

## MARION CITY COUNCIL REGULAR MEETING

City Hall – Zoom Meeting on 12/14/2020 at 6:30 PM

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

With a quorum present via videoconferencing, Mr. Schneider called the meeting to order at 6:30 PM. Pledge of Allegiance recited. Invocation given by Rev. Brett Cornelius, Gethsemane Evangelical Lutheran Church.

### **MINUTES OF 11/23/2020**

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

**MINUTES 11/23/2020 APPROVED (9-0)**

**OLD BUSINESS:** NONE

### **NEW BUSINESS**

**Item 1. ORDINANCE 2020-90: ORDINANCE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR DIESEL/REGULAR FUEL AND ROAD PAINT, APPROPRIATE THE NECESSARY FUNDS AND TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER AND DECLARING AN EMERGENCY. (Bischoff)**

(Streets and Sewers, 2-0, Mr. Thomas, chair)

Mr. Bischoff explained that this is a routine request. Council has been provided with a detailed expenditure report for paint and fuel.

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-90 ADOPTED (9-0)**

**Item 2. ORDINANCE 2020-91: ORDINANCE MAKING AN APPROPRIATION IN THE BELOW LISTED ACCOUNT ENDING DECEMBER 31, 2020. (Landon)**

(Finance, 3-0, Mr. Daniels, chair)

Deputy Auditor explained that this allows them to process a donation from the Heart Association for defibrillators. This will be a pass-through because money will be reimbursed.

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-91 ADOPTED (9-0)**

### **Item 3. ORDINANCE 2020-92: ORDINANCE RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND FOP-OLC GOLD UNIT AND DECLARING AN EMERGENCY. (Caryer)**

(Municipal Services, 3-0, Mrs. Swanger, chair)

Bargaining unit voted unanimously for this contract 15-0, confirmed by Mr. Adkins.

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-92 ADOPTED (9-0)**

### **Item 3. ORDINANCE 2021-01: ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021. (Mayor)**

(Finance, 3-0 to send to Council, Mr. Daniels, chair)

Mayor Schertzer introduced the budget and commented that it is the best budget that they have had in a long time. Budget shows a “deficit” (\$223,000) but he expects that will be made up by police and fire pension fund reimbursements. He invited anyone with questions or concerns to contact administration. They will gladly meet with individuals regarding specifics on a very complex budget.

Mr. Daniels asked about Planning and Economic Development (5413) line item of \$130,200 as it had previously been around \$31,000. Deputy Director Watts explained that this number is consistent with what had previously been budgeted. Service Director Chaffin explained that these are revenue sharing economic development tools (including TIF) that may be used when a new company comes in. Daniels asked why not just appropriate the \$31,000 and come back to council if they need it. That is one half of the deficit.

Mr. Daniels asked about an increase in expenditure request in Income Tax. Deputy Auditor Watts explained that this reflected charging out a portion of his salary because he is the Tax Commissioner. They did not do that last year, however it had been done in previous years. Also, they had an employee who advanced to a different position. They did the budget before they hired, and they estimated a family plan that may not be what the employee takes.

Mr. Daniels asked about weed and blight control at \$66,000 as an increase over previous years. Mayor Schertzer said that some of that is for expenses for neighborhood-specific clean ups. The court has identified some blighted properties and they are using probation people to do the labor.

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Mr. Daniels asked about \$55,000 in professional services in Safety Department. Some of this is for additional COVID19 testing. We have had 137 COVID tests taken to date. They expect a spike due to holidays.

He asked about money appropriated for railroad crossings. He said it is appropriated every year and never spent. Chaffin explained that that these are fines through Municipal Court and must be used on crossings. They are awaiting clarification to allow some of that money to be used to clear the area around some crossings.

Mr. Feliciano asked about funding for Senior Center. Senior Center Director Badertscher explained that they have multiple funding streams, including grants and federal funds. Current improvements in picnic area are being funded through the Senior Citizens Association (a non-profit group). He gave a shout out to Tri-Rivers Construction Academy for their assistance with the construction project. It has helped maximize their hours.

Mr. Feliciano asked why travel had gone up in every department. Mayor Schertzer said that they expect an increase in travel because of things that have gone undone due to COVID.

Mr. Neff stated that the fire stations need equipment to exhaust diesel fumes out of Fire Stations. He, along with Fosnaugh and Feliciano, went to Station 1 to see what was installed there. They need the same at Station 2 and 3. Chief Deem believes that he can get a grant to cover about half of the expenses (\$40,000). Neff wants to see what they can do as a council to get money to get these projects done. Deem says that he can use \$15,000 of his current budget towards this project. Neff would like to amend budget to add \$15,000.

Mayor Schertzer expressed support for the exhaust system, however asked to not make this change until they see how much the Chief is able to get through grants. Amount may not be enough, or it may be too much. He is happy that three members support this already.

Mr. Ratliff thanked those members for looking into this. He agrees that something needs to be done but would like to wait until they have the full picture of the grant results. He would like to have both stations done, regardless of the grant.

In response to Mr. Neff, Deem said that he does not believe that not allocating money will cause an issue. He expressed his appreciation for the investment to assure the health and safety of the firefighters.

Mr. Ratliff asked if the judge has requested additional funds for raises for any of her staff. Deputy Director Watts stated that he is not aware of any specific raises. The magistrates are getting a raise outside of the 2.25%. When and if she does, Mr. Ratliff asked that council and the negotiating team be informed. It was not discussed with the negotiating team. He has heard a 9.25% raise, but no one has confirmed that.

Mr. Ratliff was expecting an email from Auditor Landon regarding the method the auditor's office used to project revenue. He has not received that. Deputy Director Watts stated that he came up with it based on past revenue and current trends. He did run this by a person with experience in municipal budgeting (not currently in the auditor's office) and they agreed that it was reasonable. He expressed that he is responsible for the income estimates. He only asked for a review of reasonableness because he is new to this budget. Ratliff stated that he is fearful of a decline in income when people file their taxes. Watts stated that he left the income projection as flat. We are .5% off in 2020 from what they collected in 2019. That income has held

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consistent this year. He says the biggest revenue comes from occupations that are considered essential. Ratliff asked that it be revisited in April or May of 2021.

Mayor Schertzer requested that this serve as the first reading. Mr. Ratliff asked about the timeline to get this approved, in case three readings are required.

Christian Dunston (E Fairground St.) asked if the budget reflects what the city needs to give each department so that it can function? Mayor Schertzer stated that the budget is reviewed and updated by three directors who go over the budget with the department heads. They ask for no new services and no increases from 2020, other than salary and benefits. Regarding the municipal court, they have requested \$1.1 million. Mayor Schertzer said that he is unable to answer specific questions regarding their budget. Mr. Dunston asked about what happens if there is left over money – is it kept by the court or returned to the general fund. Mayor Schertzer said that previous municipal court judges used to routinely return money that was unencumbered or unspent. He is unaware that this has ever happened under current administration.

### **FIRST READING ON ORDINANCE 2021-01**

#### **ITEMS ADDED:**

**Item 1. ORDINANCE 2020-93: ORDINANCE AUTHORIZING THE PAYMENT OF \$1000.00 INCENTIVIZING ANY MEMBER OF THE CITY OF MARION'S EMERGENCY SERVICES THAT CHOSE TO OR CONTINUES TO RESIDE WITHIN THE CITY OF MARION, DIRECTING AND AUTHORIZING THE MAYOR OF THE CITY OF MARION'S ADMINISTRATION TO APPROPRIATE THE NECESSARY FUNDS. (Mr. Daniels)**

Mr. Daniels states that this is an incentive for certain fire and police personnel to live in the city, supports community policing, and reduces wait time, particularly in the Fire Department. This did not come through committee.

Mr. Meade asked if the council was allowed to bring this forward due to the collective bargaining agreements. Mr. Thomas read a portion of typical bargaining unit clause called "Union Recognition". He thinks that this type of an issue should be put to the FOP to negotiate with the city. Council does not want to get in the position of interrupting discussions. He thinks this is an unfair labor practice.

Mr. Daniels said that every situation is treated equally. He has been assured by the representatives that an MOU is all that is needed. Thomas clarified that this is between administration and the union, not the council.

Mr. Daniels thinks that it would be exceptionally egregious if a council is not able to do things for the betterment of the city because a bargaining agreement is involved. He is not giving preference. Any of those employees could receive the benefit if they chose to live in the city limits.

Mr. Thomas said that this deprives the members of voting on it. If Mayor Schertzer wants to go back to the bargaining units, he would support that.

Mr. Redmon said that he does not know if this needs to be an ordinance or an MOU. They are not opposed to either one. Mr. McDonald does not believe that it is not an unfair labor practice.

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Law Director Russell gave the opinion that the ordinance could be amended to say: “The council urges administration to discuss and enter MOU to provide for the additional following benefits...” Council is expressing thoughts, but not negotiating contracts.

Mr. Daniels said that he would agree to amend it to read 2021 rather than 2020.

Mr. Daniels made a motion to add to agenda; Mr. Neff 2<sup>nd</sup>; Mr. Feliciano 3<sup>rd</sup>.

### **ORDINANCE 2020-93 ADDED TO AGENDA**

Mr. Daniels made a motion to suspend rule 56, Mr. Meade 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

### **COMMITTEE CONSIDERATION WAIVED (9-0)**

Mr. Ratliff asked if they could reopen negotiations for just this specific reason or does this open up everything all over again. Russell and Thomas expressed that they believe this to be true (could open just for this purpose). Ratliff likes using the CRA as the boundary, rather than the entire city. His concern is that safety officers will not be living in every neighborhood.

Mr. Daniels made a motion to amend as follows: date to 2020 to 2021, section 1 to “council requests the city’s administration negotiate an MOU with each appropriate bargaining unit”, current section 1 becomes section 2, and add emergency clause language; Mr. Meade 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

### **ORDINANCE 2020-93 AMENDED AS SPECIFIED (9-0)**

### **ORDINANCE 2020-93: ORDINANCE AUTHORIZING THE PAYMENT OF \$1000.00 INCENTIVIZING ANY MEMBER OF THE CITY OF MARION’S EMERGENCY SERVICES THAT CHOSE TO OR CONTINUES TO RESIDE WITHIN THE CITY OF MARION, DIRECTING AND AUTHORIZING THE MAYOR OF THE CITY OF MARION’S ADMINISTRATION TO APPROPRIATE THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY, AS AMENDED**

Mr. Daniels said that this money would need to be incorporated into the budget for 2021. It is not at this time.

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

### **RULES SUSPENDED (7-2)**

Mr. Dunston said that the Marion County Landbank has offered them houses and they passed. How will this work? Mr. Daniels said that this is just another program that is available, however many of these structures need a lot of work. There is also a federal program that offers discounted Section 8 housing to entice first responders to live in the community that they serve.

Mr. Daniels estimated that there are 11 in the PD and 12 in the FD. This ordinance sunsets after three years. It would be \$23,000/year at current numbers. If someone moves in or out or begins or ends employment, the amount is prorated daily.

Mr. Ratliff asked if they could sunset it after 3 years if this is going through the bargaining units. Law Director Russell explained that the council is expressing their

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thoughts and requesting that administration negotiate these general terms. If they reach that MOU and it is executed, then this ordinance appropriates the money. It will remain in effect through the contract. It will not sunset. It will be a provision within the bargaining agreement. Ratliff states that this program is here to stay. Do we have to amend to take out the sunset language?

Law Director Russell said that they will not be terms and will not be conditions at the table. They are expression of council's desire. The council is not enabling, entitled, or permitted to negotiate contracts with bargaining units. He thinks language should stay to express the collective opinion of the council. They will attempt to negotiate a MOU to attempt to achieve the desire of council. That sentence is not controlling legal authority.

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

**ORDINANCE 2020-85 ADOPTED (8-1)**

**Item 2. ORD 2020-94: ORDINANCE RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE UNITED STEELWORKERS LOCAL 1949-2A, AND DECLARING AN EMERGENCY (Mayor Schertzer)**

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

**ORDINANCE 2020-94 ADDED TO AGENDA (9-0)**

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-94 ADOPTED (9-0)**

### **OTHER BUSINESS:**

Mr. Schaber made a motion to hold a special meeting on 12/21/2020 at 6:30 PM for the purpose of a 2<sup>nd</sup> reading for ORD2021-01; Mr. Ratliff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

**SPECIAL MEETING TO BE HELD 12/21/2020 TO CONSIDER ORDINANCE 2020-01**

### **MATTERS NOT ON THE AGENDA:**

### **COMMITTEE MEETING SCHEDULE FOR 12/21/2020**

Finance – Mr. Daniels, chair – 6:35 PM – monthly financial reports

Jobs and Economic Development – Mr. Ratliff, chair – 6:45 PM – continued support of CANDO and Downtown Marion

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Legislation and Codes – Mr. Daniels, chair -- 7:00 PM – legislation authored by Mr. Meade related to communication form

With no further business to come before Council, Mr. Schneider adjourned the meeting at 8:35 PM.

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Todd Schneider  
President of Council

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Tarina R. Rose  
Clerk of Council

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