

BILL #23-007*

ORDINANCE # 23-007

BY: MR. DIAZ

Authorizing the Public Works Director to enter into a contract or contracts for resurfacing certain streets, and declaring an emergency.


BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

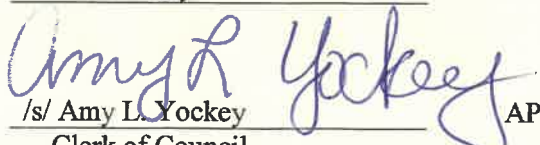
SECTION 1. That the Public Works Director be, and he is hereby, authorized in the manner provided by law, to enter into a contract or contracts with the lowest and best bidder or bidders for the improvement of streets and park roads by resurfacing the present paved area with asphalt concrete, all in accordance with plans, estimates and specifications now on file with the City Engineer.

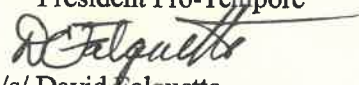
SECTION 2. That the cost for sewer related improvements shall be paid from Sewer Fund Non-Departmental (503.99.99) Contractual Services Classification. That the cost for water related improvements shall be paid from Water Fund Non-Departmental (502.99.99) Contractual Services Classification. That the remaining cost of the improvements, including laboratory testing and inspection services authorized in Section 1 hereof shall be paid from Street Resurfacing Fund, Street Department Operations (404.53.01), Contractual Services Classification.

SECTION 3. That by reason of the immediate necessity to award a contract for these improvements during the favorable construction season, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 17 January 2023
1st Reading 17 January 2023
2nd Reading 17 January 2023
PASSED 17 January 2023


SIGNED /s/ Phillip E. Scott
President Pro-Tempore


ATTEST /s/ Amy L. Yockey
Clerk of Council


APPROVED /s/ David Falquette
Acting Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

* Publication required.

23-008

BILL #23-008

ORDINANCE # _____

BY: MR. DIAZ

Authorizing the Public Works Director to enter into a contract or contracts for engineering services relating to the multi-use trail along Millsboro Road from Trimble Road to Marion Avenue, and declaring an emergency.

WHEREAS, the City anticipates receiving federal funds to assist in the design and construction of the project.

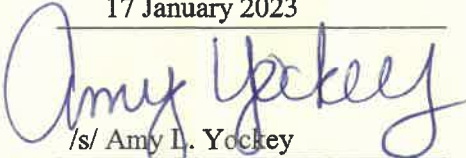
NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That the Public Works Director be, and is hereby, authorized to enter into a contract or contracts for professional services with an engineering firm or firms for the preparation of detailed plans, specifications, estimates, and other necessary services relating to the Millsboro Road Trail from Trimble Road to Marion Avenue.

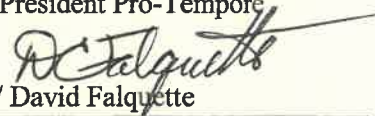
SECTION 2. That payment for the contractual services authorized in Section 1 herein shall be paid from the Permissive Sales Tax Fund (#215), Engineering Department Operations (215.12.01) Contractual Services Classification.

SECTION 3. That by reason of the immediate necessity for authorizing an engineering services contract to coincide with the schedule to utilize federal funds, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 17 January 2023
1st Reading 17 January 2023
2nd Reading _____
PASSED 17 January 2023

ATTEST 
/s/ Amy L. Yockey
Clerk of Council


SIGNED /s/ Phillip E. Scott
President Pro-Tempore


APPROVED /s/ David Falquette
Acting Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BILL #23-009

ORDINANCE # 23-009

BY: MR. DAVENPORT

Authorizing the Public Works Director to allocate an additional \$7,574.00 from the Street Repair and Maintenance Fund (#202) to purchase two (2) 2022 Ford F-550 dump trucks with snow plow packages, from Valley Ford Truck Inc., according to STS pricing contract RS100753 through the state bidding schedule and without competitive bidding, and declaring an emergency.

WHEREAS, two hundred twenty-four thousand, eight hundred eighty-four and 00/100 dollars (\$224,884.00) was previously allocated to purchase two (2) 2022 Ford F-550 dump trucks with snow plow packages with Ordinance #22-091, and

WHEREAS, due to ordering issues, the City is no longer able to purchase two (2) 2022 Ford F-550 dump trucks with snow plow packages at that price.


NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

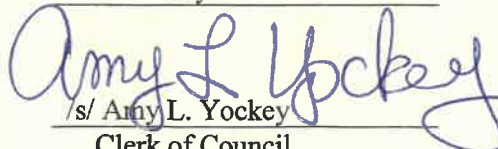
SECTION 1. That the Public Works Director be, and is hereby, authorized to purchase, two (2) 2022 Ford F-550 dump trucks with snow plow packages from Valley Ford Truck, Inc. (5715 Canal Road, Cleveland, OH 44125), through the state bidding schedule, at a cost not to exceed \$232,458.00 (two hundred thirty-two thousand, four hundred fifty-eight and 00/100 dollars).


SECTION 2. That the total additional cost of equipment to be purchased under Sections 1 hereof shall be paid from the Street Maintenance & Repair Fund (#202), Street Department Operations (202.53.01) Capital Outlay Classification.

SECTION 3. That by reason of the immediate necessity for purchasing this equipment for the Street Department, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 17 January 2023
1st Reading 17 January 2023
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PASSED 17 January 2023

SIGNED 
/s/ Phillip E. Scott
President Pro-Tempore

ATTEST 
/s/ Amy L. Yockey
Clerk of Council

APPROVED 
/s/ David Falquette
Acting Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

23-010

BILL #23-010

ORDINANCE # _____

BY: MR. DAVENPORT

Authorizing the Public Works Director to allocate an additional \$7,930.00 from the Street Maintenance & Repair Fund (#202), to purchase two (2) 2024 Ford F-650 dump trucks with snow plow packages from Valley Ford Truck Inc., according to STS pricing contract 118-22 through the state bidding schedule and without competitive bidding, and declaring an emergency.

WHEREAS, three hundred thousand, one hundred eighty-eight and 00/100 dollars (\$300,188.00) was previously allocated to purchase two (2) 2024 Ford F-650 dump trucks with snow plow packages with Ordinance #22-092, and

WHEREAS, due to ordering issues, the City is no longer able to purchase two (2) 2024 Ford F-650 dump trucks with snow plow packages at that price.

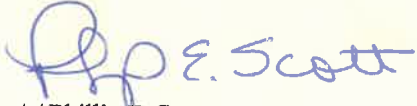
NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

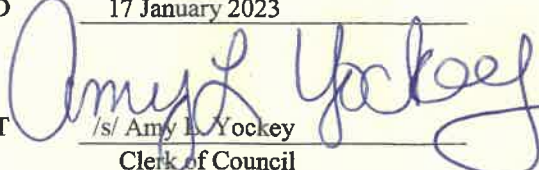
SECTION 1. That the Public Works Director be, and is hereby, authorized to purchase, two (2) 2024 Ford F-650 dump trucks with snow plow packages for the Street Department from Valley Ford Truck, Inc. (5715 Canal Road, Cleveland, OH 44125), through the state bidding schedule, at a cost not to exceed \$308,118.00 (three hundred eight thousand, one hundred eighteen and 00/100 dollars).

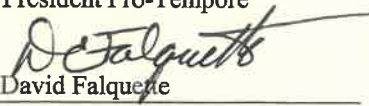
SECTION 2. That the total additional cost of equipment to be purchased under Sections 1 hereof shall be paid from the Street Maintenance & Repair Fund (#202), Street Department Operations (202.53.01) Capital Outlay Classification.

SECTION 3. That by reason of the immediate necessity for purchasing this equipment for the Street Department, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

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SIGNED 
/s/ Phillip E. Scott
President Pro-Tempore

ATTEST 
/s/ Amy L. Yockey
Clerk of Council

APPROVED 
/s/ David Falquet
Acting Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BILL #23-011*

ORDINANCE # _____

BY: ALL MEMBERS OF COUNCIL

Amending Chapter 193 of the Mansfield Codified Ordinances of 1997, as amended, to provide for the continuing levy of the existing one-half percent (1/2%) municipal income tax, after approval of such renewal levy by the electors pursuant to § 718.01 of the Revised Code of Ohio, upon income taxable by the City of Mansfield for a period of four (4) years and commencing January 1, 2024 and ending December 31, 2027, being for the purpose of operating costs in the police and fire departments, and declaring an emergency.

WHEREAS, pursuant to Ordinance #87-282 the electors of the City at an election held on February 2, 1988, approved an additional one-half percent (1/2%) levy on taxable income to raise additional funds for operating costs in the police and fire departments for the period commencing on April 1, 1988, and expiring on December 31, 1991, and

WHEREAS, pursuant to Ordinance #91-206, the renewal of such additional one-half percent (1/2%) income tax was approved by the electors of the City at an election held on November 5, 1991, which tax began on January 1, 1992 and was due to expire on December 31, 1995, and

WHEREAS, pursuant to Ordinance #95-024, the renewal of such additional one-half percent (1/2%) income tax was again approved by the electors of the City at an election held on May 2, 1995, which tax began on January 1, 1996 and was due to expire on December 31, 1999, and

WHEREAS, pursuant to Ordinance #99-022, the renewal of such additional one-half percent (1/2%) income tax was again approved by the electors of the City at an election held on May 4, 1999, which tax began on January 1, 2000 and is due to expire on December 31, 2003, and

WHEREAS, pursuant to Ordinance #03-004, the renewal of such additional one-half percent (1/2%) income tax was again approved by the electors of the City at an election held on May 6, 2003, which tax began on January 1, 2004 and is due to expire on December 31, 2007, and

WHEREAS, pursuant to Ordinance #07-013, the renewal of such additional one-half percent (1/2%) income tax was again approved by the electors of the City at an election held on May 8, 2007, which tax began on January 1, 2008 and is due to expire on December 31, 2011, and

WHEREAS, pursuant to Ordinance #11-005, the renewal of such additional one-half percent (1/2%) income tax was again approved by the electors of the City at an election held on May 3, 2011, which tax began on January 1, 2012 and is due to expire on December 31, 2015, and

WHEREAS, pursuant to Ordinance #15-005, the renewal of such additional one-half percent (1/2%) income tax was again approved by the electors of the City at an election held on May 5, 2015, which tax began on January 1, 2016 and is due to expire on December 31, 2019, and

WHEREAS, pursuant to Ordinance #19-006, the renewal of such additional one-half

percent (1/2%) income tax was again approved by the electors of the City at an election held on May 7, 2019, which tax began on January 1, 2020 and is due to expire on December 31, 2023, and

WHEREAS, it is necessary and in the best interest of the City and its inhabitants to continue to raise such additional income tax funds for the police and fire departments for maintenance of these vital governmental functions at adequate levels, and

WHEREAS, this currently existing additional one-half percent rate exceeds the maximum rate of one percent that can be levied without a vote of the electors pursuant to § 718.01 of the Revised Code of Ohio; it will be necessary to submit the additional tax renewal pursuant to this Ordinance to a vote of the electors of the City pursuant to § 718.01 of the Revised Code of Ohio.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That subsection (B) of § 193.012 of the Mansfield Codified Ordinances, as amended, pertaining to the period of duration of the tax levied by Chapter 193 thereof, as amended, be, and the same is hereby, amended to read as follows:

“193.012 PURPOSES OF TAX; RATE.

(A) To provide funds for the purpose of general municipal operations and other municipal purposes of the City of Mansfield, there is hereby levied a tax upon earnings at the rate of one percent (1%), upon the following:

- (1) On all salaries, qualifying wages, third party sick pay, commissions and other compensation earned on and after January 1, 1971, by resident individuals of the City of Mansfield.
- (2) On income from all lottery, gambling, and sports winnings, and games of chance received by resident individuals of the City of Mansfield.
- (3) On all salaries, qualifying wages, third party sick pay, commissions and other compensation earned on and after January 1, 1971, by nonresident individuals of the City of Mansfield, for work done or services performed or rendered in the City of Mansfield.
- (4) On the net profits attributed to City of Mansfield, earned on and after January 1, 1971, of all resident unincorporated businesses, professions and other activities derived from work done or services rendered or performed and business or other activities conducted in the City of Mansfield.
- (5) On the portion of the distributive share of the net profit earned on and after January 1, 1971, of a resident individual, partner or owner of a resident unincorporated business entity attributable to the City of Mansfield and not levied against such unincorporated business entity.
- (6) On the net profits attributable to the City of Mansfield earned on and after January 1, 1971, of all nonresident unincorporated businesses, professions or other activities, derived from work done or services performed or rendered and business or other activities conducted in the City of Mansfield.
- (7) On that portion of the distributive share of the net profits earned on and after January 1, 1971, of a resident individual, partner or owner of a non-resident unincorporated business entity not attributable to the City of Mansfield and not

levied against such unincorporated business entity.

(8) On the net profits earned on and after January 1, 1971, of all corporations derived from work done or services performed or rendered and business or other activities conducted in the City of Mansfield.

(B) In addition to the income tax levied pursuant to Section 193.012(A), there is hereby levied, to provide funds for the purpose of expenses and salaries in the Police and Fire Departments, a tax upon earnings at the additional rate of one-half of one percent (1/2%) upon those items enumerated in Section 193.012(A)(1)-(8).

(C) In addition to the income tax levied pursuant to Sections 193.012(A) and 193.012(B), there is hereby levied, to provide funds for the purpose of expenses of operation of the municipal government, a tax upon earnings at the additional rate of one quarter of one percent (.25%) upon those items enumerated in Section 193.012(A)(1)-(8) to be allocated and expended exclusively as follows: safety services - fifty percent (50%); parks and recreation - twenty-two percent (22%); demolition of vacant properties and removal of blight- twenty percent (20%); and street lighting- eight percent (8%).

(D) In addition to the income tax levied pursuant to Sections 193.012(A), 193.012(B), and 193.012(C), there is hereby imposed and levied an additional municipal income tax at the rate of one-quarter percent (1/4%) for a period of four (4) years commencing July 1, 2013, with the proceeds therefrom to be set aside and used exclusively for rehabilitation and repair of streets and park roads. Such additional income tax shall be levied on those sources of income set forth in Section 193.012(A)(1)-(8) of income tax ordinance for the City of Mansfield on the effective date hereof and the Director of Finance shall administer and collect such additional income tax proceeds pursuant to the provisions contained in such income tax ordinance.”

SECTION 2. That the Clerk of City Council is hereby directed to forthwith certify a true copy of this Ordinance to the Board of Elections of Richland County, Ohio, and to cause this Ordinance to be published as required by law.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meeting open to the public, in compliance with all legal requirements, including § 121.22 of the Revised Code of Ohio.

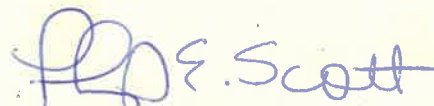
SECTION 4. That existing subsection (B) of § 193.012 of the Mansfield Codified Ordinances of 1997, as amended, be, and the same is hereby, repealed, effective January 1, 2024, subject, however, to Section 5 hereof.

SECTION 5. That Section 1 of this Ordinance shall take force and be in effect on and after January 1, 2024, subject, however, to obtaining the approval of a majority of the electors of the City of Mansfield, Ohio, according to law, voting hereon at the primary election to be held on the second day of May, 2023, pursuant to the provisions of § 718.01 of the Revised Code of Ohio.

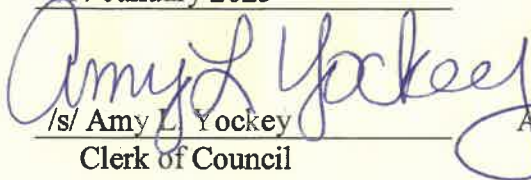
SECTION 6. That by reason of the necessity for immediate action required to enable the City to submit the renewal levy of an existing tax on taxable income to continue to raise supplemental


funds for the operation of the police and fire departments, for without said funds, such governmental functions and others would have to be curtailed to such an extent that the public safety and welfare would be greatly jeopardized, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 17 January 2023
1st Reading 17 January 2023
2nd Reading _____
PASSED 17 January 2023



SIGNED /s/ Phillip E. Scott
President Pro-Tempore

ATTEST 
/s/ Amy L. Yockey
Clerk of Council


APPROVED /s/ David Falquette
Acting Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BILL #23-012 *

RESOLUTION # _____

BY: ALL MEMBERS OF COUNCIL

Submitting the question of continuing the additional municipal income tax at the rate of one-half percent (1/2%) for a period of four (4) years from January 1, 2024 through December 31, 2027, to the electors of the City of Mansfield, Ohio, for their approval or rejection at the primary election to be held within the City of Mansfield, Ohio, on May 2, 2023, with such additional income tax receipts continuing to be used for operating costs in the police and fire departments, and declaring an emergency.

WHEREAS, § 718.01 of the Revised Code of Ohio requires that municipal income tax rates in excess of one percent (1%) must be approved by the electors of the municipality at a general, primary or special election, and

WHEREAS, the City of Mansfield, Ohio, already levies a municipal income tax at a rate in excess of one percent (1%), and

WHEREAS, the City by approval of the electors thereof at an election held on May 8, 2007, renewed the additional one-half percent (1/2%) income tax to be used exclusively for police and fire departments for the period for four (4) years, which tax ends on December 31, 2011, and

WHEREAS, the City by approval of the electors thereof at an election held on May 3, 2011, renewed the additional one-half percent (1/2%) income tax to be used exclusively for police and fire departments for the period for four (4) years, which tax ends on December 31, 2015, and

WHEREAS, the City by approval of the electors thereof at an election held on May 5, 2015, renewed the additional one-half percent (1/2%) income tax to be used exclusively for police and fire departments for the period for four (4) years, which tax ends on December 31, 2019, and

WHEREAS, the City by approval of the electors thereof at an election held on May 7, 2019, renewed the additional one-half percent (1/2%) income tax to be used exclusively for police and fire departments for the period for four (4) years, which tax ends on December 31, 2023, and

WHEREAS, the City Council has determined, by the adoption of Ordinance #23-_____, adopted on January 17, 2023, as an emergency measure to be effective immediately upon its approval and passage by a majority vote of the electors of the City of Mansfield voting on the question at the primary election to be held on May 2, 2023, to continue the levy of an additional one-half percent (1/2%) municipal income tax for the calendar years 2024, 2025, 2026, and 2027, with the additional income tax receipts continuing to be used for operating costs in the police and fire departments.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That pursuant to the provisions of § 718.01 of the Revised Code of Ohio, the Board of Elections of Richland County, Ohio, is hereby directed and ordered at the primary election to be held on the second day of May, 2023, to submit to the electors of the City of Mansfield, Ohio, for their approval or rejection the question of whether the additional municipal income tax at the rate of one-half percent (1/2%) for a period of four (4) calendar years commencing January 1, 2024, and ending December 31, 2027, shall continue to be levied pursuant to such City's Ordinance #23-_____ adopted by the City's Council on January 17, 2023, with such additional income tax receipts to be set aside and used exclusively for operating costs in the police and fire departments.

SECTION 2. That the ballot shall be substantially in the following form:

PROPOSED MUNICIPAL INCOME TAX (RENEWAL)

CITY OF MANSFIELD

A Majority Affirmative Vote is Necessary for Passage.

Shall the Ordinance providing for the continuation of an existing 1/2% levy on income for the calendar years of 2024 through 2027 with such tax being used exclusively for operating costs in the police and fire departments, be passed?

FOR THE INCOME TAX	
AGAINST THE INCOME TAX	

SECTION 3. That the Mayor, the Clerk of the Council and the Director of Law of the City of Mansfield are hereby directed and authorized to take all actions necessary on their part to submit the above question to the electors of the City of Mansfield, Ohio, at the primary election to be held on May 2, 2023.

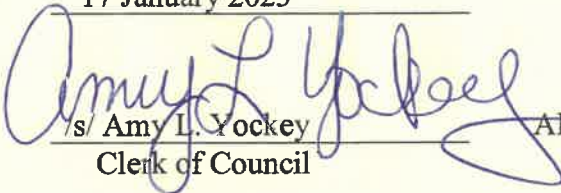
SECTION 4. That the Clerk of the Council is hereby directed to forthwith, and not later than February 1, 2023, certify and file a true copy of this Resolution to the Board of Elections of Richland County, Ohio, together with a true copy of Ordinance #23-_____.

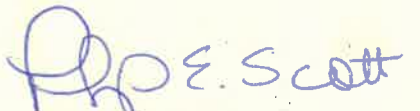
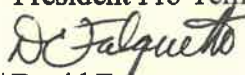
SECTION 5. That the Board of Elections of Richland County, Ohio, is authorized and directed to make the necessary arrangements for the submission of this tax levy to the electors of the City of Mansfield, Ohio, certify same, publish notice of this election prior to such election as required by law.

SECTION 6. That it is found and determined that all formal action of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Revised Code of Ohio.

SECTION 7. That by reason of the necessity for immediate action required to enable the City to submit the question of the renewal of this existing additional municipal income tax on income taxable by the City to a vote of the electors of the City at the primary election to be held on May 2, 2023, pursuant to § 718.01 of the Revised Code of Ohio, which section requires that a copy of this Resolution be certified to the Board of Elections of Richland County, Ohio, at least ninety days prior to such election, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 17 January 2023
1st Reading 17 January 2023
2nd Reading _____
PASSED 17 January 2023

ATTEST  /s/ Amy L. Yockey
Clerk of Council


SIGNED /s/ Phillip E. Scott
President Pro-Tempore

APPROVED /s/ David Falquette
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

