

MINUTES OF LIMA CITY COUNCIL
LIMA, OHIO

May 18, 2020

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; Susan Crotty; Dir. Of DCD; Mike Caprella, Dir. of Util.; Howard Elstro, Dir. of Public Works; Chief Martin, Deputy Fire Chief Jack McDermitt; and Dana Addis, Clerk.

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

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

Gordon moved, seconded by Glenn, to amend the Agenda by adding Ordinance 097-20 and adding the Economic & Community Development Committee May 11, 2020 Meeting Report. Motion carried.

THE FOLLOWING ITEMS WERE PRESENTED ON THE CONSENT CALENDAR:

- a. Minutes of the previous meeting not read since each received a copy.
- b. Board of Health Minutes of April 10, 2020.
- c. Lima Municipal Court 2019 Annual Report.

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

THE FOLLOWING COMMUNICATIONS WERE PRESENTED:

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

2. From the Chief of Police regarding legislation to disburse funds from the Asset Forfeiture Account. Moved by Dixon, seconded by Ehora, that the communication be received and filed. Motion carried.

3. From the Auditor regarding legislation permit a cash transfer. Moved by Gordon, seconded by Glenn, that the communication be received and filed. Motion carried.

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4. From the Finance Dir. regarding legislation to amend the 2020 annual budget. Moved by Glenn, seconded by Dixon, that the communication be received and filed. Motion carried.

5. From the Finance Dir. regarding legislation to enter into a contract for the City's electric supply. Moved by Wilkerson, seconded by Glenn, that the communication be received and filed. Motion carried.

6. From the Dir. of Public Works regarding the Building Departments files regarding Blue Chip Construction. Moved by Ehora, seconded by Dixon, that the communication be received and filed. President Nixon clarified that his comments during the Committee meeting were not to take Blue Chip Construction out of business but they do need to follow the rules that every other contractor in the City must follow. He explained the goal is for Blue Chip to follow the rules and continue to be a profitable business in the City of Lima. Motion carried.

REPORTS OF COMMITTEES:

Councilor Thompson reported that the Economic & Community Development Committee met on May 11, 2020 to continue the discussion of diversity on City Boards and Commissions and also to discuss the Special Use Permit Application for 1414 Hazel Ave. All Council members have received a copy. She thanked her fellow Council members and Administration for being so helpful and forthcoming in the matter of Board diversity. Thompson moved, seconded by Wilkerson, that the report be received, filed and approved. Motion carried.

THE FOLLOWING RESOLUTIONS WERE PRESENTED:

008-20 A Resolution in support of Allen County Food Policy Council and Activate Allen County's efforts to increase residents' access to quality healthy and affordable foods. Thompson moved, seconded by Dixon, that the Resolution be adopted on the first reading. Councilor Thompson expressed her hopefulness that the City's residents pay attention to the Resolution and to the wonderful work being done by Activate Allen County even though we are facing a health crisis. She encouraged everyone to reach out to Activate Allen County to receive knowledge about how to do urban gardening. The following vote was recorded on the motion: Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn and Nixon. Nay, none. The Chair declared the motion carried and the resolution was adopted on the first reading by a 7-0 vote.

THE FOLLOWING ORDINANCES WERE PRESENTED:

091-20 An Ordinance levying special assessments for property maintenance code charges on premises in the City of Lima, Ohio. Thompson 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, Ehora, 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.

092-20 An Ordinance amending the 2020 annual budget. 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, Ehora, 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.

093-20 An Ordinance authorizing the transfer of cash between certain funds. Wilkerson 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, Ehora, 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.

094-20 An Ordinance authorizing a payment from the Asset Forfeiture Fund. Dixon 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, Ehora, 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.

095-20 An Ordinance authorizing the Mayor to enter into contract with Cellco Partnership dba Verizon Wireless. Gordon moved, seconded by Glenn, that the ordinance be passed on the first reading. Councilor Dixon explained he will not be in support of this Ordinance due to the phone calls he received from residents on the South End of Lima with concerns that this may cause some ill side effects. The following vote was recorded on the motion. Yea, 5; Gordon, Wilkerson, Thompson, Ehora, and Nixon. Nay, 2; Dixon and Glenn. The Chair declared the motion did not carry by a 5-2 vote and will go to a second reading.

096-20 An Ordinance reversing a Special Use Permit in Board of Adjustment Case No. 19-28, for 1414 Hazel Ave. Ehora moved, seconded by Gordon, that the ordinance be passed on the first reading. Councilor Thompson explained the day after the Committee meeting, Blue Chip was caught doing work without a permit. She expressed there is no reason why the work cannot be done legally and if they cannot do that, she will not support any of their future projects. Councilor Glenn said he doesn't know why anyone would support Blue Chip and doesn't understand how this could have happened. President Nixon clarified the Ordinance is reversing and denies the Special Use Permit. Councilor Ehora asked what the process will be after the permit is reversed. Tony Geiger explained if Blue Chip wants to continue with the structure as a duplex, they will need to start over with the Board of Adjustment requesting the Special Use Permit. He explained if the structure is changed to a single family residence, a Special Use Permit is not required. The following vote was recorded on the motion. Yea, 7; Gordon, Wilkerson, Thompson, Ehora, 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.

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097-20 An Ordinance authorizing the Mayor to enter into contract for the City's electric supply. 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, Ehora, 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:

President Nixon moved, seconded by Wilkerson, to approve the absence and salary of Councilor Neeper. Motion carried.

Councilor Gordon thanked Mr. Elstro and Mr. Roach for taking care of things in the 1st Ward. He also thanked the Lima Police Dept., Sheriff's Dept. and Homeland Security for taking care of the dangerous situation on the corner of E. Lane and N. Union St. He thanked Chief Martin, Officer Merricle for the extra patrol on Grand Ave. He reminded everyone to be good to each other.

Councilor Wilkerson asked Susan Crotty if there is anything they can do to reach out to agencies for the CDBG dollars. Crotty advised they have not received complete guidance from HUD on restrictions and advised there is a restriction called duplication of benefits they need to be careful about and HUD has not provided additional guidance as to the Stafford Act and how it applies to these funds. She advised they don't want to take the risk of developing a program and finding out its not eligible. She advised as soon as they receive the guidelines, they can look at potential uses for the funds. Councilor Wilkerson reminded everyone to be relaxed in what they are doing along with being conscious of what they are doing i.e. social distancing, wearing a mask, washing hands. He reminded everyone to be courteous and explained he has seen rudeness lately. He cautioned everyone to be careful as the orange barrels are out and construction is happening. He thanked his wife for 36 years of marriage.

Councilor Thompson announced there will be meetings regarding the CDBG Funds and the 5-year Consolidated Plan. The applicants will meet at 5 p.m. on May 28th and the public will meet at 6 p.m. on May 28th and June 1st. She encouraged applicants to contact the Community Development Department for additional information. She announced the Beanie Wave Tour was rescheduled to May 22nd from 5 p.m. to 8 p.m. and the Central Lima Neighborhood Association will be sponsoring a porch party from 7 to 7:30 p.m. to celebrate neighbors from a distance. She announced the Central Lima Neighborhood Association will meet on Wednesday May 27th via zoom and the link is located on their Facebook Page. She asked everyone to please remember to be courteous and respectful to each other and the rules of businesses. She said everyone's actions have real consequences.

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Councilor Ehora thanked the City of Lima, EMA, Health Dept. and the United Way for their efforts with the COVID-19 community response. She said the City has been an active partner with the community response and it's impressive to see the distribution of items and it makes her proud. She reminded everyone there are no sides in this and we are all just people trying to get through the great unknown and a little kindness goes a long way.

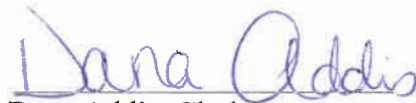
Councilor Dixon moved, seconded by Glenn, to refer Ordinance 095-20 to the Neighborhood Concerns Committee. Motion carried. Councilor Dixon asked citizens to take the necessary precautions as the State opens back up. He asked residents to patronize small businesses that were affected by COVID-19. Dixon said other cities are taking applications for the COVID-19 funds, in particular Toledo who has already set up a program. He expressed his concern about how one city can allocate funds but yet Lima doesn't have the guidelines for what the funds should be used for. Susan Crotty advised the guidelines are not out to anyone so there is a risk involved in developing programs. She explained there are funds out there for different things and if they duplicate the benefits by mistake, they run the risk of violating the rules and regulations and they would have to pay the money back. She advised they do know the CDBG funding allocated for the next plan year and the COVID funds are separate. Councilor Dixon expressed his concern of meeting with applicants prior to hearing from the public and understanding their needs. He understands the federal government recommends about 70% be citizen participation and he wants to get it right since they are setting the tone for the next five years. Crotty advised due to timing, they must have people work on applications now or otherwise they won't be able to develop an annual action plan as well. Dixon explained this is why last year he asked for a calendar to be set and a CDBG Review Board so they don't run into the issue of not giving a chance for citizen participation issue. He believes they are turning a blind eye to the residents because they are not giving them a chance to hear. He said they are creating a cycle and expecting different outcomes which have become the status quo for this administration. Councilor Thompson advised she understands the concerns, the timeline they are working with and the need for public participation. She asked if it was possible to have the first meeting as scheduled but then have a follow up applicants meeting after they have had the other meetings. Susan Crotty said she will look at other options for the applicants briefing and find out when the consultant is available. She advised they have had unforeseen circumstances and have had staffing resource issues and they have done the best they can to provide for public input. She advised the survey is available on the City's website and on the Community Development Facebook page. She explained they like to give two weeks to prepare an application and the five-year consolidated plan is due August 16th. Discussion was held on holding additional meetings with the citizens prior to holding meetings with the applicants. Crotty advised the goal is to have a draft plan to Council by the June 22nd Council meeting. President Nixon advised this issue needs to be a private discussion and they can work out the meeting schedule with the Committee Chairperson. Councilor Dixon advised he has been asking these questions behind closed doors and the same cycle has been created. He agreed COVID did happen but believes it can't be the reason they are lacking. He asked everyone to be good to each other.

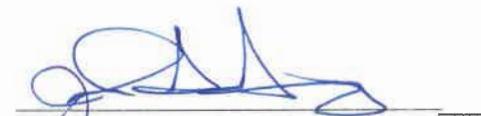
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Councilor Glenn thanked Councilor Thompson for her good work in the Economic Development Committee and encouraged Dixon to keep up the strength to better the community. He thanked all the tutors that helped with the kids and their homework. He thanked everyone for the donations for the home program. He explained the different projects they are working on. HE inquired about the neighborhood cleanup date. Carla Thompson advised he contact Autumn Swanson who encouraged each individual Neighborhood Association plan neighborhood cleanups. Glenn advised there is an issue with not apartment complexes no having enough dumpsters. He advised they are going to continue working on the drug houses and asked everyone to continue to call about them so they can be stopped. He asked everyone to continue wearing their masks and to quit having their parties.

President Nixon reminded everyone that they must wear a mask when they are in the common areas of the City Building. He also advised guests are prohibited in the building at this time. Nixon moved, seconded by Glenn, to refer the CDBG Consolidated Plan and HOME Funds to the Economic and Community Development Committee. Motion carried. Nixon asked everyone to not be careless, not be reckless and also don't be paralyzed and support the local businesses.

Gordon moved that Council adjourn until June 8, 2020 at 7:00 p.m., seconded by Wilkerson. Nixon advised the June 8th meeting will be via telecommunications. Motion carried.


Dana Addis, Clerk


John G. Nixon, President