

## REGULAR COUNCIL MEETING MAY 3, 2016

The first semi-monthly meeting of Mansfield City Council met on Tuesday, May 3, 2016 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: Bryant, Hill, Jefferson, Lawrence, Pender, Rock, Scott and Van Harlingen.

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

**DIRECTOR SPON:** I just wanted to bring to Council's attention the bar at 189 Wood St., here in Mansfield, across the street from the hospital, it's a bar that had a number of problems. The Police Dept. has been outstanding in terms of documenting problems they've had there. We've rejected to the renewal of the permit and we received notice of April 27, 2016 that the Division of Liquor Control has not renewed the permit on this establishment, so it certainly improved the safety of that area. The Dairy Queen has expressed great appreciation to our Mansfield Police Dept., to the City, as well as our office so it's good we shut it down and be a better neighborhood.

**MR. JEFFERSON:** I'd just like to ask the Law Director, did the person that owned that establishment, did they get due process Because if I recall right, Council, in the past, voted on things, or was presented some opportunity to know what was really happening. I don't understand how the Law Director's office just gets to take total control of that without going through Council.

**LAW DIRECTOR SPON:** Well, what we did is we filed an objection to the renewal of the permit at the request of the police dept. They were notified of that and we also had a very candid meeting with the owner, or purported owner that's running that business. They were advised that they could appeal any decision. After our very candid discussion with them, for whatever reason, they decided they would simply not pursue to renew the permit, so I have to believe that they believe that they were going to lose the permit. And whoever the true owner of that bar was, behind the name on the permit, apparently didn't want to expend the monies to fight it, so they were given legal notice, due process and for whatever reason they opted not to serve any rights they believed they had.

**MR. JEFFERSON:** I have no objections, I mean, if there was a problem bar, and some bars do become problems and shouldn't be there but, it's been my experience, my past experience that those kind of things came through Council to have some choice and also..

**PRESIDENT SCOTT:** Mr. Jefferson, I believe this did come to Council and we voted.

**MR. JEFFERSON:** When did we do that?

**CLERK YOCKEY:** I can go back and look it up for you, if we passed a piece to not renew their license.

MR. JEFFERSON: I don't recall seeing that.

CLERK OF COUNCIL: It was the beginning of this year because we have that option every year and the Law Director's office, along with the Police, go through and anything they want to object to.

MR. JEFFERSON: So we had the piece. Let's move on. I just didn't recall it.

### **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 941.12 – VOLUNTARY TERMINATION OF SERVICES**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-080**

Amending Section 941.12 of the Mansfield Codified Ordinances of 1997 to revise the method by which a customer may voluntarily terminate water services to a premise, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-082 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.

#### **ENACT 941.15 – SCRAPPING OF OLD UTILITY METERS**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-081**

Enacting Section 941.15 of the Mansfield Codified Ordinances of 1997, as amended, to allow for the scrapping of old or damaged utility meters, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-080 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.

**PRESIDENT SCOTT:** Once again, we talked about this last, but this was, if I remember, it was clumped in with, it was worded different, right Mr. Van Harlingen?

**MR. VAN HARLINGEN:** I'm trying to recall exactly what it was. I'm thinking it might have been the emergency thing.

**PRESIDENT SCOTT:** I don't think this was the emergency thing.

**CLERK YOCKEY:** No, the Finance Director wanted to reword it due to the scrapping.

**DIRECTOR SPON:** The Finance Director recommended that if we were to pass legislation dealing with scrapping a particular kind of object or item, that we be more specialized, so this subject matter dealt with the parking meters that she wanted those to be subject to a specified piece of legislation...

**PRESIDENT SCOTT:** Needed to be separate from...

**DIRECTOR SPON:** ...ear marked for that.

**MR. VAN HARLINGEN:** That is correct. More specific. I would like to make one quick little comment. The Public Works Director, Mr. Klousiadis, if you would please. I know the director of Utility Collections, he's a little, and I'm a little new to this too. He will also still, by ordinance require permission from his immediate supervisor, which I believe that would fall underneath you as the Public Works Director?

**DIRECTOR KLOUSIADIS:** For disposal? Yes. It goes through but it's usually signed by the appointing authority, which the appointing authority would be Lori.

**MR. VAN HARLINGEN:** Ok. I just to make sure that Mr. Cochran is aware of that. We had a little confusion here, and maybe move a little quicker. I just want to make sure that he is aware of that. This does authorize him to get rid of meters but he still needs permission from the appointing authority, which would be the Safety-Service Director.

**DIRECTOR KLOUSIADIS:** There is a procedure and I will speak with him, also, tomorrow on both issues of legislation.

**MR. LAWRENCE:** I heard parking meters. We're talking about water/sewer. (Someone said yes).

**DEMO – 180 MARION AVE**

**BY: MR. LAWRENCE**

**ORDINANCE 16-082**

Declaring the remains of a designated dwelling (180 Marion Avenue) to be insecure, unsafe, structurally defective and unsafe to life and other property; directing the demolition thereof by city forces or contract labor, materials and equipment, and declaring an emergency.

Upon motion by Mr. Lawrence that Bill 16-083 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.

**DEMO – 518 KING ST GARAGE**

**BY: MR. LAWRENCE**

**ORDINANCE 16-083**

Declaring the remains of a two car detached garage located at 518 King Street to be insecure, unsafe, structurally defective and unsafe to life and other property; directing the demolition thereof by city forces or contract labor, materials and equipment, and declaring an emergency.

Upon motion by Mr. Lawrence that Bill 16-084 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.

**AMEND 15-244 – PETTY CASH FOR CODES & PERMITS**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 16-084**

Amending Ordinance 15-244 relating to petty cash funds in various City Departments by increasing such fund for Codes & Permits, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-085 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.

**DECLARE IT NECESSARY TO IMPROVE GLENWOOD/PARKWOOD BLVD – MOWING, SWEEPING, CLEANING GRASS PLOTS**

**BY: MR. JEFFERSON**

**ORDINANCE 16-085**

Declaring it necessary to improve Glenwood Boulevard and Parkwood Boulevard by sprinkling, mowing, sweeping, cleaning, etc., the grass plots or lawn strips in the middle of said boulevards, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 16-086 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.

**AMEND 1335.05 – PREVENT REMOVAL OF ANY PORTION OF A STRUCTURE THAT HAS A DEMOLITION ORDER**

**BY: MR. LAWRENCE**

**ORDINANCE 16-086**

Amending Section 1335.05 of the Mansfield Codified Ordinances of 1997 to prevent the modification or removal of any physical portion of a structure for which a demolition order has been issued by the City of Mansfield, without the prior written permission of the Mansfield Bureau of buildings, Inspections, Licenses and Permits, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-087 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 RCGC TO ENTER LEASE WITH PIERCE HARDY LIMITED FOR LOTS AT THE AIRPORT**

**BY: MR. JEFFERSON**

**ORDINANCE 16-087**

Authorizing the Richland County Growth Corporation on behalf of the City of Mansfield to enter into a certain lease with Pierce Hardy Limited Partnership for lots 4, 5, and 6 at the Airport East Industrial Park, Mansfield, Ohio, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 16-088 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 RCGC TO ENTER AGREEMENT OF SALE FOR LOTS AT EHE AIRPORT**

**BY: MR. JEFFERSON**

**ORDINANCE 16-088**

Authorizing the Richland County Growth Corporation on behalf of the City of Mansfield to execute on Agreement of Sale for five buildings located on lots 4, 5, and 6 at the Airport East Industrial Park to Pierce Hardy Limited Partnership and sell said five buildings via Bill of Sale, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 16-089 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 RCGC TO SELL 2 ACRES AT REID INDUSTRIAL PARK**

**BY: MR. JEFFERSON**

**ORDINANCE 16-089**

Authorizing the Richland County Growth Corporation on behalf of the City of Mansfield to sell two acres of land at Reid Industrial Park to MightyFruit Trucking, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 16-090 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.

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

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Amy Yockey  
Clerk of Council

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Phillip Scott  
President of Council