

REGULAR COUNCIL MEETING
August 20, 2019

The First monthly meeting of Mansfield City Council met on Tuesday, August 20th, 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, Van Harlingen, Jefferson, Lawrence, Taddie, Bryant, Mears and Scott. Rock was absent Falquette made a Motion for him to be excused, seconded by Jefferson.

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

Public Comments:

NONE

Committee Reports:

MR. BRYANT: Mr. President I have one, um, just for safety, um, we talked a few weeks ago again about the, hiring of um, our, um Mansfield Police Officers um, for private functions and whatnot. There is already a law on the books for that; already an Ordinance so um, I would like to bring that Ordinance forth to the Committee, umm, so that we can review it, nothing to pass, but to review, just to make sure that people understand that's already on the books and if there are any changes that need to be made I would like to the Committee's attention.

PRESIDENT SCOTT: So are you going to call a...

MR. BRYANT: I'm going to call a Safety Committee meeting next Council Session. Thank you.

PRESIDENT SCOTT: Okay. Any Updates?

ASSISTANT DIRECTOR BROWN: I do have a quick update.

PRESIDENT SCOTT: Yes.

ASSISTANT DIRECTOR BROWN: So. Many of you know, from time to time, I will update you on the House Bill # 49 Litigation that the City of Mansfield is part of, regarding the centralized collection of Municipal Income Tax. The last time I reported on this, we were waiting to hear back from the Supreme Court of Ohio and whether they would accept jurisdiction over the appeal of that case; they have accepted jurisdiction and they have narrowed it down to one question of Law, and it really get to the heart of the matter. It is, 'whether the home rule amendment of Ohio Constitution grants Municipal Corporations, a general power of municipal taxation' and then the question of, 'when a State Law engulfs that general power of taxation, would that State Law be unconstitutional?' So, we had previously discussed this and talked about how the Ohio Supreme Court would approach this case, um, thankfully they have kind of tackled the question head on and made it a matter of Home rule interpretation, um, and as just as a kinda

friendly update there is now a whole long list of proceedings. Um. There's twenty days to file the record of appeal process. Thirty days to file our brief. Twenty days for the State to respond. Um, another twenty days for us to respond to the State's response and then, the Supreme Court will set oral argument after that. Uh, in total we're looking, uh, between one hundred sixty and one hundred ninety days, before we might have an oral argument on this case. So, it will be awhile, probably before you hear from me again on an update, but, I'll always keep you updated.

PRESIDENT SCOTT: Thank you for the update!

MR. BRYANT: Mr. President.

PRESIDENT SCOTT: Yes.

MR. BRYANT: One more thing before Council, if you don't mind...we, uh, had that section in the Public Utilities Committee tonight, about the water bills. Um, I appreciate the administration bringing that forth. If I do receive high volume in calls regarding that department, or if any of us, we're going to find ourselves back here during that Committee, with the Chairman's permission, addressing the same issue. So, I hope that works, the new system works, if not we're going to be back here again.

MONDAY DEADLINE

MS. TADDIE: I move with respect to Bill 19-182 that the rule requiring legislation be submitted by 4 PM on Monday be suspended and that Bill 19-182 be allowed on the floor this evening, seconded by Mr. Falquette and passed by vote: Ayes: 7, Nays: 0

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. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

AMENDING CODIFIED ORDINANCES OF 1976: DEMOLITIONS

BY: MR. LAWRENCE

BILL# 19-035 *Amended **Second 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.

DISCUSSION:

PRESIDENT SCOTT: I'll just have a little impute, you know, we did discuss this earlier in committee, so hopefully, uh, folks can get together and we can get this wrapped up and put to bed, so we can make a final vote on this here in a couple of weeks, if not we just have to pull it and go forward from there.

SECOND READ

HONORING DETECTIVE RICHARD L. MILLER-RETIREMENT/POLICE

BY: MR. BRYANT

BILL # 19-156

ORDINANCE # PULLED

That this Council, on behalf of the government and the citizens of the Mansfield community, is privileged to honor and pay tribute to Detective Richard L. Miller upon his retirement, effective August 1, 2019, after more than twenty-eight (28) years of service with the Mansfield Division of Police.

PRESIDENT SCOTT: Bill 19-156 was pulled tonight. This was in resignation of honoring retiring Detective Richard L. Miller. We pulled this two weeks ago because, his Mom...Grandma, I'm sorry, grandma, I misspoke, um, we're pulling it again tonight because Grandma passed away, so...that's why we're not proceeding tonight, so I thought I'd just give that little update as to why we're...keep pulling this so, in that light also keep the Miller family in your prayers.

APPROPRIATION: SAFETY SERVICE FUND FOR NEW POLICE CAR

MR. BRYANT:

BIL#19-169

ORDANANCE # 19-162

Honoring Firefighter Link Briggs Sr. upon his retirement from the Mansfield Fire Department.

Upon motion by Mr. Van Harlingen, that Bill 19-169 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0

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

DISCUSSION: Well we've already had the discussion and presented Firefighter Briggs with his plaque and his recognition.

REVISING CODIFIED ORDINANCE OF CITY ADOPTING REPLACEMENT PAGES

BY: MR. LAWRENCE

BILL 19-170

ORDINANCE # 19- 163

Revising the Codified Ordinances of the City of Mansfield by adopting current replacement pages, and declaring an emergency.

Upon motion by Mr. Lawrence that Bill 19-170 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

DEMOLITION: 132 WILLIS AVENUE

BY: MR. LAWRENCE

BILL # 19-171

ORDINANCE # 19-164

Declaring the remains of a designated dwelling (132 Willis Avenue) to be insecure, unsafe, structurally defective and dangerous 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 19-171 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

DEMOLITION: 133 STURGES AVENUE

BY: MR. LAWRENCE

BILL # 19-172

ORDINANCE # 19-165

Declaring the remains of a designated dwelling (133 Sturges Avenue) to be insecure, unsafe, structurally defective and dangerous 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 19-172 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

DEMOLITION: 153 NORTH MULBERRY STREET

BY: MR. LAWRENCE

BILL # 19-173

ORDINANCE #19-166

Declaring the remains of a designated dwelling (153 North Mulberry Street) to be insecure, unsafe, structurally defective and dangerous 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 19-173 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

DEMOMLITION: 171 WEST FOURTH STREET

BY: MR. LAWRENCE

BILL # 19-174

ORDINANCE # 19-167

Declaring the remains of a designated dwelling (171 West Fourth Street) to be insecure, unsafe, structurally defective and dangerous 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 19-174 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION:

PRESIDENT SCOTT: Mr. Lawrence?

MR. LAWRENCE: Can we tear it down tonight?

AUDIENCE/COUCIL: Chuckles all around.

PRESIDENT SCOTT: Sure, we'll get that goin'!

CLERK AMY: We'll head over there.

MR. LAWRENCE: Once we pass it... let's go!

DEMOLITION: 306 MILLER STREET

BY: MR. LAWRENCE

BILL # 19-175

ORDINANCE # 19-168

Declaring the remains of a designated dwelling (306 Miller Street) to be insecure, unsafe, structurally defective and dangerous 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 19-175 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

DEMOLITION: 582 DEWEY AVENUE

BY: MR. LAWRENCE

BILL # 19-176

ORDINANCE # 19-169

Declaring the remains of a designated dwelling (582 Dewey Avenue) to be insecure, unsafe, structurally defective and dangerous 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 19-176 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

DEMOLITION: 600 DEWEY AVENUE

BY: MR. LAWRENCE

BILL # 19-177

ORDINANCE # 19-170

Declaring the remains of a designated dwelling (600 Dewey Avenue) to be insecure, unsafe, structurally defective and dangerous 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 19-177 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

APPROPRIATING FUNDS FROM PARKS FOR PARK IMPROVEMENT

BY: MR. VAN HARLINGEN

BILL # 19-178

ORDINANCE #19-171

Appropriating the sum of one hundred thousand dollars (\$100,000) from the unappropriated Parks and Recreation Fund (#236), to be used for various Park Improvements for the remainder of 2019.

Upon motion by Mr. Van Harlingen that Bill 19-178 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

AUTHORIZING PUBLIC WORKS DIRECTOR TO ADVERTISE/BIDS

BY: MR. VAN HARLINGEN

BILL # 19-179

ORDINANCE # 19-172

Authorizing the Public Works Director to advertise for bids and to enter into contracts for certain yearly needs of the City, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 19-179 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

AUTHORIZING DEDICATION FOR NORTH LAKE PARK RIGHT-OF-WAY

BY: MR. JEFFERSON

BILL # 19-180

ORDINANCE #19-173

Authorizing the dedication of land for North Lake Park Drive as public right-of-way, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 19-180 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

AUTH. PURCHASE OF REAL PROPERTY

BY: LAWRENCE

BILL # 19-181

ORDINANCE #19-174

RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY AND APPROVING PURCHASE AGREEMENT.

Upon motion by Mr. Van Lawrence that Bill 19-181 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

THEN & NOW: AUTH. PAYMENT TO RICHLAND CO. ALTERNATIVE CENTER

BY: VAN HARLINGEN

BILL # 19-182

ORDINANCE #19-175

Authorizing payment to Richland County Community Alternative Center in the amount of twelve thousand six hundred forty dollars (\$12,640) by affirming a Then and Now Certificate of the Finance Director, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 19-182 be read and placed upon the floor for discussion, seconded by Mr. Falquette. The bill was placed upon the floor for final passage, seconded by Mr. Falquette. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

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

DISCUSSION: NONE

OTHER DISCUSSION:

PRESIDENT SCOTT: Is there anything further to come before Council this evening? Mr. Falquette?

MR. FALQUETTE: Uhhh, Mr. President if thee, uh, Jason, Jean, Amy (Hamrick), Matt, if you could just stay after the meeting we could come with a date for meeting.

MR. LAWRENCE: Oh.

MR. JEFFERSON: That would be to discuss the...

MR. FALQUETTE: Zoning.

MR JEFFERSON: Zoning.

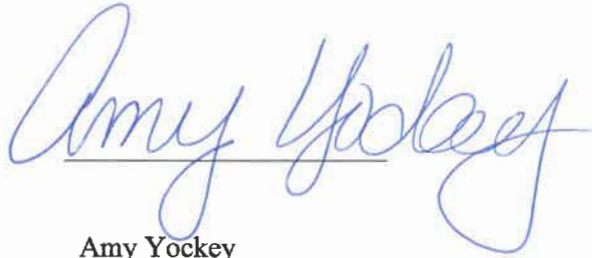
MR. FALQUETTE: And we'll publish it and all that good stuff.

MR. JEFFERSON: I know you will.

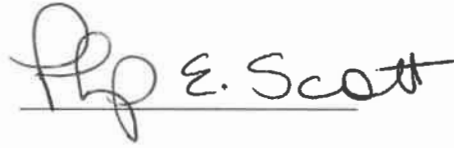
MR. FALQUETTE: Absolutely.

MR. JEFFERSON: I know.

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



Amy Yockey
Clerk of Council



Phillip Scott
President