

REGULAR COUNCIL MEETING NOVEMBER 7, 2017

The first monthly meeting of Mansfield City Council met on Tuesday, November 7, 2017 at 7:30 PM in the Council Chambers of the City Building.

The Pledge of Allegiance was recited by the audience.

Councilman Jeff Rock led the audience in prayer.

ROLL CALL: The following answered present at roll call: Bryant, Jefferson, Lawrence, Mears, Pender, Rock, Scott and Van Harlingen. Upon motion by Mr. Rock and seconded by Mr. Mears, Mr. Hill was excused.

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

MONDAY DEADLINE

MR. ROCK: I move with respect to Bill 17-205 that the rule requiring legislation be submitted by Monday at 4:00 be suspended and that Bill 17-205 be allowed on the floor tonight, seconded by Mr. Jefferson and passed by voice vote.

SUSPEND RULES

MR. ROCK: 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. Jefferson. The vote was taken and resulted as follows: Ayes: 7, Nays: 0.

LEGISLATION

CONTINUE THE UNION OF THE CITY HEALTH DIST & RICHLAND COUNTY GENERAL HEALTH DISTRICT

BY: MR. VAN HARLINGEN

ORDINANCE 17-176

Continuing the union of the City Health District and the Richland County General Health District in accordance with Ordinance 86-201 and extinguishing any interest of the City of Mansfield in the building or structure located at 555 Lexington Avenue, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 17-176 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: 6, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender and Rock. Abstain: Van Harlingen.

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

AMEND 505.03 TO REVISE DEFINITION OF VICIOUS DOG

BY: MR. BRYANT

ORDINANCE 17-192

Amending Section 505.03 of the Mansfield Codified Ordinances of 1997 to update and revise the definition of vicious dogs within the City by removing any breed specific language and update and revise the definition of dangerous dogs.

Upon motion by Mr. Bryant that Bill 17-186 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: 6, Nays: 0. Ayes: Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen. Abstain: Bryant.

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

MR. JEFFERSON: I would just like to commend Mr. Bryant in working with the Law Director to get this finally done, get it out of here. Thank you very much.

AMEND SEC 6, 20 & 21 OF PERSONNEL ORD.

BY: MRS. PENDER

ORDINANCE 17-193

Amending Section 6 (Clearfork Reservoir), Section 20 (Regional Community Advancement) and Section 21 (Parks & Recreation) of Ordinance 16-237 (Personnel Ordinance) to raise pay grade of the position of Special Police/MEO within the Clearfork Reservoir Division and reorganizing personnel within Regional Community Advancement and Parks & Recreation, and declaring an emergency.

Upon motion by Mrs. Pender that Bill 17-198 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: 7, Nays: 0. Ayes: Bryant, 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.

HR DIRECTOR REMY: I want to raise this now because it was moved from Caucus to a vote. I had asked in Committee to make a further amendment to the ordinance to allow the RCA Director to be, allow the city to fill in on a part time basis if it was necessary. That's not indicated in what is in front of you. It's a full time position. I didn't think about it until it was moved to be voted on right now.

PRESIDENT SCOTT: Is it Council's wishes that we pass it as amended, as per Mr. Remy's recommendation?

MR. JEFFERSON: What are we amending here?

MRS. PENDER: What are we amending?

MR. REMY: Making the Directorship at the RCA, enable to city to fill that on a part time basis.

PRESIDENT SCOTT: Where you at in this?

MR. REMY: It would be indicating an asterisk or a 0 next to the Director's position, and if we do that, we're allowed to fill such designated positions on a part time basis.

PRESIDENT SCOTT: Is that section 20?

MR. REMY: Yes. The Directorship, I would designate it as being, enable us to fill it on a part time basis. I talked about it at a committee meeting. I will have Cheryl make the change on the front sheet.

LAW DIRECTOR SPON: As long as we have a formal motion to amend you can proceed.

Mrs. Pender made a motion to amend the ordinance according to Mr. Remy's statement as temporary or part time position, seconded by Mr. Rock. Motion passed 7-0.

REPEAL CHAPTER 165 – RECREATION BOARD

BY: MR. ROCK

ORDINANCE 17-194

Repealing Chapter 165 of the Mansfield Codified Ordinances of 1997 concerning the Recreation Board.

Upon motion by Mr. Rock that Bill 17-200 be read and placed upon the floor for discussion, seconded by Mr. Jefferson. The bill was placed upon the floor for final passage, seconded by Mr. Jefferson. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Bryant, 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.

ENACTING CHAPTER 769 TO PROHIBIT MEDICAL MARIJUANA

BY: MR. LAWRENCE

ORDINANCE 17-195

Enacting Chapter 769 of the Mansfield Codified Ordinances of 1997 to prohibit medical marijuana cultivation, processing, and retail distribution within the City of Mansfield, and declaring an emergency.

Upon motion by Mr. Lawrence that Bill 17-201 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: 6, Nays: 1. Ayes: Bryant, Lawrence, Mears, Pender, Rock and Van Harlingen. Nay: Jefferson.

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

MR. BRYANT: We're not prohibiting medical marijuana, we're just, it's against the...

PRESIDENT SCOTT: Basically, we're prohibiting medical marijuana.

MR. LAWRENCE: We're prohibiting it to be sold within our city limits. Cultivate, sold or process.

MR. JEFFERSON: Excuse me? I only graduated from high school, come on, explain it to me.

PRESIDENT SCOTT: We're prohibiting the cultivation, growing cultivation and selling of medical marijuana.

MR. JEFFERSON: So, you can't have medical marijuana in Mansfield, right? You won't be selling it in Mansfield, correct?

LAW DIRECTOR SPON: Growing it, processing it or distributing it.

MR. JEFFERSON: Distributing it. That's selling it.

PRESIDENT SCOTT: Yes. One in the same.

ENACT 1167.15 TO PROHIBIT MEDICAL MARIJUANA

BY: MR. LAWRENCE

ORDINANCE 17-196

Enacting Section 1167.15 of the Mansfield Codified Ordinances of 1997, to prohibit medical marijuana cultivation, processing, and retail distribution within all zoning districts of the City of Mansfield, and declaring an emergency.

Upon motion by Mr. Lawrence that Bill 17-202 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: 6,

Nays: 1. Ayes: Bryant, Lawrence, Mears, Pender, Rock and Van Harlingen. Nay: Jefferson.

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

MR. JEFFERSON: Can I get a short description of the difference in these bills?

LAW DIRECTOR SPON: One's the ordinance essentially applies to the Chapter of Business Regulations. The other ordinance applies to the chapter on Zoning.

MR. JEFFERSON: Thank you. One other thing, the way it's written, prohibit medical marijuana, should there have been a comma there to separate that? We can't have medical marijuana sold or distributed in the city when we pass these ordinances, correct? Ok, that's all I had. Thank you.

AUTH SSD PURCHASE 95-97 GLESSNER AVE

BY: MR. VAN HARLINGEN

ORDINANCE 17-197

Authorizing the Safety-Service Director to hereby be authorized to purchase property located at 95-97 Glessner Avenue, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-203 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: 7, Nays: 0. Ayes: Bryant, 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 FOR HAULING OF SLUDGE

BY: MR. VAN HARLINGEN

ORDINANCE 17-198

Authorizing the Safety-Service Director to advertise for bids and enter into a contract or contracts for the hauling and disposal of water treatment plant sludge, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-204 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: 7, Nays: 0. Ayes: Bryant, 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 PURCHASE AGILENT 9000 INTUVO GC/MS SYSTEM FOR LAB

BY: MR. BRYANT

ORDINANCE 17-199

Authorizing the Safety-Service Director to purchase, without competitive bidding, an Agilent 9000 Intuvo GC/MS System for the police laboratory from Agilent Technologies, Inc., and declaring an emergency.

Upon motion by Mr. Bryant that Bill 17-205 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: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

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

EST SPECIAL REVENUE FUND #228 – PAY RESERVE FUND

BY: MR. VAN HARLINGEN

ORDINANCE 17-200

Establishing new Special Revenue Fund #228, entitled “Pay Reserve Fund,” to ensure the City can provide consistent, uninterrupted municipal services in the event of economic disruption, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-207 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: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

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

AUTH SSD ACCEPT GRANT FOR ANALYSIS OF DOWNTOWN HISTORIC DISTRICT

BY: MR. VAN HARLINGEN

ORDINANCE 17-201

Authorizing the Safety-Service Director to accept a Grant from the Richland County Foundation on behalf of the Mansfield Historic Preservation Commission in the aggregate amount of Twelve Thousand Dollars (\$12,000) to allow for the analysis of the proposed downtown Historic District, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-208 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: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

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

AUTH SSD ACCEPT GRANT FOR ANALYSIS OF DOWNTOWN HISTORIC DISTRICT

BY: MR. VAN HARLINGEN

ORDINANCE 17-202

Authorizing the Safety-Service Director to accept a Grant from the Richland County Foundation on behalf of the Mansfield Historic Preservation Commission in the aggregate amount of Twelve Thousand Dollars (\$12,000) to allow for the analysis of the proposed downtown Historic District, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-209 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: 7, Nays: 0. Ayes: Bryant, 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.

APPRO \$56,938 FROM DEBT SERVICE FOR ELEVATOR PROJECT

BY: MR. VAN HARLINGEN

ORDINANCE 17-203

Appropriating the sum of Fifty-six Thousand Nine Hundred Thirty-eight Dollars (\$56,938) from the unappropriated Debt Service Fund (#301), to be used for the first payment for the elevator improvement project, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-210 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: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

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

APPROP \$6,746.02 FROM SAFETY SERVICES FUND & 411.38 FROM INFORMATION TECHNOLOGY FUND – INCREASE IN CHILLER REPLACEMENT PPROJECT

BY: MR. VAN HARLINGEN

ORDINANCE 17-204

Appropriating the sum of Six Thousand Seven Hundred Forty-six and 02/100 Dollars (\$6,746.02) from the unappropriated Safety Services Fund (#214), and appropriating the sum of Four Hundred Eleven and 38/100 (411.38) from the

unappropriated Information Technology Fund (#602), to allow and account for an increase in the cost of the chiller replacement project from which the resources in increase the appropriations will be provided by transfers-out from the General Fund from funds already appropriated within the General Fund Transfers-out Classification, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-211 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: 7, Nays: 0. Ayes: Bryant, 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.

THEN & NOW – MG ENERGY, \$18,300

BY: MR. VAN HARLINGEN

ORDINANCE 17-205

Authorizing additional payments to MG Energy in the amount of Eighteen Thousand Three Hundred Dollars (\$18,300) by affirming a Then & Now Certificate of the Finance Director, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-212 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: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

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

AUTH SSD ACCEPT DONATION FOR PAL

BY: MR. VAN HARLINGEN

ORDINANCE 17-206

Authorizing the Safety-Service Director to accept and appropriate donations from Norfolk Southern Foundation in the amount of Three Thousand Dollars (\$3,000) to be used for PAL fund, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-213 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: 7, Nays: 0. Ayes: Bryant, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

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

AUTH SSD ACCEPT DONATION FOR GATE & OPERATOR AT THE AIRPORT

BY: MR. VAN HARLINGEN

ORDINANCE 17-207

Authorizing the Safety-Service Director to accept and appropriate an anonymous donation in the amount of Thirteen Thousand Dollars (\$13,000) for the purpose of installing a gate and operator at the Mansfield Lahm Regional Airport, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-214 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: 7, Nays: 0. Ayes: Bryant, 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.

ACCEPT GRANT FROM OHIO ATTORNEY GENERAL FORENSIC SCIENCE GRANT

BY: MR. VAN HARLINGEN

ORDINANCE 17-208

Accept and appropriate an Ohio Attorney General Forensic Science Grant in the total amount of One Hundred Ten Thousand Dollars (\$110,000), and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-215 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: 7, Nays: 0. Ayes: Bryant, 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 MAYOR & SSD ACCEPT PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT

BY: MR. VAN HARLINGEN

ORDINANCE 17-209

Authorizing the Mayor and Safety-Service Director to accept a Grant from the Richland County Foundation on behalf of the Mansfield Historic Preservation Commission in the aggregate amount of Twelve Thousand Dollars (\$12,000) to allow for the analysis of the proposed downtown Historic District, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-216 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: 7, Nays: 0. Ayes: Bryant, 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 MAYOR & POLICE CHIEF ACCEPT FUNDING FOR DNA BACKLOG REDUCTION PROGRAM

BY: MR. VAN HARLINGEN

ORDINANCE 17-210

Authorizing the Mayor and Chief of Police to accept funding from the National Institute of Justice under the Forensic DNA Backlog Reduction Program (FY2017) in the amount of One Hundred Fifty Thousand Dollars (\$150,000), and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-217 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: 7, Nays: 0. Ayes: Bryant, 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.

APPROVE GRANT FOR CRIME VICTIM'S ASSISTANCE PROGRAM

BY: MR. VAN HARLINGEN

ORDINANCE 17-211

Approving the Law Director's acceptance of a grant from the Ohio Crime Victims Assistance Office to be used for the purpose of the Crime Victim's Assistance Program administered by the Law Director's Office in the total amount of Sixty-two Thousand Six Hundred Forty-one Dollars (\$62,641), appropriating the funds to be expended in 2017, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-218 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: 7, Nays: 0. Ayes: Bryant, 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 CHAPTEE 195 – TRANSIENT OCCUPANCY TAX

BY: MR. VAN HARLINGEN

ORDINANCE 17-212

Amending Chapter 195 of the Mansfield Codified Ordinances (Transient Occupancy Tax) to extend the tax through December 31, 2020, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 17-219 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: 7, Nays: 0. Ayes: Bryant, 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. Rock, seconded by Mr. Jefferson, and passed by voice vote, the meeting was adjourned.

Amy Yockey
Clerk of Council

Phillip Scott
President of Council