

MINUTES OF LIMA CITY COUNCIL  
LIMA, OHIO

April 23, 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; Anthony DiPietro, Assistant Law Director; Randall Bartels, Auditor; Sharetta Smith, Chief of Staff; Steven Cleaves, Finance Director; Susan Crotty; Dir. of DCD; Michael Caprella, Dir. of Util.; Saul Allen, Deputy Director of Util.; Howard Elstro, Dir. of Public Works; Chief Martin, Chief Black.

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

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

McLean moved, seconded by Thompson, to appoint Tony Geiger as Acting Clerk. Motion carried. McLean moved, seconded by Gordon, to add Dr. McCurdy and Derek Solomon under Privilege of the Floor, motion carried.

PRIVILEGE OF THE FLOOR:

Ray Magnus spoke about prejudice (A complete copy of his presentation is on file in the Council Office.)

Attorney Kevin Stotts spoke on behalf of Derek Solomon dba Beantown Saloon regarding the renewal of a liquor license permit. (A complete copy of his presentation is on file in the Council Office.)

Dr. McCurdy gave an update on the Rhodes State Downtown Project. She thanked Council for their continuing support, saying the project would not have happened without Council support. The downtown facility will extend Rhodes State into twenty-five service counties and will bring approximately 500 individuals downtown daily. Meeting with architects and project managers are ongoing; a preliminary timetable for construction is coming soon. A completion date of fall 2020 is projected. Thanked everyone again for their support.

Derek Solomon spoke regarding the renewal of a liquor license permit for the Beantown Saloon. He stated he supports the comments of Ray Magnus and Kevin Stotts. He feels they are not being treated fairly and said bar owners don't invite problems.

THE FOLLOWING ITEMS WERE PRESENTED ON THE CONSENT CALENDAR:

- a. Minutes of the previous meeting not read since each received a copy.
- b. Allen County Board of Public Health Meeting Minutes.

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

THE FOLLOWING COMMUNICATIONS WERE PRESENTED:

1. From the Director of Utilities regarding legislation to enter into an agreement with Perry Protech. Moved by Gordon, seconded by McLean, that the communication be received and filed. Legislation is on the agenda. Motion carried.
2. From the Director of Utilities regarding legislation to purchase two parcels from Bands Three Properties, LLC. Moved by Gordon, seconded by McLean, that the communication be received and filed. Legislation is on the agenda. Motion carried.
3. From the Director of Utilities regarding legislation to enter into an agreement with Stantec Consulting Services, Inc. Moved by Gordon, seconded by Glenn, that the communication be received and filed. Legislation is on the agenda. Motion carried.
4. From the Director of Utilities regarding legislation to enter into an agreement with Republic Services. Moved by Gordon, seconded by McLean, that the communication be received and filed. Legislation is on the agenda. Motion carried.
5. From the Auditor regarding the contract labor report. Moved by McLean, seconded by Gordon, that the communication be received and filed. Motion carried.
6. From the Mayor regarding appointment to the Board of Adjustment. Moved by McLean, seconded by Gordon, that the communication be received, filed, and approved. Motion carried.
7. From the Mayor regarding appointment to the City Planning Commission. Moved by McLean, seconded by Gordon, that the communication be received and filed. Motion carried.
8. From the Director of Community Development regarding legislation to place property maintenance assessments. Moved by Thompson, seconded by Glenn, that the communication be received and filed. Legislation is on the agenda. Motion carried.
9. From the Director of Community Development regarding legislation to amend the property maintenance code. Moved by Thompson, seconded by Dixon, that the communication be received and filed. Legislation is on the agenda. Motion carried.
10. From the Finance Director regarding legislation for transfers to and from the 2018 Official Budget. Moved by McLean, seconded by Gordon, that the communication be received and filed. Legislation is on the agenda. Motion carried.
11. From the Civil Service Board requesting legislation for re-classification of the Assistant Building and Zoning Administrator. Moved by Gordon, seconded by

McLean, that the communication be received, filed, and the Law Director authorized to prepare the necessary legislation. Motion carried.

12. From the Director of Public Works regarding legislation to apply for, accept, and expend funds from the Ohio Department of Natural Resources Division of Wildlife Aquatic Education "Rod & Reel" Grant. Moved by Thompson, seconded by Gordon, that the communication be received and filed. Legislation is on the agenda. Motion carried.
13. From the Building Commissioner regarding legislation to amend Section 1420.13 of the Building Code. Moved by Gordon, seconded by Dixon, that the communication be received and filed. Legislation is on the agenda. Motion carried.
14. From the Chief of Staff regarding contract labor. Moved by McLean, seconded by Kreher, that the communication be received, filed, and referred to the Human Resources Committee. Motion carried.
15. From the Law Director regarding legislation to transfer property to RSCF Lima, LLC. Moved by Dixon, seconded by McLean, that the communication be received and filed. Legislation is on the agenda. Motion carried.
16. From the Division of Liquor Control regarding a liquor permit transfer to M & M Investing LLC. Moved by Dixon, seconded by Glenn, that the communication be received and filed, and that the Clerk is authorized to notify the Department of Liquor Control there is no objection. Motion carried 6-0-1, with McLean abstaining.

#### REPORTS OF OFFICIALS:

Lt. Andy Green presented a report on the Lima Police Department's social media platforms. They would like to increase the number of followers they have. He reported the following number of users per site: Facebook (34,947), Twitter (9,817), Snapchat (approx. 200), Instagram (1,651), and Next Door (822). He stated Facebook's engagement rate is dropping due to Facebook changing its API. He encourages everyone to keep following the Lima Police Department.

The Law Department 2017 Annual Report was presented to Council. Moved by McLean, seconded by Dixon, that the report be received and filed. Motion carried.

#### REPORTS OF COMMITTEES:

Councilor Dixon reviewed the minutes from the April 16, 2018 Neighborhood Concerns Committee meeting. All members have received a copy of the report. Moved by Dixon, seconded by McLean, that the minutes be received, filed, and approved. Discussion by Councilor Glenn to thank the committee and Assistant Law Director for their work. He said they are working to improve Lima, and that landlords need to take care of their property. Motion carried.

THE FOLLOWING RESOLUTIONS WERE PRESENTED:

007-18 (Second Reading) A Resolution objecting to the renewal of a liquor license issued to Frank Lombardo, DBA Northside Firehouse. Kreher moved, seconded by Glenn, that the resolution be adopted on the second reading. Councilor Thompson stated that she visited the Firehouse and found it charming, but will be voting “no.” She hopes that Mr. Lombardo will make changes. The following vote was recorded on the motion: Yea, 2; Kreher, and Glenn. Nay, 4; Gordon, Thompson, Dixon, and Nixon. Abstain, 1; McLean. The Chair declared that the motion did not carry by a 2-4 vote with 1 abstention and will go to a third reading.

THE FOLLOWING ORDINANCES WERE PRESENTED:

069-18 (Third Reading) 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 third reading. Councilor Glenn asked if this could be put into committee. Motion and second withdrawn. Glenn moved, seconded by McLean to table the ordinance to the May 7, 2018 meeting. Mr. Elstro said we may be at the contract limit of \$15,000, he is not certain, but it may affect the parks. Mr. Bartels said \$15,000 is the limit without an ordinance. Councilor Nixon asked if it is allowed to go above \$15,000 temporarily. Councilor McLean said we need to look at this issue closely. Vote held and the Chair declared the motion carried by a 5-2 vote, and the ordinance is tabled until the May 7, 2018 meeting.

070-18 (Third Reading) Authorizing the Mayor to enter into contract with Custom Staffing for contracted services for the 2018 calendar year. Kreher moved, seconded by Glenn, that the Ordinance be tabled until the May 7, 2018 meeting. Councilor Thompson said what the administration is doing is not abusive; they can hire contract labor. Councilor McLean said nine people are contracted labor, and the number will go down to 8. He said we need to figure out this issue with respect to part-time employees. Mayor said that the City does pay benefits, and the Administration has a full presentation it can give. Can't afford full-time employees. There is no abuse, and we have to follow union contracts. Mr. Elstro said there are four contract employees in parks. Without this contract the grass won't be cut and maintenance won't get done. Will impact services, can't use seasonal employees. Councilor Glenn said the issue should be saved for the Human Resources committee; will support increasing above \$15,000. Councilor Dixon asked when the next union negotiations are. The Mayor responded in approximately two years. Ms. Smith said we can't negotiate with the union if they don't want to. Councilor McLean said we can make changes, future negotiations are needed, and he wants to make the issues clear. Councilor Nixon stated it doesn't make financial sense not to contract. He asked the administration to explore the issues, and they have. Services will not get done without this contract. Councilor Thompson said she worked for a temp agency, that everyone works hard, and temporary help is important. She said we are making a big issue out of a small issue. The contract is not harmful and makes financial sense. Councilor Glenn said he did not say full-time people would be hired. We need to look at the issues and utilize part-time employees. Vote held and the Chair declared the motion did not carry with a 4-3 vote. Nixon then moved, seconded by Thompson that the Ordinance be passed on the third reading. The following vote was recorded on the motion. Yea, 5; Gordon, Thompson, Dixon, Glenn, and Nixon. Nay, 2; McLean, and

Kreher. The Chair declared the motion carried and the ordinance passes on the third reading by a 5-2 vote.

082-18 Levying special assessments for property maintenance code charges on premises in the City of Lima, Ohio. 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, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

083-18 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, 7; Gordon, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

084-18 Authorizing the Mayor to apply for, accept, and administer funds from the Ohio Department of Natural Resources Division of Wildlife Aquatic Education "Rod & Reel" grant. Thompson moved, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

085-18 Authorizing the Mayor to enter into contract with Perry Protech. Gordon moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

086-18 Authorizing the Mayor to enter into contract with Stantec Consulting Services, Inc. Gordon moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

087-18 Authorizing the Mayor to enter into contract with Republic Services. Gordon moved, seconded by Dixon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

088-18 Authorizing the Mayor to enter into contract with Bands Three Properties, LLC for the purchase of 820-822 & 824 W. Kibby Street. Gordon moved, seconded by McLean, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

089-18 Authorizing the Mayor to transfer certain real property located on Town Square to RSCF Lima, LLC. Dixon moved, seconded by Glenn, that the ordinance be passed on the first reading. Councilor Nixon said congratulations to Rhodes State; this is another piece of the project, it has been a pleasure to support it. The following vote was recorded on the motion. Yea, 7; Gordon, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

090-18 Amending Section 1804.31 of the Codified Ordinances of Lima, Ohio, concerning method of service. 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, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

091-18 Amending Section 1804.39 of the Codified Ordinances of Lima, Ohio, concerning specified parcels. 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, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

092-18 Amending Section 1420.13 of the Codified Ordinances of Lima, Ohio, concerning absence of owner from City. Thompson moved, seconded by Gordon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; Gordon, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by a 7-0 vote.

#### MISCELLANEOUS BUSINESS:

Councilor Gordon moved to approve the absence and pay of Councilor Neepser. McLean second. Motion carried 7-0. He then reminded people to “Be good to each other.”

Councilor McLean reminded everyone about City Wide Pride. He also commended the new citizen block patrol; it is a good plan to take back city neighborhoods.

McLean moved, seconded by Gordon to refer the issue of cameras/lights in the downtown area to the Safety Services and Public Works committees. Motion carried 7-0.

Councilor Thompson thanked the police department for their information on the Next Door social media platform. Also thanks to the speakers for the comments in the liquor permit issues. We should give them this year to prove themselves.

Thompson moved, seconded by Dixon, to withdraw all objections regarding the Beantown Saloon and the Gas Station. Councilor Thompson said we need to be consistent and let them prove themselves; bars don’t take this lightly. The following vote was recorded on the motion. Yea, 5; Nay, 0; Glenn and McLain abstained. The Chair declared that the motion carried by a 5-0 vote with 2 abstentions.

Councilor Kreher thanked the police department for the ride-alongs. She reminded everyone of the Ottawa River cleanup, encouraging everyone to sign up and bring friends. Congratulations to the Utilities Department on winning an award for a 25% decrease in injuries. Reminded everyone of City Wide Pride. Congratulations to fellow college students; good luck in finals exams.

Councilor Dixon reminded everyone of the laser tag tournament at the Bradfield Center. Reminded everyone of City Wide Pride and the 5<sup>th</sup> Ward neighborhood forum. Be careful during prom season.


Councilor Glenn thanked the prosecutors for the 90 day sentence for the tire dumper. Reminded everyone about City Wide Pride. The 6<sup>th</sup> Ward newspaper will be out shortly. He is trying to schedule a baseball game with kids and the police department. Thank you to the Mayor and police department for naming the Hall of Justice after Chief Davenport.

Glenn moved, seconded by Thompson, to refer the issue of construction variances to the Neighborhood Concerns committee. Motion carried 7-0.

Councilor Glenn said to pay attention to your cable bill. And expressed good wishes to his father.

McLean moved, seconded by Gordon, that council adjourn to Executive Session for discussion of the appointment and compensation of a public official. The following vote was recorded on the motion. Yea, 7; Gordon, McLean, Thompson, Kreher, Dixon, Glenn, and Nixon. Nay, none. The Chair declared the motion carried and the Council adjourned to Executive Session.

Council reconvened from executive session. McLean moved, seconded by Gordon that the meeting be adjourned until May 7, 2018 at 7:00 p.m. Motion carried 7-0.

  
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John G. Nixon, President

  
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Anthony L. Geiger, Acting Clerk