

REGULAR COUNCIL MEETING AUGUST 2, 2016

The first semi-monthly meeting of Mansfield City Council met on Tuesday, August 2, 2016 at 7:30 PM in the Council Chambers of the City Building.

The Pledge of Allegiance was recited by the audience.

Councilwoman Garnetta Pender 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.

DAN MAPES, 30 N. DIAMOND ST.: Good evening. I would like to talk about the situation that's going on in Community Development. You're all aware of that? I don't know if there's any information that you folks have gathered since the last time that I spoke and the members of Community Development that spoke. Has anybody on Council obtained any information, at all, about this situation? No. Ok. There's been some meetings that has taken place between the folks and with Director Remy...

MR. LAWRENCE: You said "the folks". Who are you referring to?

MR. MAPES: The folks in Community Development. Jerry Bandy, Adrian Ackerman and Debbie Pasheilich. And I believe they have spoke to a couple members of Council. On May 22nd, Mr. Wildman had presented an email to the Mayor and to Mr. Remy. I'm sure that everybody knows Mr. Wildman. I know there's been some dealings with him over the years that deals with Community Development and we've asked if anybody has any interest in this position since Sammie Dunn had retired, and we keep getting the same answer, and that's no. So, on 2 occasions, there's been emails sent out, one, like I said, was in May 22nd and another one was emailed July 7th but we're still getting the same answers that no one showed any interest in it. I have another resume, sent out to the Mayor, are you aware of or do you know Melissa Pugh? Does that name ring a bell Mr. Mayor? No? This resume was sent to your office and also sent to Mr. Remy's office. Along with that, there's been discussions amongst the people that work in the Community Development with Mr. Remy and from what I'm gathering, they were told, October 1st someone from Ohio Regional Development Corp will be acting Manager in this Dept. but Director Remy will still handle the personnel issues. I don't know that that's ever happened in the City of Mansfield or any other city, as far as that goes. Mr. Devore, our staff rep., he handles a lot of different unions, AFSCME locals throughout the State of Ohio and he's not aware of that happening in any of his entities that he is over. There was a meeting that I attended and the outcome of that wasn't the greatest. There were discussions that was talked about, about why certain people weren't asked internally for the position. There was some other people that came in that Mr. Remy

interviewed and for the lack of money they decided not to take the position. We've asked about maybe even coming to Council and changing legislation on the Operation Supervisor in that dept., maybe to raise the base wage, that was a possibility since the taxpayers aren't footing the bill since it's coming from HUD. I'm really at a loss of words why this move has to take place and the 3 people's lives, that I represent, are going to be turned upside down, initially, and the 3 highest paid jobs in our organization is going to be eliminated. Along with that, people has come in as laborers, as operators and so on and so forth, somebody down the line is going to be bumped out of a job and possibly laid off and their career with the City of Mansfield is going to be over with. I don't know if that's the right avenue to take. I certainly hope that something, other than what the plan is for Community Development to be over with come February 1st, I think is the target date, I'd certainly hope that you consider what impact this is going to have on these people's lives before you make such a move. That's all I have. Thank you very much.

DEB MOUNT: On Bill 143, with the back and forth, it wasn't clear to me exactly what was going to be occurring so I'd like to request that you not bring this to a vote tonight to allow us the time, if you do update the wording.....

PRESIDENT SCOTT: Tonight's only a second reading.

MS. MOUNT: It's supposed to be but Mr. Van Harlingen, last meeting, said he'd hoped to bring it to a vote tonight, so I'm just hoping you'll wait til August 16th to vote so that we can see what the wording is actually going to be cuz it doesn't sound like everybody has access to the wording if you choose to change it, but I kind of wonder, with the situation you were talking about addressing, as long as the accepting case of break down is there, then people can claim that for practically everything that they're leaving anything on the road for. They could say, well it's broken down. I would think it would be better to have some kind of a time requirement on that, how long can a vehicle be broken down. Can you leave it broken down 6 months? This doesn't say you can't. So I would like to hope that maybe something can be put in similar to the 24 hour rule in the police dept. but I'd like to see if the break down excuse is going to be allowed in there that perhaps there's be an end to the break down because anybody can claim a vehicle is broken down or cause it to be broken down to come within the "I can leave it here forever" excuse. So, I'm hoping to see clarified wording on that and I'm also hoping that you'll wait til the next meeting to vote on it because what the state is not clear to us and it doesn't sound like it will be until it's too late for public comment.

MR. VAN HARLINGEN: Well, the first thing, Ms. Mount, there was no motion made in Caucus to move it forward tonight, so it's going to go to the next meeting, that's no problem.

MS. MOUNT: Ok good.

MR. VAN HARLINGEN: And, kind of what your mother mentioned and also yourself, and Director Spon can jump in here in a minute, when it comes to motor vehicles in our

roadway, in our roads, they're motorized motor vehicles and there are time limits. You can call and make a complaint about a vehicle that is broken down, just sitting, just parked, they'll come out and chalk the tires and I believe 48 hours later, if it hasn't been moved, they can tow it.

MS. MOUNT: It's 24.

MR. VAN HARLINGEN: The problem we ran into, and I was running into, non motorized vehicles. There's nothing on the books that deals with trailers. So, in the last meeting, and I kind of like the language, and this is why we wanted 3 readings. This is why the traffic division thought this would be good to get public input and Mr. Jefferson, we talked about this, in the last paragraph, do you have the updated copy? We need to get you a copy of some of the changes that were made in the last meeting cuz I think Director Spon's office did a nice job here. There was quite a few concerns and I think we're definitely getting there.

MS. MOUNT: Mine is not the... What was online is not updated since the beginning.

MR. VAN HARLINGEN: Well, that's possible. Amy, can we make a quick copy for the Mounts and anybody else that's concerned about this? At the very end, where it's in red "or reasonably immediate use on an active construction or repair site". This kind of addresses your mother's concern. It's excluded break down vehicles or for loading or unloading purposes or reasonably immediate use on an active construction or repair site. We're talking about leaving them there for days.

MS. MOUNT: You might want to consider putting a time frame on the break down part because the break down, except in case of break down of such vehicle, that doesn't say how long the vehicle can be broken down.

MR. VAN HARLINGEN: Motorized vehicles, 48 hours. We have that already.

MS. MOUNT: Right, but this one includes snow plows and such. If I'm reading it correctly, a snow plow, trailer, dumpster or movable storage unit could, then with this ordinance be broken down with no end time in sight. I'd just like to know if you could update the time.

DIRECTOR SPON: The language, as it's prepared in this amended ordinance, is intentionally permitted to give the law enforcement officers discretion, so let's say the officer drives down the street, they see some type of snow plow parked, they want it off the street, the owner says it's broken. The officer can say, what's wrong with it, show me what's broken, and then it's broken. Then the officer says, you need to get this towed within 5 hours.

MS. MOUNT: Does this give them ability to do that, because I don't see this giving them ability to do that.

DIRECTOR SPON: Saying don't move it or come back and issue a citation?

MS. MOUNT: So there's an ability to issue a citation?

DIRECTOR SPON: The prohibition is, you can't put it there, so it's justified to be broken but it's not justified to be kept there.

MS. MOUNT: Right. But it doesn't, except in case of break down, I guess I could just see on the other hand, if somebody has a trailer that's broken down and they want to keep it there, if this goes through, as written, they're going to have a winning case in court saying, but it said, in case of break down, so I can see if somebody takes this to court that the officers' citation couldn't stand because the person's going to be able to argue, except in case of break down, since there's nothing excluding a time frame.

DIRECTOR SPON: No one wins against our office (laughter) It's a good point. Certainly we can get (inaudible).

MS. MOUNT: Ok. Just a thought cuz I could see if somebody wanted to keep it there, that not going through cuz I've observed a lot of court cases, so, maybe it wouldn't happen that way. Thank you.

COMMITTEE REPORTS

MR. BRYANT: Airport. Very exciting. Airport Day was very successful this year. We had 135 airplane rides, we sold all of our breakfast foods, we had the Goodyear blimp fly in so that was pretty exciting. Very successful event, however our Airport Day Chairman is getting tired, I think he's chaired the event for the past 7 years so we're always looking for younger energy, we need young people to take up aviation, if possible. It's an expensive hobby but there's ways around that. There are some issues, and Mr. Bianchi's here. Can you explain the Taxiway E situation real quick?

MR. BIANCHI: Sure. As you know, we're moving forward with replacing Taxiway Echo. The pavement's in bad condition and in accordance with the FAA standards, we have to relocate it. The plan was to get 90% money funding for design and have 90% funding from the State. We have learned that the Federal, the FAA, in a state will not fund, together, a project. You either go fully with the State or fully with the FAA. If we go with the State, the State does not fund design, so we would locally have to pay the \$150,000 for design, so we don't want to go with the State, so it's unfortunate that they don't come together on one project, but that's just the way it is. We are in a transition period, that policy which is kind of written and I heard about it about 3 weeks ago. So, we are going after Federal funds for the Taxiway Echo. We believe that we can still get 95% for both design and construction, ok, but there's been a change and of course that's going to hold that project out about a year.

MR. BRYANT: The airport is bringing in new business. We have an event coming up in October but I forgot what it's called but it's bringing in people. (Mayor explained what

it was but microphone not on) so we're getting people from out of town coming into Mansfield, they're going to stay a few days so that's pretty cool. Also, we heard from the FAA, the Federal Aviation Administration, that there's been 24 new hires at the (?) tower doing a variety of jobs, mostly contracts, military hires and other people in aviation so, they get to reside in Mansfield for the next 3-5 years, maybe longer, hopefully and I think we're looking for tower advisors or something so we're hiring, so it's good news.

PRESIDENT SCOTT: I might add, talking about the airport, the day before the Airport Days, Mayor, in your absence, thank you for being out of town, I got to take a nice plane ride, which was a real experience, but then after the plane ride, I was talking to Mark Daugherty and Mark took me out on the runways and was showing me the runways and the taxiways and it was a real experience. Any council member, if you have not been out there, contact Mark and I'm sure he'd be more than happy to show you around. It was quite any experience, first time I ever had the experience of being in a vehicle out on the runways and he was explaining to me the taxiways and runways and showing me what needed to be corrected, so it was really an experience and a learning curve, so, if you've not done so, do so.

MONDAY DEADLINE

MR. HILL: I move with respect to Bill 16-175 that the rule requiring legislation be submitted my Monday at 4:00 PM be suspended and that Bill 16-175 be allowed on the floor this evening, seconded by Mr. Rock. The vote was passed by voice vote.

SUSPEND RULES

MR. HILL: I move with respect to all bills that come before Council tonight that the rule requiring reading on three different days be suspended and that each bill be read one time by title only, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0.

LEGISLATION

AMEND 351.13 – PARKING OF NON-MOTORIZED ACCESSORIES OF VEHICLES IN FRONT OF RESIDENTIAL PROPERTIES – 2nd READING

BY: MR. JEFFERSON

ORDINANCE 16-142

Amending Section 351.13 of the Mansfield Codified Ordinances of 1997, as amended, to prohibit the parking of non-motorized accessories of vehicles in front of residential properties.

Upon motion by Mr. Bryant that Bill 16-143 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was given its second reading.

APPT TO FAIR HOUSING

BY: MR. LAWRENCE

RESOLUTION 16-158

Approving an appointment by the Mayor to the Fair Housing Commission to fill a vacancy.

Upon motion by Mr. Lawrence that Bill 16-160 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. JEFFERSON: Has this appointee been on here before or is it a new person?

MAYOR THEAKER: We had an individual from Mechanics Bank as a bank representative and this individual from Mechanics Bank notified us that she'd like to resign and she had a recommendation from Mechanics Bank to replace her and since we were trying to get somebody from a bank representative, that's when we contacted her and she said she would be willing to do that.

DEMO – 141 WASHINGTON AVE

BY: MR. LAWRENCE

ORDINANCE 16-159

Declaring the remains of a designated dwelling (141 Washington Avenue) 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 16-161 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 – 304 ARBOR AVE

BY: MR. LAWRENCE

ORDINANCE 16-160

Declaring the remains of a designated dwelling (304 Arbor 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 16-162 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 – 492 KING ST

BY: MR. LAWRENCE

ORDINANCE 16-161

Declaring the remains of a designated dwelling (492 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 16-163 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 – 670 ARMSTRONG ST

BY: MR. LAWRENCE

ORDINANCE 16-162

Declaring the remains of a designated dwelling (670 Armstrong 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 16-164 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 – 1190 CALDWELL AVE

BY: MR. LAWRENCE

ORDINANCE 16-163

Declaring the remains of a designated dwelling (1190 Caldwell 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 16-165 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 – 1261 WEST FOURTH ST

BY: MR. LAWRENCE

ORDINANCE 16-164

Declaring the remains of a designated dwelling (1261 West Fourth 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 16-166 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 SOFTWARE AGREEMENT WITH SUNGUARD

BY: MR. BRYANT

ORDINANCE 16-165

Authorizing the Safety-Service Director to enter into a software maintenance agreement with SunGuard Public Sector Inc., and declaring an emergency.

Upon motion by Mr. Bryant that Bill 16-167 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.

TEHN & NOW – OURS EXCAVATING

BY: MR. VAN HARLINGEN

ORDINANCE 16-166

Authorizing payment to Our Excavating in the amount of Twenty-seven Thousand Two Twenty-five Dollars (\$27,225) by affirming a Then and Now Certificate of the Finance Director, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-168 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.

LEVY SPECIAL ASSESSMENT FOR IMPROVEMENT OF GLENWOOD/PARKWOOD

BY: MR. JEFFERSON

ORDINANCE 16-167

Levying special assessments for the improvement of 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 16-169 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 IMPROVE TRIMBLE RD

BY: MR. JEFFERSON

ORDINANCE 16-168

Authorizing the Safety-Service Director to advertise for bids and enter into a contract or contracts for certain necessary improvements to the Trimble Road from Cook Road to Marion Avenue, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 16-170 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.

CANCEL AGREEMENT OF SALE WITH APPLESEED BUILDING CO

BY: MR. JEFFERSON

ORDINANCE 16-169

Canceling an Agreement of Sale with Appleseed Building Company, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 16-171 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 SALE OF 7 ACRES ON SAWYER PKWY

BY: MR. JEFFERSON

ORDINANCE 16-170

Authorizing the Richland County Growth Corporation on behalf of the City of Mansfield to sell seven acres of land on Sawyer Parkway to One Foundation Properties, LTD, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 16-172 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 7 ACRES OF LAND ON OHIO BRASS RD

BY: MR. JEFFERSON

ORDINANCE 16-171

Authorizing the Richland County Growth Corporation on behalf of the City of Mansfield to sell seven acres of land located on Ohio Brass Road to MTC Holdings, LLC, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 16-173 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 CHAPTER 935 – SEWER USE & PRETREATMENT

BY: MR. VAN HARLINGEN

ORDINANCE 16-172

Amending certain Sections of Chapter 935 – Sewer Use and Pretreatment Regulations of the Mansfield Codified Ordinances of 1997, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-174 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 DISPOSE OF OBSOLETE FIRE TRUCK

BY: MR. BRYANT

ORDINANCE 16-173

Authorizing the Safety-Service Director to dispose of a certain unneeded and obsolete fire truck by sale to Finley Fire Equipment Company, Inc. in consideration for a \$15,000 equipment credit to be used for the future purchasing of fire department equipment, and declaring an emergency.

Upon motion by Mr. Bryant that Bill 16-175 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