



City of  
**Marion**  
Ohio

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

**MARION CITY COUNCIL  
REGULAR MEETING  
AGENDA  
February 24, 2020  
City Hall – Council Chambers, 2<sup>nd</sup> Floor**

**ROLL CALL**

**PRAYER**

**PLEDGE OF ALLEGIANCE**

**MINUTES of 02/10/2020**

**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) (2<sup>nd</sup> Reading)

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) (2<sup>nd</sup> Reading)

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) (2<sup>nd</sup> Reading)

**NEW BUSINESS**

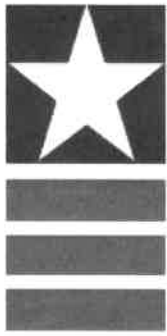
**OTHER BUSINESS**

**MATTERS NOT ON THE AGENDA**

**COMMITTEE MEETING SCHEDULE**

**ADJOURN**





City of  
Marion  
Ohio

Marion City Council  
Marion City Hall  
233 West Center Street  
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Phone: 740.387.4935

**COMMITTEE SCHEDULE**

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

Committee	Chair	03/02/2020	**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)**

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

<b>Office Holder</b>	<b>Contact Information</b>
President Todd Schneider	920 Cambridge Marion, OH 43302 740-360-9644 <a href="mailto:CouncilPresident@marionohio.org">CouncilPresident@marionohio.org</a>
At-Large Mike Thomas	341 Pennsylvania Ave Marion, OH 43302 740-387-8141 <a href="mailto:AtLarge3@marionohio.org">AtLarge3@marionohio.org</a>
At-Large Josh Daniels	1093 Edison Ave. Marion, OH 43302 740-361-5271 <a href="mailto:AtLarge2@marionohio.org">AtLarge2@marionohio.org</a>
At-Large Michael Neff	851 E. Center St. Marion, OH 43302 740-751-2058 <a href="mailto:AtLarge1@marionohio.org">AtLarge1@marionohio.org</a>
1 <sup>st</sup> Ward Kai Meade	1207 Bahama Dr. Marion, OH 43302 740-751-3900 <a href="mailto:Ward1@marionohio.org">Ward1@marionohio.org</a>
2 <sup>nd</sup> Ward President Pro Tempore Ayers Ratliff	411 Oak St. Marion, OH 43302 740-802-0277 <a href="mailto:Ward2@marionohio.org">Ward2@marionohio.org</a>
3 <sup>rd</sup> Ward Jason Schaber	359 Rosewood Dr. Marion, OH 43302 740-225-0250 <a href="mailto:Ward3@marionohio.org">Ward3@marionohio.org</a>
4 <sup>th</sup> Ward Joshua Feliciano	495 Olney Ave. Marion, OH 43302 740-692-3626 <a href="mailto:Ward4@marionohio.org">Ward4@marionohio.org</a>
5 <sup>th</sup> Ward Leslie Cunningham	248 Cummins Ave. Marion, OH 43302 740-225-9068 <a href="mailto:Ward5@marionohio.org">Ward5@marionohio.org</a>
6 <sup>th</sup> Ward Kathy Swanger	1082 Wilshire Dr. Marion, OH 43302 740-262-1236 <a href="mailto:Ward6@marionohio.org">Ward6@marionohio.org</a>
Clerk of Council Tarina R. Rose	233 W. Center St. Marion, OH 43302 740-387-4935 <a href="mailto:CouncilClerk@marionohio.org">CouncilClerk@marionohio.org</a>
Clerk Pro Tempore Linda Strzelecki, Clerk Pro Tempore	233 W. Center St. Marion, OH 43302 740-387-5865 <a href="mailto:Linda.S@marionohio.org">Linda.S@marionohio.org</a>

**RECORD OF PROCEEDINGS**

Minutes of

**MARION CITY COUNCIL REGULAR MEETING**

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

City Hall – Council Chambers on 2/10/2020 at 7:30 PM

**MARION CITY COUNCIL REGULAR MEETING**  
City Hall – Council Chambers on 2/10/2020 7:30 PM

**ROLL CALL:** 8 members answered – Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Swanger, Mr. Neff, Mr. Daniels, Mr. Schneider.

Absent: Mrs. Cunningham, Mr. Thomas

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 01/27/2020**

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

**Minutes of 01/27/2020 approved (8-0)**

**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) (3<sup>rd</sup> Reading)**

Mr. Daniels explained that this ordinance adds \$3,000 to an existing \$3,000 line item for special prosecutions (to make it a total \$6,000). It is used when there is a prosecutorial situation where it might be perceived that the prosecutor has bias or there is a conflict. Original \$3,000 was passed almost unanimously as part of the budget. There is a need for an additional \$3,000 for 2 prosecutions. Now there are names associated with those and it has become political. He recommends that they consider fully budgeting this line item in the future, prior to names becoming part of the decision process. This pertains to pending cases on Mr. Matthews and Mr. Landon that require \$6,000.

Mr. Neff expressed that he understands that another jurisdiction would be willing to trade work at no cost to the city. This is his reservation.

There were questions about whether this has happened before. Mr. Dunston (E. Fairground Street) stated that it had happened twice with Marion County this past year. Mr. Ratliff said that he has voted to add additional funds to the Law Director's office in the past. This is a highly irregular situation. He explained that this is not a political situation, it is a legal situation. The court has signed an order appointing an attorney to the case and signed an order directing that they be paid.

Mr. Ratliff made a motion to postpone to 03/09/2020; Mr. Daniels 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mrs. Swanger, Mr. Daniels. Nays – Mr. Schaber, Mr. Feliciano, Mr. Neff

**ORDINANCE 2020-06 IS POSTPONED TO 03/10/2020 FOR 3<sup>RD</sup> READING (4-3)**

**RECORD OF PROCEEDINGS**  
**MARION CITY COUNCIL REGULAR MEETING**

Minutes of \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

City Hall – Council Chambers on 2/10/2020 at 7:30 PM

Held \_\_\_\_\_

**NEW 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)**

Law Director Russell confirmed that this is so that the city can get paid/reimbursed for attorneys appointed for indigent persons in Municipal Court.

**ORDINANCE 2020-07 HAD 1<sup>ST</sup> READING**

**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)**

**ORDINANCE 2020-10 HAD 1<sup>ST</sup> READING**

**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)**

**RESOLUTION 2020-09 HAD 1<sup>ST</sup> READING****OTHER BUSINESS****MATTERS NOT ON THE AGENDA**

Mayor Schertzer responded to inquiries regarding budgeted dollars and Marion Public Health, as well as the pending MPD dispatch contract which includes an increase. There is a portion of the last voted income tax that is specific for dispatch. The general fund also supports dispatch. The fee for dispatch services is significantly less than what it would cost the city to operate on its own. The Chief and the Law Director are currently in discussion with county personnel. Inside millage on property taxes is how they pay for Marion Public Health.

**RECORD OF PROCEEDINGS**

Minutes of

**MARION CITY COUNCIL REGULAR MEETING**

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

*Held*

City Hall – Council Chambers on 2/10/2020 at 7:30 PM

**COMMITTEE MEETING SCHEDULE**

Mr. Ratliff reviewed committee assignments and chairs. He tried to fulfill wishes of members based on the committees as requested.

- Finance -02/18/2020 at 6:30PM – Mr. Daniels, chair – transfers
- Legislation, Codes, and Regulations – 02/18/2020 AT 6:40PM – Mr. Daniels, chair – City Planning Commission/Board of Zoning Appeals discussion
- Traffic Commission – 02/18/2020 at 6:50PM – Mr. Thomas, Acting Chair – citizen petition/request

No other chairs called for their committee to meet.

With no further business to come before Council, Mr. Schneider adjourned the meeting at 8:01 PM.

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Todd Schneider  
President of Council

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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 2/10/2020 at 7:30 PM

*Held* \_\_\_\_\_



RECORD OF ORDINANCES

Ordinance No. 2020-07

Passed \_\_\_\_\_, \_\_\_\_\_

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

WHEREAS, by previous act dated June 8, 2015 Council's passage of Ordinance 2015-51 authorized and ratified an Agreement to provide for reimbursement for the State of Ohio for Attorneys appointed for indigent persons charged in the Marion Municipal Court, and

WHEREAS, the Ohio Public Defender's Office has requested Marion County and the City of Marion re-new the Agreement referenced above, as O.R.C. 120.33 requires the Board of County Commissioners by resolution include a provision for contracting with municipal corporations to reimburse the County for counsel appointed to represent indigent persons charge with violation of the Ordinances of the municipal corporations including updates such as OAC 120-1-09 : All such contracts should be for one calendar year, and may include annual renewal clauses. If a contract is renewed, or is a multiple year contract an annual resolution of acceptance by both parties and an annual appropriation of funding from the municipal corporation or village shall be filed with the Ohio public defender before the contract can qualify for reimbursement.

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

Section 1. The Safety Director of the City of Marion, Ohio is hereby authorized to enter into contract with the County Commissioners to reimburse the county for counsel appointed to represent indigent persons charged with violations of the ordinances of the municipal corporation.

Section 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Approved:

\_\_\_\_\_  
Todd Schneider  
President of Council

\_\_\_\_\_  
Mayor Scott Schertzer

Attest;

\_\_\_\_\_  
Clerk of Council

RECORD OF ORDINANCES

*Ordinance No.* \_\_\_\_\_

*Passed* \_\_\_\_\_, \_\_\_\_\_

## RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2020-10

Passed \_\_\_\_\_, \_\_\_\_\_

ORDINANCE MAKING APPROPRIATIONS AND DE-APPROPRIATION  
ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 2020

Whereas, Council being advised, by the Office of the Auditor and the City Administration, that there are various adjustments needed in various funds for the City of Marion, Ohio, and

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

Section 1. That there be various adjustments made as follows:

General Fund:

101.1007.5413	Revenue Sharing	(\$30,000.00)
101.1024.5426.03	Transfer out to Transit	(\$30,000.00)
101.1018.5502	Council (Supplies)	\$ 1,000.00

Total General Fund	(\$59,000.00)
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Capital Fund:

401.4000.5444	Capital Contingency	(\$8,000.00)
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Harding Centre Fund:

402.3011.5439.01	Bond Interest	(\$ 3,623.00)
402.3011.5439.02	Bond Principal	(\$44,000.00)

Total Harding Centre	(\$47,623.00)
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Transit Fund:

501.5000.5101.01	Salaries	(\$30,000.00)
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Sewer Revenue Fund:

502.5003.5304	Capital Equipment	\$443,000.00
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Central Garage Fund:

601.6000.5502	Supplies	(\$30,000.00)
601.6000.5503	Motor Fuel	(\$30,000.00)

Total Central Garage	(\$60,000.00)
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Section 2. That this ordinance shall take effect and be in force from and after the earliest date allowed by law.

\_\_\_\_\_  
President of Council

APPROVED:

\_\_\_\_\_  
Mayor Scott Schertzer

RECORD OF ORDINANCES

*Ordinance No.* \_\_\_\_\_

*Passed* \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2020-09

Passed \_\_\_\_\_, 20\_\_\_\_

## RESOLUTION ADOPTING THE MARION COUNTY LOCAL HAZARD MITIGATION PLAN, AUGUST 2019, AND DECLARING AN EMERGENCY

WHEREAS the City of Marion recognizes that all jurisdictions within Marion County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and;

WHEREAS pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and;

WHEREAS the Ohio Emergency Management Agency is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS; a coalition of Marion County municipalities and agencies with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Marion County; and;

WHEREAS the *Marion County Local Hazard Mitigation Plan, August 2019* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED by the City of Marion:

- 1) Adopts in its entirety, the *Marion County Local Hazard Mitigation Plan, August 2019* (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction if possible.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.
- 8) That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
Todd Schneider  
President of Council

APPROVED:

\_\_\_\_\_  
Mayor Scott Schertzer

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Tarina R. Rose  
Clerk of Council