

REGULAR COUNCIL MEETING
August 6, 2019

The First monthly meeting of Mansfield City Council met on Tuesday, August 6th, 2019 at 7:00 PM in the Council Chambers of the City Building.

The Pledge of Allegiance was recited by the audience.

Councilman Lawrence led the audience in prayer.

ROLL CALL: The following answered present at roll call: Falquette, Rock, Van Harlingen, Jefferson, Lawrence, Taddie, Mears and Scott. Bryant was absent Mears made a Motion for him to be excused, seconded by Rock.

There being no objections, the reading of the Journal and Correspondence was dispensed with.

Public Comments:

NONE

Committee Reports:

MR. BRYANT: Mr. President I do.

PRESIDENT SCOTT: Mr. Bryant.

MR. BRYANT: Thank you Mr. President. I just have a brief safety update for anyone who wasn't in attendance for the special meeting that we had on 7/16, I think that was the date, it was a special Committee Meeting on gun violence in Mansfield. And I would like to thank Chief and Assistant Chief and leadership within the Police Department for joining us that night and giving an excellent presentation. Thank you so much for that information and also to other community leaders who shared with us that night. Two items were discussed, and brought forward from this meeting; the first is to strengthen outreach and involvement and support for the Mansfield Deterrence Program. That's a really good program we would like to keep that us and continue that. The second was support for allowing the hire of Mansfield Police Department Officers for certain establishments within the City of Mansfield; we could explore that possibility moving forward. Um, we all pretty much supported that here at the meeting so, look forward to that being in the conversation in the future.

MONDAY DEADLINE

MS. TADDIE: Not Read

DISCUSSION: NONE

SUSPEND RULES

MR TADDIE: 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.

AMENDING CODIFIED ORDINANCES OF 1976: DEMOLITIONS

BY: MR. LAWRENCE

Bill# 19-035 **First Read

ORDINANCE # 19-035

Amending Sections 1335.17 and 1335.20 of the Mansfield Codified Ordinances of 1976 and 2013 concerning the demolition of structures in the City of Mansfield.

Upon motion by Ms. Taddie and, that Bill 19-035 be read and placed upon the floor for discussion, seconded by Mr. Falquette, attested by Mr. Lawrence.

DISCUSSION:

MR. FALQUETTE: Mr. President this is something that I had brought up many months ago to strike out a section about leaving materials behind, and it was directly a result of the Trimble Road; used to be a meat market place, and there was piles of rubble left behind. Another part of that was the surface was supposed to be removed two feet below the surface, it still has the pad there. Apparently, there was no building permit there and some of the reasons we brought this up was to trying to get that clarified. One of the things here on section II subsection a. in the paragraph was leaving the debris behind with "Breuer approval" and my concern is that this leaves it open for interpretation of the Inspector or the Breuer. I think it, maybe, leaves it open for appearance, not making any suggestions that anybody wouldn't be completely above the board working for the City, but the appearance that there may be favoritism that the Breuer may side one time to leave material and may side another time not to leave material. Where if it was just the rule that it was gone then there wouldn't be any soft spot here. So that's my concern with not striking out "leaving behind demolition material" in its entirety. Otherwise some of the other changes made a lot of sense. We had talked in a couple Sub-Committee meetings, I guess if you wanted to call them that, a couple people got together and we talked about allowing the contractor, in section I, paragraph c. a little more time to complete the demolition, but giving him more time, we expect...it complete at the end of that time, hence, the higher penalty. We kind of felt that the penalties were so low that it was almost worthwhile to have that property as a rental space to keep the equipment there and we saw that again on the Tremble Road facility where there is at least one major piece of demolition equipment left on Tremble Road for many, many, months and it cause a lot of consternation with the residents in that area, so thank you for your time and... (inaudible).

PRESIDENT SCOTT: Any other discussion? Mr. Jefferson?

MR. JEFFERSON: Just following information, you talking North Tremble Road or South Tremble Road?

MR. FALQUETTE: South Tremble Road, very close to Lexington Ave. then it was...

MR. JEFFERSON: Miller Meats...

MR. FALQUETTE: ... Miller Meats...

MR. JEFFERSON: Yeah, I think I know...

MR. FALQUETTE: Yeah...

MR. JEFFERSON: I just wanted to know because Tremble Road's a big place...

MR. FALQUETTE: Sure!

PRESIDENT SCOTT: Any other...

MS. TADDIE: Yes.

PRESIDENT SCOTT: Ms. Taddie?

MS. TADDIE: Well, I would love to get as much rubble out of my neighborhood as possible. It really feels like Sarajevo, because there's a number of poorly demolished buildings, standing, or, not standing; rubble, literally rubble. Um, is there a reason that you wanted, if you don't mind, if I could put you on the spot Marc...

MR. MARC MILLIRON: Well, that's what I'm here for.

MS. TADDIE: Tell us why you feel you need the flexibility, or why are we not pulling that put completely?

MR. MARC MILLIRON: Um, that's just based on if there would be some type of a possible, future, putting this off to the side, this is what I'm working on...uh, you know, there's a limited time...because if you go to the section, the next section, of .20, in there it states that unless you have intentions of building another structure it must be green afterwards...

MS. TADDIE: Mhhmmm.

MR. MARC MILLIRON: ... Seed and straw. So .20 kind adjusts that back, you know, so that the rule that's in there...(Inaudible)... Sub-section I, so... .20, kind of I don't want to say contradicts it, but it actually kind of provides more answers to that as far as, you know, drainage does need to come in unless you know...we've got one that's being demolished and they're going to build an Advanced Auto in there so... we have that other subject...um...keep in mind too, the fact that the PRIDE money and Land Bank is um, I want to say, kind of separated from this, because we have contracts with those contractors, you know that actually have to get this stuff done, per the contract, using PRIDE money, where in this situation...(inaudible).. Tremble, the problem there, that was a private demo...

MS. TADDIE: Right.

MR. MARC MILLIRON: ...and that's a little harder sometimes to regulate what they're doing out there cause, you know they just come in to get a permit to demolish it, we go out and do an inspection to make sure it's trough closing and things are done. So that's kind of the grey area we had with the demolitions, was the PRIDE individuals, but the um, currently, right now with PRIDE and LANDBANK those area all under contractual. So, we have in a contract how those are taken care of and done properly.

MS. TADDIE: Umhm, and it's just like you said, I won't name names, but factories literally a stone's throw from my house, they were taken down by private businesses and sometimes they even run, continue to run, business with the rubble fenced in, keeping, with barbed wire keeping the neighbors out, so, umm. As it stands this has been in place without the red changes, it's been in place many years, right?

MR. MARC MILLIRON: It has. Yeah.

MS. TADDIE: So, how does a business, say, within the last five years get to tear down their property and leave it with rubble and not covered in green space, cinder blocks in pieces, actual pieces of brick...umm, floor grates still in the floor where the shop floor used to have grates. There's wetland plants, cattails and things growing out of there. Umm...

MR. MARC MILLIRON: Right. You're talking about what were left at certain areas?

MS. TADDIE: Yeah, I'm saying, how did that pass Code, if this is the standard of what the site's supposed to look like...

MR. MARC MILLIRON: Right. Right.

MS. TADDIE: Can we do any Retro...

MR. MARC MILLIRON: I and I can't go back because I don't know for certain if they presented something with the Planning Commission or the Commission...or...

MS. TADDIE: Yeah.

MR. MARC MILLIRON: To answer that question for you, I'm not sure...

MS. TADDIE: We can...

MR. MARC MILLIRON: ... How that was put together...

MS. TADDIE: We can follow up on that outside this venue. I appreciate your time.

PRESIDENT SCOTT: Any other questions discussion on 19-035?

MR. JEFFERSON: Yes.

PRESIDENT SCOTT: Mr. Jefferson.

MR. JEFFERSON: I Do. Mr. Falquette, Mr. Falquette, what were you implying when you were saying, when you were talking about the rubble over there on Trimble Road. You wanted something done differently?

MR. FALQUETTE: I would preferred that the rubble was removed immediately.

MR. JEFFERSON: Okay.

MR. FALQUETTE: ...And it's now apparent, there was no plan to build anything. There wasn't any hole to fill in to push the rubble into. The pad hasn't been removed they haven't built another building on top of

it and had we enforced this a little stronger, I think the "Private" individual trying to control his contractor would have had a little more Ordinance behind him to say, "you haven't finished the job yet."

MR. JEFFERSON: So, what are you suggesting we tighten up here?

MR. FALQUETTE: I still would just, just, that, that um, "Contractor resident under section has removed all lumber, rubble, other building structure debris, all from the grated premises..." Period.

MR. JEFFERSON: Okay.

MR. FALQUETTE: And as far as any owners request or gray area with the Bureau or anything like that, just move that.

MR. JEFFERSON: Okay.

MR. FALQUETTE: And this all changes if a person has a building permit to continue to move forward.

MR. JEFFERSON: So, oh. Okay. I see what you're saying I'm reading that... "at the owner's request and Bureau approval", you like that removed, huh?

MR. FALQUETTE: Yes. Because it was possible that the owner said, "yeah, you can leave that pile of rubble there"; then everybody's looking at a pile of rubble, and in this case, it was at least a year sitting there.

MR. JEFFERSON: Alright. I understand that. Thank you.

LAW DIRECTOR SPON: Mr. President if I may add...

PRESIDENT SCOTT: Director Spon.

LAW DIRECTOR SPON: There is no time limit stated...the Courts, traditionally, uh, infer that thirty days is a reasonable period of time and anything beyond thirty days is unreasonable.

MR. FALQUETTE: Sure.

MR. LAWRENCE: Hm.

PRESIDENT SCOTT: Any further discussion?

MR. BRYANT: Mr. President are we taking action?

PRESIDENT SCOTT: That's what I was...It's up to Council on this one...

MR. FALQUETTE: Is a Council, or, or, just a ...

MR. LAWRENCE: This is just a First Read.... would we have to...

PRESIDENT SCOTT: Yeah, this is just the First Read...

MR. LAWRENCE: And it was amended already. I mean would have to take it back to Council?

(Lots of voices talking at once)

MR. LAWRENCE: Take it back to Committee?

PRESIDENT SCOTT: We can amend it again. Now.

MR. FALQUETTE: ...And keep going. We could amend it tonight and keep going on it.

MR. JEFFERSON: We have three reads.

MS. TADDIE: Keep the readings.

PRESIDENT SCOTT: 'Cause we got the second read on the...

MR. LAWRENCE: ...Yeah, the 20th...

PRESIDENT SCOTT: ...The 20th... it's not passed until....

MR. FALQUETTE: September 3rd.

PRESIDENT SCOTT: ...The 3rd of September.

MS. TADDIE: How would you feel about that, Mr. Milliron?

MR. MARC MILLIRON: I, I have no, no, issues with taking that out of there. It really (inaudible), we're creating some other thing that the next person along the line's gonna have... (Inaudible)... so removing that is, is real good.

MS. TADDIE: Alright. Let's do it. I'll make a motion.

MR. FALQUETTE: I'll second it.

MS. TADDIE: To remove everything after the...

MR. JEFFERSON: Wait a minute! This is Mr. Lawrence's Bill isn't it?!

MS. TADDIE: Oh, sorry...

MR. LAWRENCE: That's fine if you Motion..., I mean um, so we're Motioning that we take out "at the owners request" and "at the Bureau's approval" correct?

MS. TADDIE: Everything after that...

PRESIDENT SCOTT: I was gonna say I want...

MR. LAWRENCE: Everything after...you want it to be...

PRESIDENT SCOTT: ...I want to make a Motion... I want to know what the Motion is.

MR. JEFERSON:(Laughs).

MR. LAWRENCE: The Motion is; to put a period after “premises” and remove “at the owners request and the Bureau approval”. That to be...

MR. FALQUETTE: All the way...all the way to the end... All the way to the end of the paragraph.

MR. LAWRENCE: All the way to the end?

MS. TADDIE: Mhmm.

PRESIDENT SCOTT: Just, the whole thing ends after “premises”.

MS. TADDIE: “Premises”.

MR. FALQUETTE: “Premises.” Would be a period through section a).

MS. TADDIE: Yes.

MR. FALQUETTE: Is that what the Chair is Moving?

MS. TADDIE: I would, make a Motion, that we, in section 2 sub-section a), that we scratch, “or at the owner’s request and with Bureau approval, had piled it neatly upon the premises in such a manner as not to constitute a public nuisance, hazard, or possible rodent harborage.” That just goes completely. There’s no, no stacking or storing neatly or otherwise.

PRESIDENT SCOTT: Okay, it’s been Moved and seconded. I won’t repeat the Motion, but I think everybody’s clear. Is there anybody... at this point is there any discussion on the Motion?

APPROPRIATION: GENERAL FUND FOR NEW POLICE CAR

BY: MR. VAN HARLINGEN

BILL # 19-123

ORDINANCE # 19-148

Appropriating the sum of sixty-one thousand, nine-hundred-ninety and 77/100 dollars (\$61,990.77) from the unappropriated General Fund (#101), to increase transfers-out in the General Fund to the Safety-Services Fund (#214) for purchase of a new police vehicle, and declaring an emergency.

Upon motion by Mr. Van Harlingen, that Bill 19-123 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

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

DISCUSSION: NONE

APPROPRIATION: SAFETY SERVICE FUND FOR NEW POLICE CAR

MR. VAN HARLINGEN:

BIL#19-124

ORDANANCE # 19-149

Appropriating the sum of sixty-one thousand, nine-hundred-ninety and 77/100 dollars (\$61,990.77) from the unappropriated Safety Service Fund (#214), for the purchase of a new police vehicle to replace one damaged in an accident, and declaring an emergency.

Upon motion by Mr. Van Harlingen, that Bill 19-124 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

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

DISCUSSION: NONE

HONORING DETECTIVE RICHARD L. MILLER -UPON RETIREMENT

BY: ALL MEMBERS OF COUNCIL

BILL # 19-156

ORDINANCE # PULLED

PULLED DUE TO FAMILY EMERGENCY

DONATION: FROM DAN AND BARB TUCKER FOR FIRE DEPT.

BY: MR. VAN HARLINGEN

BILL 19-157

ORDINANCE # 19-150

Authorizing the City to accept a donation of one hundred dollars (\$100.00) from Dan & Barb Tucker of Tucker Brothers Auto Wrecking for use by the Mansfield Fire Department Fire Prevention Bureau, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 19-157 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.

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

DISCUSSION: NONE

DONATION: RICHLAND AREA CHAMBER FOR LICENSE: MOVIES IN THE PARK

BY: MR. VAN HARLINGEN

BILL # 19-158

ORDINANCE # 19-151

Authorizing the Public Works Director to accept and appropriate a donation from the Richland Area Chamber of Commerce in the amount of two hundred dollars (\$200.00) to be used for the City's Parks and Recreation Department for purchasing a license for Movies in the Park.

Upon motion by Mr. Van Harlingen that Bill 19-158 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.

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

DISCUSSION: NONE

ACCEPT AND APPROPRIATE DONATION FOR PARTIES IN THE PARK

BY: MR. VAN HARLINGEN

BILL # 19-159

ORDINANCE # 19-152

Authorizing the Public Works Director to accept and appropriate a donation from the Kiwanis Club of Mansfield Inc. in the amount of two hundred fifty dollars (\$250.00) to be used for the City's Parks and Recreation Department Family Parties in the Park Program, declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 19-159 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.

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

DISCUSSION: NONE

DONATION: OHIO HEALTH (\$29,427.75) CHEST COMPRESSION SYS. MFD

BY: MR. VAN HARLINGEN

BILL # 19-160

ORDINANCE #19-153

Authorizing the City to accept a donation of twenty-nine thousand four hundred twenty-seven and 75/100 dollars (\$29,427.75) from OhioHealth Emergency Departments for six Chest Compression Systems (Lucas Devices), plus accessories for use by the Mansfield Fire Department, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 19-160 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.

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

DISCUSSION: NONE

SPECIALASSESSMENTS/IMPROVEMENTS: GLENWOOD & PARKWOOD BLVD.

BY: MR. JEFFERSON

BILL # 19-161

ORDINANCE # 19-154

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 19-161 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.

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

DISCUSSION: NONE

APPLICATION FOR BRIDGE FUNDING

BY: MR. LAWRENCE

BILL # 19-162

ORDINANCE # 19-155

Authorizing the Public Works Director to submit an application for funding a certain bridge replacement project with a State Bond Issue No. 1 Grant, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 19-162 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.

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

DISCUSSION: NONE

TRANSFERING APPROPRIATIONS (\$38,000.00) FOR SECURITY ENHANCEMENTS

BY: MR. VAN HARLINGEN

BILL # 19-163

ORDINANCE # 19-156

Transferring appropriations in the amount of thirty-eight thousand and 00/100 dollars (\$38,000.00) within the General Fund (#101) Finance/Income Tax Departments, for security enhancements, and declaring an emergency.

Upon motion by Mr. Van Harlingen, that Bill 19-163 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.

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

DISCUSSION: NONE

AMENDING ORDINANCE # 16-084 - UTILITY COLLECTIONS

BY: MR. VAN HARLINGEN

BILL # 19-164

ORDINANCE # 19-157

Amending Ordinance #16-084 relating to petty cash funds in various City Departments by increasing such fund for Utility Collections, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 19-164 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.

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

DISCUSSION: NONE

TRANSFER APPROPRIATIONS: PARKS AND REC. FUND TO COVER YMCA POOL CONTRACT (2019)

BY: MR. VAN HARLINGEN

BILL # 19-165

ORDINANCE #19-158

Transferring appropriations in the amount of seven hundred fifty-one dollars (\$751.00) within the Parks & Recreation Fund (#236) from the Parks & Recreation Pools (236.18.35) Supplies and Materials Classification to the Parks & Recreation Pools (236.18.35) Contractual Services Classification to cover the remaining balance of the Mansfield YMCA Liberty Pool contract for the 2019 summer season.

Upon motion by Mr. Van Harlingen that Bill 19-165 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.

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

DISCUSSION: NONE

PWD CONTRACT FOR WATER VALVE EXERCISING TRAILER

BY: MR. LAWRENCE

BILL # 19-166

ORDINANCE # 19-159

Authorizing the Public Works Director to advertise for bids and enter into a contract for the purchase of a water valve exercising trailer, and declaring an emergency.

Upon motion by Mr. Lawrence that Bill 19-166 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.

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

DISCUSSION: NONE

AUTHORIZE: P.W.D. TO ADVERTISE FOR PROPOSALS

BY: MR. LAWRENCE

BILL # 19-167

ORDINANCE #19-160

Authorizing the Public Works Director to advertise for proposals and to enter into a contract for engineering and planning services relating to the inspection of sewers using CCTV equipment and other inflow and infiltration investigation techniques, and declaring an emergency.

Upon motion by Mr. Lawrence that Bill 19-167 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.

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

DISCUSSION: NONE

AUTH. DIRECTOR OF FINANCE TO MAKE TRANSFER

BY: VAN HARLINGEN

BILL # 19-168

ORDINANCE #19-161

Authorizing the Director of Finance to make transfers, among the City's appropriated funds by classification within departments and sub departments, necessary to balance accounts for proper accounting purposes at year-end (as of December 31, 2019), and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 19-168 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.

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

DISCUSSION: NONE

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

Amy Yockey

Amy Yockey
Clerk of Council

Phillip E. Scott

Phillip Scott
President