

MINUTES OF LIMA CITY COUNCIL
LIMA, OHIO

June 28, 2021

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, Deputy 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; Sharetta Smith, Chief of Staff; Chief Martin and Dana Addis, Clerk.

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

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

Gordon moved, seconded by Glenn, to amend the Agenda by adding Ruth Witter and Taft Mangus to Privilege of the Floor. Motion carried.

THE FOLLOWING RESOLUTIONS WERE PRESENTED:

008-21 A Resolution memorializing the late Dr. John Stechschulte. Neeper moved, seconded by Glenn, that the Resolution be adopted on the first reading after having been read. The Clerk read the Resolution. The following vote was recorded on the motion: Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Dixon, Glenn, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the resolution was adopted on the first reading by an 8-0 vote. Dr. James O'Neill, Nephew of Dr. John Stechschulte, expressed his appreciation to Council for acknowledging his uncle.

PRIVILEGE OF THE FLOOR:

Ruth Witter, 555 Wakashan Trail, advised many people her age, including herself, would like to see Lima become a much more vibrant City. She explained a lack of opportunity is the City Pool where young people can go for a few dollars a day rather than pay an unaffordable membership fee. Mrs. Witter explained if she had a commitment of a minimum six lane pool, a diving board and a kiddie area, she would make a donation to such fund and bequeath in her will to help build and operate the pool. She believes they can get other people to do that same thing and expressed the importance of acting soon.

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Taft Mangus, 625 North West Street, representing Labors Local 329. He expressed the concern with the Lima Refinery choosing to use low wage workers from out of state to complete the fall shutdown which they are estimating will include 1.7 Million man hours completed by 3,000 workers generating approximately \$70 Million in wages. He explained this is more than just a jobs issue, as it will have a ripple effect on the tax base, capital investment and community growth. He advised the Refinery is now trying to convince the community that after 135 years of installing and maintaining the process equipment, that they are now unqualified to perform the shutdown work. He asked Lima City Council to pass a Resolution in support of Ohio workers for Ohio jobs, to sign their petition and rescind any special agreements that the City has with the Refinery.

THE FOLLOWING ITEMS WERE PRESENTED ON THE CONSENT CALENDAR:

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

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

THE FOLLOWING COMMUNICATIONS WERE PRESENTED:

1. From the Deputy Fire Chief regarding legislation to enter into contract with Motorola Solutions. Moved by Dixon, seconded by Glenn, that the communication be received and filed. Motion carried.

2. From the Chief of Police regarding legislation to apply for, accept and administer an award from the U.S. Department of Justice for the 2021 Edward Byrne Memorial Justice Assistance Program. Moved by Dixon, seconded by Glenn, that the communication be received and filed. Motion carried.

3. From the Chief of Police regarding legislation to enter into contract with ALL Traffic Solutions, Inc. Moved by Dixon, seconded by Neeper, that the communication be received and filed. Motion carried.

4. From the Finance Dir. regarding legislation to amend the 2021 annual budget. Moved by Neeper, seconded by Thompson, that the communication be received and filed. Motion carried.

5. From the Finance Dir. requesting a public hearing be set for the 2022 Tax Budget. Moved by Neeper, that the communication be received, filed, authorize the Law Dir. to prepare the necessary legislation and to set a Public Hearing for July 12, 2021. Motion carried.

6. From the Dir. of Community Development regarding legislation to place tax assessments on premises in the City of Lima. Moved by Thompson, seconded by Wilkerson, that

the communication be received and filed. Motion carried.

7. From the Dir. of Community Development regarding legislation to place tax assessments on premises in the City of Lima. Moved by Thompson, seconded by Gordon, that the communication be received and filed. Motion carried.

8. From the Dir. of Community Development regarding the 2021-2022 CDBG/HOME Action Plan schedule and proposed allocations. Moved by Thompson, seconded by Wilkerson, that the communication be received and filed. Councilor Thompson made note that the revised plan is available for public viewing at the City's website, in the Department of Community Development and also at the Lima Public Library. Motion carried.

9. From the Dir. of Community Development explaining the purpose of the 2021 General Fund appropriations for the Department of Community Development. Moved by Thompson, seconded by Neeper, that the communication be received and filed. Motion carried.

10. From the Dir. of Public Works regarding the emergency replacement of a leaking diesel line at the Water Treatment Plant. Moved by Ehora, seconded by Neeper, that the communication be received and filed. Motion carried.

11. From the Dir. of Public Works regarding legislation to enter into contract to purchase vehicles for the Public Works Department. Moved by Ehora, seconded by Neeper, that the communication be received and filed. Motion carried.

12. From the City Engineer regarding legislation to enter into contract with The Shelly Co. Moved by Ehora, seconded by Neeper, that the communication be received and filed. Motion carried.

13. From the City Engineer regarding legislation to enter into contract with Fenson Contracting, LLC. Moved by Ehora, seconded by Neeper, that the communication be received and filed. Motion carried.

14. From the City Engineer regarding legislation to amend a contract with Brenneman Excavating, Inc. Moved by Ehora, seconded by Thompson, that the communication be received and filed. Motion carried.

15. From the City Engineer regarding legislation to amend the contract with Hohenbrink Excavating, Inc. Moved by Ehora, seconded by Thompson, that the communication be received and filed. Motion carried.

16. From the City Engineer regarding legislation to enter into contract with Spieker General Contractors. Moved by Ehora, seconded by Glenn, that the communication be received

and filed. Motion carried.

17. From the Chief Technology Officer regarding legislation to enter into contract with Utilities Metering Solutions. Moved by Gordon, seconded by Dixon, that the communication be received and filed. Motion carried.

18. From the Utility Operations Manager regarding legislation to bid and award to repair the sewer collapse in front of the Police Station. Moved by Gordon, seconded by Wilkerson, that the communication be received and filed. Motion carried.

PETITIONS:

Petition to re-zone the 216 Kibby Street area – Petitioned for by Doug Roser/Derkco, Inc. Glenn moved, seconded by Thompson, that the petition be received and filed; that the Law Director 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 August 9, 2021 at 7:00 p.m. Councilor Dixon objects to approving the Petition and inquired about referring the issue to the Economic & Community Development Committee because he believes the re-zoning will disturb the flow of the neighborhood. Nixon explained the Petition has already been through the Planning Commission. Dixon advised during the last Committee meeting, they discussed selling side parcels and looking at potential housing development and the Petition creates a parking lot. Nixon advised a Public Hearing will be set and can be referred and the Committee can meet in the meantime. He expressed his concerns of delaying the process. Mayor Berger pointed out the Petitioner is a company that has been a good neighbor and has invested in what was the old fire stations in the South end and has been accumulated additional parcels as they have grown in business and this was presented as an economic development initiative. He advised the normal process was respected and he believes the Public Hearing is an opportunity for the discussion they are looking for. Motion carried.

REPORTS OF OFFICIALS:

Kelsey Pughsley provided Council with an update of the City of Lima ECCO Program. She explained they have worked with over 100 students at North Middle School and St. Gerard's in the first two years. She reviewed what the kids have been doing and the partnerships they have developed including Artspace, CPR training, Yoga with Miss Paula, Johnny Appleseed, Rock Steady Boxing, fishing with the Park Rangers, OSU Lima 4H, LPD, LFD, etc. She expressed the ECCO Program is a great opportunity for children. Ric Stolly acknowledged the hard work Kelsey and her team has put in to pulling the program together. (A complete copy of the presentation is on file in the Council office).

Nancy Nozik, Brandstetter Carroll, Inc. explained her firm has completed an Aquatic Facilities Feasibility Study for the City of Lima. She advised the City School Board is working

closely with the City and they are also working closely with the Lima YMCA. She advised in order to gain community input, there is an online survey available. In the first week the survey was live they received over 1300 responses. She explained the struggle of meeting in person, so they will go to where the people are to gain feedback. They will also hold stakeholder meetings. She identified four potential locations for the pool including Schoonover Park, Lima Senior High School, Freedom Elementary and Liberty Elementary. She also provided two examples of All-Season Pool options including the bubble and retractable roof. Ric Stolly advised a potential time frame of two years inclusive of construction give or take. (A complete copy of the presentation is on file in the Council office).

REPORTS OF COMMITTEES:

Councilor Glenn advised the Joint Safety Services and Neighborhood Concerns Committee met on June 7, 2021 to discuss the services of the Allen County Dog Warden, Code Enforcement Guidelines including grass cutting, loud noise and housing demolition. He advised it was a productive meeting. All members have received a copy. Glenn moved, seconded by Dixon, that the report be received, filed and approved. Motion carried.

THE FOLLOWING ORDINANCES WERE PRESENTED:

128-21 An Ordinance 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, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

129-21 An Ordinance levying special assessments for property maintenance code charges on premises in the City of Lima, Ohio. Thompson moved, seconded by Wilkerson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

130-21 An Ordinance 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. President Nixon expressed his concern with the large amount of special assessments that has been accumulated in a short time frame. He advised the total amount of assessments is \$118,850.00 not including the other two assessments ordinances. He understands it is necessary, but expressed it is a waste of money if people would just take care of their properties. Councilor Glenn explained they talked about different ways to handle the issue in his Committee meeting and he agrees it is a lot of money. Nixon suggested looking at tax foreclosures on the properties. The following vote was recorded on the motion. Yea, 8; Gordon,

Wilkerson, Thompson, Ehora, 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.

131-21 An Ordinance amending the 2021 Annual Budget. 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, Wilkerson, Thompson, Ehora, 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.

132-21 An Ordinance authorizing the Mayor to enter into contract with Utilities Metering Solutions (UMS). Moved by Gordon, seconded by Wilkerson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

133-21 An Ordinance authorizing the Mayor to enter into contract with Motorola Solutions, Inc. Moved by Dixon, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

134-21 An Ordinance authorizing the Mayor to advertise for bids and enter into contract for the purchase and installation of three boilers at the Wastewater Treatment Plant. Moved by Gordon, seconded by Neeper, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

135-21 An Ordinance authorizing the Mayor to enter into contract with govdeals.com. Gordon moved, seconded by Wilkerson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

136-21 An Ordinance authorizing the Mayor to apply for, accept and administer grant funds from the U.S. Department of Justice 2021 Edward Byrne Memorial Justice Assistance Grant Program (Local Solicitation). Moved by Dixon, seconded by Glenn, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

137-21 An Ordinance authorizing the Mayor to enter into contract with ALL Traffic Solutions Inc. Dixon moved, seconded by Neeper, that the ordinance be passed on the first reading.

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The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

138-21 An Ordinance authorizing the Mayor to enter into contracts to purchase vehicles for the Public Works Department. Ehora moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

139-21 An Ordinance authorizing the Mayor to amend the contract with Hohenbrink Excavating, Inc. as authorized in Ordinance 149-20. Ehora moved, seconded by Neeper, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

140-21 An Ordinance authorizing the Mayor to amend the contract with Brenneman Excavating, Inc. as authorized in Ordinance 006-21. Ehora moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

141-21 An Ordinance authorizing the Mayor to enter into a contract with Fenson Contracting, LLC. Ehora moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

142-21 An Ordinance authorizing the Mayor to enter into a contract with the Spieker Company. Ehora moved, seconded by Neeper, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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.

143-21 An Ordinance authorizing the Mayor to enter into a contract with the Shelly Company. Ehora moved, seconded by Thompson, that the ordinance be passed on the first reading. The following vote was recorded on the motion. Yea, 8; Gordon, Wilkerson, Thompson, Ehora, 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 Ehora explained her comments regarding mini bikes was not an indictment

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against the Lima Police Department but rather the citizens who are buying the bikes and allowing their children to ride them. She clarified her reference to the City being responsible to take on the issue as being all of Council, Administration, Police, etc. She said at the end of the day, it comes back to the behavior of our citizens and Council can't fix the problem without people being cooperative. She referenced an issue in her ward regarding parking and expressed the importance of effectively communicating with their neighbors. She advised Council cannot fix people's behaviors and they need to do something different. She thanked Ruth Witter and Taft Mangus for speaking and she looks forward to working on the pool issue. She said the fireworks have started and asked everyone to be kind to each other and check their own behaviors.

Councilor Dixon moved, seconded by Neeper, to refer the Petition to re-zone the 216 E. Kibby Street area to the Community and Economic Development Committee. Motion carried 7-1 with Nixon voting no. Dixon wished everyone a Happy Fourth of July and asked everyone to be safe, positive and to look out for neighbors.

Councilor Glenn said they continue to hear complaints and meetings are being set. He said he can't be a principal for his constituents. He expressed his support to Taft Mangus and the Union. He wished everyone a Happy Fourth of July. He said they had a great Juneteenth. He thanked St. Rita's for the work their volunteers have done in the area last weekend.

Councilor Neeper reminded everyone to be careful over the weekend with fireworks.

Councilor Gordon thanked Ruth Witter for her comments regarding the Pool and thanked Ric Stolly and Nancy Nozik for the work they are putting in. He also thanked Kelsey Pughsley for her work on the ECCO Program. He expressed his support to Taft Mangus and the Union and hopes Council and the City can support the workers of the refinery. He referenced the noise issue and the frustration among constituents and Council and he asked Chief Martin to briefly explain what the Police Department is doing to curb the issue. Chief Martin does agree they need cooperation from the citizens of Lima but it is human nature that some will not voluntarily comply. He advised each shift has been charged with dedicating 16 hours per week with a minimum of one officer during that 16 hours out engaged or focused specifically on quality life enforcement. He explained quality life enforcement covers loud music, speeding, go-carts, mini-bikes, unregistered vehicles, stop sign violations, etc. Gordon recommended the information should be made public.

Councilor Wilkerson referenced a phone call he received asking if there is a designated area for mini-bikes or 4-wheelers to be rode legally. He challenged Council and Administration to look at something proactive and give residents a place to ride their mini bikes and 4-wheelers. He expressed the need for people to be more neighborly and keep an eye out. He encouraged everyone to celebrate the Fourth of July. He expressed his willingness to sign the Petition for the Union Members.

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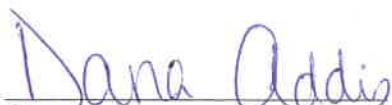
Councilor Thompson thanked Ruth Witter and expressed how she was impressed that Mrs. Witter came with not just a problem, but with a solution and proposed help. She expressed her support of Taft Mangus and the Union members' initiative. She explained why she wanted to be a Union rep when she was a teacher. She thanked anyone and everyone who was a part of the Juneteenth celebration and encouraged attendance next year. She said it was a beautiful celebration about black culture, for black culture, put on by the black culture that exists in Lima and that everyone was welcome to it. She explained with the help of Sharetta Smith, her Neighborhood Association and fellow Councilors, they will be holding a summer reading pilot program and explained the purpose of the initiative. She announced the first one will be held next Tuesday at 6:00 p.m. at Robb Park. She encouraged the public to attend. She described an initiative being put on by Crime Victim Services along with Councilor Dixon and Councilor Glenn where they focus on reducing violent crime in their wards. She announced a listening circle for only residents of Ward 3 will be held Tuesday, June 29th. She explained a situation that occurred prior to today's Committee meeting where a group of girls were fighting in her yard and a mother got a gun rather than calming her daughter down. She explained she doesn't want to call the police on a group of 30 teenage black girls fighting because they have already been traumatized enough. She explained they need to teach each other how to be neighbors and talk to each other and gave examples of being a good neighbor.

President Nixon moved, seconded by Dixon, to authorize a Resolution encouraging the Refinery to utilize local tradesmen and tradeswomen during their shutdown this fall. Motion carried. Nixon explained the reasoning behind the Council meeting not being lived streamed on GTV Spectrum Channel 1021. He advised there will be limited seating with social distancing in Chambers. He clarified bringing folding chairs is not acceptable.

Councilor Gordon moved, seconded by Dixon, to adjourn into executive session to discuss collective bargaining. The following vote was recorded on the Motion: Yea, 8; Gordon, Wilkerson, Thompson, Ehora, Nixon, Dixon, Glenn and Neeper. Nay, None. Motion carried. Council adjourned into executive session.

Gordon moved, seconded by Glenn, to adjourn from executive session. Motion carried.

Gordon moved that Council adjourn until July 12, 2021 at 7:00 p.m., seconded by Dixon, motion carried.


Dana Addis, Clerk


John G. Nixon, President