

MINUTES OF LIMA CITY COUNCIL  
LIMA, OHIO

March 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 Dixon followed by the Pledge of Allegiance.

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

THE FOLLOWING ITEMS WERE PRESENTED ON THE CONSENT CALENDAR:

- a. Minutes of the previous meeting not read since each received a copy.
- b. Minutes of the Special Council Meeting held March 19, 2018.
- c. Allen County Board of Public Health meeting Minutes.

McLean moved, seconded by Kreher, that the minutes be amended on page 8 paragraph 4 to read Yea; 5. Motion carried. McLean moved that item "a" of the consent calendar be received, filed and approved, as amended, that item "b" be received, filed and approved and that item "c" be received and filed, seconded by Gordon, motion carried.

THE FOLLOWING COMMUNICATIONS WERE PRESENTED:

1. From the Division of Liquor Control regarding liquor permit renewals. Gordon moved, seconded by Glenn, that the communication be received and filed. Motion carried with a vote of 7-0 and 1 abstention by McLean.

2. From the Division of Liquor Control regarding a transfer to Thai Jasmine Restaurant, LLC. Dixon moved, seconded by Glenn, that the communication be received and filed and the Clerk authorized to file with no objections. Motion carried with a vote of 7-0 and 1 abstention by McLean.

3. From Major James Baker regarding the number of calls for businesses with liquor permits. Thompson moved, seconded by Gordon, that the communication be received and filed. Motion carried with a vote of 7-0 and 1 abstention by McLean.

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4. From Chief Martin regarding legislation to apply for and, if awarded, accept an award for the Drug Use Prevention 2018-2019 grant. Glenn moved, seconded by Dixon, that the communication be received and filed. Motion carried.

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

6. From the Finance Director regarding legislation for transfers to and from the 2018 official budget. McLean moved, seconded by Gordon, that the communication be received and filed. Motion carried.

7. From the Auditor regarding the 2018 Financial Report. McLean moved, seconded by Gordon, that the communication be received and filed. Motion carried.

8. From the Auditor regarding the Contract Labor Report for February 2018. McLean moved, seconded by Gordon, that the communication be received and filed. Motion carried.

9. From the Director of Public Works regarding legislation to apply for, accept and expend Convention and Visitors Bureau grant dollars. Neepor moved, seconded by Glenn, that the communication be received and filed. Motion carried.

10. From the Director of Public Works requesting legislation that would adapt Section 648.15 Noise Limitation Code. Neepor moved, seconded by Glenn, that the communication be received, filed and referred to the Human Resource Committee. Councilor Nixon asked Councilor Neepor to clarify whether this would go to Public Works or Human Resource Committee. Councilor McLean responded that it had to do with one of Councilor Kreher's constituents so it was put in her committee. Motion carried.

#### PETITIONS:

1. Alley Vacation – between Lima Stadium property and the Family of Faith United Methodist Church – petitioned for by the City of Lima. Thompson moved, seconded by Glenn, that the petition be received and filed; that the Law Dir. 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 May 7, 2018 at 7:00 pm. Motion carried.

#### THE FOLLOWING ORDINANCES WERE PRESENTED:

067-18 Amending the 2018 Annual Budget. McLean Moved, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neepor and Nixon. Nay, none. The Chair

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declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

068-18 Granting Artspace/Lima permission to maintain and use a stage in the Northwest Quadrant of the City Square for the Artspace Rally in the Square series. McLean moved, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, McLean, Thompson, Kreher, 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.

069-18 Authorizing the Mayor to enter into contract with Patrick Staffing for contracted services for the 2018 calendar year. Kreher moved, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 5; Gordon, Thompson, Kreher, Dixon and Nixon. Nay, 3; McLean, Glenn and Neeper. The Chair declared the motion did not carry with a 5-3 vote and will go to a seconded reading.

070-18 Authorizing the Mayor to enter into contract with Custom Staffing for contracted services for the 2018 calendar year. Kreher moved, seconded by Gordon, that the ordinance be passed on the first reading. The following votes was recorded on the motion. Yea, 5; Gordon, Thompson, Kreher, Dixon and Nixon. Nay, 3; McLean, Glenn and Neeper. The Chair declared the motion did not carry with a 5-3 vote and will go to a seconded reading.

071-18 Authorizing the Mayor to apply for, accept, and administer funds from the Convention and Visitors Bureau (CVB) Grant. 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, McLean, Thompson, Kreher, 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.

072-18 Authorizing the Mayor to apply for, accept and administer funds from the Ohio Office of Attorney General for the Drug Use Prevention 2018-2019 Grant. Glenn moved, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, McLean, Thompson, Kreher, 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.

073-18 Establishing the positions and classifications hereinafter set forth and fixing the salary and compensation of such positions and classifications; repealing existing inconsistent ordinances as described. Kreher moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, McLean, Thompson, Kreher, 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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074-18 Appointing Debra S. Vobbe as Secretary to the Lima Civil Service Board. Kreher moved, seconded by McLean, that the ordinance be passed on the first reading. Councilor Glenn thanked Debra for all of her hard work since the passing of Andy King. He said that she went in there and took care of business and we appreciate that so much and congratulations. Councilor McLean thanked Mrs. Vobbe for stepping up to the plate and we appreciate everything she has done. The following vote was recorded on the motion. Yea, 8; Gordon, McLean, Thompson, Kreher, 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 thanked LPD and the Lima Fire Department for an awesome game. He said they did a great job, it was for a great cause to raise money for the Make a Wish Foundation and he is looking forward to coming out next year. Dixon announced there is an Open House for Lima Senior High on the 27<sup>th</sup> from 5-7pm at Lima Senior High. He also announced a neighborhood association meeting for the fifth ward residents on April 19<sup>th</sup> at 7pm at New Life Assembly Church located at 703 E. Kibby Street. Dixon stated that Saturday April 28<sup>th</sup> they will be holding a Unite the Community Laser Tag Tournament at the Bradfield Community Center. He stated registration starts at noon and the event will take place from 1-4 p.m. The cost of admission is \$5.00 which includes a slice of pizza, chips and a drink. He asked the COP Officers, members of Council and families to come out so that we can unite the community. He wished everyone a great Easter.

Councilor Glenn stated that they are trying to get our COP officers to play basketball against the kids. They are going to try to hold it at Freedom, Liberty and Independence schools. The goal is to raise money for cards the police officers used to hand out. The kids loved that. He acknowledged Ms. Turner who is a Marine Corps and has been doing an outstanding job in our community. He stated that on April 7<sup>th</sup> the Young City Council will be going to Cleveland to speak at the Cleveland Library. There will be a lot of donors there so if they perform good, they will have some money for programs this summer. He said they are working on a house on Kibby Street. He said the house is in bad shape and that they have some people in line to help fix it up. He cancelled the Safety Services Committee meeting for April 2, 2018 and will set another date. He appreciates the calls on Spectrum. He received calls from all over including Kenton and Fort Jennings. He said they are going to send them the 3,000 signatures no matter what. He said that it isn't fair that the people pay their money and no one told them anything. He's not doing this for the lazy people who don't pay, he is doing it for the paying customers who weren't notified.

Councilor Neeper moved, seconded by Glenn, that the issue of allowable uses for Class I residential district be referred to the Neighborhood Concerns Committee. Motion carried. Council Neeper moved, seconded by Glenn, that the issue of a comprehensive review of the City's Building Department be referred to the Public Works Committee. Motion carried. Councilor Neeper re-iterated the open house at Lima Senior on the 27<sup>th</sup> from 5-7 p.m. He announced the

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groundbreaking for the new portion of the Lima Convalescent Home on Friday April 6<sup>th</sup> at 1:30. He reminded everyone of the Lima Community Enrichment Dinner on April 18<sup>th</sup> from 5:30-9 p.m. at the Civic Center and to have a nice Easter.

Councilor Gordon reminded everyone to have a happy Easter, to watch out for the kids and to be good to each other.

Councilor McLean stated that we have a pretty important week coming up. Sunday is not only April Fool's day but it is Easter Sunday. Have fun and to enjoy your families. He reminded everyone to involve their neighbors.

Councilor Thompson announced the Block Patrol Kickoff will be on April 17<sup>th</sup> from 6-7:30 p.m. at the LACNIP Resource Center. She also announced that on April 18<sup>th</sup> the Central Lima Neighborhood Association is meeting from 6:30-8:00 p.m. at Heritage Elementary. She said if you're interested in getting a dumpster for City Wide Pride, the deadline is April 20<sup>th</sup>. Thomspson also stated on April 29<sup>th</sup> there is an Earth Day Celebration at Faurot Park from 12-6 p.m. There will be activities, entertainment, food and it should be a fun day in the park.

Councilor Kreher stated that there are three weekends of City Wide Pride and all you have to do is call the department and tell them where to drop off the dumpster. She said it is a fantastic event and there is no reason not to do this. She said to call Autumn at Community Development and she will tell you where the sites will be to help. She said April 17<sup>th</sup> is the Citizens Block Patrol kickoff. She said if you would like to be a part of a team that is bigger than yourself, come to this event. You will have an opportunity to become trained if you are not already. One of the things you will be asked to do is ride along with the police department. She said please do not drive yourself home drunk. She thanked Officer Scott. Ottawa River Cleanup is on April 28<sup>th</sup> at 9:00 a.m. at the Red Cross. They will assign you an area, give you tools and then you will come back for lunch. It is a fun day and noticeable to everyone. She congratulated the Lima Fire Department on their win. She stated that she has been getting phone calls about Spectrum which have been very supportive of the petition that Mr. Glenn is offering. She stated that she will be more than happy to bring the petition to your door if you would like to read it and sign it.

Councilor Nixon asked Mayor if he is prepared to give a brief summary. Nixon stated he thinks Council and the community at large needs to understand that several years ago, the City of Lima had some oversight with the cable company provider which is now Spectrum. He said that authority was stripped from the local government and taken in by the state government so it is your state representative and senators that have authority and is where the complaints should go regarding service. Mayor Berger stated there was a time when the cities in Ohio had franchise agreements with cable companies and with those agreements they had authority to regulate price and quality of service. Mayor Berger said about a dozen years ago there was an end run, they created state wide franchise agreements which pre-empted any local authority and all complaints really should go to the State level. Councilor Nixon said he has his own frustrations with the

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current cable service and the constant edging up of pricing, but there is nothing in Council's authority that they can do. He said it is the state legislatures that we need to make the complaints to and make them aware of the complaints. Councilor Glenn asked the Mayor if there was a declaration that we can't bring another cable company in. Mayor Berger stated there was no prohibition for other companies to provide services. Councilor Nixon offered his congratulations to Debra Vobbe on her position as Civil Service Secretary. He stated she has been doing it on an acting basis for close to a year. Nixon announced that Lima City Council will be accepting resumes and applications for a Civil Service Board Member via email or mail to Dana Addis, City Council Clerk and must be received by 3pm on Friday April 13<sup>th</sup>.

Councilor Nixon moved, seconded by Neeper, that council authorize the Law Director to prepare the necessary legislation to notify the Ohio Division of Liquor Control of the objection to the liquor license renewal of Northside Firehouse, Beantown Saloon and The Gas Station. Motion carried with one abstention by Councilor McLean.

Councilor Nixon moved, seconded by Gordon, to refer the issue of communication #3 along with the previous motion authorizing the Law Director to prepare legislation regarding the objection of the license renewals of the three establishments to the Safety Services Committee. Councilor Nixon explained that the deadline for Council to notify of any objection is May 2, 2018. The timeline is that Lima City Council meets on April 9<sup>th</sup> and April 23<sup>rd</sup>. At the meeting of the 23<sup>rd</sup> the legislation if not passed on the 9<sup>th</sup>, must be acted upon definitively on the 23<sup>rd</sup> in order to notify the Ohio Division of Liquor Control by the May 2<sup>nd</sup> deadline. The Committee must have a meeting in between now and April 9<sup>th</sup>. Councilor Glenn stated that Safety Service Committee will be meeting on April 2, 2018 at 6:00 pm to discuss this matter. Motion carried with one abstention by Councilor McLean. Councilor Nixon said to have a happy Easter and to reflect this week on holy week. Councilor Nixon said that a few years ago on holy Thursday, he wasn't having a particularly a good day and he thought that if tonight were the night that you were to have dinner with 12 of your closest friends knowing that one of them would betray you to your death, how bad of a day is it really. No matter how bad it gets, it can't be that bad. Happy Easter.

McLean moved that Council adjourn until April 9, 2018 at 7:00 p.m., seconded by Dixon, motion carried.

  
Dana Addis, Clerk

  
John G. Nixon, President