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Minutes for the Lebanon City Council Meeting
July 7, 2020
7:00 p.m. 50 S. Broadway, Lebanon, Ohio

Council of the City of Lebanon met in a work session meeting in the Council Chambers at the City Building. The meeting was called to order at 7:00 p.m. on July 7, 2020 with the following members present: Mayor Brewer, Mr. Mathews, Vice Mayor Messer, Mrs. Monroe, Mr. Shafer, Mr. Shope and Ms. Wyatt. Present from the City Staff was Manager Scott Brunka, Attorney Mark Yurick, Clerk/Auditor Dan Burke, and Police Chief Jeff Mitchell.

The Pledge of Allegiance was recited.

Previous Business

Ordinance – Adopting the zoning map amendment to rezone parcel number 12062520031 located at 601 N. Broadway from Residential One C (R-1C) to Public Institutional (P-I). This is the future fire station location.

New Business

Ordinance – Authorizing a right of way lease agreement with the Lebanon Elks for a bump-out on E. Mulberry Street. Mr. Brunka stated that the Elks organization is paying for the project and it will eliminate one parking space on Mulberry Street. The Elks representative stated that they have raised funds for the project since 2016 and they are ready to proceed as soon as a contractor is available. Although the Elks is a private club, they have no restrictions for membership. The group was founded 125 years ago, have over 500 members in Lebanon, and they do a lot of philanthropic work in the community. Their banquet hall has been renovated and is open for public rentals. Ms. Wyatt is a board member of the Elks and she supports the project because it will also draw attention to the Elks organization. Mayor Brewer is also an Elks member and she asked Mr. Yurick if she and Ms. Wyatt should recuse themselves from the vote. Mr. Yurick recommended that they both recuse themselves. Vice Mayor Messer, Mr. Mathews and Mr. Shope sponsored legislation for the next City Council meeting.

Resolution – Adopting the 2021 City Pay Plan. Mr. Brunka stated that the majority of the City staff is covered by bargaining unit contracts and this pay plan covers other administrative staff and department managers. The request is for a total wage increase of 2.5% consisting of a 1.0% cost of living increase and a 1.5% merit increase. Ms. Wyatt asked Mr. Burke about the impact of Coronavirus on the earnings tax and Mr. Burke stated that the employer withholding tax has been stable since March and we will know more about the individual account revenue after the July 15 Lebanon tax filing deadline. Mr. Shope and Ms. Wyatt sponsored legislation for the next City Council meeting.

Ordinance – Approving a supplemental appropriation in the amount of $40,000 in the 410 Capital Reserve & Replacement Fund to address railroad bridge repairs. Mr. Brunka stated that one of the bridges needs emergency timber repair work that was originally scheduled for 2021 so this budget adjustment will accelerate that repair by a year. The rail crossing on Mechanic Street was replaced as scheduled in the budget. In response to a question from Ms. Wyatt, Mr. Brunka confirmed that the Lebanon train is not operating at this time due to coronavirus. Mayor Brewer and Ms. Wyatt sponsored legislation for the next City Council meeting.

Resolution – Adopting the 2021 Tax Budget for submission to the Warren County Auditor. Mr. Burke stated that this is an annual statutory requirement that estimates the City's revenue and expenses for 2021. Mayor Brewer, Vice Mayor Messer and Mr. Shope sponsored legislation for the next City Council meeting.

Resolution – Authorizing an amendment to the 511 N. Broadway Ave. Development Agreement. Mr. Brunka stated that this amendment will extend the contingency deadline by 60 days to September 30, 2020 so the developer can get new construction cost estimates for the project. The amendment also gives the developer a 60 day extension to January 1, 2021 to begin the project. Mr. Brunka continues to meet with the development team and the team has toured Lebanon again and appears ready to move ahead with the project. Mayor Brewer sponsored legislation for the next City Council.

General Discussion Topics

Update from Police Chief Mitchell
Chief Mitchell began by thanking the Lebanon Elks for the generous support that they have provided to the Police Department. Chief Mitchell discussed the concept of Police Legitimacy and the importance of maintaining the public's trust and confidence. The police must understand the needs of the community and address those concerns appropriately. Police Legitimacy is not a static set of rules or policies, it can change based on a variety of factors. The Chief is proud that in 1986 Lebanon joined the Commission on Accreditation Law Enforcement Agencies (C.A.L.E.A.) and became the second department in Ohio and the eleventh department nationally to achieve this accreditation. The department has been reaccredited eleven times and the process reviews 489 professional standards and includes input from the public. This is a tool that the Chief uses to validate the department's legitimacy. Chief Mitchell explained the importance of using an intrusive recruitment and hiring process to find employment applicants who match the Lebanon P.D. values.

Chief Mitchell explained that he expanded the use of force reporting a few years ago to include threatened action as opposed to action only. All employees on the scene are now interviewed to determine their response when another officer uses force. This has led to a growth in the use of force instances but often they are threats as opposed to action.

Chief Mitchell explained the concept of Procedural Justice, listening and showing respect are important components. The P.D. uses a training committee to determine a training plan based on statistical data. Every officer received at least 21 hours of training in 2019 including the areas of mental health and crisis intervention. The department had 276 calls for service in 2019 for mental health issues and the police department partners with mental health professionals in a mobile crisis unit for on-site assistance. These same resources are used for substance abuse follow-ups. The Chief explained that de-escalation is a result, not a tactic. Time, distance and communication are essential factors to calm a situation. This is another training focus for the department and appropriate use for the mobile crisis unit.

In response to a question from Mr. Shafer, Chief Mitchell stated that the National Testing Network uses three screening tests to assess employment candidates including a personality inventory. Mayor Brewer asked what residents should do if they have an unsatisfactory interaction with the P.D. Chief Mitchell stated that a complaint form can be found on the website but he prefers that people either stop by the office or call him directly to discuss the issues. The Chief is also available to meet with groups to discuss policing in Lebanon. In response to a question from Mr. Shope, the Chief confirmed that an effective background investigation identifies work-related problems that a candidate had in prior employment. Mr. Yurick added that the Ohio public records law requires that disciplinary records be retained and an experienced investigator will be find those public records. In response to a question from Mr. Shafer, the Chief stated that Lebanon's background check process has evolved and strengthened over time. Mayor Brewer thanked Chief Mitchell.

2021 City Council Goals and Objectives – Resolution

Mr. Brunka reviewed the components that were added to the draft. In response to a question from Mrs. Monroe, Mr. Brunka stated that the staff will engage stakeholders regarding the C.R.A. modifications. Mrs. Monroe would like to see elements that are more specific and measureable, Ms. Wyatt agreed and she would also like Mr. Brunka to verify the credentials of the workshop presenters. Mrs. Monroe would like City Council to participate in the workshop training. Mr. Brunka will update the draft based on City Council's comments, email the updated draft for review, and schedule for the next work session meeting.

Resolution Denouncing All Forms of Racism

Ms. Wyatt doesn't believe that this draft specifically addresses the requests that the residents identified. She wants to incorporate language that parallels the City's established E.E.O.C. policy. Mrs. Monroe read the draft Resolution. Vice Mayor Messer does not support including Section 1 in the Resolution, he would like it incorporated in the Council goals instead. Section 1 appoints two City Council members to the M.L.K. Coalition, Mr. Messer thinks it is more appropriate for Council to work with the Coalition collaboratively. Mr. Messer also wants to insert the word "national" so it reads "recent national events" and Mr. Shope agreed with that change. Mrs. Monroe does not think that change is necessary since the intent of this Resolution is to deal with a local problem. Mr. Shope would also like to change the word "power" to read "leadership" instead. There was a discussion about creating an advisory board to address these issues. In response to a question from Ms. Wyatt, Mr. Yurick confirmed that the City does not have any power to legislate the conduct of Lebanon businesses. Mrs. Monroe believes that systemic racism is real and simply recognizing that fact is not enough, she supports specific and measurable actions to address this problem. This action can include additional conversations, working groups, and specific goals. In reference to a human rights commission, Mrs. Monroe agrees that Council should investigate existing resources like the M.L.K. Commission before something new is created. Mayor Brewer wants the Resolution to be inclusive of all people and she believes that this draft addresses that approach. Ms. Wyatt wants to keep the focus on racism because that addresses the immediate concerns. Mayor Brewer reminded everyone that the M.L.K. Coalition represents a very diverse constituency and she is aware of that because she supports and attends their events every year. Mayor Brewer wants this Resolution to represent everyone in the community because that appears to be the mission of the M.L.K. Coalition. Resident Raye Kimberlin reminded City Council that the specific request is for City Council to pass a Resolution that condemns racism in Lebanon and nationally, that is all that was requested. Mrs. Monroe, Mr. Shope and Mr. Shafer agreed. There was a discussion about whether the Resolution should be more inclusive. In response to a question from a resident, Mr. Yurick clarified that the public will have another opportunity to comment on the Resolution when a final draft is completed. Mayor Brewer invited anyone to contact her directly to discuss the Resolution language. The Resolution language will be modified and discussed at the next work session.

S. West Street Property Zoning Discussion

Mr. Brunka stated that this property is a gateway to the City's historic district and is currently zoned as industrial which may not be appropriate for that location. City Planner Greg Orosz created a staff summary to show some of the permitted uses that exist under the industrial zoning designation. Staff believes that residential or mixed use zoning is probably a better fit for that corridor and gives the City more control for redevelopment. The current property owner and real estate agent have been contacted to discuss the zoning but have not responded. Ms. Wyatt asked if light industrial uses include automotive repair and Mr. Brunka stated that automotive repair could be excluded. In response to a question from Mr. Mathews, Mr. Yurick confirmed that the zoning can be changed while the property is for sale. Mr. Brunka is requesting a temporary moratorium while the appropriate zoning is reviewed. City Council directed Mr. Brunka to prepare legislation for a temporary moratorium.

Mulberry Street Outdoor Dining Discussion

Mr. Brunka stated that the plan is to continue closing Mulberry Plaza to vehicle traffic on Saturdays and Sundays through the end of August. Mr. Shope asked if the weekend closures have been effective and Mr.

Brunka stated that the comments have been mixed. It appears that the tables are utilized in the evenings but not during the mornings or afternoons. Ms. Wyatt has stopped by around 6:00 p.m. on a few locations and some of the tables are used but the heat appears to be limiting the crowds. One business owner has contacted City Council to complain that his business is down significantly on Saturday mornings due to the restricted access. Mayor Brewer stated that the closure promotes social distancing and family-friendly activities while benefiting the restaurants that are too small to offer indoor dining. She believes that this model provides a successful solution for many small businesses on Mulberry and Broadway. Mayor Brewer also sees a lot of opportunities for businesses to collaborate creatively. There was a discussion about sponsors, parking, and keeping the area clean and the consensus was to keep Mulberry Plaza closed to vehicle traffic on weekends through the end of August.

Small Business Grant Guidelines / Civic Donation Program
Mr. Mathews wants to add a component to these application processes so the applicant can explain their contribution to community. On the Civic Donation application he would also like to see an explanation of how the funding will be used. City Council agreed with the modifications to the Civic Donation application but the Small Business Grant application is fine as is. Mr. Brunka will bring the Civic Donation application to a Council work session for review in the fall.

Liquor Permit Request – Market 640
Vice Mayor Messer made a motion to waive the hearing, seconded by Mr. Mathews and approved by a show of hands.

Ty Duvall Recognition – July 14 City Council Meeting

Discussion Items

Mrs. Monroe asked Mr. Brunka and Mr. Burke to consider adding some additional information to the annual sidewalk replacement residential cost estimates to show everyone what the average cost is for that year and explain that the average cost amortized over a five-year assessment is a very nominal amount. Mrs. Monroe wanted to clarify that it is not the Lebanon School's fault when a racial incident occurs on their property and that racial incidents occur throughout the community. It was not her intent to blame the schools.

Mr. Mathews heard from several residents on Keever and some appear to be concerned about the future expansion. Mr. Mathews reminded everyone that the extended income tax deadline for Lebanon tax returns in July 15, 2020. Mr. Mathews thanked Main Street Lebanon, Police Chief Mitchell, Warren County Sheriff Sims, city staff, and everyone who attended the July 4 parade.

Vice Mayor Messer, Mr. Shafer, and Ms. Wyatt thanked Police Chief Mitchell for all of the excellent work that he and the department are doing in Lebanon. Ms. Wyatt received a lot of positive comments about the City fireworks show.

Mr. Shope thanked everyone for participating in the parade, he was very happy to see people enjoying a great event.

Mayor Brewer thanked City Council for a great discussion on the racism Resolution.

There being no further business to come before this Council a motion to adjourn the meeting was made by Ms. Wyatt, seconded by Mrs. Monroe. Roll call vote was approved unanimously. Meeting adjourned at 10:10 p.m.

Passed: August 25, 2020

Mayor

Clerk