

REGULAR COUNCIL MEETING JUNE 20, 2017

The second semi-monthly meeting of Mansfield City Council met on Tuesday, June 20, 2017 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, Mears, Pender, Rock, Scott and Van Harlingen.

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

COMMITTEE REPORTS

MR. BRYANT: We had a Safe Summer Friday event last Friday on the 16th I think it was, so we had it at Central Park. It was an event sponsored by We Act and several, several organizations in the community, it was very well, it started at 6:00 and lasted until 8:30, we had a lot in attendance, a lot of people were recognized from our safety forces and thank you President Scott and Councilman Lawrence for appearing at the event on Friday. We're going to have another on at John's Park on the 14th of July and basically, this is an event to recognize our safety forces and to build a positive relationship between our police department and law enforcement officials and the community at large, so we want to promote positive relationships all around.

PRESIDENT SCOTT: It was a very good event.

MONDAY DEADLINE

MR. HILL: I move with respect to Bills 17-110, 112 and 116 that the rule requiring legislation be submitted by Monday at 4 PM be suspended and those bills 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

VACATE PORTION OF AN ALLEY BETWEEN VALE AND SPRINGMILL - DEFEATED

BY: MR. JEFFERSON

ORDINANCE 17-079 DEFEATED

Vacating a portion of an unnamed alley located between Vale Avenue and Springmill Street between lot numbers 1810, 1811, 1812, and 1813, and retaining the utility rights and easements therein.

Upon motion by Mr. Jefferson that Bill 17-080 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: 0, Nays: 8. Nays: Bryant, Hill, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

The bill was defeated.

MR. MEARS: Just a reminder, I believe this is the one we did not have all the adjacent property owners sign off, correct?

MR. LAWRENCE: This is the young man that has the car business. I'll be voting no on it. I have rode by it a couple times. I don't see why they need to vacate the alley, they can just build a parking lot on either side and that will help you with your business.

MR. BRYANT: The person that's the applicant is not here tonight correct?

MR ROCK: I want to kind of echo Mr. Lawrence's comment. I see an established business owner here and he's been here, I think, every single council meeting. Suggestion that it would affect his business, we don't even know how long the other business will last and we've had all kinds of other businesses in there already, so I'll be voting no in support of the local residents.

PRESIDENT SCOTT: I just wonder, kind of a side bar, is anything going on over there? Cuz I drive by there every once in awhile and it seems like the past few weeks nothing changes.

TIM, OWNER: Can I say something? They was, they haven't mowed. I seen the city down there mowing it last week but 6 weeks ago when we was in here, we were discussing the trash can, well the neighbor that lived behind him actually that's on the alley. He said he would get it emptied. It's still there.

PRESIDENT SCOTT: Like I said, I drive by there pretty regularly and I haven't seen any activity in the last 3 or 4 weeks, 2 or 3 weeks.

MR. HILL: I think that, as a business person and a local resident, needs to be aware that Council is friendly to you, we like your business, we want you to stay in business and if, for any reason, you have a problem, don't hesitate to contact Council or come to a meeting and voice your concern cuz we don't want to tolerate any, we have enough problems with certain individuals or businesses that we don't want to go back and revisit so we want this to go well for you, and I will vote no also.

TIM: I think it's just a disappointment to the neighborhood because we've got it so cleaned up around there and now this.

VACATE PORTION OF ALLEY FROM PAE TO ASHLAND RD

BY: MR. JEFFERSON

ORDINANCE 17-108 1ST READ

Vacating a portion of an Unnamed Alley from Park Avenue East to Ashland Road, between lot numbers 12107 and 12108 and 12109 and retaining the utility rights and easements therein.

Upon motion by Mr. Jefferson that Bill 17-094 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was given its first reading.

DEMO – 379 GRACE ST

BY: MR. LAWRENCE

ORDINANCE 17-109

Declaring the remains of a designate dwelling (379 Grace Street) and detached garage 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 17-110 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 JOB CREATION TAX CREDIT AGREEMENT WITH SYNOVA

BY: MR. JEFFERSON

ORDINANCE 17-110

Authorizing the Safety Service Director to enter into a Job Creation Tax Credit Agreement with Synova, LLC, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 17-111 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 LEASE WITH MANSFIELD CHOICE ACADEMIES

BY: MR.VANHARLINGEN

ORDINANCE 17-111

Authorizing the Safety-Service Director to enter into a lease with the Mansfield Choice Academies for the use of certain portions of the City-owned building known as 445 Bowman Street, and declaring an emergency.

Upon motion by Mr. VanHarlingen that Bill 17-112 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. BRYANT: I just want to make a quick point. I recognize we need tenants in that building so I hate to dispute this but my concern is, how our name is being used, our city name is being used on their ODE application, their Ohio Department of Education application. I just want to know what's stated in their application and then I'm curious about the back and for emails rather than phone calls or in person visits and I'm curious about the educational services being provided. It just kind of threw me off and I don't want to vote yes on something that's going to hurt us down the road. That's just my concern.

MR. LAWRENCE: I just, again, whoever needs to be called to the table, I just encourage the Mayor, whoever needs to be called to the table, we need to get a face to face, like Mr. Bryant said with this Mansfield Choice and encourage them to go ahead and bring their check and we will do all due diligence to make this contract right. No more phone calls, no more text messages, emails, it's time to sit down face to face and we need to see a check. I know that the Law Director's office is doing all due diligence, we're putting our faith in the Law Director that this contract has been written up to where, if they don't pay, we fold.

LAW DIRECTOR SPON: I can assure Council.

MR. VAN HARLINGEN: I'm thinking and I'm hoping that, when we were in Caucus I mentioned on the contingency of the school year 2016-2017 is paid in full and also, and I appreciate Councilman Bryant's concerns with the school. I'm looking at the finance part more so than I am with the school, and maybe we should revoke, but also, along with the other comments about the Law Director keep up well informed as this progresses because, instead of a vote on this, it's basically done, it's out of our hands and that's what got us into trouble the last time. It went, I saw 2 different proposals, only one showed up at Council and it wasn't right and here we are a year later, so I would like to encourage the Law Director to keep us informed on this one. This is not god the way this one turned out.

LAW DIRECTOR SPON: I certainly agree with that and as soon as Lori gets back, I'll meet with her so we're on the same page. I can reassure you that Lori would not enter into a contract until we have the check and the check goes through.

MR. VAN HARLINGEN: This year there will be a contract. If it's appropriate. We didn't have a contract last year.

LAW DIRECTOR SPON: No, we didn't have a contract, period. After we get the money.

MR. BRYANT: As long as we're not endorsing their behaviors.

PRESIDENT SCOTT: I think, due to comments tonight, I think it's proven that we're not.

MR. JEFFERSON: I want to commend all 3 of my colleagues that spoke before me for paying attention like they have and being concerned as well. But my comment, related to what I said earlier, somebody dropped the ball here and I hope it doesn't happen again and I'm going to pay attention and I'm going to throw them under the bus the next time

THEN & NOW - MENTAL HEALTH & RECOVERY SERVICES BOARD

BY: MR. VANHARLINGEN

ORDINANCE 17-112

Authorizing payments to Mental Health and Recovery Services Board of Richland County in the amount of Twenty Thousand Dollars (\$20,000) by affirming a Then and Now Certificate of the Finance Director, and declaring an emergency.

Upon motion by Mr. VanHarlingen that Bill 17-113 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.

EST CAPITAL EQUIPMENT FUND

BY: MR. VAN HARLINGEN

ORDINANCE 17-113

Establishing a new capital projects fund (#422), entitled “Capital Equipment Fund”, for the purpose of accumulating funds, from the sale of unneeded equipment, to be used for future capital purchases, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-114 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.

APPROP \$30,000 FROM PERMISSIVE SALES TAX TO ENGINEERING

BY: MR. VAN HARLINGEN

ORDINANCE 17-114

Appropriating the sum of Thirty Thousand Dollars (\$30,000) from the unappropriated Permissive Sales Tax Fund (#215) to the Engineering Operations (215.12.01) Capital Outlay Classification to provide for construction cost for Phase 2 of the multi-use path, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-115 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.

TRANSFER \$30,000 WITHIN GENERAL FUND FOR MULTI-USE PATH

BY: MR. VAN HARLINGEN

ORDINANCE 17-115

Transferring appropriations of Thirty Thousand Dollars (\$30,000) within the General Fund (#101), for professional design and study services for the future phase of the multi-use path, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-116 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.

TRANSFER \$55,000 WITHIN PERMISSIVE SALES TAX FUND

BY: MR. VAN HARLINGEN

ORDINANCE 17-116

Transferring appropriations of Fifty-five Thousand Dollars (\$55,000) within the Permissive Sales Tax Fund (#215), for construction costs for Phase 2 of the multi-use path, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-117 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 FUNDING FOR METRICH

BY: MR. VAN HARLINGEN

ORDINANCE 17-117

Authorizing the Safety-Service Director to accept and appropriate funding from the Ohio Office of Criminal Justice Services (OCJS) in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for METRICH operations, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-118 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 FUNDING FOR PROBATION IMPROVEMENT AND INCENTIVE PROGRAM

BY: MR. VAN HARLINGEN

ORDINANCE 17-118

Authorizing the Safety-Service Director to accept funding from the Ohio Department of Rehabilitation and Correction for the Probation and Improvement and Incentive Program in the amount of Forty Thousand Five Hundred Dollars (\$40,500), and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-119 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 TO RESURFACE MUNI. PARKING LOT

BY: MR. JEFFERSON

ORDINANCE 17-119

Authorizing the Safety-Service Director to advertise for bids, and enter into a contract or contracts for resurfacing the Downtown Municipal Parking Lot located along East Fourth Street between Main Street and Diamond Street, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 17-120 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 FUNDING FOR PROBATION IMPROVEMENT & INCENTIVE PROGRAM

BY: MR. VAN HARLINGEN

ORDINANCE 17-120

Authorizing the Safety-Service Director to accept funding from the Ohio Department of Rehabilitation and Correction for the Probation and Improvement and Incentive Program in the amount of Two Hundred Ninety-six Thousand Two Hundred Thirty-four Dollars (\$296,234), and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-121 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.

ENTERPRISE ZONE AGREEMENT – BUNDY REALTY

BY: MR. JEFFERSON

ORDINANCE 17-121

Authorizing the Mayor and Safety-Service Director to enter into an Enterprise Zone Agreement with Bundy Realty Company, Inc. for certain tax incentives under Ohio Revised Code Chapter 5709 for expanding their existing facility 1711 North Main Street, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 17-122 be read and placed upon the floor for discussion, seconded by Mr. Jefferson. The bill was placed upon the floor for final passage, seconded by Mr. Jefferson. 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.

ENTERPRISE ZONE COMP. AGREEMENT – BUNDY REALTY

BY: MR. JEFFERSON

ORDINANCE 17-122

Authorizing the Mayor and Safety-Service Director to enter into an Enterprise Zone Compensation Agreement with Bundy Realty Company, and Madison Local Schools to authorize general compensation and income tax revenue sharing on new municipal income tax revenues, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 17-123 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.

Amy Yockey
Clerk of Council

Phillip Scott
President of Council