctional facility, in this case it's 1000 feet and there's other restrictions built into the legislation as to number of residents, number of employees, size of the facility, those are things that the Planning Commission can put on, restrictions that can be placed upon the facility, some of which they've already agreed to right now. This is not a rezone of this territory or this area. It is a change in the ordinance, in the zoning code to allow them to request a conditional permit to operate there. The area that they're talking about placing this facility in, in the I-2 area that we're talking about, in general, all of it is in a flood plain, except for a 5 acre plot. The rest of the land around in this whole territory is in the flood plain. So you have an understanding of where it is, if you go out N. Main St. and N. Main St. rises, it's the land that's really across from where the old Honor Farm barn used to be on N. Main, on the west side of the street. That's the location that they're talking about. But I want to make it clear that we're not rezoning this territory, just changing the zoning so to allow them to request a conditional permit to build this facility and operate it under conditions established by the Planning Commission.

MRS. HARING: I'm glad that you clarified that, that is our purpose going forward is that we are going to be voting on expanding this ordinance to be able to allow conditionally permitted uses such as yours, but I am referring back to the meeting of the City Planning Commission when this first came forward last month and with the minutes in front of me I do recall Mr. Seckel commenting that we should not be rushing through this process, even though it seems like a cut and dried issue that is here, he stated there's a lot more to this amended ordinance than what's just cut and dried, with actually here the emotional arguments attached to this particular issue and I think that's what we're exploring tonight, the emotional side of this, what really does touch people's core and how they feel about this and I'm glad that you are willing to listen to us as we represent those

(inaudible) of interest to us and that we haven't forgotten our mission, however, as the Law Director has reminded us.

GENTLEMAN: Microphone not working.

WOMAN IN AUDIENCE: Microphone not working.

MAYOR CULLIVER: All I can tell you is that people elected you guys to make hard decisions. All those problems that you mentioned are at the facility now. That won't change. What will change is, you're minimizing all those problems that you talked about moving out and with the new facility, they will have state of the art security so that's actually going to help and you're going to take them away from people. But all those issues will be there, matter of fact, if you take a look at what they could do, those issues could multiply because now they could go to 130 more.

MR. CARL HUNNEL: Microphone not working. (Concerns from Richland County Children's Services).

WOMAN IN AUDIENCE: Microphone not working.

END OF PUBLIC HEARING

Amy Walker
Clerk of Council

Phillip Scott
President of Council

REGULAR COUNCIL MEETING MAY 3, 2011

The first semi-monthly meeting of Mansfield City Council met on Tuesday, May 3, 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: Carmichael, Haring, Hazen, Hightower, Hill, Jefferson, Rock, Scott and Versaw.

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

ESTHER MCNEIL, 304 E. ARCH ST.: Microphone not working.

MAYOR CULLIVER: That's not the purpose of the task force. The only thing I can say about that, sir, is, since we've had the task force, there's been 32% less kids (inaudible) taking kids out of school, so in those terms, the task force is working. What you're saying about how they kicking out, I'm not saying if you're right or wrong about how many kids, but they are kicking less kids out now since the task force has been there. Last year, we checked the facts, there was 33% less. It is working in those terms. Now policy, task force don't make policy. That's up to the Board of Education.

PRESIDENT SCOTT: I was just going to say, I think a lot of Mr. McNeil is saying makes a lot of sense but probably need to talk to the school board. We'll listen but I think a lot of where you're, very good points, but a lot of it..... yeah we can work on the potholes but we can't fix the Board of Education and some of their policies and procedures.

MR. MCNEIL: Microphone not working.

MAYOR CULLIVER: I just want to say that today is Election Day and I hope everybody casts their vote. This is what makes America great and we have a choice to express our opinion and if you didn't, shame on you.

WEDNESDAY DEADLINE

MRS. CARMICHAEL: I move that with respect to Bills 11-070 and 11-071 that the rule requiring legislation be submitted by Wednesday noon be suspended and that Bills 11-070 and 11-071 be allowed on the floor tonight, seconded by Mr. Jefferson. Motion was passed by voice vote.

SUSPEND RULES

MRS. CARMICHAEL: 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: 8, Nays: 0.

LEGISLATION

HONOR DON OGLE UPON RETIREMENT

BY: ALL MEMBERS OF COUNCIL

RESOLUTION 11-063

Honoring Donald Ogle upon his retirement from the City of Mansfield.

Upon motion by Mrs. Carmichael that Bill 11-065 be read in its entirety 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: 8, Nays: 0. Ayes: Carmichael, Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw.

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

MAYOR CULLIVER: Don, I guess nobody know you but since I know you, first of all, you got a good name. Don kind of knew something about me because I worked with his brother at PPG so when we got all that stuff established, I can say truly that he was a good employee and he serviced those cars and went beyond the call of duty. Matter of fact, last time he went so far that when I came to go somewhere, the car wasn't there, hold up Don, hold up. I want to thank you for being such a hard worker and a good employee and you really set examples for many of us in this building. This is truly well deserved and also, he's a party animal. I wasn't going to tell that part. (laughter).

PWD KLOUSIADIS: Don, I'd like to thank you also, just the short period of time you worked with the repair dept. and you're one of those employees who does such a good job that sometimes you just take it for granted. Like the Mayor says, it's just done before you ever ask and I know when I used to come in through the garage to clean up my vehicle, you're always helpful, always asking what you could do and I thank you for that. I think you were very dedicated and I wish you all the best and appreciate all you've done. Thanks.

MR. HAZEN: Just a quick comment. I want to congratulate you on your retirement as well. The vehicles in this city, I think it's one of those things that people do take for granted, they really do. They take a tremendous beating and they're on the road a lot, we've got a lot of space, a lot of roads to travel and it's one of those things that has always been kinda nice to have some, a small group of dedicated employees that really

care for this and when you think about the breadth of the vehicles that you had to take care of and keeping these people out on the road, that's an important service too. We keep the right people on the road to do the right jobs and so I wanted to let you know that I appreciate, I'm sure everyone on council appreciates the work that you've done.

CHIEF SGAMBELLONE: Microphone not working. (Applause).

MAYOR CULLIVER: Hey, Don. I just want to say one thing. Can you give that back and we'll get you a frame?

HONOR OFFICER FRANK FOTI UPON RETIREMENT

BY: ALL MEMBERS OF COUNCIL

RESOLUTION 11-064

Honoring Officer Frank C. Foti upon his retirement from the City of Mansfield.

Upon motion by Mrs. Carmichael that Bill 11-066 be read in its entirety 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: 8, Nays: 0. Ayes: Carmichael, Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw.

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

PRESIDENT SCOTT: I know Officer Foti's not here. In his absence, any comments? Chief I suppose you have...

CHIEF SGAMBELLONE: Microphone not working.

MR. HILL: I personally have ridden with Frank on several occasions when I was doing the council ride-along and he's an awesome guy. All the force is but I have personally ridden with him.

PRESIDENT SCOTT: I've known Frank over the years, matter of fact, his daughter used to baby sit for us so I've known him quite a while.

HONOR OFFICER JOHN E. FULLER UPON RETIREMENT

BY: ALL MEMBERS OF COUNCIL

RESOLUTION 11-065

Honoring Officer John E. Fuller upon his retirement from the City of Mansfield.

Upon motion by Mrs. Carmichael that Bill 11-067 be read in its entirety 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: 8, Nays: 0. Ayes: Carmichael, Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw.

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

PRESIDENT SCOTT: About the only thing I can add is, it seemed like the longest time when my kids were going to Senior High and it wouldn't be a Senior High sporting event without seeing John there. I know you've been around and supported the kids a long time and loved to do.

OFFICER FULLER: Microphone not working.

MRS. HIGHTOWER: I would just like to say thank you. Thank you for the years you took care of our city and our citizens and it's truly appreciated. I don't think people realize what a blessing it is for us to be in the care of people we can go to bed at night and other people are still busy taking care of us, so I say thank you.

MR. HAZEN: Officer, congratulations on your retirement. One of the things that I think is really neat about your service is the thread that I see through a lot of the police dept. and that's that you don't just walk through the door at 9:00 in the morning and punch out at 5. There's an awful lot of community service that goes on behind the scenes and doing a lot of good beyond that. That strong sense of community really makes a tremendous difference. I know it's always been encouraged in the past, but there's still an element of taking up your times, taking time away from your family and they need to know how much we really appreciate that time and effort and energy you've put into making the community better. Thank you very much.

MRS. HARING: John, thank you for your service and congratulations on your retirement and I'd just like to say you're a testimonial to your physical fitness instructions. You look great!

MR. HILL: I'd like to say thank you to John, you're just an outstanding police officer. I never rode with you, but I've heard a lot about you, all good things. Everyone one of you police officers are fantastic. The community really appreciates what you've done.

MAYOR CULLIVER: Microphone not working.

PWD KLOUSIADIS: I know that a lot of the work that the police dept. does is shift related. I know a lot times you did what a lot of the employees at our treatment plants and the other 24 hour operations do, they've missed birthdays, they've missed holidays in order to be out there where they're needed and although we don't know each other real personal, thank you for 29 years of doing that and protecting this community.

MRS. CARMICHAEL: I just want to thank you for protecting our citizens and I know that the DARE program is a very important part of children's lives and they really look up to you, so I want to thank you for that.

CHIEF SGAMBELLONE: Microphone not working. (Applause).

EMERGENCY MEDICAL SERVICES WEEK

BY: MRS. HARING & MR. HILL

RESOLUTION 11-066

Recognizing the week of May 15, 2011 as Emergency Medical Services Week.

Upon motion by Mrs. Haring that Bill 11-068 be read and placed upon the floor for discussion, seconded by Mrs. Carmichael. The bill was read and placed upon the floor for final passage, seconded by Mrs. Carmichael. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Carmichael, Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw.

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

ACCEPT GRANT FROM PAL

BY: MR. JEFFERSON

ORDINANCE 11-067

Accepting a grant from the Ohio Association of Police Athletic League in the amount of Thirty Thousand Dollars and 00/100 Dollars (\$30,000.00) to be used for salary expenses, equipment purchases, travel expenses, and supplies related to the PAL Mentoring Program, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 11-070 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: 8, Nays: 0. Ayes: Carmichael, Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw.

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

ENACT 1339.28 MUNICIPAL TOURIST ATTRACTION DIRECTIONAL SIGNS

BY: MR. VERSAW

ORDINANCE 11-068

Enacting Section 1339.28 (Municipal Tourist Attraction Directional Signs) of the Mansfield Codified Ordinances of 1997 to allow for the placement and installation of tourist attraction directional signs at various locations throughout the city.

Upon motion by Mr. Versaw that Bill 11-071 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: 8, Nays: 0. Ayes: Carmichael, Haring, Hazen, Hightower, Hill, Jefferson, Rock and Versaw.

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

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

Amy Walker
Clerk of Council

Phillip Scott
President of Council