

MINUTES OF LIMA CITY COUNCIL  
LIMA, OHIO

August 5, 2019

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; Sue Odenweller, Chief Deputy Auditor; Steven Cleaves, Finance Director; Susan Crotty; Dir. Of DCD; Mike Caprella, Dir. of Util.; Howard Elstro, Dir. of Public Works; Sharetta Smith, Chief of Staff; 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: Gordon, McLean, Thompson, Kreher, Dixon, Glenn, Neeper and Nixon.

THE FOLLOWING RESOLUTIONS WERE PRESENTED:

012-19 A Resolution Memorializing the late John Brookman, outstanding Lima citizen, and extending condolences to his family on behalf of the Lima City Council. McLean moved, seconded by Gordon that the Resolution be adopted on the first reading after having been read. The Clerk read the Resolution. President Nixon said he had the privilege and honor of working with Chief Brookman for about nine years. He found Chief Brookman to be very passionate about the Fire service, the job that he did and the department that he led. He said it truly was an honor to have worked with him during that time. He was very sorry to hear of Chief Brookman's passing. 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 resolution was adopted on the first reading by an 8-0 vote. Chief Brookman's daughter, Tina Mrukowski, thanked Council on behalf of the entire family, for the honorable distinction of their father. She explained her father had a great love for the City of Lima and he was truly passionate. He was always looking out for the City that he served and most of all his Fire Department. She said he was a wonderful servant to the City and an amazing dad who showed them how to respect, honor and serve their community. She thanked Council for appreciating her father's dedication to the City.

PRIVILEGE OF THE FLOOR:

Andrew Ward was not present to speak.

THE FOLLOWING ITEMS WERE PRESENTED ON THE CONSENT CALENDAR:

- a. Minutes of the previous meeting not read since each received a copy.
- b. Amended Minutes of Lima city Council meeting of June 17, 2019.
- c. Amended Minutes of Lima City Council Special Meeting of June 24, 2019.
- d. Treasurer's Report for May 2019.

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

THE FOLLOWING COMMUNICATIONS WERE PRESENTED:

1. From the Mayor requesting legislation to enter into contract with Schoolhouse Electronics. Moved by McLean, seconded by Gordon, that the communication be received, filed and authorize the Law Director to prepare the necessary legislation. Motion carried.
2. From the Finance Director regarding legislation to amend the 2019 Official Budget. Moved by McLean, seconded by Gordon, that the communication be received and filed. Motion carried.
3. From the Auditor regarding the May 2019 financial reports. Moved by McLean, seconded by Gordon, that the communication be received and filed. Motion carried.
4. From the Auditor regarding the contract labor reports for May and June of 2019. Moved by McLean, seconded by Gordon, that the communication be received and filed. Motion carried.
5. From the Director of Community Development regarding legislation to place tax assessments. Moved by Thompson, seconded by Kreher, that the communication be received and filed. Motion carried.
6. From the Director of Community Development regarding legislation to place tax assessments. Moved by Thompson, seconded by Dixon, that the communication be received and filed. Motion carried.
7. From the Director of Community Development regarding legislation to apply for, accept and administer a grant from HUD to implement a Lead Based Paint Hazard Reduction Program. Moved by Thompson, seconded by Kreher, that the communication be received and filed. Motion carried.
8. From the Director of Utilities requesting legislation to enter into contract with Peterson Construction Company. Moved by Gordon, seconded by McLean, that the communication be received, filed and authorize the Law Director to prepare the necessary legislation.
9. From the Director of Utilities regarding legislation to amend Ordinance 290-18. Moved by Gordon, seconded by McLean, that the communication be received and filed. Motion carried.

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10. From the Director of Utilities regarding legislation to enter into contract with Ohio E.P.A. Moved by Gordon, seconded by McLean, that the communication be received and filed. Motion carried.

11. From the Director of Utilities regarding legislation to enter into a natural gas service contract for the City's natural gas supply. Moved by Gordon, seconded by McLean, that the communication be received and filed. Motion carried.

12. From the Director of Public Works regarding legislation to accept a gift for re-landscaping within the streetscape traffic island area of Market and Main Streets. Moved by Neeper, seconded by Dixon, that the communication be received and filed. Motion carried.

13. From the Director of Public Works regarding legislation to enter into contract with Reineke Ford. Moved by Neeper, seconded by Thompson, that the communication be received and filed. Motion carried.

14. From the Director of Public Works regarding legislation to enter into contract to purchase a new 2019 Ford F-250 with Utility Body. Moved by Neeper, seconded by Glenn, that the communication be received and filed. Motion carried.

15. From the Director of Public Works regarding legislation to enter into contract with Southwest International Truck, Inc. Moved by Neeper, seconded by Glenn, that the communication be received and filed. Motion carried.

16. From the City Engineer regarding legislation to advertise for bids and enter into contract to reconstruct certain sidewalks for the 2019 Combined Sidewalk Project. Moved by Neeper, seconded by Thompson, that the communication be received and filed. Motion carried.

17. From the City Engineer regarding legislation to amend an LPA Agreement between ODOT for the ALL-LIMA-Wayne Street Project. Moved by Neeper, seconded by Glenn, that the communication be received and filed. Motion carried.

18. From the Director of Public Works regarding legislation to enter into an agreement with Custom Staffing. Moved by Neeper, seconded by Gordon, that the communication be received and filed. Motion carried.

19. From the City Engineer regarding legislation to enter into contract with Signature Control Systems. Moved by Neeper, seconded by Thompson, that the communication be received and filed. Motion carried.

20. From the City Engineer regarding legislation to enter into contract with PayByPhone Technologies, Inc. Moved by Neeper, seconded by Thompson, that the communication be received and filed. Motion carried.

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21. From the Director of Public Works regarding legislation to amend the Strength Ordinance. Moved by Neeper, seconded by Thompson, that the communication be received and filed. Motion carried.

22. From the Deputy Director of Parks, Recreation and Forestry regarding legislation to allow the Lima Sister Cities Association to complete Phase II of the Japanese Garden along the Ottawa River. Moved by Neeper, seconded by Glenn, that the communication be received and filed. Motion carried.

23. From the Chief of Police regarding legislation to disburse funds from the Asset Forfeiture Account. Moved by Glenn, seconded by Neeper, that the communication be received, filed and to authorize the Law Director to prepare the necessary legislation.

24. From the Director of Utilities regarding legislation to apply for, accept and enter into a Water Pollution Control Fund Agreement. Moved by Gordon, seconded by Thompson, that the communication be received and filed. Motion carried.

#### REPORTS OF OFFICIALS:

Steve Cleaves, Finance Director, presented Council with a Mid-year Finance Update. He advised Council that the General Fund is in pretty good shape for the first half of the year. He said the revenues have come in strong this year, particularly the income taxes. He explained business profit taxes are way up because the State has taken over the collection of business taxes. He said we have increased or spending substantially over the last couple of years. He explained the revenue is at 55% and the expenditure side is at 48% which is on target. He advised the cash balance is still going strong at \$7.6 Million. The income tax receipts are at \$10.4 Million, which is good. He explained almost all spending is around 48% except the Tax Department Refunds which is at 73% due to payment of refunds. He reviewed the Safety Services overtime, General Fund Revenue, Health Care Account and Health Care Cash Balance. He advised Health Care costs are continuing to increase. He explained the Enterprise Fund Budgets are close to being on target and are expected to be within budget by the end of the year. He said their revenues are doing very well and they need to be careful with spending. President Nixon asked Cleaves if the new process of the state collecting the business tax is working. Cleaves explained it is working much worse as some Cities are in a situation where they have businesses paying their estimated taxes to the State and when they file an amended return to receive a refund, the City is required to pay the refund when they did not receive the payment in the first place, which doesn't make any sense. Councilor Glenn asked Cleaves if there will be cutbacks. Cleaves said we are in pretty good shape with capital and could cut back if they had to. Councilor McLean expressed the City is in good hands but does need to keep a reserve as part of their bond rating. He said he would like to sit down and discuss the aging of the homes in Lima and what can be used as a revolving fund or something of that nature. He believes Mr. Cleaves has done a very good job and thanked him. Cleaves advised they have received compliments on their cash balance when applying for bonds in the past. (A copy of the report is available in the Council Office).

REPORTS OF COMMITTEES:

Councilor Dixon reported that the Neighborhood Concerns Committee met on July 8, 2019 to discuss the New Lima Homes Lease Agreements and repairs. All Council members have received a copy. Dixon moved, seconded by Glenn, that the report be received, filed and approved. Motion carried.

THE FOLLOWING ORDINANCES WERE PRESENTED:

170-19 Levying special assessments for property maintenance code charges on premises in the City of Lima. 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, 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.

171-19 Levying special assessments for property maintenance code charges on premises in the City of Lima. 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, 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.

172-19 Amending the 2019 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, Neeper and Nixon. Nay, none. The Chair declared the motion carried and the ordinance passes on the first reading by an 8-0 vote.

173-19 Authorizing the Mayor to advertise for bids and enter into a contract for the construction of certain sidewalks for the 2019 Combined Sidewalk Project. 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.

174-19 Authorizing the Mayor to apply for, accept and administer funds from the US Department of Housing and Urban Development (HUD). 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, 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.

175-19 Authorizing the Mayor to enter into an Agreement with JNK Properties, LLC to apply for, accept and administer funds from the Ohio Development Services Agency and the Ohio Environmental Protection Agency. 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.

176-19 Authorizing the Mayor to enter into an agreement with Ben H. Larick to apply for, accept and administer funds from the Ohio Development Services Agency and the Ohio Environmental Protection Agency. 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.

177-19 Authorizing the Mayor to apply for, accept, and enter into a Water Pollution Control Loan Fund Agreement on behalf of the City of Lima for planning, design and/or construction of wastewater facilities; and designating a dedicated repayment source for the loan. Gordon moved, seconded by McLean, 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.

178-19 Authorizing the Auditor to make payment to the State of Ohio Environmental Protection Agency. Gordon moved, seconded by McLean, 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.

179-19 Authorizing the Mayor to enter into contract for the purchase of natural gas. Gordon 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.

180-19 Amending Ordinance No. 290-18. Gordon moved, seconded Neeper, 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.

181-19 Authorizing the Mayor to enter an Agreement with Lima Sister Cities Association. Thompson moved, seconded by Kreher, 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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182-19 Authorizing the Mayor to enter into contract with Southwest International Truck, Inc. 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.

183-19 Authorizing the Mayor to enter into contract for the purchase of a 2019 F-250 with Utility Body. 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.

184-19 Authorizing the Mayor to enter into contract with Reineke Ford. 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.

185-19 Authorizing the Mayor to amend an LPA Agreement with the Ohio Department of Transportation for the ALL-LIMA-WAYNE STREET Project. Neeper moved, seconded by Dixon, 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.

186-19 Authorizing the Mayor to enter into contract with Signature Control Systems. 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.

187-19 Authorizing the Mayor to enter into contract with PayByPhone Technologies, Inc. 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.

188-19 Authorizing the Mayor to enter into contract with Custom Staffing for Account Clerk II services. 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.

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189-19 Establishing the positions and classifications and fixing the salary and compensation of such positions and classifications. 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.

190-19 Authorizing the Mayor to accept a donation for Landscaping in the traffic island area of Market and Main Streets. Neeper moved, seconded by McLean, that the Ordinance be amended by including “Wenger Insurance” as a donor in the first Whereas section and Section 1 of the Ordinance and authorize the Clerk to provide a clean copy. Motion carried. Neeper moved, seconded by McLean, that the ordinance be passed on the first reading as amended. 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:

President Nixon expressed his appreciation to all who have contributed to the landscaping in the traffic island area of Market and Main Streets and believes it’s worth mentioning. The donors’ names are Wenger Insurance, Good Foods Restaurants, Lima Community Foundation, Lima Pallet Company, Rudolph Foods, Spieles Nursery, and Amy and Fred Odum. President Nixon moved, seconded by McLean, to authorize a Resolution congratulating the Lima Locos on winning the championship in the Great Lakes Collegiate League. Motion carried.

Councilor Kreher reminded everyone that National Night Out will be on August 6, 2019 from 6-9 pm downtown in the square. She announced it is a free event with food, live entertainment, self-defense demos and encouraged everyone to attend. She announced the Ottawa River Cleanup will be on September 7, 2019 and encouraged everyone to attend.

Councilor Dixon reminded everyone that the Lima City Schools will be hosting a school supply giveaway on Wednesday, August 7, 2019 from 4-6 pm at the Martin Luther King Jr. Park. He encouraged the area youth to participate in Midget League Football located at the various parks throughout Lima. He advised everyone if they know a child who needs tutoring, to please contact Jeff Kirkman of Nine Consulting Services at 419-233-1681. He reminded landlords that if they have properties that are not occupied or are occupied and the tenant is not mowing, it is still their responsibility to mow the grass. He has had several calls and had made many calls and advised Code Enforcement is doing what they are supposed to do. He announced the community weekly prayer is taking place throughout all the parks on Mondays at 6 pm until fall season then they will be located at the Cambridge Center. He encouraged everyone to follow them on Facebook at com-unity to get the locations. He asked everyone to continue to pray for the Cities of Dayton, Ohio and El Paso, Texas.



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Councilor Glenn held a moment of silence for the people in Dayton, Ohio and El Paso, Texas. He advised that they will be reporting the prostitution on Kibby Street. Councilor Glenn moved, seconded by Dixon, to refer the issue and request the placement of a four-way stop sign at the intersection of Charles and State Street. Motion carried. He is excited the Martin Luther Neighborhood Association received a grant for \$500 and a scholarship for \$2,000 which will be used to clean up the alleys. They will need volunteers. He announced the Panthers Cheerleaders will be planting flowers for the elderly. He announced the air conditioning program is still going on and they need 50 more air conditioners to reach their goal. He announced the paint program will be over on the 30<sup>th</sup>. He announced there will be an annual school giveaway at Fresh-N-Faded on August 11<sup>th</sup> from 12-5pm. He said no kid should be left behind. He is working on getting an ATM in the South end. Councilor Glenn moved, seconded by McLean, to refer the issue of Dave and Marsha Smith Annexation to the Neighborhood Concerns Committee. President Nixon said to be consistent, he will not support the Motion or legislation when it comes. He said the issue has been in front of Council, they have received the Petition, Administration is recommending not to proceed with the Annexation because of the condition of the property and the additional cost it will add to the City. The following vote was recorded on the Motion. Yea, 5; Gordon, McLean, Kreher, Glenn and Neeper. Nay, 3; Thompson, Dixon and Nixon. The Chair declared the motion carried by a 5-3 vote.

Councilor Neeper explained National Night Out is a good networking avenue for neighbors to get out and meet each other and talk. He announced Tuesday, August 6<sup>th</sup> from 11-12 the Hyperloop will be on display at the Civic Center. He announced the Fair Parade will be on August 11, 2019 at 2:00 pm. He announced Walk the Beat will be on August 13, 2019 at the Bradfield Center from 6-8 pm. He announced August 15<sup>th</sup> will be Toast to the City.

Councilor Gordon reminded everyone that school starts on August 14<sup>th</sup> and to be careful with all the kids. He said National Night Out is a fun night that his grandkids love. He expressed his appreciation to everyone who makes National Night Out happen. He thinks it's a good idea to talk about the annexation in a Committee meeting which is why he supports it. He asked everyone to be good to each other.


Councilor McLean encouraged everyone to get out and talk to their neighbors if they can't attend National Night Out. He said the issues in Dayton and El Paso all lead back to mental health which is a problem in our Country. He encouraged anyone who suspects someone is suffering to contact the Police Dept. He asked everyone to watch out for children walking to school.

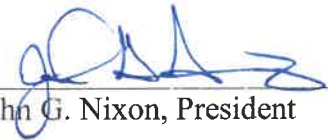
Councilor Thompson announced there will be a back to school celebration hosted by the Lima City Schools on August 7<sup>th</sup> at MLK Park. She thanked AEP and City of Lima workers after a power line was hit and they quickly restored power. She promoted the information tables at National Night Out and said a lot of what is going on that night is because of the Neighborhood Associations. She encouraged everyone to check out the Block Patrol table and to participate in the Block Patrol walks. She announced the Central Lima Neighborhood Association will be meeting on August 28<sup>th</sup> at 6:30 pm at the Elks and everyone is invited.

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Councilor Dixon announced there will be a Neighborhood Concerns Committee meeting on Monday, August 12<sup>th</sup> at 5:00 pm to discuss the issues of animal welfare and the Dave and Marsha Smith Annexation.

McLean moved that Council adjourn until August 19th, 2019 at 7:00 p.m., seconded by Thompson, motion carried.

  
Dana Addis, Clerk

  
John G. Nixon, President