

MINUTES OF LIMA CITY COUNCIL
LIMA, OHIO

March 22, 2021

The Council of the City of Lima met in regular session at 7:00 p.m. via audio/video communication.

Attending were: Mayor David Berger; Tony Geiger, Law Director; Randall Bartels, Auditor; Steven Cleaves, Finance Director; Kari Keener, Dir. of Human Resources; Mike Caprella, Dir. of Utilities; Susan Crotty; Dir. Of DCD; Howard Elstro, Dir. of Public Works; Sharetta Smith, Chief of Staff; Chief Martin; Chief Heffner; and Dana Addis, Clerk.

The invocation was given by Councilor Dixon followed by the Pledge of Allegiance.

ROLL CALL showed the following members present: Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neepor and Nixon.

President Nixon moved, seconded by Wilkerson, to amend the Agenda by adding Megan Fisher to Privilege of the Floor. Motion carried.

PUBLIC HEARING:

President Nixon called to order the Public Hearing to, petitioned for by HD Property Management, LLC and Happy Dayz Realty, LLC. Bob Meredith, Attorney for the Petitioner, explained the petitioner owns the property on both sides of the alley and the alley is seldom used. The Petitioner has property under contract to be sold and the purchasing party requested the alley be vacated as part of the sales contract. He advised there is another public that joins the alley in question and provides ample access for any public traffic. Mr. Meredith explained his understanding is the alley terminates at the south end of the public alley that runs east/west. Discussion was held regarding ownership of the alley after it is vacated and the need for a survey. Mr. Meredith advised he was not at liberty to discuss what is going in the building that is being purchased. There being no one else wishing to speak to the alley vacation, President Nixon closed the Public Hearing.

PRIVILEGE OF THE FLOOR:

Nick Kellis from Lima Youth for Change, updated Council on the upcoming Youth for Change initiatives including the MLK Birthday event. He explained over the next three months, they will be hosting student summits to teach the students film making, giving them a project and also spoken work poetry. He asked Council to support the program by referring students from their wards. He expressed his appreciation to Council.

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Megan Fisher, Ohio State Lima, announced her and three other seniors will be hosting a neighborhood cleanup in the Downtown area. She explained they will have pizza and t-shirts for the first 50 volunteers. She advised they will be following COVID protocols. She encouraged the public to volunteer.

THE FOLLOWING ITEMS WERE PRESENTED ON THE CONSENT CALENDAR:

- a. Minutes of the previous meeting not read since each received a copy.

Gordon moved that items "a" of the consent calendar be received, filed, and approved, seconded by Neeper, motion carried.

THE FOLLOWING COMMUNICATIONS WERE PRESENTED:

1. From the Division of Liquor Control regarding a liquor permit transfer request to Lima Social House, LLC, 207 S. Central Ave. Moved by Thompson, seconded by Wilkerson, that the communication be received, filed and the Clerk authorized to notify the Ohio Division of Liquor Control of no objections. Motion carried.

2. From the Dir. of Human Resources regarding the proposed seasonal scale wage for 2021. Moved by Wilkerson, seconded by Thompson, that the communication be received, filed and authorize the Law Dir. to prepare the necessary legislation. Motion carried.

3. From the Dir. of Community Development regarding legislation to place tax assessments. Moved by Thompson, seconded by Gordon, that the communication be received and filed. Motion carried.

4. From the Dir. of Community Development regarding the Petition by John Heaphy for the Vacation of an Alley off North Street. Moved by Thompson, seconded by Wilkerson, that the communication be received and filed. Motion carried.

5. From the Finance Dir. regarding legislation to amend the 2021 Budget. Moved by Neeper, seconded by Gordon, that the communication be received and filed. Motion carried.

6. From the Dir. of Utilities requesting legislation to pay Calgon Carbon Corporation. Moved by Gordon, seconded by Thompson, that the communication be received and filed. Motion carried.

7. From the Chief Technology Officer regarding legislation to renew the Web Filtering and Internet Traffic Security Subscription with ZScaler, Inc. Moved by Gordon, seconded by Neeper, that the communication be received and filed. Motion carried.

8. From Police Major James Baker regarding the number of police calls for businesses that have a permit to sell alcohol. Moved by Dixon, seconded by Ehora, that the communication be received and filed. Councilor Thompson inquired if there are troubled establishments that she did not see in the report. Chief Martin explained the number of calls for service were down this year much because of closures due to the pandemic and the curfew. He will be surprised if they don't see a spike but it will need to be re-evaluated as they get back to a level of normalcy. Thompson inquired about the Firehouse liquor license status. Tony Geiger advised the Firehouse is open but their liquor license is currently under appeal so they do not currently have a valid license for the sale of alcohol. Motion carried.

9. From the Chief of Police regarding legislation to disburse funds from the Law Enforcement Trust Fund. Moved by Dixon, seconded by Glenn, that the communication be received and filed. Motion carried.

10. From the Chief of Police regarding legislation to enter into contract with Technology Install Partners, LLC. Moved by Dixon, seconded by Wilkerson, that the communication be received and filed. Motion carried.

11. From the City Engineer regarding a FEMA Community Open House Meeting. Moved by Ehora, seconded by Glenn, that the communication be received and filed. Motion carried.

12. From the Dir. of Public Works regarding legislation to enter into contract with JP Management. Moved by Ehora, seconded by Neeper, that the communication be received and filed. Motion carried.

REPORTS OF OFFICIALS:

Derek Stemen, President & CEO of United Way of Greater Lima, gave a presentation on the 2-1-1 Information and Referral Resource. He explained 2-1-1 has been around for nearly a decade, but not housed locally. He expressed the need to improve the service and bring it locally. He explained the different reasons there is a need for the service. Beca Sheidler with Area Agency on Aging 3 expressed the conversation has been happening for years about how to get this service local but funding has always been an obstacle. She explained how funding was secured and the process to implement 2-1-1. She advised Council that 2-1-1 will operate 365 days 24 hours a day. She emphasized the importance of being accredited by the Ohio AIRS and National AIRS. Derek Stemen provided a brief overview of the 2-1-1 website which they hope to launch to the community on July 1st. Discussion was held regarding whether this is the same program that was presented by Dave Adams. Councilor Wilkerson thanked the United Way for putting this resource together. Councilor Thompson thanked them and expressed appreciation that the resource will operate locally and more readily available. (A complete copy of the presentation is on file in the Council office).

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Ric Stolly, Deputy Dir. I of Public Works presented Council with an update on the Urban Forest Council. He explained the whole idea is to create and sustain a healthy tree canopy for the community. He summarized some of the things the UFC has done including continually meeting and exceeding the criteria to remain a Tree City USA, host the Annual Arbor Day Celebration, work with the City and residents on tree plantings, the tree rebate program and the memorial tree program. He announced the Arbor Day Celebration will take place on April 30th at Lima Senior High School.

Ric Stolly, Deputy Dir. I of Public Works presented the Winter Wrap up for the Parks and Recreation Dept. He provided a summary of maintenance performed over the winter. He explained the ECHO program is an after school program to work on the life skills enhancement focusing on behavioral health, arts and music, physical health, academic enrichment and life lessons that kids do not get in text books. He provided an overview of the youth basketball program. He explained it is important to focus on what they were able to do this year rather than what they could not do. He explained they have been looking forward to and have been planning the adult and youth activities for 2021. He explained the pool study is still in its infancy stages and continues to evolve. He summarized some of the work that has been done in the different parks since 2016 including the all-inclusive play area at Lincoln Park. He advised Bear Pit at Faurot Park is next on their list for 2021. He expressed they are continuing to successfully compete for grant dollars and gifts to fund the updates to the playgrounds and parks. He explained these things wouldn't happen without Council's support, an administration with a vision and a highly productive staff that is committed to the effort. Councilor Glenn thanked Ric for all the hard work at Lincoln Park. He inquired about the 4th of July celebration. Stolly advised they are still having conversations about it. Councilor Wilkerson expressed his appreciation for the parks and asked about a maintenance schedule and lifetime of the equipment. Stolly advised each one has their own warranty and they work with the manufacturer to ensure maintenance is performed regularly.

THE FOLLOWING ORDINANCES WERE PRESENTED:

049-21 An Ordinance levying special assessments for property maintenance code charges on premises in the City of Lima, Ohio. Thompson moved, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

050-21 An Ordinance amending the 2021 Annual Budget. Neeper moved, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

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051-21 An Ordinance authorizing the Mayor to enter into contract with JP Management. Ehora moved, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

052-21 An Ordinance authorizing the Mayor to enter into contract with ZScaler, Inc. Gordon moved, seconded by Neeper, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

053-21 An Ordinance authorizing the Auditor to make a payment to Synagro Central. Neeper moved, seconded by Wilkerson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

054-21 An Ordinance authorizing a contract with Hawk Analytics and payment for same from the Law Enforcement Trust Fund. Dixon moved, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

055-21 An Ordinance authorizing the Mayor to enter into contract with Technology Install Partners, LLC. Dixon moved, seconded by Wilkerson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

056-21 An Ordinance to amend Section 244.255 of the Codified Ordinances of Lima, Ohio, concerning pay for the Deputy Fire Chiefs. Wilkerson moved, seconded by Gordon, Dixon moved, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

057-21 An Ordinance vacating an alley connecting North St. and an East/West Alley in the 800 block of North St. Neeper moved, seconded by Gordon, Dixon moved, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

MISCELLANEOUS BUSINESS:

Councilor Dixon congratulated Coach Sean Powell and the Botkins Boys' Basketball team for winning their first District State Championship. He asked for a moment of silence in memory of Mr. John Adams and sent his condolences to the Adams family. He thanked Code Enforcement for handling the issues with trash over the weekend. He said he put in over 100 tickets into See-Click-Fix which some were handled this morning. He reminded residents to make sure they are bagging trash, placing it inside the garbage containers and placing them out on the curb line. He encouraged those having issues to give him a call. He wished everyone a Happy Easter.

Councilor Glenn also congratulated Coach Sean Powell and the Botkins Boys' Basketball team. He expressed his condolences to the Adams family and said they were a big part of the community. He thanked his kids and volunteers who cleaned up litter. He announced a position opening on the Sixth Ward Executive Board. He announced they will be partnering with the Midget League Football team and having a cleanup in the Sixth Ward. He will not be having an Easter egg hunt this year due to COVID but there are other services available for those who sign up. He will need more volunteers for the Rent-a-Kid program. He said the house repair program has 8 committed with a goal of 15. He wished everyone a Happy Easter and encouraged everyone to get the vaccine.

Councilor Neeper said there was a tremendous showing from basketball teams and wrestling throughout Northwest Ohio this year. He congratulated them all in their efforts. Neeper moved, seconded by Dixon, to authorize a Resolution Memorializing Retired Firefighter Larry Inskip. Motion carried. Chief Heffner thanked Council for the recognition. He wished everyone a Happy Easter and asked everyone to continue to distance. He reminded everyone to be careful while driving because kids are out playing.

Councilor Gordon said he was impressed by the 2-1-1 program and he is thankful for those putting the work into the program. He said the issue with trash blowing everyone is getting horrible and he would like to see what can be done for enforcement. Mike Caprella, Utilities Dir., said a problem is the cans are often left at the curb and trash isn't being bagged. He agrees enforcement will need to be looked at as this is in the City Code. He doesn't have Police Dept. within the Utilities Dept. that can ticket residents, but he explained they can look into other things that can be done such as educate constituents and get enforcement out. Rumpke is preparing a letter to residents to give them information on trash pickup. Gordon requested Caprella keep Council updated. He wished everyone a Happy Easter and reminded everyone to be good to each other.

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Councilor Wilkerson moved, seconded by Glenn, to authorize a Resolution be prepared in support of the PRO Act. He explained the legislation is to empower unions and encourage people to participate in joining union activities. President Nixon requested additional information be provided to Council prior to voting. Motion carried. He reminded everyone to continue to mask up and wash their hands. He encouraged everyone to vaccinate. He reminded those walking dogs to pick up the waste. He explained Lenten season is coming to an end in preparation for Easter. He asked everyone to be caring and compassionate for each other. He said now is a good time to heal and to step away from hate and work towards togetherness. He wished everyone a wonderful Easter.

Councilor Thompson announced the Lima Mayoral Candidate Forum is Tuesday starting at 5:30 pm at the Civic Center. She announced the central Lima Neighborhood Association will be meeting Wednesday at 6:30 p.m. and the link is posted on Facebook. She thanked Ms. Fisher for promoting the We Love Lima Cleanup and advised the link to register will be on the Central Lima Neighborhood Association Facebook Page. She reminded people to remember to wear a mask and wash their hands. She encouraged residents to get the vaccination. She wished her husband a Happy Anniversary and thanked him for loving her. She reminded everyone to be honest, brave, kind and don't forget to have fun.

Councilor Ehora reiterated how important it is to take precautions and thanked the community for the wonderful job of distributing vaccines including Philipian Missionary Baptist Church. She encouraged people to get on the vaccination list because they are making calls. She said when tournament time rolls around everyone in the community roots for everyone. She explained she has been asking questions around candidate's residency and the Board of Elections Hearing. She said as a Councilor and citizen, she should be comfortable with the election process. She explained she started her inquiry with the Board of Elections where she was told if she wanted a transcript of the hearing that was held on March 4th to determine a candidates qualifications that it would cost her \$345.00 and the materials presented at that hearing were not available as public documents. She was told she could obtain documents presented at the hearing from hearing participants but the County Prosecutor's Office determined they were not public documents. She advised late this morning, the Board of Elections reach out to her to say they the Prosecutors Office reversed their decision and they forwarded them to her as she originally requested. She explained her and Tony Geiger had conversations about what determines eligibility of candidates for City Offices and who interprets the Charter, what the requirements for elected City officer holders are, what criteria was used to determine residency when the issue of residency has come up in the past and was Mr. Geiger consulted by the Board of Elections, was he involved in the hearing or given the opportunity to review the evidence, and does Council have the authority to hold their own hearings. She explained the questions surrounding this issue are ones of election integrity and principal not partisan politics. She explained if the Charter is not clear, then steps needed to be taken to eliminate the gray areas. She would say that although all past City Council and Law Department discussions and decisions regarding the term residence has been interpreted to mean the place where you live, these issues set precedence and her preference would be that the City of Lima does not relinquish the interpretation and authority over their Charter to the County or anyone else. Ehora moved, seconded by Glenn, requesting the City of Lima Law Director investigate and


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verify the qualifications for any candidate in question for the office of Mayor or any other in the City of Lima to determine if they were electors or residents six (6) months prior to the petition deadline as required by the Charter and report back to Council. President Nixon asked for clarification that the motion is for the Law Dir. to provide Council with a report. Ehora confirmed. She explained in her opinion, it's the City Charter interpretation yet the City hasn't spoken as it has all been interpreted and spoken through the Board of Elections and the County Prosecutor, so she is asking for the City to respond. She advised her and Tony Geiger have had conversations about some measures that can be taken through Ordinance to determine factors for residency if it's not clear, without changing the Charter. Motion carried. She wished everyone a Happy Easter.

Councilor Glenn thanked Jamie Dixon for the work he did on the residential assistance program Ordinance that was passed last week.

President Nixon moved, seconded by Wilkerson, to refer the proposed Downtown Square Roundabout Project to Council of the Whole. Motion carried.

Gordon moved that Council adjourn until April 5, 2021 at 7:00 p.m., seconded by Neeper, motion carried.


Dana Addis, Clerk


John G. Nixon, President