

Summary April 16, 2024

Committee Meetings Public Affairs Committee 6:20pm

<u>Bill</u>	<u>Status</u>	<u>Title</u>	<u>Sponsor</u>	<u>Committee Meeting</u>
COUNCIL BEGINS				
24-046 Amended	Vote	Amending Section 915.01 and Section 915.03 of Chapter 915 (Weeds and Trees) of the Mansfield Codified Ordinances of 1997 and declaring an emergency.	Zader	
24-049	1st Read	Enacting Section 331.48 (Cruising Prohibited) of Chapter 331 (Operation Generally) of the Mansfield Codified Ordinances of 1997, which prohibits cruising within a defined designated area of the city (the Boundary includes W. Fourth Street and Park Ave West between Home Road and Trimble Road) and declaring an emergency.	Meier	
24-059 Amended	Vote	Revising the Codified Ordinances of the City of Mansfield by adopting current replacement pages, and declaring an emergency.	Akuchie	
CAUCUS BEGINS				
24-060	Vote	Authorizing payment to Catalis Court and Land Records LLC in the amount of Thirty-Three Thousand, Nine Hundred Eleven and 33/100 dollars (\$33,911.33) by affirming a Then and Now Certificate of the Finance Director, and declaring an emergency.	Falquette	
24-061	Vote	Appropriating Thirty Thousand Dollars (\$30,000) from the unappropriated Water Fund (#502) to the Clear Fork Marina (502.36.40) Capital Outlay for repairing and resurfacing the marina parking lot, campground entrance, and boat ramps and declaring an emergency.	Meier	
24-062	Vote	Amending Section 13 of Ordinance No. 23-201, adopting personnel positions, pay grades, and salaries for the Law Director Office. Increasing the number of Executive Assistant positions from one (1) to two (2), decreasing the number of Case Coordinators from three (3) positions to two (2), and declaring an emergency.	Meier	
24-063	Vote	Honoring Assistant Chief Bishop upon his retirement from the Mansfield Fire Department.	All Members of Council	

24-064	Vote	Imposing a six-month moratorium on the acceptance, consideration, and/or granting of any applications for local licensing approval and/or any zoning, occupancy, or other permits relating to cultivators, processors, or retail dispensaries of marijuana within the City of Mansfield, and declaring an emergency.	All Members of Council	
24-065	Vote	Appointing the following member to the Downtown Improvement Advisory Board to fill the unexpired vacant term, which will expire on June 30 th , 2024.	Zader	
24-066	Vote	To perform pavement repairs in the City of Mansfield in Richland County. This project includes Interstate Route 71 from SLM 10.76 (SR 13 interchange) to SLM 12.26 (1.5 miles north of SR 13). Interstate Route 71 from SLM 10.76 to SLM 11.066 is within City limits.	Diaz	
24-067	Caucus Only	Resolution Acknowledging restriction on future access from USR42 to PPN 056-92-158-15-000 and PPN 056-92-171-02-000	Diaz	
24-068	Caucus Only	Authorizing the Public Works Director to enter into a contract or contracts for engineering services relating to the 2025 Watermain Replacement Program.	Burns	
24-069	Vote	Authorizing the Public Works Director to enter into a contract or contracts with a professional engineering firm to conduct a study for the purpose of analyzing needed roadway improvements to State Route 13 from US Route 30 to South Airport Road and declaring an emergency.	Diaz	
24-070	Caucus Only	Authorizing the Mayor to submit the City of Mansfield's Consolidated Plan/Annual Action Plan for PY 2024 to the United States Department of Housing and Urban Development indicating proposed uses for the City's 2024 2028 Community Development Block Grant Funds (CDBG) under the provisions of Public Law 93-383, as amended, and declaring an emergency.	Zader	Public Affairs 6:20pm
24-071	Caucus Only	Authorizing the Mayor to submit the City of Mansfield's Consolidated Plan/Annual Action Plan for PY 2024 to the United States Department of Housing and Urban Development (HUD) indicating proposed uses for the City's 2024-2028 HOME Investment Partnership Program Funds under the provisions of Public Law 93-383, as amended, and declaring an emergency.	Zader	
24-072	Caucus Only	Resolution for a Recreational Access Easement. This Recreational Easement shall be granted by Clear Fork Realty Co., an Ohio Corporation ("Grantor") for the benefit of the City of Mansfield, Ohio, and declaring an emergency.	Burns	

24-073	Vote	Amending Section 513.03(c)(2) and Section 513.03(c)(3)B of Chapter 513 (Drug Abuse Control) of the City of the Mansfield Codified Ordinances of 1997 and declaring an emergency.	Zader	
24-074	Caucus Only	Authorizing the Public Works Director to enter into an Agreement with Ardane R. Miller to provide marine sales services and repair and bait shop services at Clearfork Reservoir, and declaring an emergency.	Burns	
24-075	Caucus Only	Authorizing the Public Works Director to enter into an Agreement with Ardane R. Miller to provide campground and boat dock management services at Clearfork Reservoir, and declaring an emergency.	Burns	
NEXT MEETING Tuesday, May 7, 2024 7:00 Council to follow				

BY: MS. ZADER

Amending Section 915.01 and Section 915.03 of Chapter 915 (Weeds and Trees) of the Mansfield Codified Ordinances of 1997 and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Section 915.01 of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

915.01 KEEPING WEEDS CUT.

- (a) It is hereby determined that all such weeds and vegetation as Russian, Canadian or common thistle, wild lettuce, wild mustard, rye grass, wild parsley, ragweed, milkweed and ironweed, as well as all other noxious weeds, grasses or other types of vegetation growing or being upon the lots or lands within the City as hereinafter described in subsection (b) hereof at a height exceeding ~~ten~~ **six** inches above the ground are a public nuisance.
- (b) No owner, lessee, agent or tenant having charge or responsibility for, the maintenance of the following described lots or lands within the City shall permit noxious weeds, grasses or other types of vegetation as described in subsection (a) hereof to grow or be upon such lots or lands at a height exceeding ~~ten~~ **six** inches above the ground:
- (1) All sublots in a recorded subdivision in their entirety.
 - (2) All land which lies within twenty feet of a lot line which is adjacent to lots or lands upon which a residential or commercial building exists.
 - (3) All land which lies within 100 feet of a public thoroughfare.

(c) In applying enforcement of this ordinance, the city shall allow and encourage the purposeful maintenance of native plants that can be left unmowed without a height limit on a case by case basis, based on visual inspection that allows for such growth when a reasonable number of the following cues are present

(1) Clean edges and boundaries such as mown strips along, bordering properties, pathways, driveways and sidewalks, **except the tree lawn and within 6 feet of a public street**

(2) Fences and borders

(3) Obvious regular maintenance is occurring

(4) Flowering plants and trees

(5) Wildlife feeders and houses

(6) Familiar layouts and design elements

915.02 NOTICE TO CUT WEEDS.

- (a) Upon information that noxious weeds, grasses or other types of vegetation have not been cut as required by Section 915.01, the Bureau of Buildings, Inspections, Licenses and Permits shall cause a written notice of violation to be sent to the owner, lessee, agent or tenant having charge of, or responsibility for, the maintenance of the lots, lands or premises. This notice shall be served by sending it by regular U.S. mail or by personal service to the owner, and/or lessee, agent, tenant or person having charge of, or responsibility for, the maintenance of the lot, lands or premises at his/her address indicating that such growth must be cut and destroyed within five days after service of notice.
- (b) If the address of the owner, lessee, agent or tenant having charge of, or responsibility for, the maintenance of such lots or lands is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the County.
- (c) Every notice to cut and destroy noxious weeds, grasses or other types of vegetation shall state that if the notice is not complied with within the time limit provided therein, in addition to the penalty provided in Section 915.99, costs incurred by the City in cutting and destroying such growth shall be entered upon the tax duplicate and shall be a lien upon such lots and lands.
- (d) When a written notice of violation has been issued in accordance with the provisions of this section, such notice shall constitute adequate and effective notice for all enforcement purposes under this chapter with respect to continuing or repeat violations of Section 915.01, for a period of one year following the date such initial notice is given.

915.03 FAILURE TO COMPLY; LIEN UPON PROPERTY.

- (a) If the owner, lessee, agent or tenant having charge of, or responsibility for, the maintenance of the lots or lands fails to comply with the written notice, the City shall thereupon cause the noxious weeds, grasses or vegetation to be cut and removed by use of City forces and equipment or by hiring private contractors. All expenses of labor and costs incurred shall, when approved by the Director, be paid out of municipal funds not otherwise appropriated.
- (b) Upon completion of the cutting and removal of noxious weeds, grasses and vegetation, the Bureau of Buildings, Inspections, Licenses and Permits shall determine the cost of cutting and removal, administrative expenses, and shall cause a statement thereof to be mailed by means of certified mail or personal delivery to the owner of the land at his address of record in the office of the County Treasurer. Such statement of cost shall include:

- (1) City equipment charge;
- (2) City equipment operator charge;
- (3) Equipment transportation charge;
- (4) Administration and supervision charge;
- (5) Removal cost (i.e. solid waste district or dump fees);
- (6) Incidental labor.

The minimum fee to be charged shall in no case be less than one hundred dollars (\$250.00) for the first hour or portion thereof and fifty dollars (\$50.00) per employee per hour for each additional hour or prorated portion thereof. This amount is exclusive of any removal cost incurred in carrying out such action. **Administration charges shall toll and accrue upon issuance of the order to commence the services described in subsection (a).**

(c) The owner shall pay such costs as are charged in accordance with this chapter to the Finance Director within thirty (30) days after the statement of charges has been mailed or delivered to the owner at the address of record in the office of the County Treasurer. Such payments shall be credited to the appropriation from which such cost was paid by the City. If the charge is not paid within 30 days after mailing, the City shall cause the charges for services as provided in subsection (b), to be certified to the County Auditor, together with a proper description of the premises. Such amounts shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the City with the General Fund pursuant to Ohio R.C. 731.54. The recovery of its costs by the City pursuant to this section is a remedy in addition to the penalty provided in Section 915.99.

915.04 DUTY TO KEEP TREES TRIMMED.

(a) It shall be the duty of every person who is the owner of, or as the agent has the care of, any lot or parcel of land situated within the City and abutting upon any sidewalk, alley, street or highway, to trim and keep trimmed all trees growing on such premises, or between the same, the branches of which overhang any part of such sidewalk, alley, street or highway in such a manner that the lowermost branches shall be at least fifteen feet above the level of such sidewalk, alley, street or highway. It shall be the duty of such persons to trim and keep trimmed all trees growing near any electric lights in such a manner that no branches thereof shall be nearer than six feet to such light or post upon which it is fastened. Notice of violation of this section shall be served by the Bureau of Buildings, Inspections, Licenses and Permits in the manner provided by Section 915.02(a), and if such condition is not rectified within ten days, the City shall trim the trees and shall institute proceedings against the owner or agent for violation of this section.

(b) When a written notice of violation has been issued in accordance with the provisions of this section, such notice shall constitute adequate and effective notice for all enforcement

purposes under this chapter with respect to continuing or repeat violations of Section 915.04, for a period of one year following the date on which such initial service is given.

915.05 PLANTING OF CERTAIN TREES FORBIDDEN.

No person or persons shall plant or set out a tree known as the North Carolina Poplar on any property bounding or abutting on any of the streets, alleys or public places of the City.

(1954 Code Sec. 36.74)

915.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the second degree for each subsequent offense. Prosecution shall always be as for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense.

SECTION 2. This measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	16 April 2024	
1 st Reading	16 April 2024	
2 nd Reading		
PASSED	16 April 2024	SIGNED /s/ Phillip E. Scott President of Council

ATTEST	/s/ Delaine Weiner Clerk of Council	APPROVED /s/ Jodie Peiry Mayor
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APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

*Publication Required.

BY: MRS. MEJER

Enacting Section 331.48 (Cruising Prohibited) of Chapter 331 (Operation Generally) of the Mansfield Codified Ordinances of 1997, which prohibits cruising within a defined designated area of the city (the Boundary includes W. Fourth Street and Park Ave West between Home Road and Trimble Road) and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Section 331.48 of Chapter 331 (Operation Generally) of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

331.48 Cruising Prohibited

(a) Definitions:

- (1) "Designated Area" means that area of the City bound by Home Road on the west, Trimble Road on the east, Park Avenue West on south, and West Forth Street on the north.
- (2) "Designated Hours" means the time between 8:00 PM and 3:00 AM from Friday evening into Saturday morning and Saturday evening into Sunday morning.
- (3) "Traffic Control Point" means a reference point on a street within the Designated area, within Designated hours selected by a police officer for the purpose of enforcing this section.
- (4) "Cruising" means driving a motor vehicle on a street past a Traffic Control Point, within a Designated Area, within Designated Hours, by the Mansfield Division of Police, more than two times in any two-hour period. The passing of a designated control point a third time under the aforesaid conditions shall constitute unnecessary repetitive driving and therefor a violation of this section.
- (b) Cruising Prohibited. No person shall engage in unnecessary repetitive driving, also known for the purpose of this section as cruising.
- (c) For purposes of this prohibition, upon a determination that a vehicle is Cruising, the person having control and/or ownership of the Cruising motor vehicle shall be considered the person cruising, without regard as to whether that person was actually driving the motor vehicle each time it passed the traffic control point.

(d) "Control or Ownership of a motor vehicle" shall be either the owner of the vehicle as stated on the vehicle registration, if said owner is present in the vehicle at the time of the violation, or if the owner is not present in the vehicle, the person operating the vehicle at the time of the violation of this section.

(c) Exclusions. This section shall not apply to any municipal, emergency, police, fire, ambulance or other governmental vehicle when such vehicle is being operated in an official capacity. In addition, this section shall not apply to any licensed public transportation vehicle, other business vehicles being driven for business or commercial purposes, or to residents of the designated area traveling to a specific destination.

(d) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

SECTION 2. That in order to allow for the immediate enforcement of this provision, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety, and welfare of the City of Mansfield and its inhabitants providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	20 March 2024
1 st Reading	16 April 2024
2 nd Reading	7 May 2024
PASSED	7 May 2024

SIGNED /s/ Phillip E. Scott
President of Council

ATTEST /s/ Delaine Weiner
Clerk of Council

APPROVED /s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

*Publication Required.

BY: MR. AKUCHIE

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

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, a contract has heretofore been entered into with the Walter H. Drane Company to prepare and publish such revision which is before Council,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes, titles, chapters and sections of the Codified Ordinances of Mansfield, Ohio, within the January 2024 Replacement Pages, so as to conform to the codification and numbering system of the Codified Ordinances, to-wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C. O. Section</u>
23-095	7-18-23	915.03
23-107	7-5-23	941.08
23-149	10-17-23	198.01
23-177	11-8-23	311.02 to 311.07
23-178	11-8-23	107.02
23-179	11-8-23	1167.09
23-185	11-21-23	193.062, 193.091, 193.094, 193.10
23-186	12-5-23	1167.05
23-218	12-5-23	195.02

SECTION 2. That the following sections are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

	<u>Traffic Code</u>
301.35	School Bus. (Amended)
303.991	Committing an Offense While Distracted Penalty. (Amended)
331.38	Stopping for School Bus; Discharging Children. (Amended)
331.48	Restrictions on the Operation of School Buses. (Added)
333.03	Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
333.10	Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)

Traffic Code (Cont.)

- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
- 337.26 Child Restraint System Usage. (Amended)
- 337.32 Lights and Sign on Transportation for Preschool Children. (Added)
- 341.04 Commercial Drivers Prohibitions. (Amended)
- 341.05 Criminal Offenses. (Amended)

General Offenses Code

- 501.01 General Provisions and Penalty Definitions. (Amended)
- 505.18 Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or Trainer with Assistance Dog. (Added)
- 509.06 Inducing Panic. (Amended)
- 509.11 Impeding Public Passage of an Emergency Service Responder. (Added)
- 513.01 Drug Abuse Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)
- 537.03 Assault. (Amended)
- 537.12 Misuse of 9-1-1 System. (Amended)
- 537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products; Transaction Scans. (Amended)
- 549.13 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

SECTION 3. The complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are on file with the Law Director. The listing of such sections above shall constitute sufficient publication of new matter contained therein.

SECTION 4. That by reason of the immediate necessity for the earliest publication and distribution of current replacement pages to the officials and residents of the municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, this measure is determined to be an emergency ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 20 March 2024 -Tabled for April 2
1st Reading 16 April 2024
2nd Reading
PASSED 16 April 2024

SIGNED /s/ Phillip E. Scott
President of Council

ATTEST /s/ Delaine Weiner /s/ Jodie Petty
Clerk of Council Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

BILL #24-060

ORDINANCE# _____

BY: MR. FALQUETTE

Authorizing payment to Catalis Court and Land Records LLC in the amount of Thirty-Three Thousand, Nine Hundred Eleven and 33/100 dollars (\$33,911.33) by affirming a Then and Now Certificate of the Finance Director and declaring an emergency.

WHEREAS, R.C. 5705.41(D)(1) provides that the payment of three thousand dollars or more on a contract or order made by a municipality without a certificate of available funds being attached at such time must be authorized by the legislative authority after the fiscal officer subsequently certifies that the funds were available at the time the contract or order was made and that such funds are still available.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 2. That reason for the immediate need to authorize payment of this obligation within thirty days after receipt of the certificate of the Finance Director per R.C. 5705.41(D)(1), this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately after its passage, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	16 April 2024
1 st Reading	16 April 2024
2 nd Reading	
PASSED	16 April 2024

SIGNED /s/ Phillip E. Scott
President of Council

ATTEST /s/ Delaine Weiner APPROVED /s/ Jodie Perry
Clerk of Council Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

BILL #24-061

ORDINANCE # _____

BY: MRS. MEIER

Appropriating Thirty Thousand Dollars (\$30,000) from the unappropriated Water Fund (#502) to the Clear Fork Marina (502.36.40) Capital Outlay for repairing and resurfacing the marina parking lot, campground entrance, and boat ramps and declaring an emergency.

WHEREAS, Ten Thousand Dollars (\$10,000) are currently appropriated for the project, but an additional Thirty Thousand Dollars (\$30,000) are needed to make proper repairs and long-term upgrades.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. The sum of Thirty Thousand Dollars (\$30,000) should be, and is hereby, appropriated from the unappropriated Water Fund (#502) to the Clear Fork Marina (502.36.40) Capital Outlay Classification.

SECTION 2. This ordinance, being an appropriation necessary for current expenses, shall take effect and be in full force immediately upon its passage and approval by the Mayor.

Caucus	_____	16 April 2024
1 st Reading	_____	16 April 2024
2 nd Reading	_____	16 April 2024
PASSED		SIGNED /s/ Phillip E. Scott President of Council

ATTEST	_____	APPROVED /s/ Jodie Perry Mayor
	/s/ Delaine Weiner Clerk of Council	

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

BY: ALL MEMBERS OF COUNCIL

Honoring Assistant Chief Bishop upon his retirement from the Mansfield Fire Department.

**BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO**

SECTION 1. That this Council, on behalf of the government and the citizens of the Mansfield community, is privileged to honor Assistant Chief Jim Bishop for his dedicated service as the Fire Department's Assistant Chief for the City of Mansfield upon his retirement.

Jim Bishop grew up only a few doors down from Med-Central on Vennum Avenue, graduated from Mansfield Senior High in 1982. He attended Wilmington College as a stellar athlete and received a degree in marketing and management, only to return to his hometown in the summer of 1986 to pursue a successful career in sales “selling steel” for then AK Steel. Jim never aspired to be a Firefighter, until luckily for the City of Mansfield, his older brother Bill hired in as a Firefighter for the City of Columbus. Bill often spoke about his love for the fire service and would routinely advise Jim to take Mansfield’s civil service entrance exam for the fire department. In 1991, Jim listened to his brother’s advice and took the civil service exam. Firefighter Jim Bishop started his career on June 20, 1991 and never looked back. He was promoted to the rank of Captain on March 21, 1999 and to Assistant Chief on April 21, 2006. During his decorated career of 33 years, he has fought numerous fires and has had a positive impact on the lives and property of the citizens of Mansfield. His hard work and dedication have never wavered throughout his entire career, often heard saying “do your job”, “don’t be a number”, and “remember your oath”. Assistant Chief Jim Bishop set the bar high for both himself and his co-workers, pulling from his days as quarterback from both Mansfield Senior High and Wilmington College, where his leadership skills were both well-known and respected.

The City of Mansfield would like to thank you and your family for your service and your selfless dedication to the safety of its citizens. Great Advice Bill.

PASSED 16 April 2024 _____ SIGNED /s Phillip E. Scott
President of Council

ATTEST /s/ Delaine Weiner _____ APPROVED /s/ Jodie Perry
Clerk of Council Mayor

APPROVED AS TO FORM Roeliff E. Harper
Law Director
City of Mansfield, Ohio

_____ Phillip E. Scott	_____ David Falquette
_____ Eleazer Akuchie	_____ Stephanie L. Zader
_____ Aurelio Diaz	_____ Laura Burns
_____ Deborah Mount	_____ Louie Andres
_____ Antoinette Daley	_____ Keith Porch
_____ Cheryl Meier	_____ Jodie Perry
_____ Kelly Blankenship	_____ Roeliff E. Harper

BY: ALL MEMBERS OF COUNCIL

Imposing a six-month moratorium on the acceptance, consideration, and/or granting of any applications for local licensing approval and/or any zoning, occupancy, or other permits relating to cultivators, processors, or retail dispensaries of marijuana within the City of Mansfield, and declaring an emergency.

WHEREAS, In the November 2023 election, the citizens of the State of Ohio passed Issue 2, which legalized the recreational use of marijuana in Ohio with certain restrictions, which are still being determined, and

WHEREAS, given that the regulations for the recreational use of marijuana are still being determined, City Council believes that six (6) months is a reasonable time to obtain the information it needs to address the use of marijuana within the City and to more accurately determine the regulations that will be approved by the State of Ohio; provided however, Council reserves the right to take legislative action to extend the moratorium if the regulations are not made public within such 270 day period.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That a temporary moratorium is hereby imposed on the consideration and/or granting of any applications for local licensing approval and any zoning, occupancy, or other permits relating to cultivators, processors, or retail dispensaries of marijuana within the City of Mansfield.

SECTION 2. That the duration of the moratorium shall commence with the passage of this ordinance and shall end, unless extended by City Council for the reasons set forth above, six (6) months after the passage of this ordinance.

SECTION 3. As the act will not become effective until after the passage of the ordinance, City Council recognizes that there are no existing requests for local licensing approval and no zoning, occupancy, or other permits relating to cultivators, processors, or retail dispensaries of marijuana within the City of Mansfield with any vested rights to establish a use covered by this moratorium.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5. This ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety and benefit and protection of the inhabitants of the City of Mansfield and for the further reason to ensure that the City has adequate time to consider issues that may come into existence prior to receiving requests or zoning approvals for cultivators, processors or retail dispensaries of marijuana; therefore, this ordinance shall take effect and be in force immediately upon its passage.

Caucus	16 April 2024	
1 st Reading	16 April 2024	
2 nd Reading		
PASSED		SIGNED /s/ Phillip E. Scott President of Council

ATTEST	/s/ Delaine Weiner Clerk of Council	APPROVED /s/ Jodie Perry Mayor
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APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

BILL #24-065

ORDINANCE # _____

BY: MS. ZADER

Appointing the following member to the Downtown Improvement Advisory Board to fill the unexpired vacant term, which will expire on June 30th, 2024.

WHEREAS, in an effort to reinvent and revitalize Mansfield’s downtown, the City is seeking creative avenues to maximize grants and other revenue streams for improvement projects strategically and

WHEREAS, the City wishes to strategically encourage collaboration between its government and its residents to leverage their collective desire for improvement and

WHEREAS, these goals can best be met by maintaining an advisory board that will guide strategic thinking and provide recommendations to further it.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That pursuant to Chapter 177 of the Mansfield Codified Ordinances of 1997, the following member be appointed to the Downtown Improvement Advisory Board for the remainder of a four-year term as follows:

Member:

Ellen Heinz

Term:

Exp. June 30, 2024

SECTION 2. That this measure shall take effect and be in force after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus

16 April 2024

1st Reading

16 April 2024

2nd Reading

PASSED

16 April 2024

SIGNED

/s/ Phillip E. Scott

President of Council

ATTEST

/s/ Delaine Weiner

Clerk of Council

APPROVED

/s/ Jodie Perry

Mayor

APPROVED AS TO FORM:

Roeliff E. Harper
Law Director
City of Mansfield, Ohio

CONSENT LEGISLATION

Bill # 24-066

Ordinance/Resolution No. _____

PID No. 108031

Project Name D03 RM FY2024

Mr. Diaz

The following _____ enacted by the City of Mansfield of Richland County, Ohio,
(Ordinance/Resolution)
hereinafter referred to as the City, in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the State has identified the need for the described project:

To perform pavement repairs in the City of Mansfield in Richland County. This project includes Interstate Route 71 from SLM 10.76 (SR 13 interchange) to SLM 12.26 (1.5 miles north of SR 13). Interstate Route 71 from SLM 10.76 to SLM 11.066 is within City limits.

This project is currently scheduled to be constructed in the summer of 2024.

NOW THEREFORE, be it ordained by the City of Mansfield of Richland County, Ohio.

SECTION II - Consent Statement

Being in the public interest, the City gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The City shall cooperate with the Director of Transportation in the above described project as follows:

- 1) *The City gives consent for the above improvement,*
- 2) **No funds are required from the City** *except that the City agrees to assume and bear one hundred percent (100%) of the total cost for added construction items requested by the City and not necessary for the improvement as determined by the State and the Federal Highway Administration.*

SECTION IV - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) *Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;*
- 2) *Provide ample financial provisions, as necessary, for the maintenance of the described project;*
- 3) *Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.*

SECTION V - Utilities and Right-of-Way Statement

If City owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the City will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

SECTION VI - Authority to Sign

The _____ of said City of Mansfield is hereby empowered on behalf
(Contractual Agent)
of the City of Mansfield to enter into contracts with the Director of Transportation
necessary to complete the above described project.

Passed: _____, 202____.
(Date)

Attested: _____
(Clerk) (Officer of City - title)

Attested: _____
(Title) (Mayor)

This _____ is hereby declared to be an emergency measure to expedite the highway
(Ordinance/Resolution)
project and to promote highway safety. Following appropriate legislative action, it shall take
effect and be in force immediately upon its passage and approval, otherwise it shall take effect
and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO
City of Mansfield of Richland County, Ohio

I, _____, as Clerk of the City of Mansfield of Richland County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of _____ adopted by
the legislative Authority of the said City of Mansfield on this _____ day of _____, 202__.

that the publication of such _____ has been made and certified of record according
to

_____ (Ordinance/Resolution)
law; that no proceedings looking to a referendum upon such _____ have been
taken;

and that such _____ and certificate of publication thereof are of record in
_____, Page _____.
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this _____ day of _____, 202__.

(SEAL)
(if Applicable)

Clerk Signature

City of Mansfield of Richland County, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Mansfield of Richland County, Ohio

Attest: _____, Date _____

Contractual Officer

BY: MR. DIAZ

Resolution Acknowledging restriction on future access from USR42 to PPN 056-92-158-15-000 and PPN 056-92-171-02-000

WHEREAS, O'Reilly Auto Enterprises, LLC, a Delaware limited liability Company ("O'Reilly") acquired a 6.156-acre property (the "Property") identified by PPN 056-092-158-15-000 and PPN 056-92-171-02-000, reflected in a general warranty deed in Vol. 3006 pgs. 5388-5392 of the office of the Recorder for Richland County, Ohio, a copy of which deed is attached hereto as Exhibit 1.

WHEREAS, O'Reilly engaged a professional engineering firm to conduct a traffic study of the portion of U.S. Route 42 near the Property, dated November 2023, which is now on file with the Office of the City Engineer, a summary of which is attached hereto as Exhibit 2.

WHEREAS, The traffic study analyzed the impact of O'Reilly's proposed development of the Property, including ingress and egress between the Property and U.S. Route 42.

WHEREAS, The traffic study recommended a single point of ingress and egress between the Property and U.S. Route 42.

WHEREAS, O'Reilly's proposed development of the Property will occupy only the southern portion of the Property.

WHEREAS, The City Engineer wishes to ensure that any ingress and egress associated with future development of any other portion of the Property be constrained to the single point recommended by the traffic study.

WHEREAS, O'Reilly provided a letter to the City, dated December 14, 2023 and attached hereto as Exhibit 3, pledging that if it ever sells the northern portion of the Property, O'Reilly will enter into access agreements with the buyer to give the buyer access to U.S. Route 42 by way of O'Reilly's point of ingress and egress.

WHEREAS, The City Engineer, by and through the City's codified process and consistent with the results of the traffic study, and in reliance upon the pledge made by O'Reilly in its letter dated December 14, 2023, granted O'Reilly permission to construct a single point of ingress into and egress out of the Property.

WHEREAS, The City Engineer, wishes to make a record of the City's decision to limit ingress into and egress from the Property to a single point and supporting reasons, O'Reilly's commitment to the same, and to put all future sellers and purchasers of any portion of the Property on notice of the single point of ingress and egress restriction, by way of a recordable instrument.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF MANSFIELD,
STATE OF OHIO, HEREBY RESOLVES:**

Exhibit "1" to
Bill # 24-067

EXHIBIT 1

General Warranty Deed in Vol. 3006 pgs. 5388-5392

19190270Y2

NEW SURVEY
OF EXISTING PARCEL
RICHLAND COUNTY
TAXMAP OFFICE

INITIAL DATE
F5.019

INSURANCE
has been exam, nt.
Grant of la WC wini Ser
292 of the Ohio Revised Code
date 8-28-23
CHANGE FEE \$7.300.00
FEE \$1.00

PATRICK WOTOPSSA Auditor

20230008280 08/28/2023 01:22 PM
Filed for Record In RICHLAND County, Ohio
Sarah M. Davis Rec Fees: \$58.00
DEED OR Vol 3008 Pg 5388-5382

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT: CHICAGO TITLE INSURANCE CO,
OROE NO. 2336047

1542 Lexington Ave., LLC, an Ohio limited liability company, for the consideration of Ten Dollars (\$10.00), and other valuable consideration received to its full satisfaction of O'Reilly Auto Enterprises, LLC, a Delaware limited liability company, the Grantee, whose tax mailing address is 233 S. Patterson, Springfield, Missouri 65802, does give, grant, bargain, sell and convey unto the said Grantee, all of its right, title and interest in and to the premises more fully described on the attached Exhibit "A".

Prior Deed Reference: Richland County Official Records Volume 2345, Page 673
PPN: 056-92-158-15-000 and 056-92-171-02-000

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee, it's successors and assigns, forever; and, Grantor does for itself and its successors and assigns, covenant with the said Grantee, it's successors and assigns, that at and until the execution of these presents, it is well seized of the above-described premises, has a good and indefeasible estate in Fee Simple, and has good right to bargain and sell the same in manner and forms as above written, and the same is free from all encumbrances whatsoever, save and except building and use restrictions, easements and rights of way of record, if any, zoning and other governmental regulations, and real estate taxes and assessments, if any, both general and special, to be prorated to the date of closing, and that it will warrant and defend said premises, with the appurtenances thereunto belonging, to the said Grantee, it's successors and assigns, against all lawful claims and demands whatsoever subject to the above noted exceptions.

Executed by said Grantor this 0 day of August, 2023.

1542 LEXINGTON AVE., LLC, an Ohio
limited liability company

By: Lorenzo Sandez
Lorenzo Sandez, Sole Member

STATE OF OHIO)
COUNTY OF RICHLAND)SS:

This is an acknowledgment, No oath or affirmation was administered to the signer with regard to the notarial act.

Before me, a Notary Public, in and for said County and State, personally appeared **Lorenzo Sanchez**, who represented to me to be the person who executed the within instrument as the Sole Member of 1542 Lexington Ave., LLC, an Ohio limited liability company, and who acknowledged that he did sign the foregoing instrument and that the same is his and its voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Mansfield, Ohio, this 28 day of August, 2023.


Notary Public



JEROD M. THEM
Attorney At Law
NOTARY PUBLIC,
STATE OF OHIO
My Commission Expires
08/28/2025
Section 14739.0.B.C.

This Instrument Prepared By:
Jerod M. Them, Esq.
Weidon, Huston & Keyser LLP
76 North Mulberry Street
Mansfield, OH 44902
Telephone: 419/524-9811
Facsimile: 419/522-5758
Email: jthem@whkmansfield.com

EXHIBIT A

Insert new survey description



NEFF
& ASSOCIATES

Civil Engineers Landscape Architects Planners Surveyors
Traffic Engineers Environmental Engineers

Legal Description
1542 Lexington Avenue
Mansfield, Ohio
As-Surveyed Parcel
File No. 14788-LDOOI
Page 1 of 2

Situated in the City of Mansfield, Township of Washington, County of Richland, State of Ohio and known as being the part of the Southwest Quarter Section 5, Township 20, Range 18 and is further bounded and described as follows:

Beginning at an iron pin with brass disk found at the Northwest corner of said Quarter Section and the place of beginning for the lands hereinafter described;

Course 1
Thence South 89°31'40" East, along the North line of said Quarter Section 5, Township 20, Range 18, a distance of 983.99 feet to a MAG nail set at a non-tangent point of curvature on the survey centerline of Lexington Avenue (U.S. Route 42) (Width Varies);

Course 2
Thence Southwesterly, along the centerline of said Lexington Avenue, by the arc of a curve deflecting to the left, a distance of 336.99 feet. Said arc having a radius of 1,432.39 feet, a central angle of 13°28'47" and a chord which bears South 27°16'10" West, a distance of 336.21 feet to a MAG nail set at the Northeasterly corner of a parcel of land conveyed to Appleaseed Properties, LLC by deed recorded in Official Record Book 2997, Page 4560 of Richland County Records;

Course 3
Thence North 89°31'40" West, along the North line of said Appleaseed Properties, LLC and continuing along a parcel of land conveyed to P. K. Athmaran, Trustee by deed recorded in Official Record Volume 82, Page 323 of Richland County Records, a distance of 817.78 feet to a 1" iron pipe found at the Northwesterly corner of said P. K. Athmaran parcel and on the Easterly line of the Valley View Allotment as shown in Volume 18 of Plats, Page 30 of Richland County records and the Westerly line of the Southwest Quarter Section 5;

Course 4
Thence North 02°19'09" West, along the Easterly line of said Valley View Allotment and the Westerly line of the Southwest Quarter Section 5, a distance of 300.46 feet to the place of beginning and containing 6.156 Acres (268,141 Square Feet) of land, of which 0.2693 Acres (11,735 Square Feet) is within the right of way of said Lexington Avenue, according to a survey made by Steven J. Metcalf, Registered Surveyor No. 8622-Ohio of Neff & Associates, Dated in July 2022.

6405 York Road
Parma Heights, OH 44130


www.Neff-As. loc.com

Tel: 440.884.3100
Fax: 440.884.3104

Legal Description
1542 Lexington Avenue
Mansfield, Ohio
As-Surveyed Parcel
File No. 14788-LD001
Page 2 of 2

Be the same or less, but subject to all legal highways and easements of record.

Basis of bearings for this survey is Grid North of MAD83 (CORS86) Ohio State
Plane Coordinate System, North Zone (3401) and is used to denote angles only.


Steven J. Metcalf
Registered Survey No. 8622-Ohio



NEW SURVEY
OF EXISTING PARCEL
RICHLAND COUNTY
TAX MAP OFFICE

EAR 1-25-23

INITIAL & DATE

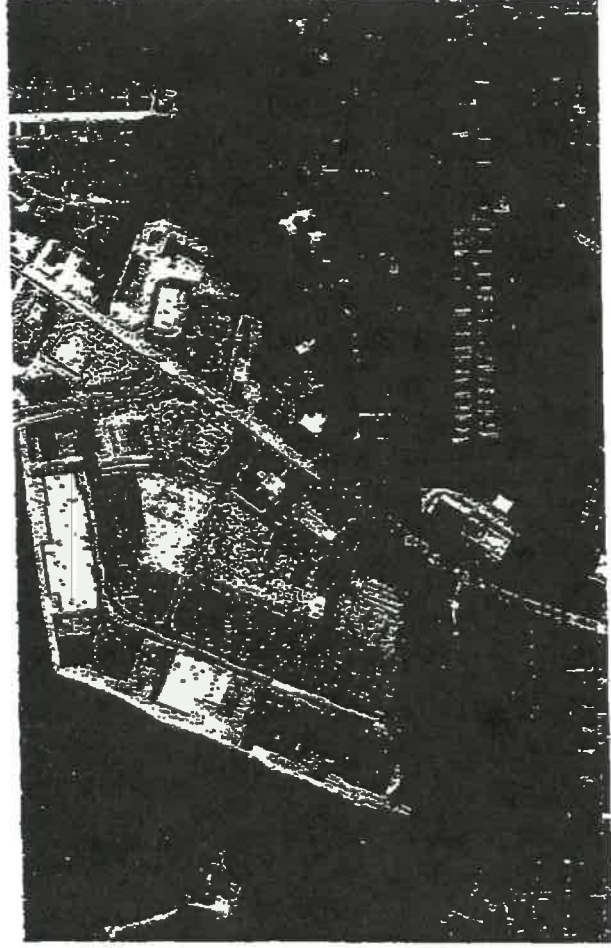
F5-019



UZCURRY
FIDELITY NATIONAL TITLE
4252 KINDY SPUR
COPLEY, OH 44321
Inet #202300008260

EXHIBIT 2
Summary of Traffic Study

Traffic Study
Lexington Avenue (US 42) – O'Reilly Auto Parts



Prepared for:
Bobby Deltz, PE
Project Manager
Bacon Farmer Workman Engineering & Testing, Inc,
1215 Diuguid Drive
Murray, Ky 42071

Prepared By:



Mason – Cincinnati – Dayton – Columbus

8.0 Conclusions & Recommendations

The proposed development generates a total of 38 new trips in the AM peak hour. The proposed development generates a total of 42 new trips and 32 pass-by trips in the PM peak hour. The new trips represent an increase to overall traffic volumes on Lexington Ave the peak hours of approximately 4-6%. A summary of the findings and recommendations based on the analysis presented in this study include:

Lexington Ave & Curtis Drive

The Build analysis indicates that the proposed development will not substantially alter traffic conditions at this unsignalized intersection. No modifications related to the proposed development are recommended at the Intersection of Lexington Ave & Curtis Drive.

Lexington Ave & Ace Hardware Drive/Proposed Access

The O'Reilly's development proposes a full-movement driveway across from the main access for the Ace Hardware shopping center. Crash data for the roadway section surrounding the proposed access does not show major concerns with the addition of a fourth leg to the intersection. Capacity analysis shows that during the PM peak hour in the 2033 design horizon delays to exit the O'Reilly site will approach one minute. This equates to a LOS F but is not uncommon for an unsignalized commercial driveway during peak periods. The storage lane analysis indicates a northbound left turn lane is warranted at the site access. There is an existing two-way left turn lane that serves accesses on both sides of Lexington Ave. Due to the low volumes expected to be generated by the O'Reilly development, it is recommended that the two-way left turn lane remain. Instead of striping a dedicated left turn bay in the vicinity of the proposed access, southbound Lexington Ave is tapering from two lanes to one lane. The project team considered whether this should be modified to accommodate the proposed access. Options include keeping the pavement markings as is, modifying to merge to one lane prior to the driveway access, or modifying to end the second lane as a right turn lane into the site. Upon reviewing these options, it is the project team's opinion that the pavement markings do not need to be modified. Merging prior to the proposed access creates unused pavement and potentially confusing markings at the driveway opening. Ending the second lane as a right turn bay for the site is not ideal because of the low volumes anticipated for the site. In the future, if a merge conflict is created by addition of the proposed access, the pavement markings could be reevaluated. Finally, it should be noted that while the traffic volumes generated by the O'Reilly site are projected to be low, no additional development should be allowed to connect to this proposed access. If additional development is considered, at that time the driveway may need to be limited to right-in/right-out and cross access to the Kroger shopping center be provided.

Full ingress/egress into the proposed project development site opposite the main access for the Ace Hardware shopping center is recommended.

Lexington Ave & Kroger South Drive

The Build analysis indicates that the proposed development will not substantially alter traffic conditions at this signalized intersection. No modifications related to the proposed development are recommended at the intersection of Lexington Ave & Kroger South Drive.

Exhibit "3" to
Bill # 24-067

EXHIBITS

O'Reilly Letter Regarding Store off USR42

19190270v2



December 14, 2023

City of Mansfield
Engineering Department
30 N. Diamond Street
Mansfield, OH 44902-1702

Attn: Mr. Robert P. Bianchi, P.E.

Re: O'Reilly Auto Parts Store
Lexington Ave. (U.S. Route 42)
Mansfield, OH #3 (MF3)

Dear Mr. Bianchi:

Let it be known that O'Reilly Auto Enterprises, LLC owns the property described in the attached Warranty Deed (Exhibit "1") and the attached map (Exhibit "2"). Let it also be known that, at this time, O'Reilly Auto Enterprises, LLC does not plan to sell or develop the "vacant" area outlined in red in Exhibit "2". If it is oversold for future development, O'Reilly Auto Enterprises will enter into the required access easement agreements at that time.

Signature

Jim Biggs, Sr. Director Real Estate Department

Printed Name and Title

233 South Patterson Avenue

Address

Springfield MO 65802

City

State

Zip

233 South Patterson Ave. Springfield, MO 65802 • 888-876-6759 (ORLY) • www.OReillyAuto.com

BILL #24-068

ORDINANCE # _____

BY: MRS. BURNS

Authorizing the Public Works Director to enter into a contract or contracts for engineering services relating to the 2025 Watermain Replacement Program.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That the Public Works Director be, and is hereby, authorized to enter into a contract or contracts for professional services with an engineering firm or firms for the preparation of detailed plans, specifications, estimates, and other necessary services relating to the 2025 Watermain Replacement Program.

SECTION 2. That payment for services authorized in Section 1 herein shall be made from the Water Fund (#502).

Caucus	16 April 2024	
1 st Reading	7 May 2024	
2 nd Reading		
PASSED	7 May 2024	SIGNED /s/ Phillip E. Scott President of Council

ATTEST	/s/ Delaine Weiner	APPROVED /s/ Jodie Petty
	Clerk of Council	Mayor

APPROVED AS TO FORM: Roeliff E. Harper
 Law Director
 City of Mansfield, Ohio

BY: MRS. ZADER

Authorizing the Mayor to submit the City of Mansfield’s Consolidated Plan/Annual Action Plan for PY 2024 to the United States Department of Housing and Urban Development indicating proposed uses for the City’s 2024-2028 Community Development Block Grant Funds (CDBG) under the provisions of Public Law 93-383, as amended, and declaring an emergency.

WHEREAS, Mansfield has been designated an “Entitlement City” and a “Participating Jurisdiction” by the United States Department of Housing and Urban Development, and such designations make the City eligible for Community Development Block Grant (CDBG) Funds, and Home Investment Partnership Program (HOME) funds,

WHEREAS, a public hearing was held on May 7, 2024, concerning the City’s projected uses for funds under provisions of Title I of the Housing and Community Development Act of 1974, P.L. 93-383, as amended.

WHEREAS, the City of Mansfield’s Consolidated Plan/Annual Action plan for PY 2024 is incorporated into and made a part of this Ordinance by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That the Mayor, as chief executive officer of the City of Mansfield, is hereby, on behalf of the City, authorized to submit an Annual Action Plan for PY 2024 with all understandings and assurances included therein, to the United States Department of Housing and Urban Development setting forth the projected uses for PY 2024 Community Development Block Grant funds in the estimated amount of eight hundred fifty thousand and 00/100 dollars (\$850,000.00) under the provision of Title I of the Housing and Community Development Act of 1947, P.L. 93-383, as amended, as set forth in attached Exhibit “A”.

SECTION 2. That the Mayor be, and he is hereby, designated as the recipient of the Community Development Block Grant, in accordance with 570.303 of the Act, and he is hereby authorized to enter into such agreements as are necessary with the U.S. Department of Housing and Urban Development relating thereto and to execute such applications, requests, receipts, forms, certificates, agreements and other necessary instruments and documentations as may be requested on behalf of the City for its participation in the program under the law.

SECTION 3. That by reason of the immediate necessity for timely filing the Annual Action Plan, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety, and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	16 April 2024
1 st Reading	7 May 2024
2 nd Reading	21 May 2024
PASSED	21 May 2024

SIGNED /s/ Phillip E. Scott
President of Council

ATTEST /s/ Delaine Weiner /s/ Jodie Petty
Clerk of Council Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

* Publication required.

BY: MRS. ZADER

Authorizing the Mayor to submit the City of Mansfield’s Consolidated Plan/Annual Action Plan for PY 2024 to the United States Department of Housing and Urban Development (HUD) indicating proposed uses for the City’s 2024-2028 HOME Investment Partnership Program Funds under the provisions of Public Law 93-383, as amended, and declaring an emergency.

WHEREAS, Mansfield has been designated an “Entitlement City” and a “Participating Jurisdiction” by the United States Department of Housing and Urban Development, and such designations make the City eligible for The Home Investment Partnership Program (HOME) funds, and

WHEREAS, a public hearing was held on May 7, 2024 concerning the City’s proposed uses for HOME funds under the provision of Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, and

WHEREAS, the PY 2024 Action Plan is incorporated into and made a part of this Ordinance by reference. **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That the Mayor, as chief executive officer of the City of Mansfield, is hereby, on behalf of the City, authorized to execute the Application and submit the City’s PY 2024 Action Plan to the United States Department of Housing and Urban Development for Home Investment Partnerships Program Funds for PY 2024 in the estimated number of three hundred thousand, and 00/100 dollars (\$300,000.00), as set forth in attached Exhibit “A”.

SECTION 2. That the Mayor be, and he is hereby, designated as the recipient of the Home Investment Partnership Program Funds and that he is hereby authorized to enter into such agreements as are necessary with the U.S. Department of Housing and Urban Development relating thereto and to execute such applications, requests, receipts, forms, certificates, agreements and other necessary instruments and documentation as may be required on behalf of the City for its participation in the program under the law.

SECTION 3. That by reason of the immediate necessity for timely filing the Annual Action Plan, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	16 April 2024
1 st Reading	7 May 2024
2 nd Reading	21 May 2024
PASSED	21 May 2024

SIGNED /s/ Phillip E. Scott
President of Council

ATTEST /s/ Delaine Weiner
Clerk of Council

APPROVED /s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

* Publication required.

BY: MRS. BURNS

Resolution for a Recreational Access Easement. This Recreational Easement shall be granted by Clear Fork Realty Co., an Ohio Corporation (“Grantor”) for the benefit of the City of Mansfield, Ohio, and declaring an emergency.

WHEREAS, Grantor is the owner of certain real property by deed as recorded in Deed Volume 602, Page 476, in the Richland County, Ohio Recorder’s Office, which is further described on Exhibit “A”, attached hereto and made a part hereof. (“Burdened Parcel”)

WHEREAS, Grantee is the owner of adjacent Real Property (“Benefited Parcel”).

WHEREAS, Grantee operates and maintains Clearfork Reservoir on the Benefitted Parcel. Clearfork Reservoir is a local water reservoir and recreational area, which includes a water reservoir and amenities for boating, fishing, and hiking. This Recreational Easement is desired in order to allow the Grantee to extend and maintain nature trails connecting to the broader recreational area operated by the Grantee. These trails shall be maintained by Grantee and shall be accessible by the public in accordance with the rules and regulations set forth by the Grantee for public use of the Clearfork Reservoir.

WHEREAS, Grantor desires to grant to Grantee a Recreational Easement, for rights of ingress and egress by and through the Burdened Parcel, for the purposes of creating and maintaining nature trails, recreation, and enjoyment of said nature trails, together with any equipment as may be reasonably necessary for the maintenance of said nature trails, full rights of ingress and egress through the real property described on Exhibit A.

WHEREAS, The Benefited Parcel is contiguous to the Burdened Parcel.

WHEREAS, Grantee desires to indemnify Grantor for any and all liability stemming from the use and/or maintenance of the Recreational Easement.

WHEREAS, the intended easement is more particularly described in the easement legal descriptions attached as Exhibit A to this Resolution;

RECREATIONAL ACCESS EASEMENT

THIS RECREATIONAL EASEMENT ("Recreational Easement") is made this ___ day of _____, 2024 by CLEAR FORK REALTY CO., an Ohio corporation, ("Grantor"), for the benefit THE CITY OF MANSFIELD, OHIO, an Ohio municipal corporation ("Grantee"), under the following circumstances:

- A. Grantor is the owner of certain real property by deed as recorded in Deed Volume 602, Page 476 in the Richland County, Ohio Recorder's Office, which is further described on Exhibit "A", attached hereto and made a part hereof. ("Burdened Parcel")
- B. Grantee is the owner of adjacent Real Property ("Benefitted Parcel").
- C. Grantee operates and maintains Clearfork Reservoir on the Benefitted Parcel. Clearfork Reservoir is a local water reservoir and recreational area, which includes a water reservoir and amenities for boating, fishing, and hiking. This Recreational Easement is desired in order to allow Grantee to extend and maintain nature trails connecting to the broader recreational area operated by Grantee. These trails shall be maintained by Grantee and shall be accessible by the public in accordance with the rules and regulations set forth by the Grantee for public use of the Clearfork Reservoir.
- D. Grantor desires to grant to Grantee a Recreational Easement, for rights of ingress and egress by and through the Burdened Parcel, for the purposes of: creating and maintaining nature trails, recreation, and enjoyment of said nature trails, together with any equipment as may be reasonably necessary for the maintenance of said nature trails, full rights of ingress and egress through the real property described on Exhibit A.
- E. The Benefitted Parcel is contiguous to the Burdened Parcel.
- F. Grantee desires to indemnify Grantor for any and all liability stemming from the use and/or maintenance of the Recreational Easement.

NOW THEREFORE, Grantors and Grantees agree as follows:

- 1. Grantor hereby grants to Grantee, in perpetuity, a Recreational Easement, for rights of ingress and egress by and through the Burdened Parcel, for the purposes of creating and maintaining nature trails, recreation, and enjoyment of said nature trails, together with the right to bring equipment as may be reasonably necessary for the maintenance of said nature trails, full rights of ingress and egress through the real property described on Exhibit A.
- 2. The Recreational Easement shall allow access to the nature trails maintained by Grantee, which are located within the Burdened Parcel, for purposes of recreation and maintenance.
- 3. Grantor, the City of Mansfield, Ohio, an Ohio municipal corporation, hereby indemnifies Grantee, CLEARFORK REALTY CO, an Ohio corporation, its successors, heirs, and assigns, for and against all liability which may accrue from the use and maintenance of said Recreational Easement by Grantee, including use of the Recreational Easement by the general public.
- 4. This Recreational Easement shall run with the land and shall be binding upon and inure to the benefit of the respective heirs, successors and assigns of Grantor and Grantee.

GRANTOR:

CLEAR FORK REALTY CO., an Ohio corporation

By: _____
Bruce Cummins, its President

STATE of OHIO)
) ss:
COUNTY of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024 by Bruce Cummins, President of CLEAR FORK REALTY Co., an Ohio corporation. This is an acknowledgment clause, no oath or affirmation was administered to the signer.

Notary Public

GRANTEE:

The City of Mansfield, Ohio, an Ohio municipal corporation

By: _____
Louis Andres, Public Works Director

STATE of OHIO)
) ss:
COUNTY of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024 by Louis Andres, Public Works Director for THE CITY OF MANSFIELD, OHIO, an Ohio municipal corporation. This is an acknowledgment clause, no oath or affirmation was administered to the signer.

Notary Public

This instrument prepared by:
David W. Madden, Esq.
City of Mansfield, Ohio
Deputy Law Director

Exhibit A

Being part of the Southwest Quarter of Section Three, Township Twenty, Range Nineteen, and described as follows: Beginning on the West Line of said Quarter Section at its intersection with the center of the Mansfield-Marion Road #146; thence Northeasterly, along said center line, 1800 feet on the North line of said Quarter Section; thence East 482 feet to a point on the North line of said Quarter Section; thence East 482 feet to a point on the North line of said Quarter Section 25 1/16 Rods West from the Northeast corner thereof; thence South, parallel with the East line of said Quarter Section, 38 Rods; thence East to the East line of said Quarter Section at a point 37 Rods South from the Northeast corner thereof; thence South, along the East line of said Quarter Section, to the center line of Bell Road #143; thence North 87 degrees 25 Minutes West, along the center line extended, 15 feet; thence South, parallel with the East line of said Quarter Section; thence South to the Southeast corner of said Quarter Section; thence West 160 Rods to the Southwest corner of said Quarter Section; thence North 135.8 Rods to the place of beginning, containing 146.44 Acres, more or less, but subject to all legal highways.

Parcel No. 047-260-341-8000

SAVE AND EXCEPT THE FOLLOWING DESCRIBED REAL PROPERTY:

Parcel 1:

Situated in the Township of Troy, County of Richland, State of Ohio and being a part of the Southwest Quarter of Section 3, Township 20 North, Range 19 West, more particularly described as follows:

Commencing at an iron pin found and accepted as marking the Northeast corner of said Quarter;

Thence South 0 degrees 38 minutes 24 seconds West with the East line of said Quarter, a distance of 1163.98 feet to an iron pin set, the place of beginning of the parcel herein described;

Thence continuing South 0 degrees 38 minutes 24 seconds West with said East line, a distance of 142.12 feet to an iron pin found marking the point of intersection of said East line with the centerline of Bell Road (Township Highway 143);

Thence North 87 degrees 09 minutes 05 seconds West a distance of 15.01 feet to an iron pin found;

Thence South 0 degrees 38 minutes 24 seconds West a distance of 30.60 feet to an iron pin set;

Thence North 89 degrees 21 minutes 36 seconds West a distance of 60.00 feet to an iron pin set;

Thence South 0 degrees 38 minutes 24 seconds West a distance of 131.99 feet to an iron pin set;

Thence North 89 degrees 21 minutes 36 seconds West a distance of 1175.00 feet to an iron pin set;

Thence North 0 degrees 38 minutes 24 seconds East a distance of 304.13 feet to an iron pin set;

Thence South 89 degrees 21 minutes 36 seconds East a distance of 1250.00 feet to the place of beginning, containing 8.49 acres, according to survey by Douglas C. Seiler, Professional Surveyor #6869 on February 7, 1994.

Iron pins set are 8/8 inch rods with caps stamped "SEILER 6869".

Bearings are based on an assumed meridian, and are intended to be used for angular determination only.

Parcel No. 047-26-034-18-001

Parcel 2:

Situated in the Township of Troy, County of Richland, State of Ohio and being a part of the Southwest Quarter of Section 3, Township 20 North, Range 19 West, more particularly described as follows:

Commencing at an iron pin found and accepted as marking the Northeast corner of said Quarter;

Thence South 0 degrees 38 minutes 24 seconds West the East line of said Quarter, a distance of 1306.10 feet to an iron pin found and accepted as marking the point of intersection of said East line with the centerline of Bell Road (Township Highway 143); said iron pin also accepted as marking the Northeast corner of a 0.06 of an acre parcel currently owned by Wappner (Deed Reference: Volume 865, Page 75), said iron pin also marking the place of beginning of the parcel herein described;

Thence continuing South 0 degrees 38 minutes 24 seconds West with said East line and with the Westerly line of Bell Road, a distance of 30.02 feet to an iron pin set marking the point of intersection of said Westerly line with the Southerly right of way line of said Road.

Thence North 89 degrees 21 minutes 36 seconds West a distance of 15.00 feet to an iron pin set on the West line of said Wappner parcel;

Thence North 0 degrees 38 minutes 24 seconds East with the said West line, a distance of 30.60 feet to an iron pin found and accepted as marking Wappner's Northwest corner;

Thence South 87 degrees 09 minutes 05 seconds East with Wappner's North line, a distance of 15.01 feet to the place of beginning, containing 0.01 of an acre, according to survey by Douglas C. Seiler, Professional Surveyor #6869 on February 7, 1994.

Iron pins set are 5/8 inch rod with caps stamped "SEILER 6869"

Bearings are based on an assumed meridian, and are intended to be used for angular determination only.

Parcel # 047-26-052-03-001

BILL #24-073 *

ORDINANCE# _____

BY: MS. ZADER

Amending Section 513.03(c)(2) and Section 513.03(c)(3)B of Chapter 513 (Drug Abuse Control) of the City of the Mansfield Codified Ordinances of 1997 and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Section 513.03 of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

- (a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.
- (b) (1) This section does not apply to the following:
 - A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
 - B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;
 - D. Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged or obtained through deception or commission of a theft offense.

As used in subsection (b)(1)D. of this section, "deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.

(2) A. As used in subsection (b)(2) of this section:

1. "Community addiction services provider" has the same meaning as in Ohio R.C. 5119.01.
 2. "Community control sanction" and "drug treatment program" have the same meanings as in Ohio R.C. 2929.01.
 3. "Health care facility" has the same meaning as in Ohio R.C. 2919.16.
 4. "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.
 5. "Post-release control sanction" has the same meaning as in Ohio R.C. 2967.28.
 6. "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
 7. "Public agency" has the same meaning as in Ohio R.C. 2930.01.
 8. "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
 9. "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.
- B. Subject to subsection (b)(2)E. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted or penalized pursuant to this chapter for a minor drug possession offense or a violation of Ohio R.C. 2925.12, Ohio R.C. 2925.14(C)(1) or Ohio R.C. 2925.141 if all of the following apply:
1. The evidence of the obtaining, possession or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.
 2. Subject to subsection (b)(2)F. of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.
 3. Subject to subsection (b)(2)F. of this section, the qualified individual who obtains a screening and receives a referral for treatment under subsection (b)(2)B.2. of this section, upon

the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that subsection. The documentation shall be limited to the date and time of the screening obtained and referral received.

C. If a person who is serving a community control sanction or is under a sanction on post-release control acts pursuant to subsection (b)(2)B. of this section, then Ohio R.C. 2929.141(B), Ohio R.C. 2929.15(B)(2), Ohio R.C. 2929.25(D)(3) or Ohio R.C. 2967.28(F)(3) applies to the person with respect to any violation of the sanction or post-release control sanction based on a minor drug possession offense, as defined in Ohio R.C. 2925.11, or a violation of Ohio R.C. 2925.12, Ohio R.C. 2925.14(C)(1), or Ohio R.C. 2925.141.

D. Nothing in subsection (b)(2)B. of this section shall be construed to do any of the following:

1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (b)(2)B. of this section or with regards to any crime other than a minor drug possession offense or a violation of Ohio R.C. 2925.12, Ohio R.C. 2925.14(C)(1) or Ohio R.C. 2925.141 committed by a person who qualifies for protection pursuant to subsection (b)(2)B. of this section;
2. Limit any seizure of evidence or contraband otherwise permitted by law;
3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;
4. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016, to any public agency or to an employee of any public agency.
- E. Subsection (b)(2)B. of this section does not apply to any person who twice previously has been granted an immunity under subsection (b)(2)B. of this section. No person shall be granted an immunity under subsection (b)(2)B. of this section more than two times.
- F. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(c) Whoever violates subsection (a) hereof is guilty of one of the following:

- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.
- (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a **minor misdemeanor of the first degree** if the amount of the drug involved does not exceed 200 grams.
- (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:
 - A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.
 - B. If the amount of the drug involved equals or exceeds five grams but does not exceed ten grams of hashish in a solid form or equals or exceeds one gram but does not exceed two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a **minor misdemeanor of the fourth degree**.
- (d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.
- (e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. (ORC 2925.11)

SECTION 1. That Section 513.03 of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

SECTION 2. This measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	16 April 2024	
1 st Reading	16 April 2024	
2 nd Reading	16 April 2024	
PASSED		SIGNED /s/ Phillip E. Scott President of Council

ATTEST /s/ Delaine Weiner
Clerk of Council APPROVED /s/ Jodie Petty
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

*Publication Required.

BILL #24-074

ORDINANCE # _____

BY: MS. BURNS

Authorizing the Public Works Director to enter into an Agreement with Ardane R. Miller to provide marine sales services and repair and bait shop services at Clearfork Reservoir, and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That the Public Works Director be, and is hereby, authorized to enter into an Agreement with Ardane R. Miller to provide marine sales services and repair and bait shop services at Clearfork Reservoir, a copy of which is attached hereto as Exhibit “A” and made a part hereof as if fully rewritten.

SECTION 2. That in order to enter into said Agreement at the earliest possible time and continue, without interruption, the provision of such conveniences at the Clearfork Reservoir Marina, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 16 April 2024

1st Reading 7 May 2024

2nd Reading 7 May 2024

PASSED

SIGNED /s/ Phillip E. Scott

President of Council

ATTEST /s/ Delaine Weiner
Clerk of Council

APPROVED /s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

*Publication Required.

MARINE SALES, SERVICE & REPAIR, and BAIT SHOP AGREEMENT

This Agreement is entered into as of the day of _____, 2024, between the CITY OF MANSFIELD, an Ohio municipal corporation, 30 North Diamond Street, Mansfield, Ohio 44902 (herein referred to as "the City"), and Ardane R. Miller DBA Dane's Marine, 2000 Springmill Road – RR #3, Mansfield, Ohio 44903 (herein referred to as "Miller").

Whereas, the City and Miller desire to enter into an agreement whereby Miller will provide exclusive sales, services and repair, as well as, convenience store and bait and tackle services, at the City owned Clearfork Reservoir.

Therefore, in consideration of the mutual promises set forth below, the parties agree as follows:

1. **PREMISES.** The City hereby leases to Miller the following described real property (herein the "Premises"), located at the Clearfork Reservoir Marina, Morrow County, State of Ohio, to wit:

A building complex consisting of an 8400 square foot building, a 2400 square foot building and a 960 square foot building as identified on the attached Exhibit "A".
2. **RENT.** Miller shall pay annual rent, for the Premises as described in Paragraph 1 here, of Six Thousand and 00/100 Dollars (\$6,000.00), in monthly installments of Five Hundred and 00/100 Dollars (\$500.00) on the first day of each month during the terms of this Agreement. In addition, Miller shall pay an additional sum of Two Hundred and 00/100 Dollars (\$200.00) in four (4) monthly installments of Fifty and 00/100 Dollars (\$50.00) from May 1, through August 1 for dock slip rental fees.
3. **TERM.** The initial term of this agreement shall be for a period of three (3) years commencing on January 1, 2024 and terminating April 30, 2026.
 - a. **EXTENSION.** Unless written notice of termination is given by either party six (6) months prior to the end of Term, this Agreement shall be extended for an additional term of two (2) years, from January 1, 2027 through December 31, 2028. Annual Rent during said additional term of two (2) years shall increase by ten percent (10%) to \$6,600.00, and shall be paid in monthly installments of Five Hundred Fifty and 00/100 Dollars. In the event that public dock slip rental fees are increased, the City and Miller shall agree upon a reasonable modification of the monthly installment payments Miller, any such change shall be proportionate to the increase in public dock slip fee.
4. **PURPOSE.** Miller accepts the Premises in their present condition.

Miller shall use the lease Premises for the providing of the following services:

 - a. Boat and Motor sales as authorized by manufacturers;
 - b. Marine Diagnostics and Repairs, as qualified;
 - c. General marine maintenance and preventative maintenance services;
 - d. Marine retail sale and services, including all safety related equipment and marine supplies;
 - e. Winterization services, including Winter Parking, from which \$20 of each unit Winter Parking Fee shall be paid to the City within thirty (30) days of receipt of said fee by Miller;
 - f. Fishing tackle and accessories;
 - g. Live bait as approved by the Ohio Division of Wildlife;

- h. Fishing and Hunting Licenses as authorized;
- i. Sundries within Health Department Regulations; and
- j. Firewood as available.

5. **Hours.**

In providing the services described in Paragraph 4 hereof, Miller shall, during the calendar months of April through October, maintain daily hours of operation so as to adequately provide the described services, Tuesday through Sunday. During the months of November through March, operations shall be maintained as required to support the services.

6. **Business Operations.**

Miller shall operate as sole proprietor and/or corporation with employees as required to support professional business operations. Miller agrees to provide reasonable wages and secure and maintain during the terms of this Agreement such workers' compensation and unemployment coverages as may be required for his help. The City has no obligation to provide any wages, compensation, or other benefits to Miller, his employees, or any person who acts in assistance of Miller.

7. **Other Obligations.**

The parties shall have the following duties pursuant to this Agreement:

a. Miller shall have the following duties:

- i. Maintain commercial general liability insurance with an aggregate amount of \$1,000,000.00 (One Million and 00/100 Dollars) with the City listed as an additionally named insured. Said policy shall provide that the City shall be notified not less than ten (10) days prior to any cancellation of this policy. A copy of said policy shall be maintained in the offices of the Superintendent of Public Utilities.
 - ii. Maintain safe operating procedures and cleanliness of all spaces used by Miller in his operation.
 - iii. Provide fair, courteous and quality service to all Clearfork patrons.
 - iv. Provide and maintain required telephone services during the term of this Agreement.
 - v. Pay for the cost of electric service to the premises covered by this Agreement.
 - vi. Maintain clear and accurate financial records which are capable of being audited.
 - vii. Permit City Employees and Agents to review and examine his records upon request, at the City's expense.
 - viii. Comply with all City directives and ordinances.
 - ix. Be responsible to the Public Works Director or his designee and work closely with City employees at Clearfork.
- b. The City shall have the following duties:
- i. Provide periodic security patrols at Clearfork Reservoir and the adjacent parkland to minimize threat of vandalism and theft.
 - ii. Provide means for securing access to spaces provided.
 - iii. Provide propane, trash removal and water services.
 - iv. Provide safety lighting for spaces provided.
 - v. Maintain buildings/ structures and premises in a presentable manner.
 - vi. Provide for customer distribution, information regarding rates for docks and trailer camp sites.
 - vii. Provide notification of any relevant policy changes.
 - viii. Coordinate with Clearfork Marine Patrol and local law enforcement about security issues and vandalism or theft in the immediate area.

8. **RIGHT OF ACCESS.**

The City shall have the right to enter upon and into the premises at reasonable times for the purpose of making inspections to determine if the provisions and requirements of the Agreement are being fully complied with.

9. **SUBLEASE – ASSIGNMENT.** Subleasing and/or assignment of any portion of the leased premises shall be permitted only upon the prior written consent of the City.

10. **TERMINATION.** This Agreement shall terminate at the end of the full-term hereof. In the event of a breach of any term of this Agreement, by either party, the effected party shall give the other party written notice of said breach and said other party shall have fifteen (15) days to remedy such breach. If said breach is not cured within such time, the effected party, by giving the other party thirty (30) days written notice of intent to terminate this Agreement.

11. **Notices.** Notices hereunder shall be in writing and sent by certified mail addressed to the parties as follows:

a. **To the City of Mansfield, Ohio**
Attn: Public Works Director
30 North Diamond Street
Mansfield, Ohio 44902

b. **To Ardane R. Miller**
Ardane R. Miller
2000 Springmill Road - RR #3
Mansfield, Ohio 44903

12. **Scope.** This Agreement supersedes all previous agreements on all matters covered herein and constitutes the entire understanding of the parties with respect to the subject matter of this Agreement. This Agreement may be amended only upon mutual consent and written agreement of the parties.

CITY OF MANSFIELD, OHIO, a municipal corporation

By: _____
Louis Andres, Public Works Director _____
date

ARDANE R. MILLER dba DANE'S MARINE

By: _____
Ardane R. Miller _____
date

BILL #24-075

ORDINANCE # _____

BY: MS. BURNS

Authorizing the Public Works Director to enter into an Agreement with Ardane R. Miller to provide campground and boat dock management services at Clearfork Reservoir, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That the Public Works Director be, and is hereby, authorized to enter into an Agreement with Ardane R. Miller to provide campground and boat dock management services at Clearfork Reservoir, a copy of which is attached hereto as Exhibit "A" and made a part hereof as if fully rewritten.

SECTION 2. That in order to enter into said Agreement at the earliest possible time and continue, without interruption, the provision of such conveniences at the Clearfork Reservoir Marina, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus _____ 16 April 2024

1st Reading _____ 7 May 2024

2nd Reading _____

PASSED _____

SIGNED /s/ Phillip E. Scott

President of Council

ATTEST _____

/s/ Delaine Weiner
Clerk of Council

APPROVED _____

/s/ Jodie Perry
Mayor

APPROVED AS TO FORM:

Roeliff E. Harper
Law Director
City of Mansfield, Ohio

AGREEMENT TO MANAGE CLEARFORK CAMPGROUND & BOAT DOCKS

In consideration of the covenants herein contained, the CITY OF MANSFIELD, an Ohio municipal corporation, 30 North Diamond Street, Mansfield, Ohio 44902 (herein referred to as "the City"), and Ardene R. Miller, 2000 Springmill Road – RR #3, Mansfield, Ohio 44903 (herein referred to as "Agent"), agree as follows:

1. The City hereby engages the Agent exclusively to rent, operate and manage the day-today operations at the campgrounds and boat docks located at Clearfork Reservoir (hereinafter referred to as the "Premises"), upon the terms hereinafter set forth for the period of time beginning May 1, 2024 and terminating on December 31, 2026 (herein the "Termination Date").
 - a. Agent shall have the Option to extend this Agreement for two (2) separate Five (5) Year Terms. Agent shall provide written notice of intent to extend the Term within the Sixty (60) days prior to the Termination date.
2. Agent hereby agrees as follows:
 - a. To accept, and hereby does formally accept by its signature below, the management of said Premises for the period and upon the terms herein provided, and agrees to furnish his services for the renting, operating, and managing of said Premises.
 - b. To render monthly statements to the City's Finance Department that reflect the campground and dock rental activity for the previous month. To be included with this statement are copies of campground rental agreements and dock licenses executed and/or granted during the month in question with a corresponding list of the fee assessed and collected or to be collected for each such agreement or license.
 - c. To allow the City to spot check and/or audit his records of campground and boat dock rentals and fees collected.
 - d. To deposit all receipts collected on site for campground rentals and/or docking fees in a designated account at Park National Bank.
3. The City hereby gives the Agent the following authority and powers:
 - a. To display signage indicating the availability for rent of campground sites and boat docks.
 - b. To collect rental fees and give receipts thereof.
4. The City further agrees:
 - a. To advise the Agent in writing of any changes in the campground or the boat dock fees and in the applicable rules and regulations.
 - b. To be responsible for maintenance and repairs at the campground and boat docks. All issues regarding maintenance and/or repairs, or their costs, should be addressed to the Clearfork Operations Manager, Clearfork Reservoir, 2678 Gass Road, Mansfield, Ohio 44904.
 - c. To pay the Agent on June 15th, September 15th, and December 15th, twelve percent (12%) of the gross amount of campground rental fees and boat dock fees collected and/or received by the City for the three (3) month period immediately preceding each payment date.

IN WITNESS WHEREOF the parties hereto have affixed or caused to be affixed their respective signatures this _____ day of _____, 2024.

CITY:

City of Mansfield, Ohio, an Ohio municipal corporation

By: _____
Louis Andres, Public Works Director

STATE OF OHIO)
COUNTY OF RICHLAND)

The foregoing instrument was acknowledged before me this _____, _____, 2024
by Louis Andres, Public Works Director of the City of Mansfield, Ohio, an Ohio Municipal corporation, on
behalf of said Municipal Corporation.

Notary Public

AGENT:

Ardene Miller

STATE OF OHIO)
COUNTY OF RICHLAND)

The foregoing instrument was acknowledged before me this _____, _____, 2024
by Ardene Miller.

Notary Public

**CITY OF MANSFIELD
CLEARFORK RESERVOIR
MARINA DOCKING AND SERVICE RATES**
(Beginning with 2024 Season)

DOCKING	April 15 through November 1	PRICE
Class I	Sail and Power Vessels (Floating Dock)	\$525.00
Class II	Sail and Power Vessels (Floating Dock) Up to 8' wide x 30' long -- electric)	\$715.00
Class 111	Vessels less than 15" in length (Floating Dock)	\$280.00
Class IV	Vessels, other than Catamaran. 14' or Less in length w/o wind shield or Steering. (Shore space)	\$ 90.00
Pump Out	Required to any boat having a holding tank and payable in advance. Self-service. includes fresh water fill-up. Per season.	\$ 80.00
Winter Storage	Boat and/or trailer storage (in the field) October 15 through April 15	\$ 65.00

All docking is subject to classification of dock availability. Docks will be assigned at the discretion of the City of Mansfield

**CITY OF MANSFIELD
CLEARFORK RESERVOIR**
Camping and Marina
419-884-1408

CAMPING RATES

	PRICE
SEASONAL - April 1 to November 1	
Includes water - Does not include electric (Electric is metered)	\$ 1,900.00
MONTHLY	
Includes water - Does not include electric For four (4) people, each additional daily	\$600.00 \$ 5.00
DAILY	
Includes electricity For four (4) people, each additional daily	\$50.00 \$ 5.00
OVERFLOW CAMPING IN FIELD	
(Only available when the campgrounds are full-) Per person, per night Children under 6	\$ 5.00 FREE
Winter Parking storage of camper in campground November 1 - April 1	\$ 140.00
Winter Parking storage of boat and/or trailer in campground October 15 through April 15	\$ 65.00 \$330.00
Floating dock, for boats in the campgrounds for the season. Limit of one (1) dock per campsite. (Only available for season campers.)	

SEASONAL CAMPING AND DOCKING

Existing campers must pay 25% of their total fees no later than November 1 , of each year to secure a camping lot or dock for the following camping season. The balance of any and all other fees will be due no later than April 1. of the current camping season. Any new campers must pay all fees prior to moving into the campgrounds. Any and all fees collected are non-refundable. The camping and boating season will begin April 1. and conclude November 1.