

## **REGULAR COUNCIL MEETING JANUARY 16, 2018**

The second monthly meeting of Mansfield City Council met on Tuesday, January 16, 2018 at 7:30 PM in the Council Chambers of the City Building.

The Pledge of Allegiance was recited by the audience.

Councilman Jason Lawrence led the audience in prayer.

**ROLL CALL:** The following answered present at roll call: Bryant, Falquette, Jefferson, Lawrence, Mears, Pender, Rock, Scott and Van Harlingen.

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

### **MONDAY DEADLINE**

**MRS. PENDER:** I move with respect to Bill 18-018 that the rule requiring legislation be submitted by 4 PM on Monday be suspended and that Bill 18-018 be allowed on the floor this evening, seconded by Mr. Rock and passed by voice vote.

### **SUSPEND RULES**

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

### **LEGISLATION**

#### **AUTH SSD CHANGE RATES AT CLEARFORK**

**BY: MR. JEFFERSON**

**ORDINANCE 17-216**

Authorizing the Safety-Service Director to change the rates at Clearfork Marina and Campgrounds, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 17-199 as amended 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: 1. Ayes: Bryant, Falquette, Jefferson, Lawrence, Pender, Rock and Van Harlingen. Nay: Mears.

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

**MR. JEFFERSON:** I would like to make a comment. I want to thank, again, the law department for working on this and getting new policy set up and made it very clear. The Mayor and I had conversation about this new rates and so forth and I totally agree with him, I think these are fair rates for that campground and if there's surplus, hopefully we will fill it up, and if there's a surplus, it only enhances the city's coffers and we just want to provide a service for people that like to camp and be fair about it and I think this legislation does that.

**APPROVE REAPPOINTMENT TO HEALTH BOARD**

**BY: MR. LAWRENCE**

**RESOLUTION 18-008**

Approving a reappointment by the Mayor to the Richland Public Health Board.

Upon motion by Mr. Lawrence that Bill 18-007 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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.

**HONOR K-9 DOG SAM UPON HIS RETIREMENT**

**BY: ALL MEMBERS OF COUNCIL**

**ORDINANCE 18-009**

Honoring K-9 dog Sam upon his retirement from the Mansfield Police Department.

Upon motion by Mr. Bryant that Bill 18-008 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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 DISPOSITION OF K-9 DOG SAM**

**BY: ALL MEMBERS OF COUNCIL**

**ORDINANCE 18-010**

Approving the disposition of Police K-9 dog Sam, and declaring an emergency.

Upon motion by Mr. Bryant that Bill 18-009 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage,

seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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.

**CLAIM – GARY ADAMS & VANESSA SKAGGS, 263 WHITTIER RD**

**BY: MR. MEARS**

**ORDINANCE 18-011**

Authorizing payment of the claim of Gary Adams & Vanessa Skaggs, 263 Whittier Road, Mansfield, Ohio 44907 and declaring an emergency.

Upon motion by Mr. Mears that Bill 18-010 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, Jefferson, Lawrence, Mears, Pender, Rock and Van Harlingen.

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

**MR. MEARS:** I would like to add one quick thing. This claim was denied, originally came in at about \$6300 but the committee agreed for a \$600 sewer assistance fund. I just wanted to clarify that.

**OPPOSE RIGHT TO WORK AMENDMENT**

**BY: MRS. PENDER**

**ORDINANCE 18-012**

Strongly opposing the proposed six “right-to-work” constitutional amendments by the Ohio General Assembly which propose changes to weaken collective bargaining laws and rights in the State of Ohio, and declaring an emergency.

Upon motion by Mrs. Pender that Bill 18-011 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: 2. Ayes: Bryant, Jefferson, Lawrence, Pender, Rock and Van Harlingen. Nays: Falquette & Mears.

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

**MR. JEFFERSON:** I’d just like to make a comment. I strongly support this bill. I understand unions, I know what they’re about. There’s so much responsible for a lot of the benefits and perks that workers have, starting with Labor Day. Unions fought for that type of thing and now, this union is challenging this thing going on, 53 in Columbus to

keep your wages right. There's always somebody fighting the working man trying to get rid of their benefits and perks that unions, for years and years, have fought for, 40 hour work week and everything, so keep fighting and as long as I'm up here you will have my support. (applause).

**PRESIDENT SCOTT:** I support this too, there's no secret about that, but can we refrain from the clapping? I don't want to do that, I did that once before and kinda got attacked for it, but it's not that I don't support you guys, I do, very much so, but we try to eliminate the show of, anyway...

**MR. BRYANT:** I just want to remind everyone that the terms "Right to work" is a deceptive term. Our labor union continues to fight for equality and fairness in our workplace, they continue to fight for, as Councilman Jefferson said, fair pay, sick leave and more. My father, a part of a labor union for 35+ years, nearly 40 years. I'm a part of a union. We appreciate you and you have my support.

**PRESIDENT SCOTT:** Mr. Spon, if this a legal clarification?

**LAW DIRECTOR SPON:** Well, it deals with some of the legal (?). In other states that have passed some of these proposed amendments, the results have been disastrous and resulted in disenfranchising the skilled blue collar workers of those communities, so we need to support the skilled blue collar men and women that provide these services in our community. It's essential to a good community, a community that pays fairly for good work and we need to support each and every member of these unions that does this kind of work.

**MR. FALQUETTE:** Very quickly, I certainly support many of the individuals that belong to unions, the right for fair pay, things like that. I do have some issues with union management and the way unions are run and so I'm torn, very much, on this particular legislation strongly opposing the right to work the way it is put together, but I do think that fair wages should always be paid.

**PRESIDENT SCOTT:** I'm just riding on what I said before. I do support this, hopefully I do not have to vote for this, but if it comes to that I will be supporting it.

**DAN MAPES:** Can I say something quick?

**PRESIDENT SCOTT:** Quickly Dan. You know that's out of order.

**MR. MAPES:** I know but it needs to be said. This bill that's before you folks tonight doesn't cover just unions. Covers everybody that puts boots on in the morning. Anybody that works for a living is subject to these 6 controversial changes. Don't allow you to have the mindset that this is a union amendments. This is not union amendments. This is the right to work amendments that are constitutional changes that he's proposing to change. It doesn't just control or it doesn't govern unions. It governs you. It governs everyone that works for a living. Whether you put on a badge in the morning, or whether

you put on a swimsuit in the morning, it doesn't matter. It covers everybody. Thank you.

**DEMO – 455 PARK AVE WEST (OLD Y)**

**BY: MR. LAWRENCE**

**ORDINANCE 18-013**

Declaring the remains of a designated dwelling (455 Park Avenue West) 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 18-012 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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.

**ODOT – URBAN PAVING PROGRAM**

**BY: MR. JEFFERSON**

**ORDINANCE 18-014**

The following ordinance enacted by the City of Mansfield of Richland County, Ohio, hereinafter referred to as the City, in the matter of the state described project.

Upon motion by Mr. Jefferson that Bill 18-013 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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 – ANDREW WALKER**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 18-015**

Authorizing payments to Andrew Walker in the amount of Three Thousand Six Hundred Fifty-two Dollars (\$3,652.00) by affirming a Then and Now Certificate of the Finance Director, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 18-015 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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.

**DONATION OF \$50 FOR FIRE DEPT.**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 18-016**

Authorizing the City to accept a donation of Fifty Dollars (\$50.00) from Annielynn Miller in memory of Chief Richard Krizan for use by the Mansfield Fire Department in the operation of its Fire Prevention Program, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 18-016 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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 FUNDING FOR METRICH OPERATIONS**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 18-017**

Authorizing the Safety-Service Director to accept and appropriate funding from the Ohio Office of Criminal Justice Services (OCJS) in the amount of One Hundred Four Thousand Two Hundred Eight and 40/100 Dollars (\$104,208.40) for METRICH Operations, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 18-017 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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.

**FIREFIGHTER DEFERRED COMPENSATION PLAN**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 18-018**

Affirming the execution by the Finance Director, on behalf of the City of Mansfield, of an Adoption Agreement for the Ohio Association of Professional Firefighter (OAPFF) 457 Deferred Compensation Plan retroactively effective to January 1, 2018, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 18-018 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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 LEASE WITH MODERN AVIONICS & MAINTENANCE FOR AIRPORT LOTS**

**BY: MR. BRYANT**

**ORDINANCE 18-019**

Authorizing the Safety-Service Director to enter into a Lease with Modern Avionics & Maintenance Inc., for Lots #44 ½ and #46 at the Mansfield Lahm Airport, and declaring an emergency.

Upon motion by Mr. Bryant that Bill 18-019 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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 AMENDED AGREEMENT WITH RCI. CO. LAND REUTILIZATION CORP**

**BY: MR. LAWRENCE**

**ORDINANCE 18-020**

Authorizing the Safety-Service Director to enter into an amended agreement with the Richland County Land Reutilization Corporation, to facilitate the effective reutilization of nonproductive land within Richland County through the demolition of abandoned structures, and declaring an emergency.

Upon motion by Mr. Lawrence that Bill 18-020 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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 AGREEMENT WITH DEV. FINANCE AUTHORITY OF SUMMIT CO. & RAEMELTON PARK DEVELOPERS**

**BY: MR. FALQUETTE**

**ORDINANCE 18-021**

Authorizing the Safety-Service Director to enter into a cooperative agreement with the Development Finance Authority of Summit County and Raemelton Park Developers LLC related to an economic development project on Trimble Road, and declaring an emergency.

Upon motion by Mr. Falquette that Bill 18-021 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was placed upon the floor for final passage, seconded by Mr. Rock. The vote was taken and resulted as follows: Ayes: 8, Nays: 0. Ayes: Bryant, Falquette, 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.

**AFTER LEGISLATION:**

**MR. JEFFERSON:** Through the Chair, has there been a change on the staff of the Mayor? I haven't seen Mrs. Cope in a few weeks.

**PRESIDENT SCOTT:** Mr. Jefferson is questioning if Mrs. Cope is still on staff.

**MAYOR THEAKER:** Yes. She's on a personal vacation. We sent that out, in house.

**CLERK YOCKEY:** We didn't get that. Did you do all Dept. Heads or?

**MR. JEFFERSON:** I was just a little concerned and I hadn't seen her.

**MR. BRYANT:** I just want to applaud everyone that worked on the GIS system. The implementation of technology in the City of Mansfield is awesome, it's needed, and a really good project.

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

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Amy Yockey  
Clerk of Council

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Phillip Scott  
President of Council