

MINUTES OF LIMA CITY COUNCIL
LIMA, OHIO

February 26, 2018

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

Attending were: Mayor David Berger; Tony Geiger, Law Director; John Payne, Deputy Law Director; Randall Bartels, Auditor; Steven Cleaves, Finance Director; Vince Ozier, Dir. of Human Resources; Susan Crotty; Dir. of DCD; Mike Caprella, Dir. of Util.; Howard Elstro, Dir. of Public Works; Chief Martin, and Dana Addis, Clerk.

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

ROLL CALL showed the following members present: Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper and Nixon.

THE FOLLOWING RESOLUTIONS WERE PRESENTED:

Memorializing the late Alexander Dalzell "Sandy" MacDonell, Jr. outstanding Lima citizen, and extending condolences to his family. McLean moved, seconded by Glenn that the Resolution be adopted on the first reading. Glenn stated that he knew Sandy as a child. He remembered Sandy always gave him candy when he would see him at church. Sandy gave him a quiz on Martin Luther King Jr day. He stated Sandy was a pioneer in our city and was always dedicated to the City of Lima. Nixon stated that there were not enough words to describe what he thought of Sandy. He stated Sandy was a scion of our community and was a gentle man who he felt comfortable around. He stated Sandy made many contributions to this community and will be missed. He stated that the Resolution was just a small token of his appreciation of Sandy. The following vote was recorded on the Motion: Yea, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon, Gordon and McLean. Nay, none. The Chair declared the motion carried and the Resolution was adopted on the first reading by an 8-0 vote. President Nixon presented the Resolution to Martha MacDonell. Sandy's son thanked the council on behalf of his family. He stated that it was an honor and his family will do their best to carry on and continue to be devoted to the City of Lima.

PUBLIC HEARING:

President Nixon opened the Public Hearing for the Change to Chapters 1240 and 1252 of the Codified Ordinances to the City of Lima, Ohio. This was initiated by the City of Lima. President Nixon read the call. There being no one wishing to speak to the change, giving three opportunities to speak, President Nixon closed the public hearing.

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President Nixon opened the public hearing for the rezoning of two parcels at 1923-1929 Allentown Road. This was initiated by Donald S. Unruh. President Nixon read the call. There being no one wishing to speak to the change, giving three opportunities to speak, President Nixon closed the public hearing.

PRIVILEGE OF THE FLOOR:

Sarah Helton spoke on behalf of the Urban Forest Council. She stated that the mission of the Urban Forest Council is to ensure the City of Lima's public trees can be enjoyed by generations to come by engaging the community and aiding its leaders in the planning and maintenance of our urban forest. She stated that their current programs are annual Arbor day celebrations with local elementary schools, Lima's champion tree project, annual tree fest which is a community family event and many other programs. She stated that their goals are to inspire and educate the public, be known to the public and city leaders as an active group, establish fundraising account for future funding and bring in new active members. She stated they want to bring in new members and make connections within the city.

Tim Callahan from Callahan's bar on Spring Street spoke regarding the Council not approving his application for liquor license. He stated that he spoke to his attorneys and they recommended that he speak at the council meeting. He stated that he owned Callahan's bar for 6 years and has had no problems. He stated he is in the process of getting everything worked out but that he is to blame for losing the permit but will not make the mistake in the future. He asked council for reconsideration of his application.

Jae Howard spoke in regards to how the Lima Police Department treats citizens when being stopped. He stated he is 32, father of 4 and is a Lima Senior Graduate who works. He is starting to get upset with the handling of LPD during the evening and late shift. He stated that he is not saying all police are bad as he knows a few police officers personally. He stated that he only has driving infractions and when he is pulled over for something small like a turn signal, next thing he knows there are 6-7 police cars and drug dogs walking around the car. He stated there is no respect when stopped. He stated he has no record of drug charges. He stated his mom is an OSU grad and that he didn't have a hard life and never lived in the streets. He said he has been arrested but only went to county and is treated like a thug. He stated he had a noise violation in 2008 and he was hit in the head with a flashlight by LPD. He stated he believes LPD has something against him. He stated he was charged with a felony for that instance and Steve Chamberlain was his public defender and requested that the charges be dropped. President Nixon interrupted and advised him that the three minutes was up. Jae stated that on Feb. 5th, 2018 he was driving outside of his driving privileges and was pulled over for a turn signal violation. He stated that there were 5-6 cop cars and the LPD searched his vehicle even though he was against the search. The next day he was told by someone that they heard his name come over the scanner and he was described as coming from a drug-known home and that he likes to hit police.

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Ray Magnus spoke on behalf of the NAACP and as a tax paying citizen of Lima. He stated he wants Lima to be a place to do business, socialize, work and raise a family and some people feel that is not being done. He stated in order for Lima to be safe and prosperous, the citizens need to work in collaboration with the LPD. He stated certain segments of our city feel like they are being abused by some members of the LPD and there is mistrust by citizens of the LPD. He stated that the NAACP is asking that anytime a complaint of the LPD using excessive force or abuse of authority is received, an outside investigator should investigate the complaint. He stated this will or should be an unbiased investigation and should be completed in a timely manner and be transparent. He asked that his proposal be put into the city council committee for a public forum. He stated this will hopefully stop the perception of an unfair investigation when police investigate themselves. He stated perception eventually become reality and we want to stop that.

Ada Mason spoke as a compassionate animal person who has lived in Lima her whole life. She stated that the council should consider a weather ordinance. She stated it is disgusting how dogs are treated and it is not the dogs fault, it is the fault of the human raising it. She stated it is unacceptable how dogs are left outside. She stated any breed that resembles a pit bull is targeted. She stated she is scared to walk her pit bull for fear of being targeted. She stated her dog is always muzzled, has a license and insurance policy in place. She stated no one will take action on the abuse towards dogs. She stated that "pit bull" is not even the breed's name and that the city should reconsider the breed specific ordinance.

THE FOLLOWING ITEMS WERE PRESENTED ON THE CONSENT CALENDAR:

- a. Minutes of the previous meeting not read since each received a copy.
- b. Treasurer's Report for the month of January.
- c. Allen County Board of Health Meeting Minutes.
- d. Board of Building Appeals Minutes.

McLean moved that item "a" of the consent calendar be received, filed, and approved and that items "b-d" be received and filed, seconded by Gordon, motion carried.

THE FOLLOWING COMMUNICATIONS WERE PRESENTED:

1. From the Dir. of Util. regarding legislation to enter into contract with American Electric Power. Moved by Gordon, seconded by McLean, that the communication be received and filed. Motion carried.

2. From the Dir. of Util. regarding legislation to purchase parts and labor from Ovivo USA, LLC and for labor to be provided by Peterson Construction. Moved by Gordon, seconded by McLean, that the communication be received and filed. Motion carried.

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

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4. From the Dir. of Fin. regarding legislation for the 2018 budget. Moved by McLean, seconded by Gordon, that the communication be received and filed. Motion carried.

5. From Chief Martin regarding legislation to dispose city surplus through govdeals.com. Moved by Glenn, seconded by Dixon, that the communication be received and filed. Motion carried.

6. From Chief Martin regarding legislation allowing the Lima Police Dept. to de-asset old computer equipment. Moved by Glenn, seconded by Dixon, that the communication be received and filed. Motion carried.

7. From Chief Martin regarding legislation to enter into contract with Reineke Ford Lincoln of Lima. Moved by Glenn, seconded by Dixon, that the communication be received and filed. Motion carried.

8. From the Dir. of Comm. Dev. regarding legislation to implement a 6 month moratorium on the permitting and construction of new telecomm and wireless telecomm towers. Moved by Thompson, seconded by Gordon, that the communication be received and filed. Motion carried.

9. From the Dir. of Public Works regarding legislation to grant easement to the East Ohio Gas Co. dba Dominion Energy Ohio. Moved by Neeper, seconded by Glenn, that the communication be received and filed. Motion carried.

10. From the Dir. of Public Works regarding legislation for emergency purchase of salt from Midwest Salt. Moved by Neeper, seconded by Glenn, that the communication be received and filed. Motion carried.

11. From the Deputy Law Director regarding legislation to amend City Income Tax Code. Moved by Kreher, seconded by Thompson, that the communication be received and filed. Motion carried.

12. From the Dir. of Hum. Res. Requesting legislation to enter into contract with FOP Blue, Units B, C, D&E. Moved by Kreher, seconded by Glenn, that the communication be received and filed and the Law Director be authorized to prepare the necessary legislation. Motion Carried.

THE FOLLOWING ORDINANCES WERE PRESENTED:

023-18 (Third reading) Authorizing the Mayor to enter into contract with West Central Ohio Code Consultant, LLC. Neeper moved, seconded by Glenn, that the ordinance be passed on the third reading. Glenn asked Howard Elstro if this will be a civil service job. Elstro responded

that they took the necessary steps and requested that civil service look at the position. Glenn responded that he just wanted to make sure that was the case. The following vote was recorded on the motion. Yea, Thompson, Dixon, Glenn, Nixon, Gordon. Nay, Kreher, Neeper, McLean. The Chair declared the motion carried and the ordinance passes on the third reading by a 5-3 vote.

030-18 Levying Special Assessments for property maintenance code charges. Thompson moved, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

031-18 Establishing the Budget for the City of Lima for the fiscal year ending December 31, 2018. McLean moved, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

032-18 Authorizing the Mayor to enter into contract with Clemans, Nelson & Associates. Kreher moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, Thompson, Kreher, Dixon, Neeper, Nixon. Nay, McLean, Glenn. The Chair declared the Motion carried and the ordinance passes on the first reading by a 6-2 vote.

033-18 Establishing a six-month moratorium on the permitting and construction of new telecomm and wireless telecomm towers. Thompson moved, seconded by Glenn, that the ordinance be passed on the first reading. McLean stated that he thinks it is a good idea for them to look over this and ask themselves if they would want large towers by their home. Glenn stated that it's 6 months to let people know about it. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

034-18 Authorizing the Mayor to enter into contract with Reineke Ford Lincoln of Lima. Moved by Dixon, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

035-18 Authorizing the Mayor to enter into contract with govdeals.com to dispose of surplus property. Moved by Glenn, seconded by McLean, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, 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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036-18 Authorizing the Mayor to dispose of miscellaneous police department computer equipment, servers, VCR's and printers. Moved by Glenn, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

037-18 Authorizing the Mayor to enter into contract with Midwest Salt for the purchase of rock salt. Moved by Neeper, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

038-18 Authorizing the Mayor to grant an easement to the East Ohio Gas Company dba Dominion Energy Ohio. Moved by Neeper, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

039-18 Authorizing the Mayor to enter into contract with Ovivo USA, LLC. Moved by Gordan, seconded by McLean, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

040-18 Authorizing the Mayor to enter into contract with Peterson Construction. Moved by Gordan, seconded by McLean, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

041-18 Authorizing the Mayor to enter into a Contribution-in-Aid-of-Construction Agreement with American Electric Power. Moved by Gordon, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

042-18 Accepting a Petition for Annexation of approximately 24.438 acres of real estate in Bath Township. Moved by Dixon, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, 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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043-18 Amending the City Zoning Map to Class I Retail for two parcels located at 1923-1929 Allentown Road. Moved by Neeper, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Neeper, Nixon. Nay, Glenn. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-1 vote.

044-18 Amending Section 1240.01 of the Codified Ordinances of Lima, Ohio, concerning words and phrases defined. Moved by Kreher, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Neeper, Nixon. Nay, Glenn. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-1 vote.

045-18 Amending Section 1252.01 of the Codified Ordinances of Lima, Ohio, concerning Class I Business District. Moved by Kreher, seconded by Thompson, that the ordinance be passed on the first reading. McLean asked John Payne to clarify the amendment. Payne stated that it is adding an additional use. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Neeper, Nixon. Nay, Glenn. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-1 vote.

046-18 Enacting Sections 880.21 through 880.36 of the City Income Tax Code to comply with Sections 718.80 through 718.95 of the Ohio Revised Code. Moved by Kreher, seconded by Thompson, that the ordinance be passed on the first reading. McLean stated that the state is trying to take away the city's ability to collect municipal tax. McLean advised to not pay taxes late and that this is so the city will still be able to maintain their own taxes and distribute their own taxes. Nixon asked Tony Geiger if there was any downside. Tony responded that the city will not be able to collect locally. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

047-17 Amending Section 880.07 of the Codified Ordinances of the City of Lima to be consistent with Section 718.08 of the Ohio Revised Code. Moved by Kreher, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, Nixon. Nay, None. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

048-17 Amending Section 880.10 of the Codified Ordinances of the City of Lima to be consistent with Section 718.27 of the Ohio Revised Code. Moved by Kreher, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper, 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 Thompson stated that her background is from Canton and Cleveland. She stated she has faith in law enforcement. Thompson stated that her brother was a victim of police harassment and later became an officer. Thompson stated that we need to keep an open mind and heart and that we need the police. Thompson wanted to thank Mr. Callahan for coming forward and stated that she has developed a relationship with Mr. Callahan since he is a business owner in her ward. Thompson stated that the Central Lima Neighborhood Association is meeting on March 21, 2018 at 6:30 at Heritage. Thompson also thanked Autumn Swanson.

Councilor Kreher thanked Autumn Swanson and stated that it was a good block patrol meeting on Saturday. Kreher encouraged people to join and partner with the Block Patrol so they can be able to get to know people and build relationship. Kreher stated the next Block Patrol meeting will be April 7th from 6-7:30 pm at the LACNIP Resource Center and that would be a good time to be present and ask questions. Kreher said she is grateful for each person here and that this is when things start to happen. Kreher stated that this is how we can hear concerns and how we can make a change. Kreher thanked Clerk Sally Clemans and said this is not goodbye.

Councilor Dixon stated that he and Councilor Kreher were able to be a part of a Lima Police Dept. simulation which he was glad to be a part of and thanked the Lima Police Dept. for having them. Dixon thanked the residents for coming to the meeting. Dixon told Jae Howard that he had a phenomenal speech and that he was glad to hear other African Americans speak and be passionate. Dixon stated that the Lima Police Dept. would take the heat if more people would speak. Dixon thanked Ada Mason for speaking and said she was very passionate and glad she spoke the truth.

Councilor Glenn spoke about the 6th Ward Paint Program and advised the program is not just for the 6th ward that they will work outside of the ward also. Glenn stated that civil service is important to get rid of temp services. Glenn told Howard Elstro to get the job filled and stated that we cannot give retired people jobs, we want our children to have jobs also. Glenn stated that they are trying to get a neighborhood association again by the Lima Towers and that they are using a scholarship to pay for members. Glenn moved to put into Safety Services Committee, the issue of hiring an outside independent body to investigate the Lima Police Department when complaints are received, seconded by McLean. Motion carried. Safety Services Committee will meet on the subject matter on March 5, 2018 at 6pm in the City Council Chambers. Glenn stated that there are good police officers out there and that they need to work on getting more minorities to enroll at Rhodes State.

Councilor Neeper stated that he agrees with Glenn and that we need to look further into the investigation process of the Lima Police Department. Neeper stated that he is looking forward to the Central Lima Neighborhood Association growing. Neeper thanked Ada Mason for speaking and agreed that there are no bad pets just bad owners who teach the bad behaviors.

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Councilor Gordon thanked Council Clerk Sally Clemans and stated that she is the glue that holds us together. Gordon stated that Sally is important to him and he will miss her. Gordon stated to remember be good to each other.

Councilor McLean stated that he will miss Council Clerk Sally Clemans. McLean stated that he has nothing against the Lima Police Department. McLean said the Citizen Review Board does not have enough teeth to make decisions and he would like to see help with investigations. McLean stated that the issue is in the Safety Services Committee and he thinks the Lima citizens deserve that. McLean stated there is a meeting on Wednesday regarding the Marijuana moratorium and said to please come to the meeting. McLean said the stay has brought a lot of analysis.

Councilor Nixon thanked Council Clerk Sally Clemans and said he supports her. Nixon stated that Sally has done a good job and she has always respected the elected officials. Nixon stated that he knew Sally when he was a young kid in high school and he wishes her the best.

McLean moved that Council adjourn until March 12, 2018 at 7:00 p.m., seconded by Gordon, motion carried.



Dana Addis, Clerk



John G. Nixon, President