



Marion City Council
Marion City Hall
233 West Center Street
Marion, Ohio 43302
Phone: 740.387.4935

**MARION CITY COUNCIL
REGULAR MEETING
AGENDA
March 9, 2020
City Hall – Council Chambers, 2nd Floor**

ROLL CALL

PRAYER

PLEDGE OF ALLEGIANCE

MINUTES of 02/24/2020

OLD BUSINESS

Item 1. ORDINANCE 2020-06: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE OFFICE OF THE LAW DIRECTOR FOR THE YEAR ENDING DECEMBER 31, 2020.
(Finance 3-0, Mr. Daniels, chair) (3rd Reading)

NEW BUSINESS

Item 1. ORDINANCE 2020-11: ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE AND EQUIPPING OF TWO (2) POLICE VEHICLES AND ENTER INTO CONTRACT WITH THE LOWEST AND MOST RESPONSIVE BIDDER FOR THE PURCHASE OF 2 EQUIPPED VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY (Finance 3-0, Mr. Daniels, chair)

Item 2. ORDINANCE 2020-12: ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE FORMULA FUND FOR THE YEAR ENDING DECEMBER 31, 2020 (Finance 3-0, Mr. Daniels, chair)

Item 3. ORDINANCE 2020-13: ORDINANCE AUTHORIZING THE APPROPRIATION OF ODPS GRANT MONEY INTO THE SUPPLIES LINE ITEM TO PURCHASE ITEMS FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY (Finance 3-0, Mr. Daniels, chair)

Item 4. ORDINANCE 2020-14: ORDINANCE AMENDING ORDINANCE 2019-18 WHICH CHANGED SALARIES FOR AQUATICS CENTER, AND DECLARING AN EMERGENCY (Municipal Services 3-0, Mrs. Swanger, chair)

Item 5. ORDINANCE 2020-15: ORDINANCE AMENDING MARION CITY CODE CHAPTER 911.42, SECTION C, PART 4, FIRST PARAGRAPH; TO REMOVE THE SPECIFIC LOCAL LIMIT VALUES FOR POLLUTANTS OF CONCERN AND TO REFERENCE A SEPARATE DOCUMENT WHERE THESE VALUES CAN BE FOUND IN ORDER TO ENABLE THESE VALUES TO BE CHANGED WITHOUT CHANGING CITY CODE. (Legislation and Codes 2-0, Mr. Daniels, chair)

Item 6. ORDINANCE 2020-16: ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO EXTEND A REQUEST FOR PROPOSALS AND THEREAFTER ENTER INTO CONTRACT FOR THE DEMOLITION OF 205 SILVER ST., MARION, OHIO WHICH HAS BEEN DECLARED BY HIM TO BE A DANGEROUS STRUCTURE AND AN IMMINENT THREAT, FURTHER FINDING A REAL AND PRESENT EMERGENCY EXISTS PURSUANT TO ORC 735.051 AND DECLARING AN EMERGENCY (Finance 3-0, Mr. Daniels, chair)

Item 7. RESOLUTION 2020-12: REQUEST FOR TRANSFER OF FUNDS WITHIN DEPARTMENT APPROPRIATIONS (Finance 3-0, Mr. Daniels, chair)

Item 8. ORDINANCE 2020-17: ORDINANCE RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND IAFF #379 , APPROPRIATE THE NECESSARY FUNDS AND DECLARING AN EMERGENCY (added by Mayor Schertzer)

- Request to go into executive session to discuss collective bargaining matters (as permitted in O.R.C. 121.22(G)(4))

OTHER BUSINESS

MATTERS NOT ON THE AGENDA

COMMITTEE MEETING SCHEDULE

ADJOURN



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 233 West Center Street
 Marion, Ohio 43302
 Phone: 740.387.4935

COMMITTEE SCHEDULE

Marion City Council Committee Meetings are at Marion City Hall, Courtroom Number One, 2nd Floor, 233 West Center Street, Marion, Ohio 43301-1802.

Committee	Chair	03/16/2020	**Possible** Agenda Items
Finance	Daniels		
Airport, Lands & Buildings	Schaber		
Information Systems	Ratliff		
Jobs and Economic Development	Ratliff		
Legislation, Codes & Regulations	Daniels		
Municipal Services, Parks & Recreation	Swanger		
Public Utilities	Thomas		
Regional Planning	Swanger		
Streets and Sewers	Thomas		
Zoning and Annexation	Meade		

COUNCIL COMMITTEES (2020/2021)		
<u>Finance</u> Josh Daniels, chair Jason Schaber Kai Meade <u>Airport, Lands & Buildings</u> Jason Schaber, chair Kathy Swanger Kai Meade <u>Information Systems</u> Ayers Ratliff, chair Joshua Feliciano Mike Thomas	<u>Jobs & Economic Development</u> Ayers Ratliff, chair Mike Neff Kai Meade <u>Legislation, Codes & Regulations</u> Josh Daniels, chair Jason Schaber Mike Thomas <u>Municipal Services, Parks & Recreation</u> Kathy Swanger, chair Jason Schaber Josh Daniels	<u>Public Utilities</u> Mike Thomas, chair Leslie Cunningham Kathy Swanger <u>Regional Planning</u> Kathy Swanger, chair Mike Neff Ayers Ratliff <u>Streets & Sewers</u> Mike Thomas, chair Joshua Feliciano Josh Daniels <u>Zoning & Annexation</u> Kai Meade, chair Leslie Cunningham Kathy Swanger

COUNCIL MEMBERS (2020/2021 TERM)

Office Holder	Contact Information
President Todd Schneider	920 Cambridge Marion, OH 43302 740-360-9644 CouncilPresident@marionohio.org
At-Large Mike Thomas	341 Pennsylvania Ave Marion, OH 43302 740-387-8141 AtLarge3@marionohio.org
At-Large Josh Daniels	1093 Edison Ave. Marion, OH 43302 740-361-5271 AtLarge2@marionohio.org
At-Large Michael Neff	851 E. Center St. Marion, OH 43302 740-751-2058 AtLarge1@marionohio.org
1 st Ward Kai Meade	1207 Bahama Dr. Marion, OH 43302 740-751-3900 Ward1@marionohio.org
2 nd Ward President Pro Tempore Ayers Ratliff	411 Oak St. Marion, OH 43302 740-802-0277 Ward2@marionohio.org
3 rd Ward Jason Schaber	359 Rosewood Dr. Marion, OH 43302 740-225-0250 Ward3@marionohio.org
4 th Ward Joshua Feliciano	495 Olney Ave. Marion, OH 43302 740-692-3626 Ward4@marionohio.org
5 th Ward Leslie Cunningham	248 Cummins Ave. Marion, OH 43302 740-225-9068 Ward5@marionohio.org
6 th Ward Kathy Swanger	1082 Wilshire Dr. Marion, OH 43302 740-360-9429 Ward6@marionohio.org
Clerk of Council Tarina R. Rose	233 W. Center St. Marion, OH 43302 740-387-4935 CouncilClerk@marionohio.org
Clerk Pro Tempore Linda Strzelecki, Clerk Pro Tempore	233 W. Center St. Marion, OH 43302 740-387-5865 Linda.S@marionohio.org

RECORD OF PROCEEDINGS**MARION CITY COUNCIL REGULAR MEETING***Minutes of**Meeting*

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

City Hall – Council Chambers on 2/24/2020 at 7:30 PM

MARION CITY COUNCIL REGULAR MEETING
City Hall – Council Chambers on 2/24/2020 7:30 PM

ROLL CALL: 10 members answered – Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels, Mr. Schneider.

With a quorum present, the meeting was called to order at 7:30 PM.

Prayer was led by Steve Hunt, Family Life Church. Pledge of Allegiance recited.

MINUTES of 02/10/2020

Mr. Daniels made a motion to approve; Mr. Thomas 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mrs. Cunningham, Mr. Feliciano, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

Minutes of 02/10/2020 approved (9-0)

OLD BUSINESS

Item 1. ORDINANCE 2020-07: ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO AN UPDATED REPLACEMENT CONTRACT WITH THE COUNTY COMMISSIONERS, REQUESTED BY THE OHIO PUBLIC DEFENDER'S OFFICE, TO PROVIDE FOR REIMBURSEMENT FROM THE STATE OF OHIO FOR ATTORNEYS APPOINTED FOR INDIGENT PERSONS CHARGED IN THE MARION MUNICIPAL COURT AND DECLARING AN EMERGENCY

(Legislation and Codes, Chairman Daniels, 3-0) (2nd Reading)

Mr. Daniels made a motion to suspend the rules; Mr. Schaber 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

RULES SUSPENDED (9-0)

Mr. Daniels made a motion to adopt; Mr. Schaber 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

ORDINANCE 2020-07 ADOPTED (9-0)

Item 2. ORDINANCE 2020-10: ORDINANCE MAKING APPROPRIATIONS AND DE-APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020

(Finance Committee, Chairman Daniels, 3-0) (2nd Reading)

Mr. Daniels made a motion to suspend the rules; Mr. Schaber 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

RULES SUSPENDED (9-0)

Mr. Daniels made a motion to adopt; Mr. Schaber 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

ORDINANCE 2020-10 ADOPTED (9-0)

City Hall – Council Chambers on 2/24/2020 at 7:30 PM

Held _____

Item 3. RESOLUTION 2020-09: RESOLUTION ADOPTING THE MARION COUNTY LOCAL HAZARD MITIGATION PLAN, AUGUST 2019, AND DECLARING AN EMERGENCY (Legislation and Codes, Chairman Daniels, 3-0) (2nd Reading)

Mr. Daniels made a motion to suspend the rules; Mr. Meade 2nd. Roll Call: Ayes - Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none
RULES SUSPENDED (9-0)

Mr. Meade made a motion to adopt; Mrs. Swanger 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none
ORDINANCE 2020-09 ADOPTED (9-0)

NEW BUSINESS

OTHER BUSINESS

MATTERS NOT ON THE AGENDA

Mr. Meade made a motion to add Resolutions 2020-10 and 2020-11 to the agenda; Mr. Schaber 2nd; Mr. Thomas 3rd.
RESOLUTIONS 2020-10 AND 2020-11 ADDED TO THE AGENDA
2020-11 will be considered first.

Item 1. RESOLUTION 2020-11: RESOLUTION FOR THE CITY OF MARION, OHIO AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO EXECUTE THE APPLICATION FOR THE (COPS) COPS HIRING PROGRAM TO INCREASE STAFFING THROUGH THE STAFFING FOR ADEQUATE POLICE AND EMERGENCY RESPONSE (COPS) GRANT

Mayor Schertzer explained that this grant is due 03/11 and has been written with an emphasis on juvenile crime. Chief Collins went on to say that the last couple of years have shown a rise in juvenile violent crimes. They feel there is a problem with the juvenile justice system not holding kids accountable. They have reduced the number of kids in detention 3-fold. The only ones who go into detention are the F-1, F-2, F-3 offenders. Their hope is that they will hold them. Many times, they are released back into the community by Monday and then immediately re-offending. They are making headway sitting down with juvenile court to talk about the safety of the community. This grant would help hire three officers. That would take them to 58/59 officers. They used to be at a high at 67. When they are able to be proactive, it will allow them to provide a juvenile intervention officer (coordinators and liaison with court, schools, children's services, after school activities). The other two would supplement each shift expressing that community type program on that particular shift. This would also include school resource officers in school.

Chief continued to talk about the MPACT program, a culture they have tried to instill in police department. Sometimes the only contact younger children were having with police was in a negative situation. They have made inroads through the MPACT program – officers stop and play basketball with kids. Officers are much more approachable today. They cannot play defense all of the time. When they have enough officers, they can play offense. They are able to do programs that they had to cut in the past.

RECORD OF PROCEEDINGS

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Meeting

BARRETT BROTHERS - DAYTON, OHIO

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Mr. Schaber clarified that these officers would be funded out of the general fund when the grant is done. Mr. Daniels explained that there is the possibility that they fill in positions created by attrition or retirement and may not be a net increase by the end of the grant.

Mayor Schertzer stated that there are specific parameters in the grant. Police officers would have full police duty with an emphasis on juvenile crime. They have to continue positions for one year after grant expires.

Chief clarified that the grant dollar amount over three years is \$375,000 and the local share is \$500,538. It is a step-down grant. Mr. Ratliff asked for clarification about that it would cover, i.e. would it include needed equipment, vehicles, etc. There would not be significant cost for outfitting the officer, per Chief.

Mrs. Dyer (N. Grand Ave.) expressed an interest in looking for grants for activities for kids rather than targeting juvenile crime reduction. James Broughton (407 Latourette Street) stated that he believes that the police department only wants to arrest people. He advocated for a teen dance for kids to go to. Clifford Hall (1418 Wilson Drive), who is associated with a church in the area, stated that teenagers are not coming to church. He said that police officers used to volunteer their time to coach baseball. He said this is a community problem.

Mr. Ratliff reiterated that this is a community problem and not something that can be solved strictly by policing, or even by the government. Many improvements have been made to parks, aquatics center, skateboard park, etc. He is hearing positive and proactive things from the Chief, not just enforcement/arrest.

Mr. Daniels shared that he has seen first-hand that the police department does much more than arrests. They do wellness checks, check ins while on vacation, and many other things that save lives.

Mrs. Cunningham made a motion to waive Rule 56; Mr. Schaber 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

RULE 56 WAIVED (9-0)

Mr. Thomas made a motion to suspend the rules; Mr. Meade 2nd. Roll Call: Ayes - - Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Daniels. Nays – Mr. Neff

RULES SUSPENDED (8-1)

Mr. Thomas made a motion to adopt; Mrs. Cunningham 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

RESOLUTION 2020-11 ADOPTED (9-0)

Item 2. RESOLUTION 2020-10: AN EMERGENCY RESOLUTION TO ACCEPT THE ONE OHIO MEMORANDUM OF UNDERSTANDING

Mayor explained that the state has consolidated one single lawsuit against opioid manufacturers. The lead attorney is asking for 60% of local political subdivisions to support the resolution in their efforts to resolve the case before

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MARION CITY COUNCIL REGULAR MEETING

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Meeting

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Form 6101

City Hall – Council Chambers on 2/24/2020 at 7:30 PM

Held

it goes to trial. He does not know how much money is at stake, but the MOU lays out percentages, as follows: 55% goes to a foundation (with a statewide board, and then boards in each district throughout the state), 15% to the state of Ohio, and 30% to local political subdivisions. The intention is NOT to limit the political subdivisions and allow them to spend the money where they want. This needs to be passed before 03/06. He is an advocate for investing money in first responders (police/fire), who are the first ones on the scene (other than family members). They do not have a time frame on when the money would be received if there were a settlement. The percent to the city is smaller than that to the county, as determined by their experts. Percentages are set. The total amount is not. If another state sues and settles for more than Ohio, there is a clause that will allow Ohio to get what the other state gets.

Mr. Thomas made a motion to waive Rule 56; Mr. Ratliff 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

RULE 56 WAIVED (9-0)

Mr. Thomas made a motion to suspend the rules; Mrs. Cunningham 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

RULES SUSPENDED (9-0)

Mr. Thomas made a motion to adopt; Mrs. Cunningham 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

ORDINANCE 2020-10 ADOPTED (9-0)

Item 3. Mr. Ratliff stated that he is getting calls regarding a burned out house at Silver and Oak Streets. Director Caryer explained that the Zoning Inspector is working on it and that they are trying to expedite things.

Item 4. Mr. Ratliff asked about the number of (blank) tax forms mailed out this year by the Auditor’s Office. Auditor agreed to obtain number and get back with him.

Item 5. Mr. Ratliff asked about updating the city income tax form to comply with the current city ordinance that raised the minimum from \$200 to \$500 before penalties/interest/fees. The current Auditor’s form still has the \$200 amount. He wants to confirm that staff is aware and that adjustments are being made (with possible refunds). Mr. Ratliff, who prepares taxes, noticed it with this year’s form, but had not noticed it in other years. Discussion ensued as to whether it was on previous forms and it was agreed that this should be researched.

Item 6. Tara Dyer (485 N. Grand Avenue) shared an incident that occurred at her home on 02/18/2020. A truck ran into her home and pulled the electrical wires off her house. Police and fire were dispatched. She had concerns about driver, who did not want police to be called. Police report said that he had no proof of insurance and no phone number was provided. Driver was not cited. She said that she does not want him cited, but then stated that she was “violated” and that there were no repercussions to this driver. She stated that there are issues of equity and diversity in town. She questioned whether this driver might have been cited if the same thing had happened to Mrs. Swanger or Mrs. Cunningham’s house. She is upset that she was “violated”, and nothing was

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done. Driver gets to walk away. She will have to sue driver to try to recover her costs.

COMMITTEE MEETING SCHEDULE

- Finance –03/02/2020 at 6:30PM – Mr. Daniels, chair – possible legislation spec and bid cruisers
- Regional Planning – 02/26/2020 at 7:00PM at County Building – Mrs. Swanger, chair

No other chairs called for their committee to meet.

With no further business to come before Council, Mr. Schneider adjourned the meeting at 8:58 PM.

Todd Schneider
President of Council

Tarina R. Rose
Clerk of Council

RECORD OF PROCEEDINGS

MARION CITY COUNCIL REGULAR MEETING

Minutes of _____ Meeting

BARRETT BROTHERS - DAYTON, OHIO Form 6101

City Hall – Council Chambers on 2/24/2020 at 7:30 PM

Held _____

Ordinance No. 2020-06

Passed

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE OFFICE OF THE LAW DIRECTOR FOR THE YEAR ENDING DECEMBER 31, 2020.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriation made in the Office of the Law Director, Professional Services line item in the amount of \$ 3,000.00 for the year ending December 31, 2020, as follows:

GENERAL FUND

Office of the Law Director

Professional Services	101.1013.5402	\$ 3,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2020-11

Passed _____, _____

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE AND EQUIPING OF TWO (2) POLICE VEHICLES AND ENTER INTO CONTRACT WITH THE LOWEST AND MOST RESPONSIVE BIDDER FOR THE PURCHASE OF 2 EQUIPED VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, The Marion Police Department is in need of new police vehicles.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;

Section 1. The Council hereby authorizes the Safety Director to prepare specifications and advertise for bids, and enter into contract with the lowest and most responsive bidder for the purchase of two (2) equipped police vehicles

Section 2. That this ordinance is hereby declared an emergency measure necessary for the immediate preservation of health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of said City, given the deadline associated with manufacture of the subject vehicles and the pricing expirations related thereto; and shall take effect and be in force immediately upon it's passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

Section 3. Auditor shall appropriate the necessary funds for listed vehicles and equipment.

Todd Schneider
President of Council

Approved:

Mayor Scott Schertzer

Clerk of Council

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2020-12

Passed _____, _____

**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE
FORMULA FUND FOR THE YEAR ENDING DECEMBER 31, 2020.**

WHEREAS, the city of Marion has received notification and award of the 2019
Formula Grant, and

WHEREAS, council finds that the funds should be appropriated for the year ending
December 31, 2020, and

BE IT ORDAINED by the Council of the City of Marion, Marion County Ohio:

SECTION 1: That there be an additional appropriation made as follows:

PY 2019 Community Development Grant – A-F-19-2CI-1

<u>REVENUE ACCOUNTS</u>	<u>Fund</u>	<u>Amount</u>
Federal Grants	406.2048.4420	\$ <u>202,000.00</u>
<u>EXPENSE ACCOUNTS</u>	<u>Fund</u>	<u>Amount</u>
Administration Fees	406.2048.5422	\$ 39,000.00
Curbs & Sidewalks 31,000.00	406.2048.5429	\$
Parks & Recreation	406.2048.5430	\$ 51,000.00
Clearance	406.2048.5463	\$ 80,000.00
Fair Housing 1,000.00	406.2048.5456	\$
TOTAL		\$ <u>202,000.00</u>

SECTION 2: That this ordinance shall become effective from and after the earliest
period allowed by law.

Todd Schneider
President of Council

Mayor Scott Schertzer

ATTEST:

Clerk of Council

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

Ordinance No. 2020-13

Passed _____, _____

ORDINANCE AUTHORIZING THE APPROPRIATION OF
ODPS GRANT MONEY INTO THE SUPPLIES LINE ITEM TO
PURCHASE ITEMS FOR USE AT THE MARION FIRE
DEPARTMENT AND DECLARING AN EMERGENCY

WHEREAS, there is an immediate need for the appropriations of money from the ODPS Equipment and Training Grant paid into Fire Department Supplies.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the amount of \$2,690.00 be appropriated into the Supplies and Materials Line item for the Fire Department Fund Account No. 270.1002.5502 from the Money received from The Ohio Department of Public Safety as reimbursement for the purchase eligible equipment under the ODPS Equipment and Training Grant Program.

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after earliest period allowed by law.

Approved:

Todd Schneider
President of Council

Mayor Scott Schertzer

ATTEST:

Clerk of Council

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Ordinance No. 2020-14

Passed _____, _____

ORDINANCE AMENDING ORDINANCE 2019-18 WHICH CHANGED SALARIES FOR AQUATICS CENTER, AND DECLARING AN EMERGENCY

WHEREAS, Council finds it necessary to change the salaries of the Aquatics Center employees

Be it ordained by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Section 1 of Ordinance 2019-18, now reading as follows:

"That the compensation of said employees in said positions shall be as follows:

Seasonal Front Gate Attendant:	8.55 (Minimum Wage)
Seasonal Concession Stand Attendant	8.55
Seasonal Lifeguard	10.00
Seasonal Lifeguard with Water Safety Instructor ("WSI") Certification	10.30
Seasonal Head Lifeguard	11.25
Seasonal Head Lifeguard/Assistant	
Aquatics Manager	12.40

Hourly employees who return for successive seasonal employment terms will be entitled to an additional longevity sum per hour of +.10 / hour for each successive season he/she returns up to a maximum of four stacked longevity sums or no greater than .40 / hour longevity adders.

Seasonal Aquatics Manager, (formerly known as Pool Manager)

Said salary for the Seasonal Aquatics Manager will be set at **\$8,900** from May 1, 2019 to September 12, 2019 to include pre-season set-up and post-season shut down. **Prior to May 1, - \$12.30.**

Seasonal Aquatics Manager position is a salaried position, exempt from FLSA.

IS HEREBY AMENDED TO READ AS FOLLOWS:

"That the compensation of said employees in said positions shall be as follows:

Seasonal Front Gate Attendant:	(State of Ohio or Federal Minimum Wage, Whichever is Greater)
Seasonal Concession Stand Attendant	(State of Ohio or Federal Minimum Wage, Whichever is Greater)
Seasonal Lifeguard	10.00
Seasonal Lifeguard with Water Safety Instructor ("WSI") Certification	10.30
Seasonal Head Lifeguard	11.25
Seasonal Head Lifeguard/Assistant	
Aquatics Manager	12.40

Hourly employees who return for successive seasonal employment terms will be entitled to an additional longevity sum per hour of +.10 / hour for each successive season he/she returns up to a maximum of four stacked longevity sums or no greater than .40 / hour longevity adders.

Seasonal Aquatics Manager, (formerly known as Pool Manager)

Said salary for the Seasonal Aquatics Manager will be set at **\$8,900** from May 1st to September 12th to include pre-season set-up and post-season shut down. **Prior to May 1, - \$12.30.**

Seasonal Aquatics Manager position is a salaried position, exempt from FLSA.

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its inhabitants thereof; due to the need to act immediately to enable Management to hire appropriate personnel for the Aquatics Center; and as such shall take effect and be in force upon passage and approval by the Mayor provided it receives the affirmative vote of the two-thirds of all members elected to Council; otherwise, it shall come effective from and after the earliest period allowed by law.

Approved:

Todd Schneider
President of Council

Mayor Scott Schertzer

Attest:

Clerk of Council

2020-

Ordinance No. 2020-15

Passed _____, _____

ORDINANCE AMENDING MARION CITY CODE CHAPTER 911.42, SECTION C, PART 4, FIRST PARAGRAPH; TO REMOVE THE SPECIFIC LOCAL LIMIT VALUES FOR POLLUTANTS OF CONCERN AND TO REFERENCE A SEPARATE DOCUMENT WHERE THESE VALUES CAN BE FOUND IN ORDER TO ENABLE THESE VALUES TO BE CHANGED WITHOUT CHANGING CITY CODE.

WHEREAS, the Council last modified Marion City Code Chapter 911.42, Section C, Part 4 by actions documented in Ordinance 2000-135, and

WHEREAS, Water Pollution Control staff and the Ohio EPA suggest changing this Ordinance to streamline the process of reevaluating and assigning Local Limits as required in the National Pollutant Discharge Elimination System (NPDES) permit,

BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1: Marion City Code Chapter 911.42 SUBSTANCES LIMITED section C, part 4, first paragraph now reading in part:

(4) Any waters or wastes containing solids, liquids or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including, but not limited to, arsenic, lead, mercury, chromium, copper, zinc, cadmium, nickel, antimony, selenium, molybdenum, and silver in the wastes as discharged into the public sewer. No user shall discharge wastewater containing the following pollutants exceeding the concentrations listed below unless issued a wastewater discharge permit by the superintendent specifically allowing higher concentrations. These higher concentrations will be conditioned with other requirements and shall not interfere with the general intent of 911.42.

Arsenic	143	ug/L	Zinc	2000	ug/L
Cadmium	50	ug/L	Antimony	1500	ug/L
Chromium	3200	ug/L	Selenium	80	ug/L
Copper	1800	ug/L	Molybdenum	200	ug/L
Lead	450	ug/L	Silver	1000	ug/L
Mercury	3	ug/L			
Nickel	1800	ug/L			

SHALL BE AMENDED TO READ AS FOLLOWS:

(4) Any waters or wastes containing solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including, but not limited to, arsenic, lead, mercury, chromium, copper, zinc, cadmium, nickel, antimony, selenium, molybdenum, and silver in the wastes as discharged into the public sewer. No user shall discharge wastewater exceeding *the maximum limits outlined in the City of Marion Sewer Use Local Limits for Pollutants of Concern. Up to date sewer use local limits can be found on the City of Marion Water Pollution Control Department webpage at <https://www.marionohio.us/wpc> or by contacting the City of Marion Water Pollution Control Department. These user limits will be conditioned with other requirements and shall not interfere with the general intent of § 911.42.*

RECORD OF ORDINANCES

Ordinance No. _____ *Passed* _____, _____

Section 2: That this ordinance shall become effective and be in force from and after the earliest period allowed by law.

Todd Schneider
President of Council

Approved:

Mayor Scott Schertzer

Attest:

Clerk of Council

Ordinance No. 2020-16

Passed _____, _____

**ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO
EXTEND A REQUEST FOR PROPOSALS AND THEREAFTER
ENTER INTO CONTRACT FOR THE DEMOLITION OF 205 SILVER
ST., MARION, OHIO WHICH HAS BEEN DECLARED BY HIM TO
BE A DANGEROUS STRUCUTRE AND AN IMMINENT THREAT,
AND FURTHER FINDING A REAL AND PRESENT EMERGENCY
EXISTS PURSUANT TO ORC 735.051, AND DECLARING AN
EMERGENCY**

WHEREAS, the premises known as 205 Silver St has been determined to be a dangerous structure and an imminent threat to the safety of the community given its current state after suffering a catastrophic fire, and

WHEREAS, the Safety Director has determined after inspection an urgent need to remove the extreme nuisance without further delay, consistent with his declaration and his taking all necessary steps to provide the required notifications, given the violations related to Marion City Code 1360 et. al,

WHEREAS, Council herein determines an Emergency exists as referenced and enabled by ORC 735.051

BE IT ORDAINED by the Council of the City of Marion, Ohio, Marion County, Ohio:

Section 1. The Safety Director is authorized and directed to extend an RFP for the demolition of the property known as 205 Silver St., Marion, Ohio given his having declared the premises to be in violation of M.C.C. 1360, this declaration being affirmed by the Council herein. Further, the Council authorizes the Safety Director to enter into contract for the demolition of the property with the successful contractor.

The Council having been informed of the basis in regard to the immediate need to declare an emergency under ORC 735.051. For expressed reasons, not limited to: Failing to do so will result in the continue threat of harm to the community given the Safety Director and the Council have further specifically determined this property is an extreme dangerous nuisance as a significantly fire damaged property, no insurance, no living title holder. Further Council has determined the structure violates MCC sections 1360.01 (C), (E), (F) and (G), and, pursuant to, but not limited to 1360.04 (C) (1)(2)(3) and (4) Council affirms the decision of the Safety Director it shall be immediately demolished and as such utilizes 1360.07 (B); 1360.08 (D) to act without any further delay.

Section 2. The cost of the project shall be payable from the funds on hand with the City Land Bank Fund.

BARRETT BROTHERS - DAYTON, OHIO		Form 6220S
Ordinance No. _____		Passed _____, _____
<p>Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its= inhabitants thereof: Due to the real and present need to move forward without delay given the imminent threat the premises creates for the community and further the safety and security of the impacted neighborhoods is an imperative need that cannot afford further delay, of Marion, Ohio; and as such shall shall take effect and be in force upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall come effective from and after the earliest period allowed by law.</p>		
APPROVED:		<div>Todd Schneider President of Council</div>
<div>Mayor Scott Schertzer</div>		
ATTEST:		
<div>Tarina R. Rose Clerk of Council</div>		

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2020-12 Passed _____, 20__

RESOLUTION AUTHORIZING THE AUDITOR TO TRANSFER APPROPRIATED GENERAL FUND MONIES TO TRANSIT AND POLICE FOR THE YEAR ENDING DECEMBER 31, 2020

WHEREAS, the appropriations have been made from the general fund to Parks, Transit, Police, Fire and Dispatch for 2020

WHEREAS, the Auditor is requesting certain identified funds be moved from the General Fund to the appropriate funds for expenditure.

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Auditor is hereby authorized to move the funds identified below from general to the appropriated funds:

I. <u>Marden Watts</u> (Name)	<u>Deputy Auditor</u> (Title)
hereby request that the following transfer occur	
\$500,000.00 _____	from: <u>101.1024.5426.15</u> Fund No. <u>Transfers Out Police</u> Fund Name
to _____	<u>260.1000.4802</u> Fund No. <u>Transfers In Police</u> Fund Name
\$100,000.00 _____	from: <u>101.1024.5426.03</u> Fund No. <u>Transfers Out Transit</u> Fund Name
to _____	<u>501.5000.4802</u> Fund No. <u>Transfers In Transit</u> Fund Name

Reason for request: - To keep General Fund Accounts financially stable- - - - -

Sign: Marden Watts Date: 2/27/2020

Section 2. That this resolution shall take effect and be in forced from and after the earliest period allowed by law.

Todd Schneider
Q President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

Ordinance No. 2020-17

Passed _____, _____

ORDINANCE RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND IAFF #379, APPROPRIATE THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

WHEREAS, an Agreement with IAFF #379 has been reached on behalf of said Bargaining Unit and the City of Marion and ratified by the Bargaining Unit to be effective April 1, 2020.

Be It Ordained by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and IAFF #379.

Section 2. That the Auditor is hereby authorized to appropriate the necessary funds.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract expires on March 31, 2020; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it received the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____