



**MINUTES
COMMITTEE MEETING
LEGISLATION AND CODES
9/21/2020 at 6:54 PM**

Roll Call

Members present: Daniels (chair), Schaber, Thomas
Meeting called to order at 7:53 PM.

Minutes

Schaber made a motion to approve; Thomas 2nd. Roll Call: Ayes – Daniels, Schaber, Thomas:
Nays -- none

Minutes approved (3-0)

1. Old Business

Item 1. ORDINANCE 2020-59: ORDINANCE 2020-ORDINANCE AMENDING SECTIONS 337.13 and 331.38, OF THE MARION CITY CODE AND DECLARING AN EMERGENCY (Mayor)

Law Director Russell explained that there is an area within the city's rightaway where enforcement is a problem. Specifically, certain streets permit a nearby home owner to park in an area that is not a yard, side walk, or street. In some cases, vehicles/campers have been parked long term in the tree lawn (area between sidewalk and the street) and are not able to be cited. They gave examples on Decatur and Congress Street where campers have been parked long term. This legislation would give law enforcement the legislation to make these vehicles move. There is currently no legislation that applies to grassy areas between sidewalk and street.

There was additional discussion about valid parking areas, i.e. that a camper parked on grass would not be in a permittable parking space.

Schaber made a motion to approve; Thomas 2nd. Roll Call: Ayes – Daniels, Schaber, Thomas: Nays -- none

Legislation recommended to council (3-0)

Item 2. ORDINANCE AMENDING SECTIONS 901.03 and 903.07 OF THE MARION CITY CODE AND DECLARING AN EMERGENCY (Mayor)

Legislation removed from agenda at Law Director Russell's request. It will be reconsidered at a future meeting.

2. New Business

Item 1. Discussion – Change in meeting times for Council Regular Meeting and/or Committees (Daniels/Schaber)

Mr. Daniels stated that he would like to have consistency on days and times for council and committee meetings. After some discussion, it was mutually agreed that 6:30 PM would be the best time. Changing the council meeting would require a change in code. Committee meetings can meet at any time on Monday.

Russell agreed to draft legislation to make change in time for Council meetings. It was agreed that no changes would be made to committees to allow their chairs to schedule at a time of their preference on the 1st and 3rd Mondays. This will be added by three members to the meeting on Monday.

Item 2. Liquor License Transfer from Kevin J Norris dba Norris Grocery to Satsangijivan LLC dba Super Saver, 901 Bennett St. (C1, C2)

(motion: no action OR request a hearing on the issuance of the permit; does not go to council)

There were no objections by police or fire.

Thomas made a motion to take no action; Schaber 2nd. Roll Call: Ayes – Daniels, Schaber, Thomas: Nays -- none

No action requested (3-0)

3. Items not on the agenda

Mr. Neff asked about progress on meeting in person. Mrs. Swonger said that there are some issues to work out, but they believe that they could start meeting in chambers as early as next week.

There being no further business to come before this committee, the chair adjourned the meeting at 8:18 PM.

Josh Daniels, Chair

Tarina R. Rose, Council Clerk

ORDINANCE AMENDING SECTIONS 901.03 and 903.07 OF THE MARION CITY CODE
AND DECLARING AN EMERGENCY

WHEREAS, the Council has been advised by Administrators responsible for the enforcement of the existing nuisance codes there are certain provisions which are in need of necessary updates, clarifications and enhancements, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion to update the City Code, as follows, in order to eliminate unwanted nuisances and enhance the community,

BE IT ORDAINED by the Council of Marion, MarionCounty, Ohio:

Section 1. § 901.03 PERMIT REQUIRED; FEE. Now reading as:

(A) No person shall dig into or make any opening or excavation in any sidewalk, lawn or roadway of any street, alley, boulevard or public place or ground in the municipality for any purpose without first obtaining a written permit to do so from the City Engineer. A permit will also be required on private property for sewer excavations. The City Engineer may deny the issuance of a permit, for a period of six months, to any person who has violated any paragraph, portion or part of Chs. 901, 903 and 911.

(B) The fee schedule for the permit required in division (A) of this section can be obtained in the City Engineer's Office.

(C) Any person desiring to obtain a permit under this section shall be required to notify the Ohio Utilities Protection Service (OUPS). ('70 Code, § 901.03) (Ord. 67-1, passed 1-9-67; Am. Ord. 1982-10, passed 1-25-82) Penalty, see § 901.99

Shall be amended to read:

(A) No person shall dig into or make any opening or excavation in any sidewalk, lawn, roadway of any street, alley, boulevard or public place or ground in the municipality for any purpose without first obtaining a written permit to do so from the City Engineer. A permit will also be required on private property for sewer excavations **and driveways**. The City Engineer may deny the issuance of a permit, for a period of six months, to any person who has violated any paragraph, portion or part of Chs. 901, 903 and 911.

(B) The fee schedule for the permit required in division (A) of this section can be obtained in the City Engineer's Office.

(C) Any person desiring to obtain a permit under this section shall be required to notify the Ohio Utilities Protection Service (OUPS). ('70 Code, § 901.03) (Ord. 67-1, passed 1-9-67; Am. Ord. 1982-10, passed 1-25-82) Penalty, see § 901.99

903.07 shall be amended to read:

§ 903.07 CUTTING CURBS AND CONSTRUCTING DRIVEWAYS.

Any curbing cut out, taken up or otherwise disturbed, or any driveway or curb constructed, as herein provided, shall be done in accordance with plans and specifications approved by the City Engineer and on file in the City Engineer's office. However, any driveway constructed, whether the street has a curb and gutter or not, shall be constructed of at least an eight inch stone base and a two-inch blacktop surface or shall be constructed of concrete with a minimum slab thickness of *six inches within the right of way and four inch slab thickness beyond the right of way. In regard to new parking areas constructed within the city right of way, the Engineer shall permit either stone, asphalt or concrete depending on the pre existing neighboring parking areas in existence on the same block.*

Unless specifically ordered otherwise by the City Engineer, any person causing a driveway entrance to be installed from a pavement having no curb and gutter shall install a culvert with a minimum diameter of ten inches under the drive in such a manner as to allow for the free flow of water along the edge of the street. ('70 Code, § 903.07) (Ord. 65-122, passed 12-13-65)

Section4 . That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its inhabitants thereof: given the immediate need to eliminate unwanted nuisances and enhance the community; 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 on the earliest date allowed by law.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

Attest;

Clerk of Council

ORDINANCE AUTHORIZING THE CREATION OF A DESIGNATED OUTDOOR
REFRESHMENT AREA (DORA) WITHIN DOWNTOWN MARION

ORDINANCE NO. _____-2020 creating and designating an outdoor refreshment area within the City of Marion; establishing requirements to ensure public health and safety within the designated area; and declaring an emergency.

WHEREAS, R.C. § 4301.82 permits the City of Marion to create and approve an application for a “Designated Outdoor Refreshment Area” (“DORA”) within its corporate limits; and

WHEREAS, Mayor Scott Schertzer has submitted and filed an application with Marion City Council in compliance with R.C. § 4301.82(B), in order to have certain property designated as an outdoor refreshment area; and

WHEREAS, notice concerning this application has been published in compliance with R.C. § 4301.82(C) and (F)(2); and

WHEREAS, the purpose of a DORA is to create potential for more entertainment and social options for residents of the City and others; and

WHEREAS, Council has reviewed this application and determined that the application is in compliance with R.C. §4301.82(B), and that the contemplated DORA would be in compliance with R.C. §4301.82(D).

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

Section 1. That pursuant to R.C. §4301.82, there is hereby established and designated the Downtown Marion Designated Outdoor Refreshment Area (the “Marion DORA”) with the boundaries of the area, including the street addresses, as described in the application being attached hereto as **Exhibit A** and incorporated herein.

Section 2. That it is hereby found and determined by Marion City Council for the purpose to ensure the public health and safety within the area that: (1) there will be sufficient signage designating the boundaries of the area; (2) the hours of operation for the area; (3) the number of personnel needed to ensure public safety in the area; (4) the sanitation plan that will help maintain the appearance and public health of the area; and (5) the number of personnel needed to execute the sanitation plan, as identified in **Exhibit A**, are approved, adopted, and incorporated herein.

Section 3. That all beer, wine, and intoxicating liquor in the Marion DORA shall be served solely in plastic bottles or other plastic containers, as further described in **Exhibit A**.

Section 4. That Council hereby finds and determines that: the business, artistic, cultural and entertainment establishments located within the Marion DORA will be enhanced hereby; the Marion DORA will encompass no fewer than four (4) qualified liquor permit holders; the uses of land within the proposed Marion DORA are in accord with the Zoning Code requirements of the City of Marion; and the hours and rules of the Marion DORA set forth in **Exhibit A** and incorporated herein, will ensure public health and safety. Council reserves the right to modify the public health and safety requirements as needed pursuant to state law.

Section 5. That each rule, requirement, and standard set forth in **Exhibit A** and incorporated herein is necessary to ensure the public health and safety, and the same is hereby adopted in its entirety, and Council therefore approves the application filed with it.

Section 6. That pursuant to R.C. §4301.82(I), Council shall periodically review the operation of the Marion DORA, and shall either approve the continued operation of the DORA or dissolve the area. The initial review of the Marion DORA shall occur five (5) years after its creation, and subsequent reviews of continued operation (if any), shall occur within five (5) years of each renewal. Subject to notice requirements, Council reserves the right, pursuant to state law, to dissolve all or part of the Marion DORA at any time.

Section 7. That the Mayor, Director of Public Service, Director of Finance, Director of Law, and other City officials, as appropriate, be and are hereby authorized to execute, certify, and/or furnish other such documents and do all other actions as are necessary to establish the Marion DORA referred to in Section 1, and which are incidental to carrying out the purpose of this ordinance.

Section 8. That the Clerk of Council is hereby directed, upon adoption of this ordinance, to provide notice as required by R.C. §4301.82 of the establishment of this Downtown Marion DORA to the Superintendent of the Ohio Department of Commerce Division of Liquor Control, and to the investigative unit of the Department of Public Safety.

Section 9. That notwithstanding any other provision of the Codified Ordinances of the City of Marion, any ordinance (or part thereof) that conflicts with the purposes of the Marion DORA shall not be applicable to activity within the DORA. If any provision of this ordinance is subsequently adjudicated as invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remaining portions of this ordinance.

Section 10. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety for the reason that immediate passage of this ordinance is necessary to allow adequate time for state approval and issuance of DORA designations as soon as possible, and provided this ordinance receives the

affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed _____, 2020

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

ORDINANCE OF THE COUNCIL OF THE CITY OF MARION
OHIO, UTILIZING AUTHORITIES GRANTED BY OHIO REVISED
CODE, REPLACING THE BOARD OF ZONING APPEALS WITH
CITY PLANNING COMMISSION, AMENDING ALL NECESSARY
CODIFIED ORDINANCES/ RESOLUTIONS IT HAVING
DETERMINED A REAL AND PRESENT NEED TO FURTHER
STREAM LINE LOCAL GOVERNMENT AND DECLARING AN
EMERGENCY

Whereas, the Council for the City of Marion, Ohio and the City's Administration have observed a real and present need to further streamline and refine local government processes, and

Whereas, there is determined to be a real and present need to replace the current Board of Zoning Appeals with the ORC statutory authority passing to the City Planning Commission, and

Whereas, the Council has determined the people of the City of Marion are best served by enabling the aforementioned change to better serve and streamline local government,

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

Section 1. Council finds it in the best interest of the citizens of Marion to replace the Board of Zoning Appeals, utilizing all authorities provided the municipality under Ohio Revised Code, as same is found to be a real and present need for the benefit of the City and its inhabitants. This determination based upon Councilmembers investigation and findings, personal observations and debate in regard to the present need to enhance local government processes.

Section 2. Council hereby amends all prior adopted Ordinances, Resolutions, including but not limited to all Codified Ordinances to accomplish the end result determined by it to be necessary at this time. To wit, every prior reference, power, authority, charge, grant, obligation or responsibility previously placed with the Board of Zoning Appeals shall be transferred, bestowed, obligated, enabled, passed, placed with the City of Marion Ohio Planning Commission. All reference previously made to the Board of Zoning Appeals shall upon the effective date of this Ordinance be replaced with: City of Marion Planning Commission. Any Ordinance or Resolution contrary to the intended end contained herein shall be repealed or replaced with the authority contained herein, without limitation. The Clerk shall modify all necessary section of Marion's Codified Code to conform herewith, with the assistance of the City Law Director.

Section 3. Council further finds it necessary to re-constitute the current City Planning Commission, currently made up of:

By replacing said membership with:

Here are the ORC parameters to work with for further refinement by the Mayor and Clerk of Council:

ity planning commission of seven members, consisting of the mayor, the director of public service, the president of the board of park commissioners, two citizens of the municipal corporation, and two public members who shall serve without compensation and shall be appointed by the mayor for terms of six years each, except that the term of two of the members of the first commission shall be for three years. The legislative authority may, by resolution, change the number of citizen members to an even number of members, not less than four nor more than twelve.

Section 4. Authorities enabling this determination and action can be found in, but are not limited to, to any extent: ORC 713.11 et al, ; ORC 713.11, in relevant part: " *...Such administrative powers and functions may be delegated by the legislative authority to the planning commission or board.*"; Including, but not limited to 713.15.:

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof; given the declaration as determined after debate by the Council to be a real and present need for the benefit of the health, welfare, regulation and local , enforcement/police power of the residents of the City of Marion, Ohio; 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 member elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Approved:

President of Council

Mayor Scott Schertzer

Attest:

Clerk of Council

RESOLUTION #

A RESOLUTION TO ENACT THE SMALL BUSINESS WORKING CAPITAL GRANT PROGRAM

WHEREAS, Small business within the community significantly contribute to the character, desirability, of the and economic vitality of the city; and

WHEREAS, in the wake of the COVID-19 shutdown and recent social, economic, and environmental challenges, the city is committed to providing recovery assistance for small businesses; and

WHEREAS, the attached Small Business Working Capital Grant Program has been developed to provide temporary relief to off set the operational costs to reopen, reestablish business operations, and return employees to work as a result of the COVID-19 Pandemic; and

WHEREAS, funding in the amount if \$100,00 will be provided for the Program from the City's COVID Relief Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARION, STATE OF OHIO, THAT:

SECTION 1. This council hereby enacts this Small Business Working Capital Grant Program, as attached hereto and made a part thereof in Exhibit "A".

SECTION 2. This resolution shall take effect the earliest opportunity allowed by law.

EXHIBIT A

Small Business Working Capital Grant Program

Small businesses within the City of Marion significantly contribute to the character and economic vitality of the community. The City has long been area of the importance of supporting small businesses and over the years devised and utilized available tools to create a thriving business environment. In the wake of the COVID-19 pandemic and subsequent shutdown, the once thriving environment changed and our community is facing unprecedented challenges. The City is committed to providing temporary recovery assistance for those small businesses reliant on customers frequenting their “brick and mortar” establishments.

Program description: The purpose of this program is to provide temporary relief to help small businesses offset some of their operational costs to reopen/reestablish operations to return their associates to work.

Program oversight: This program is available through the City’s allocation of funds received through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Upon the sunset of the CARES Act or through the complete disbursement of allocate funding this program shall terminate. Marion Port Authority in coordination with Regional Planning will serve as the program administrator in accordance with the parameters established below in order to retain employment opportunities and improve the economic welfare of the City.

Participation Requirements

Small business: For the purpose of this program, an eligible small business is considered a for-profit business employing a maximum of 25 full-time equivalent (FTE) associates, locally owned and operated within the corporation limits of Marion City, and aligning generally with the characteristics below:

- Conducts a majority of its business on site (pre-COVID) and therefore reliant on customers frequenting its brick and mortar establishment.
- Employs associates who are unable to perform their jobs remotely due to the nature of their work.
- Does not operate as a national retailer or restaurant establishment (franchises of such establishments who operate two or fewer may apply).

Administrative note: Full-time equivalent (FTE) employees means the total number of regular straight time hours worked (i.e., not including overtime or holiday hours worked) by employees divided by the number of compensable hours applicable for each fiscal year.

Example: 23,000 hours worked / 2,008 business hours = 11.45 FTEs

Program funding

- A. Funding amount:** Grants are available in an amount of up to \$2500 per business. Funds may only be used toward operations within the City of Marion. Businesses may use the grant to cover prior expenditures toward qualifying programs or services (see below).
- B. Qualifying Programs and Services:** Approved grants are provided to serve as working capital to offset lost funds due to the current COVID-19 disruption and recent socioeconomic and environmental challenges. Eligible recovery costs may include but are not limited to the following:
- Working capital/ product and inventory
 - Advertising and marketing
 - Technology upgrades to adapt to changing preferences involving customer interactions (website, online ordering, infrastructure/internet connectivity)
 - Purchasing of personal protective equipment (PPE) or sanitizer/ cleaning products
 - Building modifications that aid in complying with social distancing requirements
- Administrative note:** Other associated recovery efforts in addition to guidelines provided above may be approved as well.
- C. Criteria Funding:** Responses to the questions below on the application will be used to demonstrate need for funding.
- Demonstrated loss of business, as a result of State or Federal governmental mandates whereby the business was required to shut down or restricted from conducting its normal operation.
 - Demonstrated loss of revenue that can be attributed to the pandemic.
 - Number of employment opportunities that have been created/offered/retained as a result of reopening or reestablishing normal operations.
- Administrative note:** Applications will be reviewed in the order they are received until program funds are depleted or the sunset of the CARES Act funding.
- D. Disbursement:** Once the application is approved the City will issue the disbursement.
- E. Tax implication:** This grant may be treated as income subject to Federal Income Tax. The City of Marion is not liable for any tax implications resulting from the approval of a grant award. See your tax advisor for clarification.

Conflict of Interest: No official, employee, or agent of the City shall have any personal interest, either direct or indirect, in the grant program, nor shall any such official, employee, or agent participate in any decision relating to the grant program which affects his/her personal interests or the interests of any corporation, partnership or association in which he/she is, either directly or indirectly, interested.

Grant Process:**STEP 1 Application:**

The materials contained in a submitted application will be used to determine eligibility for grant requests and establishing the maximum amount the City may disperse. Applications will be reviewed in the order they are received. A completed W-9 shall be submitted as part of the funding request. Additional submittal requirements are set forth on the application form. Applications will not be considered complete and eligible for participation in the program unless all items on the application are answered and all required attachments included.

STEP 2 Funds released:

Funds are in the form of a check.

Marion City Small Business Working Capital Grant Program

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|----------------|-------|----------------|--|------|
| Street Address | | Address Line 2 | | City |
| Ohio | State | ZIP Code | | |

- | | | | |
|---|------------------------------------|---|-----------------------------------|
| <input type="text" value="Street Address"/> | | <input type="text" value="Address Line 2"/> | <input type="text" value="City"/> |
| <input type="text" value="Ohio"/> | <input type="text" value="State"/> | <input type="text" value="ZIP Code"/> | |

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- *Email**

-
- *Website (Enter "n/a" if none) **

-
- *Business Tax Identification Number**

-
- *Name of Contact**

-
- *Amount of Grant Funding Requested**

-
- *Total number of hours worked by all associates from November 1, 2019 to present date, excluding overtime and holiday hours? **

-
- *Total number of hours the business was open for operation from November 1, 2019 to the present date? **

-
- *Is the applicant current on all municipal income taxes? **

- ☒ Yes
- ☐ No

- *Was your business required to cease operations as result of state or federal COVID-19 orders? **

- ☒ Yes
- ☐ No

- *How has the business been impacted financially by the COVID-19 pandemic? Please be specific. **

- *Have any associates been able to work from home? If not, why?**

- *What qualifying program and/or service will be undertaken with awarded funding? Please detail the proposed uses along with the realized or anticipated costs.**

- *When will the business reopen and/or reestablish operations? **

- *How many associates will the business employ (including workforce/job retention)? **



- ***In order to finalize your grant request you must complete and submit a W-9 form to the Marion Port Authority.***
- *By clicking "I agree" below, I affirm the answers provided herein are true and valid to the best of my knowledge. I understand that failure to meet all of the guidelines listed above will result in my disqualification from the program. **
 - ☐ I agree
- *All correspondence should be submitted to the Marion Port Authority 205 W. Center Street, Marion, OH 43302*
- *For questions please contact Marion Regional Planning at regionalplanning@co.marion.oh.us*