

MINUTES OF LIMA CITY COUNCIL
LIMA, OHIO

September 12, 2022

The Council of the City of Lima met in regular session at 7:00 p.m.

Attending were: Mayor Sharetta Smith; Tony Geiger, Law Director; Randy Bartels, Auditor; Steven Cleaves, Finance Director; Sheena Conley, Deputy Finance Director; Susan Crotty; Dir. Of Housing & Neighborhoods; Carmillia Zion, Deputy Dir. of Housing & Neighborhoods; Amber Martin, Workforce & Small Business Dev. Coordinator; Della Bradford, Dir. of Human Resources; Mike Caprella, Dir. of Utilities; Kirk Niemeyer, Dir. of Public Works; Police Major Holman; Chief Heffner; and Dana Addis, Clerk.

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

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

Councilor Gordon moved, seconded by to amend the Agenda by moving Joe Braden to Reports of Officials and to add Dave Smith, Robert Devita and Kyle Benroth under Privilege of the Floor.

PUBLIC HEARING:

President Nixon called to order the Public Hearing for the vacation of an alley between the 700 block of N. Main Street and the 600 block of N. Elizabeth St. – Petitioned for by Michael Bullock of MSB Investments Lima, LLC. There being no one wishing to speak to the alley vacation, President Nixon closed the Public Hearing.

PRIVILEGE OF THE FLOOR:

Larry Briggs, 2630 Stoneywood Drive, addressed the issue of stray cats in the City and surrounding areas. He explained he and his wife have spayed or neutered a minimum of 77 stray cats. He advised he was told there was a certain amount of money allocated by the City to handle the stray cat issue. He inquired about utilizing the funds the city has set aside and initiate a program to work towards a solution.

Dave Smith, 515 W. Ashwood Ave., addressed the responsibility of the City for replacement of demolished housing. He referred to a provision in the Citizens Participation Plan which is on the Agenda to be considered by Council. He referred to an email he received from Mayor Smith in response to his request for information. He asked for clarification on how it is determined that demolished homes are owned by low income individuals.

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Robert DeVita, 519 Fairfield Drive, explained his concern is the swimming pool. He asked if there is a Committee for the swimming pool and if there is a financial advisor on the Committee? He explained not knowing where operating costs are truly coming from is not the way to start the project. He advised he is not in favor of another tax to rectify something that should be squared away from the very beginning. He inquired about a noise ordinance for the City and whether it is enforceable. He expressed his understanding that there are two absences of Councilors to be paid without Council approving payment. He recommended Council not pay members who are not in attendance.

Kyle Benroth, 1440 Bellefontaine, advised he is an owner of Maxx Box and was just informed the day prior that the City anticipates on voting on an Ordinance addressing storage pods. He had some concerns about the language and asked that the Ordinance be extended so they could give their input. He addressed concerns including the time frame and the size of the containers and thought there could be additional considerations. Mayor Smith advised the administration would not oppose putting the legislation on a second reading and addressed his concerns.

THE FOLLOWING ITEMS WERE PRESENTED ON THE CONSENT CALENDAR:

- a. Minutes of the previous meeting not read since each received a copy;
- b. Bd. of Health Minutes of July 8, 2022.

Gordon moved that item “a” of the consent calendar be received, filed, and approved and that item “b” be received and filed, seconded by Wilkerson, motion carried.

THE FOLLOWING COMMUNICATIONS WERE PRESENTED:

1. From the Division of Liquor Control regarding a liquor permit transfer request for 717 N. Jackson Street. Thompson moved, seconded by Neeper, to receive, file and authorize the Clerk to notify the Ohio Division of Liquor Control of no objections. Motion carried.
2. From the Mayor regarding legislation to require a permit for the temporary storage of PODS on residential property.
3. From the Auditor regarding legislation to accept the amounts and rates as determined by the Allen County Budget Commission and authorizing the necessary tax levies.
4. From the Auditor regarding the contract labor report for August, 2022.
5. From the Finance Dir. regarding legislation to amend the 2022 budget.

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6. From Police Chief Cortes regarding the disbursement of funds from the Local Asset Forfeiture fund.
7. From the Dir. of Public Works regarding legislation to accept and expend grant funds from the Ohio Department of Natural Resources.
8. From the Dir. of Public Works regarding legislation to accept and expend grant funds from the Ohio Department of Natural Resources for the Schoonover Observatory Project.
9. From the City Engineer regarding legislation to enter into contract with R.B. Jergens Contractors, Inc.
10. From the City Engineer regarding legislation to submit applications to the Ohio Public Works Commission requesting State Issue I funds.
11. From the City Engineer regarding legislation to transfer a lot being part of a vacated alley in Sandford's 1st addition from the City of Lima to Lima City Board of Education.
12. From the City Engineer regarding the purchase of survey equipment from Leica Geosystems, Inc.
13. From the Dir. of Utilities regarding legislation to bid and award a contract for the removal of lime from the sludge lagoons at the Water Treatment Plant.
14. From the Dir. of Utilities regarding legislation to enter into an agreement with Jones and Henry Engineers, Ltd.
15. From the Dir. of Utilities regarding legislation to enter into an agreement with Pelton Environmental Products.
16. From the Dir. of Utilities regarding legislation to enter into contract with Calgon Carbon Corporation.
17. From the Dir. of Utilities regarding legislation to apply for and accept if awarded a loan from the Ohio Water Development Authority.

Councilor Dixon moved, seconded by Neeper, that Communications No. 2 through 17 be received, filed, approved and authorize the Law Dir. to prepare any necessary legislation. Motion carried.

PETITIONS:

Petition for the Vacation of 2 alleys between the 300 blocks of S. Jameson Avenue and S. Charles Street – Petitioned for by Josh Unterbrink. Glenn moved, seconded by Wilkerson, that the petition be received and filed; that the Law Director prepare the necessary legislation; that the Clerk cause publication of the legal ad and notify abutting property owners of the Public Hearing to be held on October 24, 2022 at 7:00 p.m. Motion carried.

REPORTS OF OFFICIALS:

Joe Braden with the Ohio Auditor of State's Office presented the City of Lima with the Auditor of State Award with Distinction. He explained the Auditor of State Award is presented to local governments and school districts upon the completion of a financial audit that meet certain criteria and a clean audit report. He recognized the City Council and the Mayor along with Randy Bartels and Sue Odenweller for their commitment to fiscal integrity. Randy Bartels emphasized the award is not just for the Auditor's office and everyone played a role because open meetings and public records are a big part of the award. He recognized Sue Odenweller, Chief Deputy Auditor, who lives and breathes the Annual Comprehensive Financial Report and made the award possible.

Ric Stolly, Deputy Dir. of Parks, Recreation and Forestry, provided Council with a summer recap for the Parks Department. He explained the numbers are at or exceed pre-covid numbers which the Department is happy with. He further explained they plan to grow their programs back based on quality vs. quantity. He advised the playground program had close to 300 individuals participate each week. He pointed out some of the key highlights for the summer were the Bear Pit Playground dedication, the return of Star Spangled Spectacular and adult volleyball, and the addition of eight pickle ball courts on Collett Street. He advised the youth tennis program had over 130 kids attend and the youth softball/baseball program had 78 teams participate. The Adult Softball program had over 220 games played and 31 different teams participated. He explained Dances with the Park has continued and the Concerts in the Park brought in over 2400 people. The Parks Department was happy to be a part of the Juneteenth event held in the square which had approximately 3,000 participants. The Lima Locos brought in over 7,100 folks and finished #2 in the league. He explained the goal of the department is to increase the numbers and also increase the programming alternatives that are offered. The Parks staff also maintains over 380 acres of land which they are still mowing like crazy. He recognized the Parks Department staff who are highly motivated individuals. He announced Trick or Treat will be held on Thursday, October 27, 2022 from 6:00 pm to 8:00 pm.

REPORTS OF COMMITTEES:

Councilor Glenn reported that the Neighborhood Concerns Committee met on August 24, 2022. All members have received a copy of the committee report. Glenn moved, seconded by Wilkerson, that the report be received, filed and approved. Motion carried.

THE FOLLOWING ORDINANCES WERE PRESENTED:

178-22 (SECOND READING) An Ordinance adopting an amended Citizen Participation Plan. Thompson moved, seconded by Dixon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

184-22 An Ordinance amending the 2022 Annual Budget. Neeper moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

185-22 An Ordinance authorizing the Mayor to enter into contract with Pelton Environmental Products for aeration tank diffusers for the Utilities Department. Gordon moved, seconded by Wilkerson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

186-22 An Ordinance authorizing the Mayor to enter into contract with Calgon Carbon Corporation for the regeneration of granular activated carbon for the Utilities Department. Gordon moved, seconded by Wilkerson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

187-22 An Ordinance authorizing the Mayor to apply for, and, if awarded, accept a loan from the Ohio Water Development Authority for the Utilities Department. Gordon moved, seconded by Wilkerson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

188-22 An Ordinance authorizing the Mayor to enter into contract with Jones & Henry Engineers, Ltd. Gordon moved, seconded by Wilkerson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

189-22 An Ordinance authorizing the Mayor to advertise for bids and enter into contract for the removal of lime from the sludge lagoons at the Water Treatment Plant. Gordon moved, seconded by Wilkerson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

190-22 An Ordinance vacating an alley between the 700 block of North Main Street and the 600 block of North Elizabeth Street. Thompson moved, seconded by Dixon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

191-22 An Ordinance enacting Chapter 1830 of the Codified Ordinances of Lima regarding portable on demand storage units. Neeper moved, seconded by Thompson, to place the Ordinance on a second reading. President Nixon expressed his appreciation to Mr. Benroth for speaking on this Ordinance. He explained the intent of the Ordinance is to prohibit the use of those units as long term storage units that never go away and he is in favor of putting it on a second reading. Motion carried.

192-22 An Ordinance authorizing the Mayor to accept and expend grant funds from the Ohio Department of Natural Resources for the Schoonover Observatory Project. Thompson moved, seconded by Glenn, that the ordinance be passed on the first reading. Councilor Gordon expressed his support for this project. President Nixon inquired about the specifics of the projects. Kirk Niemeyer advised the general scope of the projects is both building improvements and site improvements including security. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

193-22 An Ordinance authorizing the Mayor to accept and expend grant funds from the Ohio Department of Natural Resources for the Greater Lima Region Park and Amphitheater – Phase II. Wilkerson moved, seconded by Dixon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

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194-22 An Ordinance authorizing the Mayor to transfer a lot begin part of a vacated alley to the Lima City Board of Education. Glenn moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

195-22 An Ordinance authorizing the Mayor to enter into contract with RB Jergens Contractors, Inc. Glenn moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

196-22 An Ordinance authorizing the Mayor to submit up to three applications to the Ohio Public Works Commission requesting State Issue I Funds. Wilkerson moved, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

197-22 An Ordinance accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies, and certifying them to the County Auditor. Neeper moved, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

198-22 An Ordinance providing for the issuance and sale of \$111,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying the property owners' portion, in anticipation of the levy and collection of special assessments, of the costs of constructing sidewalks at various locations in the City, together with all necessary appurtenances thereto, in the manner provided in Resolution No. 008-22 and Ordinance No. 149-22. Neeper moved, seconded by Glenn, that the fiscal officers certificate be received, filed and approved. Neeper moved, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Dixon, Glenn, Neeper, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

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MISCELLANEOUS BUSINESS:

Councilor Gordon recognized the Auditor's Office for receiving the Award of Distinction. He explained the City has a tremendous group of financial people. He explained he is appreciative of Mr. Benroth for speaking up with his concerns on the storage pods. He thanked the Mayor and Ric Stolly for the pickle ball courts. He explained the City of Lima is blessed to have an observatory and he is glad the City is taking care of it. He reminded people to be good to each other.

Councilor Wilkerson addressed Mr. Briggs and thanked him publicly for a past experience that touched him in his youth. He recited James 1:19.

Councilor Thompson thanked Mr. Briggs for what he is trying to do and advised his concerns have not fallen on deaf ears and the City is looking into how the situation can be handled. She announced the Central Lima Neighborhood Association will meet on September 28, 2022 at 300 W. Market Street. She explained last year the City hosted TEDx Faurot Park and encouraged the public to attend on October 1, 2022 at 9:00 am. She asked everyone to be kind to each other and be a part of the community.

Councilor Dixon announced the Safety Services Committee will be meeting on Monday, September 19, 2022 at 6:00 p.m. in Council Chambers. He announced the Peacemaker's Neighborhood Association will not meet in September and will reconvene in October. He thanked Fire Chief Heffner and his crew for their services to the community and referenced an accident that happened over the weekend in which the Fire Department aided. He referenced an email that happened to fall into the inbox of City Council. He expressed his sadness that there are individuals who come to meetings regularly and seem concerned about issues in the community but the backside conversations are counterproductive to moving the City forward. He further expressed his sadness that there are individuals who are bitter over an election and bitter over who sits in the Mayor seat. He looks at those individuals differently and expressed we need to make sure we treat each other the way one wants to be treated. He further expressed the importance of working together for the greater good of those in the community. He asked the individuals who are in the made up groups whose agenda is to bash the Administration and Council, to stop. He advised those who don't like what they are trying to do in the City are welcome to leave. He further referenced language in an email which he described as counterproductive. He said it is better to work together and referenced a project that happened over the weekend that showed what a community looks like. He asked everyone to unite and be better together.

Councilor Glenn thanked Councilor Dixon for his comments and expressed the need to come together and not talk about the City and its officials. He explained Lima is doing better than other communities. He expressed the need for a pool in the City of Lima as residents of Lima are not welcome in the neighboring communities. He said he's here to make the City better and will continue to try his best to do so. He announced the Martin Luther King Neighborhood Association

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will be holding a clean-up on September 24th at Martin Luther King Park. He thanked Mr. Briggs for speaking. He explained the “Neighbors Helping Neighbors” program is over for the year and he appreciates all of the volunteers. He thanked the Sewer Department. He thanked Ric Stolly for his presentation. He said he gets excited when he sees the motivational emails from the Human Resources Department.

Councilor Neeper recognized the Auditor and the Chief Deputy Auditor for their award. He expressed the importance of the department and how easy the Department is to work with. He remembered 9/11 and recognized the men and women who lost their lives on that day. He explained there are still health issues the workers are dealing with that are dated back to what happened on that day.

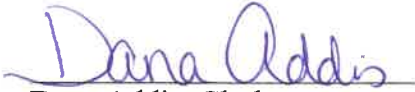
President Nixon advised exactly 21 years ago is what this Country needs today because the way we were on September 12th is what we need to be today. He clarified that Council does not engage with speakers during Privilege of the Floor. He advised Mr. Briggs his concerns are well heard and appreciated. He further advised Mr. Briggs that the issue of stray cats has been in Committee no less than three times during his tenure and there has been a partnership with the Humane Society to the tune of \$10,000 which he believed had no results. He doesn't know if there is a real answer that will significantly reduce the stray cats but they will work with Administration to come up with a plan. He cited the section of Lima City Charter regarding the absence of Council members from regular meetings of City Council. He explained the Schoonover Observatory received a grant because the land is owned by the City of Lima and the City has the responsibility to make sure that the grant funds are expended properly and are within the guidelines of the Ohio Dept. of Natural Resources. He pointed out there are individuals that come to Council to speak under Privilege of the Floor repeatedly inquiring about the annual funding it will take to operate the proposed new pool. He explained, much like the observatory, there are pieces of the process that are under discussion and being worked on so those definitive answers are not available and will probably not be available with precision for the next several weeks. He advised the City has an Administration whose job it is to make sure they can fund the pool and when the information is available, the Mayor will gladly give Council the details which Council will then vote on. He clarified to Mr. Smith that HUD funds have been received, expended and used by the City of Lima for a very long time and they absolutely follow the rules. He advised the City has never had a bad audit from HUD nor the Auditor's Office. He referenced Mr. Smith focusing on one paragraph of the HUD requirements for demolition and pointed out that Mr. Smith does not want to accept the answer that the City follows the rules. He stressed to Mr. Smith that his emails are found to be annoying and tying up a very inordinate amount of the administration's time that could be used to work on other projects. He advised Mr. Smith if he decides to continue in that vein, he knows what Mr. Smith is trying to do and will disregard his emails. He commented it is frustrating because Mr. Smith had the answer to his question on Friday and still belabored the question this evening. He congratulated the Auditor the explained their work is very much appreciated.

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Gordon moved that Council adjourn until September 26, 2022 at 7:00 p.m., seconded by Wilkerson, motion carried.



John G. Nixon, President



Dana Addis, Clerk