

## REGULAR COUNCIL MEETING OCTOBER 19, 2015

The second semi-monthly meeting of Mansfield City Council met on Monday, October 19, 2015 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, Mears, Pender, Rock, Scott and Van Harlingen.

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

**ESTHER MCNEIL:** I want to ask a question. Is there any way that Council, I believe we had the Ten Commandments at one time. You said the pledge but we can't have the Ten Commandments.

**PRESIDENT SCOTT:** What are you talking about? Were they in this Chamber or what?

**MR. MCNEIL:** I'm not sure.

**LAW DIRECTOR SPON:** Microphone not on.

### COMMITTEE REPORTS

**MR. BRYANT:** I have a recommendation on behalf of the Safety Committee that we consider this City of Mansfield Proposed Non-binding Resolution that was presented to us earlier and that we bring it forth to Council for consideration.

**PRESIDENT SCOTT:** I think now would be a good time. I was kinda wondering, yeah, thank you for bringing that forward.

**MR. BRYANT:** Can I motion that Council consider the proposed non-binding resolution that was presented to night on Issue 3. Seconded by Mr. Rock.

**MR. JEFFERSON:** I have some discussion on it. I want to know why we don't have a proposal up here to get rid of alcohol as opposed to marijuana. I mean, they're pushing this marijuana thing, it's illegal, I mean alcohol destroys people and destroys minds and families and so forth. That being said, I grew up in the 60's, you know, the hippie times and I think we have several past presidents that have admitted to smoking a little weed and so I don't know that this is very convincing to me that you burn up all these brain cells and do all these things and da da da, but I mean, everybody has their own opinion

and that's why we're here but then, in the 60's, 67, 68, 69, I mean Jimmy Hendrix, I don't know. Am I off the chart here? Steve Jobs, did he smoke a little weed? The guy that invented the Apple computer? I think I heard that, I mean, I might be wrong. But anyway, I just wanted to make that, I didn't find this very convincing that marijuana is so detrimental to everybody, but I'm just speaking for me.

**CLERK YOCKEY:** So you're not going to be supporting the motion?

**MR. JEFFERSON:** Exactly.

**MR. JEFFERSON:** One other thing Mr. President. I'd like to say this, that, I also feel like that it's up to family members, fathers and mothers and even ministers to push not doing marijuana opposed to government trying to put laws into place.

**PRESIDENT SCOTT:** Called for the question. Motion passed 6-2. Nay: Bryant and Jefferson.

**SSD COPE:** Microphone not on.

**MR. VAN HARLINGEN:** Just one quick thought concerning the Finance Committee. The schedules are out and a lot of the documentation, we'll be starting the Budget hearing this Wednesday and Thursday. I don't have the schedule in front of me but I'm sure that....

**CLERK YOCKEY:** I have it up here, I'm going to pass out the rest of the packet so no one leave before they get their budget packet.

## **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: 8, Nays: 0.

## **LEGISLATION**

### **ENACT CHAPTER 193 – INCOME TAX – 1<sup>ST</sup> READING**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 15-237**

Enacting Chapter 193 of the Codified Ordinances of the City of Mansfield regarding municipal income tax.

Upon motion by Mr. Van Harlingen that Bill 15-237 be read and placed upon the floor for discussion, seconded by Mr. Rock. The bill was given its first reading.

**VACATE UNIMPROVED STREETS AND ALLEYS ON 26 ACRES AT 30 W. LONGVIEW AVE**

**BY: MR. JEFFERSON**

**ORDINANCE 15-238**

Vacating the unimproved streets and alleys platted on the 26 acres of property located at 30 West Longview Ave, and declaring an emergency.

Upon motion by Mr. Jefferson that Bill 15-238 be read and placed upon the floor for discussion, seconded by Mr. Rock. Mr. Hill made motion to table the bill, seconded by Mrs. Pender. The vote was taken and resulted as follows: Ayes: 6, Nays: 2. Ayes: Hill, Lawrence, Mears, Pender, Rock and Van Harlingen. Nay: Bryant and Jefferson.

**MR. LAWRENCE:** We received a letter tonight, does anyone want to comment on that? I didn't get a chance to read it all, but...

**MR. JEFFERSON:** I see the same thing you do. I don't know who put it here, the Clerk should know.

**PRESIDENT SCOTT:** It's on the back.

**MR. JEFFERSON:** Oh, it's on the back? It's not on my back.

**CLERK YOCKEY:** Oh, the Clerk didn't copy the other side. I'm sorry. It's the gentleman in the front row.

**MR. JEFFERSON:** I guess he had several opportunities to speak on it during Caucus and Council. Do you want to speak on it now?

**HENRY KEULTJES, 228 BOWLAND RD.:** I've had businesses on Longview and Sixth and Main and 1200 N. Main St. so I'm quite familiar with this area. It seems that the reason that City Council got involved in this is somewhat mysterious. There's no reason for somebody to tie 30 Longview into the old development that was never done because the properties are basically judged on their own. What the City of Mansfield will be doing is making a change in legal property records and the EPA may think that this is a piece of property that was not divided and the chance that that property is contaminated, I'd say, is slim and none. It's being presented as a brownfield, where the brownfield might be the building on Longview but this property is separated from Longview by the interstate and has been separated for a long time, so I think the motives behind it are somewhat questionable and my suggestion would be that it be presented to the EPA and say, is this proper for us to do this.

**LAW DIRECTOR BROWN:** I think, as a matter of procedure, this isn't a city initiative. This comes from the petitioner MLB Limited by way of their attorneys. They petitioned (inaudible). The city actually has no interest in this property other than a non-profit (inaudible)...vacation process would maintain utility rights for them. As far as

this gentleman's comments about the EPA getting involved and they should be doing their research, they've actually already done that and the city signed off on. So the EPA has actually looked at it and determined that it is (inaudible). Again, the city really has no interest (inaudible). Our only action here is to vacate that public right-of-way. Just to make it clear, this is not our initiative. Bob does have some concerns but they are unrelated to (inaudible).

**BOB BIANCHI, CITY ENGINEER:** ....shows the proposed right-of-way of the vacation. You will see street and alleys that are proposed to be vacated. When you see a series of properties, I'm not sure how many but (inaudible) and you'll see where there's 4 highlighted (inaudible). Those 4 are not owned by MLB. They are other properties that are not necessarily (inaudible) whereby they would no longer have frontage after this. Is it my understanding that MLB (inaudible). We don't know...we looked into it a little bit....find who they are...have one that. One of the 4 is a Mansfield property, the one in the corner. I'm not sure why we have it but we do not have need to have public right-of-way. I thought it might be important for Council to know that those 3 other property owners may not have been notified that this is appearing before Council tonight, however, (inaudible).

**LAW DIRECTOR BROWN:** That's the thing about notification and notice under the law. That's why the law allows for 6 consecutive weeks of notice by publication. MLB has (inaudible) every one of these property owners. Some are unresponsive and the phantom property holders out in California that, they send in a check, we looked it up, it's about \$18 a year in terms of real estate taxes that they're paying. Some of the properties, though, are delinquent in their taxes several hundred of dollars, they have not paid their taxes and MLB has actually petitioned the County Auditor to foreclose through the tax procedures on those properties. As Bob said, with any kind of legal procedure, you can never guarantee 100% that the person has been told that it is before Council tonight, but Ohio does not require them to be here for this procedure. Instead, MLB has the legal authority to publish it in the newspaper for 6 consecutive weeks and these people's rights, other than the right-of-way, will not be effected. That right-of-way that's actually split, they get half of it, so because they get part of that property back, the law of Ohio, through the Ohio Revised Code (inaudible) and MLB has followed all of those publication requirements. It's just something we wanted to make you aware of. We talked to MLB's attorneys a few weeks ago (inaudible).

**MR. MEARS:** I asked the attorney, when she was here 2 weeks ago, what their intended purpose was for development and she didn't know. Do we know any more about what they plan to do with this property?

**LAW DIRECTOR BROWN:** I do not. I think what they're looking for is an end user and so, part of the thing is, this environmental (inaudible) and if anyone wants a copy if anyone wants to look at it, and we did sign off on it last summer and it's maybe 20 pages, it's a legal document where the EPA has drafted it and asked all the appropriate parties to sign it. One of the things we actually contemplated doing was trying to get this vacation proceeding done first, that way the City doesn't have (inaudible). Unfortunately, we

weren't able to do that back in the summer and because of the statutory limits on this, it had had to be done within an X amount of months from the, this is actually (inaudible). And because there's a statutory limit on that, it had to be done within 24 months of when it was initiated so that's why we had to (inaudible). But, we don't know, I do know, well (inaudible)... over a million dollars into this property... the Recorder's office shows they purchased the property in '98 for \$1.1 million (inaudible). I do think they have some type of plan to develop it, otherwise they would not have invested that amount of money into it. From a legal perspective, they've crossed all their t's and dotted all the I's. Another important part that, hopefully, does not become subject to litigation, but we (inaudible)... which is another technical legal aspect that, although (inaudible)... it was never dedicated formally by the City of Mansfield because (inaudible).

**BOB BIANCHI:** I guess you want to make sure that (inaudible). They did follow the legal process. (inaudible).

**LAW DIRECTOR BROWN:** They won't have public right-of-way access but when you talked to MLB's attorney today, they said that they do not have any plans to prevent people from accessing their property.

**AFTER MOTION TO TABLE:**

**MR. JEFFERSON:** I don't understand why all of our people here at the city have all their I's and crossed all their t's, these people, these phantom owners out in California or New Mexico or wherever they are, some of them are delinquent on their taxes. If they cared about them, seem like they would keep the taxes up, they said maybe one person is paying \$18. I think it's just an investment type thing, somebody just holding on to it until they can hit the jackpot. I think we should go forward with it, for those reasons alone. It's 4 plots in limbo or 3? 3 plots, 3 people. One or more may be in delinquent taxes?

**BOB BIANCHI:** We do know that one is. (inaudible).

**LAW DIRECTOR BROWN:** And the one that is not is in California and did not respond.

**MR. JEFFERSON:** They don't care about the property. That's why I'm voting for, to push it through.

**MR. VAN HARLINGEN:** How big are these lots?

**LAW DIRECTOR BROWN:** They are .15 of an acre.

**MR. VAN HARLINGEN:** And I would imagine that area is industrial zoned?

**LAW DIRECTOR BROWN:** It's zoned industrial.

**MR. VAN HARLINGEN:** So that's not even big enough to put a big garage on it.

**LAW DIRECTOR BROWN:** Any environmental covenant would prevent them from building anything other than industrial.

**BOB BIANCHI:** Inaudible.

**PRESIDENT SCOTT:** Could they even get to these if they wanted to?

**LAW DIRECTOR BROWN:** Right now yea. If you were to walk out there, it's (inaudible). That's not changed, there's a public right-of-way. So, if they were walking, they would know where that public right-of-way is, I don't know, but if they were walking in that public right-of-way, they would walk to that 1.5 acre and do as they wish. If we vacated this, then it is possible, that while they are walking through the marsh, that someone could say you're trespassing. And like I said, if it wants to be tabled, that's fine. I think that, no one that owns that property probably looked at it in over 50 years, because the property (inaudible). I understand your concern, I think it's a valid concern. The other side of that is that's why we have these meetings, that's why we have notice by publication, we have public meetings to discuss it. If you want to push it off for another 2 readings, that's fine. I don't think, in those 4 weeks and 2 readings anyone will show up from California so then you'll still be looking at the same situation, which is perfectly fine with me.

**SOMEONE:** Which ward is this in?

**LAW DIRECTOR BROWN:** Fifth. So the fifth ward Councilperson would be Mr. Lawrence. You're more than welcome to try to reach out to this person in California, many people have tried. We have been trying to contact this person for over 2 years, if that makes you feel any better.

**MR. VAN HARLINGEN:** Before we get the motions, what have ya, on behalf of Mr. Keultjes, he addressed the same issues many times and I'm going to kind of generalize, basic, we all know it's a marsh and floods down there, we kinda have a 100 year rain every 10 years, but he addressed some concerns about the flood plain, we're talking about the river, the creek down through there, water run off, things of such. If, by some chance, down the road this would pass, some chance, down the road, somebody moves in and just drops a generous motors stamping plant right there. Would there be laws, guidelines, different things with CPA, CPC, with engineering, it would consider and look after these water issues that we're not going to cause problem with water run off and what have you. (end of tape).

**BOB BIANCHI:** ...their property 2 feet above it. And they have to look at the (inaudible). There are studies (inaudible)...if it impacts somebody, we need to address that.

**MR. VAN HARLINGEN:** I'm just kind of roughly curious. You said 2 feet above the flood plain. How deep is that water down there when it floods?

**BOB BIANCHI:** (inaudible)...probably 5 feet above the road.

**MR. VAN HARLINGEN:** Close enough. Thank you.

**LAW DIRECTOR SPON:** Microphone not on.

**LAW DIRECTOR BROWN:** I presume so, if that's what...

**LAW DIRECTOR SPON:** Microphone not on.

**LAW DIRECTOR BORWN:** No, that's right. I mean, if ODNR permitted it, yea, they could, I don't see why not. It's industrial and...

**LAW DIRECTOR SPON:** Microphone not on.

**LAW DIRECTOR BROWN:** It's possible.

**MR. KEULTJES:** I have one other concern that I also expressed in the letter. The legislation is designed around 30 W. Longview. I don't think this has anything to do with 30 W. Longview, what the city is asked to do....on this new addition which is on Main St. is 100 feet away from 30 W. Longview.

**LAW DIRECTOR BROWN:** We don't know what you're referring to as the new addition. It's my understanding that when they platted this out this was called by a neighborhood.

**MR. KEULTJES:** The one across the street was called Hoffer District and then the city bought the district and condemned it and made settlements with the property owners and sold it to Warren Rupp. This would be something similar, that it was originally probably sold to Barnes but it has nothing to do with 30 W. Longview.

**LAW DIRECTOR BROWN:** That's the address.

**MR. KEULTJES:** No. It's the Hoffer district. It has its own address.

**LAW DIRECTOR BROWN:** Well it does but because it was never dedicated, that's the best way to identify this piece of property.

**MR. KEULTJES:** No, it's not the best way because it's not on Longview. So you're confusing the issue.

**SOMEONE SPOKE:** Not at microphone.

**MR. MEARS:** I had a quick question about the procedure there. This was a petition to vacate but we didn't, at least I didn't, see a petition to vacate like we did for E. Luther Pl. So, as a procedure question, looks like the same process is taking place but we're

notified, not for this one that we just tabled, is there a reason for that? I don't understand why they would treat it differently.

**LAW DIRECTOR BROWN:** Not at microphone.

**MR. JEFFERSON:** What committee did we bring this through? Streets. Ok.

**CLAIM – JOSEPH & WANDA GONZALES, 30 RANDALL RD**

**BY: MR. MEARS**

**ORDINANCE 15-239**

Authorizing payment of the claim of Joseph and Wanda Gonzales, 30 Randall Road Mansfield, OH 44907, and declaring an emergency.

Upon motion by Mr. Mears that Bill 15-239 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, Hill, 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.

**REDUCE APPROP WITHIN DRCA BY \$7,054**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 15-240**

Reducing the appropriations within the Regional Community Advancement Fund (#205) in the amount of Seven Thousand Fifty-four Dollars (\$7,054) due to an amendment that reduced the amount of the Help Me Grow Service Coordination agreement with Richland County Job and Family Services, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 15-240 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, Hill, 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 \$4,964 FROM DRCA FOR JANITOR**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 15-241**

Appropriating the sum of Four Thousand Nine Hundred Sixty-four Dollars (\$4,964) from the unappropriated Regional Community Advancement Fund (#205) to



pay for a part-time janitor for the remainder of fiscal year 2015, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 15-241 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, Hill, 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 OF \$435 FOR FIRE PREVENTION**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 15-242**

Authorizing the Safety-Service Director to accept a donation from the Cumberland Insurance Group in the amount of Four Hundred Thirty-five Dollars (\$435.00) to be used by the Fire Prevention Bureau, and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 15-242 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, Hill, 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 & MAYOR ACCEPT FUNDING FROM PAUL COVERDELL FORENSIC IMPROVEMENT GRANT**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 15-243**

Authorizing the Mayor and Safety-Service Director to accept funding from the Ohio Office of Criminal Justice Services under the Paul Coverdell Forensic Science Improvement Grant (FY2015) in the amount of Three Thousand, Four Hundred Seventy-four and 62?100 Dollars (\$3,474.62), and declaring an emergency.

Upon motion by Mr. Van Harlingen that Bill 15-243 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, Hill, 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 15-46 – PETTY CASH FUNDS**

**BY: MR. VAN HARLINGEN**

**ORDINANCE 15-244**

Amending Ordinance 15-046 relating to petty cash funds in various City Departments by eliminating such fund for Human Resources.

Upon motion by Mr. Van Harlingen that Bill 15-244 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, Hill, 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. Hill, seconded by Mr. Rock, and passed by voice vote, the meeting was adjourned.

---

Amy Yockey  
Clerk of Council

---

Phillip Scott  
President of Council