

MINUTES OF LIMA CITY COUNCIL  
LIMA, OHIO

June 4, 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; Sue Odenweller, Chief Deputy Auditor; Steven Cleaves, Finance Director; Susan Crotty; Dir. Of DCD; Mike Caprella, Dir. of Util.; Richard Stolly, Deputy Dir. of Parks, Recreation, and Forestry; Howard Elstro, Dir. of Public Works; Chief Martin, Chief Black and Dana Addis, Clerk.

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

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

McLean moved, seconded by Thompson, that the agenda be amended by adding Jesse Lowe and Ray Magnus, NAACP Spokesman, under Privilege of the Floor. Motion carried.

PRIVILEGE OF THE FLOOR:

Ray Magnus spoke on behalf of the NAACP. Mr. Magnus stated that the members of the NAACP are concerned about incidents involving young black females and a certain officer of the Lima Police Department. He specifically spoke in regards to a recent incident involving a young black female and Sgt. Nick Hart. The NAACP believes that Sgt. Hart antagonized the young woman, resulting in her being tased, and should be disciplined accordingly. They believe the Lima Police Dept. administration should move forward immediately on implementing body cameras and an outside investigation.

Jesse Lowe spoke regarding his concerns with the demolition of 215 E. North Street. He stated that he had asked for money to be allocated different ways while he was on council and was told there was no money to do certain projects. He said that the money for this project would come out of the CDBG and he doesn't understand why when we have so many streets that need work. He said the Public Works director just spoke on the cost of streets and paving and how low they continue to dwindle. He said in regards to the building at 215 E. North Street, it was said that the back wall of the building was falling in. He said if you go by there now, the only part that is still standing is that back wall. He said he still tours third ward and still receives phone calls. He is in communication with Councilor Thompson and wants to work with her. He mentioned the Neighborhood Stabilization Program (NSP) which provides grants to every state and local communities to purchase, re-sell or re-develop properties. He doesn't know how much we currently have of those funds, but there needs to be a way that the NSP money is used to fund the

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demolition of that building and the \$40,000.00 that was asked for out of CDBG Funds needs to go back into the neighborhoods and streets. He said Pennsylvania Avenue is a particular street that he has spoken about continuously while on council. He provided Council with printouts of the plat of west addition of Lima, Allen County which goes back all the way to 1850s. He said name has been changed from North Alley to Pennsylvania Alley to Pennsylvania Drive by the City of Lima. He said it is a legal street, not an alley, and was told it could not get paved because it is an alley. He said there is work being done on McDonald and people are using Pennsylvania Avenue to cut through and it is going to get worse when Wayne St. becomes a two way. He is asking council not to pass this ordinance and make sure there is money that is allocated and at least put this issue into a committee.

**THE FOLLOWING ITEMS WERE PRESENTED ON THE CONSENT CALENDAR:**

- a. Minutes of the previous meeting not read since each received a copy.

McLean moved that item "a" of the consent calendar be received, filed and approved, seconded by Dixon, motion carried.

**THE FOLLOWING COMMUNICATIONS WERE PRESENTED:**

1. From the Fire Chief regarding legislation to enter into contract with Lima Memorial Health Systems, Occupational Health. Moved by Glenn, seconded by Dixon, that the communication be received and filed. Motion carried.

2. From the Director of Community Development regarding legislation to place property assessments. Moved by Thompson, seconded by McLean, that the communication be received and filed. Motion carried.

3. From the Deputy Director of Parks regarding legislation to host a private reception in the bowl area at Faurot Park. Moved by Neeper, seconded by Glenn, that the communication be received and filed. Motion carried.

4. From the Deputy Director of Parks regarding legislation to enter into a Memorandum of Understanding with the Lima Area Freedom School and the City of Lima's Parks, Recreation, and Forestry Division. Moved by Neeper, seconded by Glenn, that the communication be received and filed. Motion carried.

**REPORTS OF OFFICIALS:**

Susan Crotty, Director of Community Development, gave an update on the City of Lima LAND Bank Program. She referenced the 5.1.2018 Update that was previously provided to Council. She stated some activities of the consultant are working on a property mapping system and uploading data into that system which will help us better target potential applicants. She said

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they are trying to be more aggressive to see if we can't reach out to potential applicants to take some of the properties on the specified list. She said properties on the specified list are properties not owned by the City but are problem properties they have identified for the City to mow. It would be helpful if they could find eligible applicants that are neighbors. She encouraged neighbors to specified properties to contact them. The applicants cannot have property maintenance violations and cannot be delinquent on their property taxes. They do try to work with people to help them correct any violations or get caught up on their taxes. She stated they updated their policy and procedures and their website [www.limalandbank.com](http://www.limalandbank.com) and encouraged people to look at that, especially if you are interested in seeing what city properties are available. She stated they are working on new applications for developers. She said they are working on a program to help them better track information and make information about the status about the applications and the LAND Bank program more readily available. She thanked council for approving the additional funding for the housing loan originator. They did get the updated job description approved by the civil service board and the position was posted today. She said because it is a union position, it needs to be posted for seven days then we will see if we have any qualified internal applicants who could be interviewed. If they do not have any qualified internal applicants then they would need to go back to the Civil Service Board and request a list. That position expansion was to handle most of the daily administrative duties and won't do the entire job of the LAND Bank administrator. Councilor Dixon stated that he sees at the bottom of the report that it says as of May 1, 2018 one request for payment for the period from February 15, 018 to March 15, 2018 was \$5,230.00. He asked how many hours that was, reason being when they met in February during a Committee meeting, she mentioned that there was about 20 hours a week that this person worked. She stated she thought that was for the Housing Loan Originator which is currently 25 hours but she would have to get the report for him because that is submitted by the consultant. (A complete copy of the 5.1.2018 Update is on file in the Council office.)

Sgt. Nick Hart gave an update on liquor permit training. He said he has been tasked with forming a training program for local establishments holding liquor permits. He has come up with a proper training to be conducted. They do not currently have dates set as they are waiting for liquor control to contact them with that information. Involvement will include himself, Tony Geiger and a member from State Liquor Control Agency. Some of the topics that will be covered during the training include instruction on liquor control statute and rules, prevention of underage sales, de-escalation conflict management use of force, emergency evacuations of premises, calls for service and how to properly report an incident to the Lima Police Department, how personnel should conduct themselves when an officer is present for any reason and any civil concerns that could arise from any incidents. He plans to meet with Councilor Glenn and Councilor Dixon to see if there are any additional concerns that should be addressed in the training. Councilor Thompson asked that she also be included on those conversations and asked if he has contacted any outside agencies such as Crime Victim Services to see if there are any other aspects that could be included in the training. Sgt. Hart stated that he developed this training by reaching out to other Law Enforcement Agencies to see how they have formed their training and also through liquor control but he can certainly contact them.

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THE FOLLOWING RESOLUTIONS WERE PRESENTED:

008-18 (Third Reading) Rescinding Resolution #005-18 to withdraw an objection to the renewal of a liquor license issued to Derek Solomon dba Beantown Saloon. Thompson moved, seconded by Dixon, that the Resolution be adopted on the third reading. Councilor Glenn stated that he will abstain. The following vote was recorded on the motion: Yea, 3; Thompson, Dixon and Nixon. Nay, 2; Kreher and Neeper. Abstention, 2; McLean and Glenn. The Chair declared the motion did not carry with a 3-2-2 vote and is defeated on the third reading.

009-18 (Third Reading) Rescinding Resolution #006-18 to withdraw an objection to the renewal of a liquor license issued to Bisman Investment LLC. Thompson moved, seconded by Dixon, that the Resolution be adopted on the third reading. The following vote was recorded on the motion: Yea, 3; Thompson, Dixon and Nixon. Nay, 2; Kreher and Neeper. Abstention, 2; McLean and Glenn. The Chair declared the motion did not carry with a 3-2-2 vote and is defeated on the third reading.

THE FOLLOWING ORDINANCES WERE PRESENTED:

112-18 (Second reading) Authorizing the Mayor to enter into contract with Ben's Construction for the demolition of 215 E. North Street. McLean moved, seconded by Neeper, that the ordinance be passed on the second reading. Councilor McLean stated that the money is allocated and if we don't use it, we could lose it. He said it as an eye sore and a hazard to our city and needs to come down. He stated he didn't like that we do not have a final amount. He said whether we use CDBG money, general fund money or if we use the money that Mr. Lowe spoke about, it is just an avenue to get it tore down. Our general fund has reimbursed CDBG money when it has been used. If the money is allocated for demolition, then we should use it for demolition. He said what he didn't like was not knowing the total amount. Councilor Glenn stated he agrees with Councilor McLean but there are a lot of buts, such as we didn't know about it. If you live in the sixth ward you see a lot of places that need brought down. Yes, we have money set aside for demolition, but did we investigate the owner and did we know that he had a trust fund? Councilor McLean said we spoke about the owner's situation in pre-council last meeting and he understands that he is in a nursing home and the possibility of collection is slim to none. Councilor Nixon stated this building was an eye sore, but at the point when Howard Elstro called him and said it has become a public safety risk of collapse, it changed from an eye sore to an urgent matter. Regardless of the amount of money and regardless of where it comes from, what we pay to have it demolished is a fraction of what it could have cost had that building collapsed on pedestrian or vehicular traffic going by the building. We need to pay the contractor who took it down. The Law Dept. and Public Works Department can sort out collecting any funds that they may have to offset that cost. He urges passing of this ordinance because the work has been done and it saved us a terrible expensive risk had that building fallen on traffic going by. Councilor Dixon stated we have another building on the corner of Albert and Pine Street where the side of that building has been bowing for years and is on the specified list. He stated it has been patched up but it is bowing again. He said he spoke with Mr. Elstro and asked him what deems this to be an emergency and his

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response was that children walk that route to and from school. Dixon stated that children don't typically walk North Street, they walk High Street. To him it's not about the amount of money, that money is allocated, but there are eye sores other places as well which he believes we can pay \$4-5,000.00 at the most to tear down. For the cost to tear down this building, we could be tearing down 6-7 other buildings down in other communities. For that reason, he is not supporting this. Councilor Nixon stated that he understands that there are other eye sores in the community, but did they meet the structural test of collapse, as this building did. Councilor Dixon said the building has already been torn down but yet the back wall, that he was told was bowing, still stands. The building came down before coming to council so that lets him know that the administration doesn't care about what we say as a legislative body because they do what they want to do anyway. Howard Elstro said we as an administration do respect the authority and the opinions of Council and we need to keep the facts straight on this specific demolition. He stated we did have demolition orders against it, we did make some slight modifications to the dangers about a year/year and a half ago. He continued to try to work with a private sector to see if this could go in the hands of someone more responsible that would demolish this building and take it off of our hands. He stated another program was referenced earlier by Mr. Lowe and he wanted to ensure council that he did contact Rachel Gilroy and she too had her eye on this building for demolition and development. He stated it was not the north wall, it was the west wall that was the most significant and the roof had caved into the second floor, the second floor had caved into the basement and the west wall was failing as well as the south west corner which is close to the sidewalk and is bordered by the alley. He said when it came to the point where the building was collapsing, we as the City have an obligation to abate danger to the public. He reminded council that they were notified and stated the building came down before they were notified due to gravity and deterioration. When it came to the point where they had to act to protect the public, in compliance with the purchasing contract, he reached out to President Nixon and sent an email to council informing them of the emergency. He checked the process to stay within the emergency purchasing policy as adopted by this body and overseen by Auditor Randy Bartels. He said Bartels confirmed the process that we should go through to get quotes to take care of the issue and to come to you at the first available council meeting for the authority to pay the contractor which we did. I'm sorry that it happened, but he did what he is obliged to do because of his oath of office and this body does have an obligation to pay the contractor. If the innuendo is true, and the owner has the ability to pay this, then the law department will be very effective in reclaiming the city funds. He said for those of you not familiar with the process, we place liens against the property and if we are able to collect and block grant funds are used, it goes back into the block grant fund for redistribution. He said the money will be protected if the owner does have the means to pay for this. Councilor Kreher stated that this Ordinance is to just pay the contractor. For all of the opinions about who and why and what happened are not what we are here for. We are here to pay the man who did the work that he was hired and required to do. Our opinions are strong and broad, but this is just to pay Ben's Construction. The following vote was recorded on the motion. Yea, 5; McLean, Thompson, Kreher, Neeper 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 third reading.

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113-18 Levying special assessments for property maintenance code charges on premises in the City of Lima, Ohio. Thompson moved, seconded by Kreher, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; 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 a 7-0 vote.

114-18 Amending a contract with D & M Painting. McLean moved, seconded by Kreher, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; 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 a 7-0 vote.

115-18 Granting permission to Star Spangled Spectacular, Inc. to host a private reception in Faurot park. Neeper moved, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; 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 a 7-0 vote.

116-18 Authorizing the Mayor to enter into a Memorandum of Understanding with Lima Area Freedom School. Neeper moved, seconded by Dixon, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 7; 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 a 7-0 vote.

117-18 Amending Section 802.02 of the Codified Ordinances of Lima, Ohio concerning license application and issuance. Neeper moved, seconded by McLean that that Ordinance be passed on the first reading. Councilor Dixon asked Tony Geiger what type of licenses this Ordinance is referring to. Mr. Geiger stated it is for all licenses granted under Part 8 of the City's Business Code such as ice cream vendors, cigar stores, fortune tellers, itinerary vendors and licenses of that nature. Dixon stated his issue with this is that we are hindering people from obtaining a license that may be offenders. When he looks at that, he thinks about an individual who owns a business in Columbus, Ohio called Hot Chicken Takeover. Dixon stated that the owner could not gain employment after being released from prison so he decided to be a part of economic growth and started his own business that employs not only himself but other convicted felons who could not gain employment. He takes offense to this because it says you don't deserve a second chance. He does understand why sex offenders should not be able to operate an ice cream truck where children are the main customer. He stated he looked at the CDBG applications and we have a gentleman who has an organization who is helping people take their side hustle and make it their main hustle to promote economic growth. This piece of legislation stops that. He will not be supporting this Ordinance. Councilor Glenn asked if there was any way we could put this legislation into a Committee. He said the Director of the prison is always pushing for opportunities and is always working to help inmates continue their livelihood. He doesn't approve sex-offenders obtaining a license. He would like to put this in a Committee and talk about this. Councilor Nixon stated that if you read this in its entirety, the key piece is that it does not say an automatic refusal

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will include the reasons listed, it sets grounds for refusal. Meaning that those grounds could be used to decline a license application but it also doesn't require that those licenses be declined. There is latitude given. He would agree with Dixon if it says that all of these offenses are an automatic exclusion of obtaining a license. Councilor Thompson stated that she thinks the problem is that these brush strokes are too broad to make some of us comfortable. She is in complete agreement that some things need to be monitored. She can't support anything unless it is a little more specific. Tony Geiger stated that these are all new and many of these are already in place for taxi cab licenses. Councilor Dixon stated that we all know what not limited to and grounds for means. He referred to Tony Geiger's email in which he stated there was a concern of a license application because of the applicant's criminal history and Geiger advised Administration that we should amend the code to include more specific standards. Dixon stated that to him that is the reason he says this is too broad and will not support this because we are not giving anyone of any color or minority race a second chance. He doesn't see color, he sees what is right and what is wrong and to him this is wrong. Councilor Neepers withdrew his motion to pass the Ordinance 117-18 on the first reading, seconded by McLean. Neepers moved, seconded by McLean, that the Ordinance be placed on a second reading and referred to Council Committee. Motion carried.

118-18 Amending Section 802.07 of the Codified Ordinances of Lima, Ohio concerning license application and issuance. Dixon moved, seconded by Thompson, that the Ordinance be placed on a second reading and referred to a Council Committee. Motion carried.

119-18 Amending Section 824.02 of the Codified Ordinances of Lima, Ohio concerning license required. Thompson moved, seconded by Kreher, that the Ordinance be placed on a second reading and referred to a Council Committee. Motion carried.

#### MISCELLANEOUS BUSINESS:

Councilor Kreher wished her sister a happy birthday. She referred to the Urban Stormwater Scene pamphlet and the Plant a Tree Rebate Program. She knows that the 4<sup>th</sup> ward has some trees that need to come down but with this program, you now have the opportunity to replace that tree. She said last week Fresh-N-Faded had a community conversation that had a really good turnout and the things people had to say and were willing to contribute was excellent. She said during that meeting no one mentioned that we need mentoring until today at the Economic and Community Development Committee meeting when the Director for Bradfield Center said they believe in mentoring. She is happy that everyone is willing to work together. We just need to know how to communicate with each other to make those things happen.

Councilor Dixon moved to refer the issue of Part 8 of the Codified Ordinances of Lima, Ohio to the Public Works Committee, seconded by Neepers. Motion carried. He invited everyone to attend the Fifth Ward Forum on June 21, 2018 at 7:00 pm located at the New Life Assembly Church located at 1003 E. Kibby Street. He stated he received several calls and messages Saturday evening in regards to the incident that took place at the St. Gerard's festival. He watched the video and he identified the woman and spoke with her. He has not yet spoken with the Chief or Sgt. Hart

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about the incident but would like to do so before a presumption is given. He stated just by looking at the video, we know there was an officer and a citizen was involved and a taser was used. He felt it escalated a little too quickly especially because she was asked to leave the premises and the video took place on North Elizabeth Street. This is the same officer that was in the paper less than thirty days ago for kicking a woman. He is not here to pass judgment but he said back in the 60's or 70's we had a black woman that was shot and killed by an officer. Moving forward to 2008 we had a lady who was shot by officers while holding a baby. In 2016 we had a young lady that was pulled out of a car by officers. Last August we had a pregnant woman that was slammed by officers, 30-days ago we had a young lady that was kicked by officers, now we have a young lady who was tased by officers. To him it seems to be a problem. He has asked for studies to be done and he spoke with Glenn who said he will move forward in his committee once he has all of the pieces together. He is pleased with that. He is asking not only Council but the public to back him to make sure this study gets done so we can go off of facts rather than emotions and presumptions. If we want to mend the relationship between the citizens and the police department we must be transparent and can't allow the investigation to be done house.

Councilor Glenn stated there will be a memorial service for King Seay, President of the Southside Neighborhood Association on Monday from 5-6. He set a Safety Services Committee Meeting for Monday, June 11, 2018 at 6:00 p.m. He stated the paint program is going well and they will be painting the first two houses this weekend. They have two churches that are volunteering to help. He said they are doing well with the air conditioners. Dunkin Diamonds will be helping along with WOCAP.

Councilor Neepier scheduled a Public Works Committee Meeting for June 13<sup>th</sup> at 6:00 p.m. regarding Part 8 of the Codified Ordinances of Lima, Ohio. He stated he attended the Community Town Hall meeting that he believes was extremely informational. He challenged Rev. Falls from the NAACP and the Lima Ministerial Alliance to find a solution between the two organizations. He said the problem right now is not knowing the issues, it is an issue of selling the solution. If those two entities cannot come together, there is not going to be a solution. He doesn't know the issue between them but he sees from the outside that there is an issue between the two groups. He said he is a member of the Soap Box Derby and invited everyone to come out on June 16<sup>th</sup> at Faurot Park. He said to keep fathers in mind on June 17<sup>th</sup> and there is a Westgate Neighborhood Association meeting on the 17<sup>th</sup>.

Councilor McLean said he doesn't have a lot to add to what's been said tonight except to tell everyone to be good to each other. McLean moved, seconded by Thompson, to approve the absence and salary for Councilor Gordon. Motion carried.

Councilor Thompson stated that there is a Central Neighborhood Association meeting on June 20<sup>th</sup> at LACNIP from 6:30-8:00 p.m. She stated that the Town Hall meeting had a lot of people in the room that actually cared and were interested in finding solutions. She said we can particularly start by talking about race instead of ignoring that race is an issue. She thanked former Councilor Lowe and said it has been wonderful to be able to reach out to him and receive feedback



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and assistance. She thanked Brandon Stuber from Pitts Lawn Care who is the one who began the Lawn Angel Program. She thanked Angie Rex for working with her and Brandon in removing some peoples fines for lawn care. Brandon truly cares about disabled and elderly people. She stated she taught her oldest son at a young age not to trust police. Her brother then finished the police academy as a result of being targeted by police and being a victim of institutional racism. She realized then that she had been telling her son not to believe in his uncle. She agrees with what Councilor Neeper was saying and agrees our conversation going forward should be how do we all move forward, it is not okay for us to be disrespectful of each other on both sides. When someone goes to work every day and every call could be the one that they don't come home from, you have to respect that position and the job they are willing to do. We need to show respect and then we can complain that respect isn't shown back to us. Our local officers also need some love and to learn some love for their community.

McLean moved that Council adjourn until June 18<sup>th</sup> at 7:00 p.m., seconded by Kreher, motion carried.

  
Dana Addis, Clerk

  
John G. Nixon, President