

REGULAR COUNCIL MEETING APRIL 19, 2016

The second semi-monthly meeting of Mansfield City Council met on Tuesday, April 19, 2016 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, Hill, Jefferson, Lawrence, Rock, Scott and Van Harlingen. Upon motion by Mr. Hill and seconded by Mr. Rock, Mrs. Pender was excused.

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

MR. BRYANT: I'd like to give a brief Safety update. I followed up with Mr. Dan Mapes claim from last Council session regarding building security and I scheduled to meet with the Mayor but we decided to meet further down the road to discuss this issue, but in the meantime we did some research. Dan's concerns, or his solutions were to seal the building and have the public enter through one entrance, the Park Avenue entrance and then implement card readers for the other doors of the building. So, I want to kind of explore what Dan is saying here, see if we can do that in our future meetings, and Director Cope sent a response to Dan's concern and pretty much, the response summed up that we have 2 cameras in Council and cameras throughout the building and panic buttons and we have an emergency notification system in place to address current building security issues, so I've been following up with Dan and with the Administration to see if there's anything we need to do further.

MONDAY DEADLINE

MR. HILL: I move with respect to Bill 16-075 through 16-082 that the rule requiring legislation be submitted by Monday at 4 pm be suspended and that Bill 16-075 through 16-082 be allowed on the floor tonight, seconded by Mr. Rock and passed by voice vote.

SUSPEND RULES

MR. HILL: 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: 7, Nays: 0.

LEGISLATION

CLAIM – JUDY GIBSON, 87 BRIGHTWOOD BLVD. LUCAS OH

BY: MR. MEARS

ORDINANCE 16-067

Authorizing the claim of Judy Gibson, 87 Brightwood Blvd., Lucas, Ohio, 44843, and declaring an emergency.

Upon motion by Mr. Mears that Bill 16-068 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: 0, Nays: 7. Nays: Bryant, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

DEMO – 171 WEST FIRST ST

BY: MR. LAWRENCE

ORDINANCE 16-068

Declaring the remains of a designated dwelling (171 West First Street) to be insecure, unsafe, structurally defective and unsafe 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 16-069 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, Hill, Jefferson, Lawrence, Mears, 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 WITH MANSFIELD Y FOR CITY POOLS

BY: MRS. PENDER

ORDINANCE 16-069

Authorizing The Safety-Service Director to enter into a contract between the City of Mansfield and the Mansfield Area Y to provide, through a public/private partnership, summer aquatic recreation to the residents of Mansfield at two (2) City-owned swimming pools, and declaring an emergency.

Upon motion by Mr. Rock that Bill 16-070 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. Rock. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Bryant, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

AUTH CITY ACCEPT DONATION FROM WALMART

BY: MR. BRYANT

ORDINANCE 16-070

Authorizing the City to accept a donation of One Hundred Fifty Dollars (\$150) from Walmart for use by the Hooked on Fishing-Not Drugs Program, and declaring an emergency.

Upon motion by Mr. Bryant that Bill 16-071 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, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

AUTH DONATION FROM GERON TATE – MINORITY HEALTH FAIR

BY: MR. BRYANT

ORDINANCE 16-071

Authorizing the City to accept a donation of Five Hundred Dollars (\$500) from Geron Tate for use by the Minority Health Fair, and declaring an emergency.

Upon motion by Mr. Bryant that Bill 16-072 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, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

AUTH DONATIONS OF \$1400

BY: MR. VAN HARLINGEN

ORDINANCE 16-072

Authorizing the Safety-Service Director to accept and appropriate donations from VFW Post 9943, Lexington Lodge #2511 Loyal Order of the Moose, Midway Inc., Rolling Thunder Inc. Ohio Chapter 2, Mechanics Bank, Richland Bank, and the Warren Rupp Employee Civic Fund in the amount of One Thousand Four Hundred Dollars (\$1,400), and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-073 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, Hill, Jefferson, Lawrence, Mears, 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 RIC. CO. FOUNDATION FOR MUSIC IN THE PARK

BY: MRS. PENDER

ORDINANCE 16-073

Authorizing the Safety-Service Director to accept a Grant from the Richland County Foundation in the aggregate amount of Five Thousand Dollars (\$5,000) for the purpose of Music in the Park, and declaring an emergency.

Upon motion by Mr. Rock that Bill 16-074 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. Rock. The vote was taken and resulted as follows: Ayes: 7, Nays: 0. Ayes: Bryant, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

THEN & NOW – J & B ACOUSTICAL

BY: MR. VAN HARLINGEN

ORDINANCE 16-074

Authorizing payment to J & B Acoustical, Inc. in the amount of Twenty-six Thousand Eight Hundred Seven Dollars (\$26,807) by affirming a Then and Now Certificate of the Finance Director, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-075 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, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

TRANSFER \$2,000 WITHIN SAFETY SERVICE PUBLIC SAFETY COMM CENTER

BY: MR. VAN HARLINGEN

ORDINANCE 16-075

Transferring appropriations in the amount of Two Thousand Dollars (\$2,000) within the Safety Service Fund Public Safety Communications Center (214.24.01) Operations, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-076 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, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

APPROP \$130,000 FROM PARKS & RECREATION

BY: MR. VAN HARLINGEN

ORDINANCE 16-076

Appropriating the sum of One Hundred Thirty Thousand Dollars (\$130,000) from the unappropriated Parks and Recreation Fund (#236), and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-077 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, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

APPROP \$800 FROM RCA FOR MINORITY HEALTH FAIR

BY: MR. VAN HARLINGEN

ORDINANCE 16-077

Appropriating the sum of Eight Hundred Dollars (\$800) from the unappropriated Regional Community Advancement (RCA) Fund (#205) to the Programs (205.62.25) Supplies and Materials and Contractual Services Classifications, for the Minority Health Fair 2016, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-078 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, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

APPROP \$2,906.45 FROM RCA FOR COMMUNITY DIAPER BANK

BY: MR. VAN HARLINGEN

ORDINANCE 16-078

Appropriating the sum of Eight Hundred Dollars (\$800) from the unappropriated Regional Community Advancement (RCA) Fund (#205) to the Programs (205.62.25) Supplies and Materials and Contractual Services Classifications, for the Minority Health Fair 2016, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-079 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, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

AMEND 941.07 – UPDATE PAYMENT METHOD FOR UTILITY COLL

BY: MR. VAN HARLINGEN

ORDINANCE 16-079

Amending Section 941.07 of the Mansfield Codified Ordinances of 1997 to modernize and update the methods of payment accepted by the City of Mansfield for utility services, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 16-081 be read and placed upon the floor for discussion, seconded by Mr. Rock. Mr. Van Harlingen made motion to pass the bill as an emergency, seconded by Mr. Hill. The vote was 7-0. 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, Hill, Jefferson, Lawrence, Mears, Rock and Van Harlingen.

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

AMEND 941.12 – VOLUNTARY TERMINATION OF SERVICES – 1ST READING

BY: MR. VAN HARLINGEN

ORDINANCE 16-080

Amending Section 941.12 of the Mansfield Codified Ordinances of 1997 to revise the method by which a customer may voluntarily terminate water services to a premise.

Upon motion by Mr. Van Harlingen that Bill 16-082 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was given it's first reading.

MR. VAN HARLINGEN: Just to follow up on Director Spon's comments, now we could not add an emergency clause to this thing then?

DIRECTOR SPON: I recommend that we give it a reading and then at our next Council meeting then the rules can be suspended.

CLERK YOCKEY: We already made a motion to vote on it tonight, that's not the issue.

DIRECTOR SPON: What's that?

PRESIDENT SCOTT: We already moved to vote on it, move it from Caucus to vote on it tonight in Council.

DIRECTOR SPON: Well, I've given you (?) by saying the law requires, under emergency legislation, you state in the proposed legislation the reason for the emergency.

MR. VAN HARLINGEN: Ok. Originally, the motion was not for an emergency. We were going to follow the normal time period, 30 days. And then the discussion came up on Bill 16-081, the prior bill, about making it an emergency, so, if I understand this correctly, if we leave it go through tonight, on the motion, to suspend final readings and leave it go, it would not go in effect for 30 days. If we wanted to make it an emergency, put the emergency clause in, then we would have to wait til the next Council meeting, which is what? Two weeks, I don't have a calendar. We don't have an extra week in between do we?

CLERK YOCKEY: May 3.

MR. VAN HARLINGEN: Let's say, the next Council meeting, which would be approximately 2 weeks...

PRESIDENT SCOTT: It's May 3.

MR. VAN HARLINGEN: The new piece of legislation then would have the emergency clause in it and it would go into effect immediately saving 2 weeks, basically. So, in that event, would we want to pull this legislation tonight so we can pass it quicker, get it into effect quicker?

CLERK YOCKEY: I don't see why...(inaudible).

PRESIDENT SCOTT: I guess I'm confused Director. Why we need to hold. We've got so many other pieces we passed tonight that says, declaring an emergency.

DIRECTOR SPON: 81, we're already doing. It makes it more convenient for our customers to pay. We're not going to expect to be pushed back from the public by passing legislation as emergency legislation, where it's making more convenient for them to pay their bill, but on 82....

CLERK YOCKEY: It's a voluntary service by the customer.

DIRECTOR SPON: Excuse me. We're talking about terminating water services to owners of property, I can only advise that if we make an emergency legislation, we have to state it's emergency legislation, the reason for it and if that reason's not challenged by the public, then it would stand as emergency legislation.

DIRECTOR KLOUSIADIS: But this is their request now, to terminate, not ours. This has nothing to do with shut offs. This legislation is, if you want your water off at your house, call us to shut it off.

DIRECTOR SPON: Right. But I'm saying, it's still involving the impact of the provision of utility services, given to disputes between the owner and the lessor and the lessee and you have a problem, so I'm simply sharing what the law is, I don't necessarily believe anybody will challenge it but I'm duty bound to, at least, share with Council, passes emergency legislation you have to state the reason for it. The reason has to have some credibility to it and then you can do it.

PRESIDENT SCOTT: But we could...

DIRECTOR KLOUSIADIS: If you just pass this normally, Director, it will take effect in 30 days. So if we merely, verbally, if I let them know that they have to be present, regardless if someone says this ok, that it wouldn't be a problem. You just let this go but we wouldn't enact it as a rule for 30 days.

DIRECTOR SPON: Because you can simply say, our policy.

DIRECTOR KLOUSIADIS: You won't have a document signed prior to (inaudible).

DIRECTOR SPON: The Ordinance would formalize the policy. The department can enforce their policy.

PRESIDENT SCOTT: The question, then Ang is, would it be a problem if we just go ahead and pass this?

DIRECTOR KLOUSIADIS: Pass it, as is, and we won't do anything as far as the signature signing, but insist that the individual be there, so at least we have them present and in 30 days from now, or whatever, start implementing the paper part of it.

DIRECTOR SPON: There's no problem as long as nobody makes it legally a problem.

PRESIDENT SCOTT: Mr. Van Harlingen, are you willing to just go ahead and pass it tonight?

MR. VAN HARLINGEN: Oh sure. Sure.

MR. JEFFERSON: Are we discussing this now? Is that what we're doing?

PRESIDENT SCOTT: Basically, whether we need to pass it as an emergency or not.

MR. JEFFERSON: Well, yeah, I'm just processing all this. If we wait 2 weeks, I mean, we'll say 2 weeks if we do an emergency on May 3rd. It's a 2 week process. At the same time, we've all really been living with this for however many years, so what's 2 more weeks one way or the other?

PRESIDENT SCOTT: But also, Director Klousiadis said they can work with policy.

MR. JEFFERSON: When we do it May 3rd and make it an emergency, that's 2 weeks short of 30 days, so...

PRESIDENT SCOTT: I guess I'll ask for Councils', we have some differences of opinion.

MR. ROCK: I just have a quick question. Are we going with a triplicate form? That the customer will keep a copy?

DIRECTOR KLOUSIADIS: Essentially, our idea is to have a sign off. To have a signature. Their request is, usually, in writing, or on our record, so when we get out there, we need somebody's signature and that's all we're going to ask for once this is enacted.

MR. ROCK: So there's no special form?

DIRECTOR KLOUSIADIS: No.

MR. JEFFERSON: We could pass it through tonight and come back May 3rd, have it here as emergency legislation.

MR. VAN HARLINGEN: We don't want to pass this, we'll pull it. So that the new legislation can be written. Wouldn't that be the proper way to do it Director?

DIRECTOR SPON: I think you, simply would, keep it as it is, read it at the next could meeting and then vote on it.

MR. VAN HARLINGEN: Just give it a second reading.

DIRECTOR SPON: Right. Exactly. In other words, this is a proposal, and specify the reasons for the emergency legislation.

CLERK YOCKEY: But it still doesn't have the emergency clause on it.

PRESIDENT SCOTT: So you're going to amend it to have the emergency on it Director?

DIRECTOR SPON: But you could waive the rule and pass it at that time.

CLERK YOCKEY: But it still won't have the emergency clause on it.

DIRECTOR SPON: You don't need it if you require only having one reading. You waive the rule requiring 3 readings and you vote on it.

SOMEONE: But then it doesn't take effect for 30 days.

CLERK YOCKEY: If it doesn't have the emergency clause.

PRESIDENT SCOTT: If it doesn't have the emergency on it, it doesn't take effect for 30 days.

DIRECTOR SPON: But, what we're saying is, the department would simply establish a policy until this legislation became effective, is that correct Mayor?

PRESIDENT SCOTT: So we might as well just go ahead and pass it tonight and the department can work with it, is my opinion. Without the emergency clause, because Director Klousiadis said they can work with it without, that would be the opinion of the chair that we go ahead and pass this.

MR. VAN HARLINGEN: I say we go to the 3rd. We haven't had this language on the books...

PRESIDENT SCOTT: Forever anyway, so let's just go ahead and pass it and be done with it.

MR. VAN HARLINGEN: Mr. Klousiadis, how many requests do you get in the summertime for people to shut off water, do you have just a ballpark?

DIRECTOR KLOUSIADIS: I don't. There are some. Yeah, there are some. And a lot of times people want it shut off because they have their meters pulled and want the meter shut off to make sure they don't have any problem in the house.

MR. VAN HARLINGEN: But you do have those calls in the summer.

DIRECTOR KLOUSIADIS: Yes. And again, we've only had 2 issues, which really brings this legislation to Council.

MR. VAN HARLINGEN: That's true.

DIRECTOR KLOUSIADIS: That's the reason we're really adding it.

PRESIDENT SCOTT: I would say we go ahead and pass it and go forward.

MR. JEFFERSON: Yeah. Ok. Still. What about under emergency in there for May 3rd and be done with it? It gains us 2 weeks, but...

PRESIDENT SCOTT: Ok. Um. Obviously we've got some difference of opinion, just raise of hands, how many want to proceed further passing it tonight?

MR. JEFFERSON: So that's going to get us through the 30 days, right?

CLERK YOCKEY: It's going to end this discussion.

MR. VAN HARLINGEN: To make it cleaner and neater, get it done with, no 30 days, no worrying about this, no worrying about that, I would propose to pulling that legislation tonight because it's not going to go into effect for 30 days anyways, I propose we pull this legislation tonight, the next Council meeting we have one reading, emergency clause and we pass it and be done with it.

PRESIDENT SCOTT: That's in form of a motion right?

MR. VAN HARLINGEN: I'll say it again.

PRESIDENT SCOTT: No, I'm just saying, you put that in the form of a motion.

MR. JEFFERSON: I second.

MAYOR THEAKER: Couldn't we even make it simpler? All you have to do is rescind his motion to pull it and bring it forward, because it was in Caucus, it was supposed to be in Caucus so if he just rescinds his motion to bring it forward to Council, it's done and you don't have to worry about it and have it redone.

MR. VAN HARLINGEN: I would like to make a motion (laughter) to rescind Bill 16-082 that was originally made in Caucus.

PRESIDENT SCOTT: So the new motion is to rescind your motion made...

CLERK YOCKEY: Oh gosh. Is it going to be amended then, that's my question. Is it going to be amended?

PRESIDENT SCOTT: Yes, it will be amended.

CLERK YOCKEY: Add the emergency clause.

PRESIDENT SCOTT: Right.

MR. VAN HARLINGEN: Was it the same wording, with the emergency clause, with one reading?

CLERK YOCKEY: I'm not reading it again.

PRESIDENT SCOTT: Is there a second to Mr. Van Harlingen's motion to rescind? Ok, Council will vote on the motion electronically. Passes 7-0, so it's done.

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

Amy Yockey
Clerk of Council

Phillip Scott
President of Council