

**RECORD OF PROCEEDINGS**

Minutes of

**MARION CITY COUNCIL REGULAR MEETING**

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

City Hall – Council Chambers on 12/9/2019 7:30 PM

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**ROLL CALL:** 10 members answered – Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Thomas, Mr. Daniels, Mr. Schneider.

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

Prayer was led by Brian Swingle, Family Life Church. Pledge of Allegiance recited.

**MINUTES FROM 11/25/2019**

Mr. Ratliff made a motion to approve; Mr. Schaber 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Thomas, Mr. Daniels. Nays – none

**MINUTES FROM 11/25/2019 APPROVED 9-0****OLD BUSINESS:**

**Item 1. ORD 2019-64: ORDINANCE REESTABLISHING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, OTHER THAN CITY COUNCIL, TO BE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN EMERGENCY (Added by Mr. Schaber – 1<sup>st</sup>, Mr. Ratliff – 2<sup>nd</sup>, Mrs. Cunningham – 3<sup>rd</sup>; Rule 56 waived on 11/25/2019) (Auditor) (2<sup>nd</sup> Reading)**

Mr. Ratliff explained that no raises can be given mid-term. Raises would go into effect the first day of the next term, 01/01/2020 in most cases. Most of the positions addressed tonight have not had a raise in 4-6 years, as opposed to annual raises received by other city employees.

Christian Dunston (E. Fairground Street) expressed that he does not think the raises are enough compared to the same positions in comparably sized cities.

**ORDINANCE 2019-64 SECOND READING**

**Item 2. ORD 2019-65: ORDINANCE REESTABLISHING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, TO BE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN EMERGENCY (Added by Mr. Schaber – 1<sup>st</sup>, Mr. Ratliff – 2<sup>nd</sup>, Mrs. Cunningham – 3<sup>rd</sup>; Rule 56 waived on 11/25/2019) (Council and Treasurer) (2<sup>nd</sup> Reading)**

Mr. Ratliff made a motion to suspend the rules; Mr. Schaber 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Thomas, Mr. Daniels. Nays – Mr. Landon, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels (4-5)

**RULES NOT SUSPENDED****ORDINANCE 2019-65 SECOND READING**

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**Item 3. ORD 2019-66: ORDINANCE REESTABLISHING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, OTHER THAN CITY COUNCIL, TO BE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN EMERGENCY (Added by Mr. Schaber – 1<sup>st</sup>, Mr. Ratliff – 2<sup>nd</sup>, Mrs. Cunningham – 3<sup>rd</sup>; Rule 56 waived on 11/25/2019) (Law Director) (2<sup>nd</sup> Reading)**

Larry Heiser (Lighthouse Ridge) was granted permission to speak. He would like to see them discuss raises in September or October, rather than after the election.

**ORDINANCE 2019-66 SECOND READING**

**Item 4. ORD 2019-67: ORDINANCE REESTABLISHING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, OTHER THAN CITY COUNCIL, TO BE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN EMERGENCY (Added by Mr. Schaber – 1<sup>st</sup>, Mr. Ratliff – 2<sup>nd</sup>, Mrs. Cunningham – 3<sup>rd</sup>; Rule 56 waived on 11/25/2019) (Mayor) (2<sup>nd</sup> Reading)**

**ORDINANCE 2019-67 SECOND READING**

**NEW BUSINESS:**

**Item 1. RES 2019-20: RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION (Finance 3-0, Mr. Huddle)**

Joan Kasotis (Marion County Auditor) explained two resolution process to place levy on ballot. She is present to sign off on 1<sup>st</sup> resolution, if passed.

Chief Deem explained that there have been a couple of changes since committee. They are reducing from a 3 to 2.75 mil levy, based on recent property revaluations.

Mr. Daniels noted that the levy has also changed from a 30-years to a “continuing period of time”.

Chief Deem clarified that 30 years is not allowed by state law, so it was changed. Thirty years seemed to be long enough to pay for station one. The choice was 5 years or continuous. The tax could be revisited by the voters later once the station is built. The intention is to cover new station, expected renovation needs for station #2 and #3, and all capital equipment for 30 years. He provided a detailed list of projected expenses for capital expenses. If this levy is approved, it will help free up other capital funds in the city budget for other general fund departments. Ryan Redmond, Union President, reinforced that this is going to help keep them as a modern fire department. Current sales tax is funding some capital improvements, but not keeping up. Their trucks and equipment are significantly out of date. The request is about much more than fire stations.

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Mr. Daniels expressed doubt that the tax payers would pass a continuous levy. He does not disagree that there will be a need for a new station. He said they could do a 5-year levy and bank it so that they could pay for the station in cash at the end of that period, and then go back for additional 5-year levy for additional equipment, as proposed. Mr. Thomas expressed concern about the continuous levy and requested that a special meeting be held to discuss it.

Mr. Huddle asked if there had been any discussion of consolidation. Chief Deem states that they do discuss it on and off. This may be a good first step toward that because they would be shifting to some funding from property taxes.

Chief Deem explained that the \$500,000 grant for station #1 (107 years old) will help keep that station functioning until they can get a new station. The station does not meet many of the requirements for a modern firehouse. We have 57 firefighters and will go up to 63 with 3-year Safer Grant. Authorized staffing level is 65.

It was clarified that the vote tonight is only to decide if the decision should go before the people or not.

Mr. Ratliff made a motion to amend to update the ordinance coming out of committee to 2.75 mil, continuous; Mrs. Cunningham 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris. Nays – Mr. Landon, Mr. Thomas, Mr. Daniels. (6-3)

**RESOLUTION 2019-20 AMENDED (6-3)**

Mr. Thomas made a motion to schedule a special meeting for 12/16 and include any agenda items that do not pass tonight; Mr. Daniels 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Thomas, Mr. Daniels. Nays – none

**12/23 COUNCIL MEETING RESCHEDULED TO 12/16 9-0**

**RESOLUTION 2019-20 FIRST READING**

**Item 2. RES 2019-21: RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION (Finance 3-0, Mr. Huddle)**

**RESOLUTION 2019-21 FIRST READING**

**Item 3. ORD 2019-68: ORDINANCE AMENDING CERTAIN PORTIONS OF ORDINANCE 2008-125 AND DECLARING AN EMERGENCY (Municipal Services, Parks and Recreation 3-0, Mr. Schaber)**

Ordinance addresses salary increases for assistant law directors.

Mr. Schaber made a motion to suspend the rules; Mrs. Blevins 2<sup>nd</sup>. Roll Call: Ayes - - Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mr. Huddle, Mr. Norris, Mr. Thomas, Mr. Daniels. Nays – Mrs. Cunningham

Mr. Schaber made a motion to approve; Mrs. Blevins 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Thomas, Mr. Daniels. Nays – none

**ORDINANCE 2019-71 APPROVED 9-0**

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**Item 4. ORD 2020-01: 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, 2020. (Finance with no recommendation 2-1, Mr. Huddle)**

Auditor-elect Landon handed out a spreadsheet of proposed amendments to the auditors and income tax departments. He is proposing a \$40,000 increase and the majority is due to increases obligated to workers because of bargaining unit agreements for pay increases and increases in health care costs. They factored in schooling to have some training through New World who is the vendor for software. They are expecting three days on site and he is awaiting a final estimate. They are estimating it at \$10,000. Also, he has adjusted salaries because Auditor Carr did not know his staffing levels and wages. At a minimum, they would need 2019 budget.

Mr. Schaber asked about how he could compare spreadsheet that Mr. Landon provided to initial budgeted amounts. Mr. Landon referred him to the original ordinance for those numbers. Mr. Schaber calculated an increase of \$262,443.73. Mr. Landon said, "if you frame it that way". The 2020 budget was \$191,000 less than 2019 amended budget was. Mr. Landon explained that it is about a \$40,000 increase from 2019 budget and most of that is salary and health care costs, as well as school and traveling. He later clarified that it is what the bargaining unit obligates them to do. Mr. Schaber clarified that it would affect the net carryover projected coming out of committee.

Mr. Ratliff indicated that they just got this proposal tonight in the meeting. There is the 2019 budget, then the estimate from Mr. Landon, it looks to be about \$30,000 or so under budget, then the ask is \$40,000 above what the original budgeted amount was which is really about a \$70,000 increase vs what was actually spent. Also, he does not like the fact that there are blacked out mystery staff. Mr. Landon indicated those are current employees. MR. Ratliff we are replacing people in the office that we already paid to train and now we are spending \$15,000 to train new people. He would at least ask us to put this on next meeting and not rush this through.

Mr. Landon stated that it is common to replace workers when a new administration comes in. They are not replacing union employees. He elected to black out names, even though it is public record. The estimate for the finishing of the 2019 is a rough estimate. He does not know what is in the New World system or what the incoming po's are. From the outside looking in this is what they believe is for the 2019 year end. It could be different.

Mr. Ratliff said that he had a problem with the way that the previous clerk was treated with the change in council last term. It seems that same thing is happening in Auditors office by the exact same person. Mr. Schneider clarified that office is free to hire whomever he wants. Mr. Ratliff does not like the fact that employees are losing their jobs because of politics, when they have done a good job. Mr. Schneider gaveled.

Mr. Landon stated that the budget does include the proposed pay increase for the auditor.

Mr. Schaber asked if the paper that Mr. Landon handed out is the appropriate form for an amendment. Law Director Russell stated that it is important that each council person understands what the proposed amendment is. If each person does not understand, then potentially – it is going to be read a second time – get additional information and details from Mr. Landon. There is the option to make the amendment at the second reading. Each council person needs to understand the proposal.

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Mr. Ratliff had not had time to mull around. The salary increase is included, but so is an extra \$1,000. He encouraged council to wait an additional week before considering amendment.

Mr. Landon clarified to Christian Dunston (E. Fairground St) that amendment does include all three positions that current auditor removed.

Mr. Daniels stated that he would not vote for amendment because he will not vote for any of it because of the deficit spending.

Mr. Landon made a motion to amend ORD 2020-01 as outlined in the spreadsheet; Mrs. Cunningham 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Schaber, Mrs. Cunningham, Mr. Huddle, Mr. Norris. Nays – Mr. Ratliff, Mrs. Blevins, Mr. Thomas, Mr. Daniels. (5-4)

**ORDINANCE 2020-01 AMENDED PER SPREADSHEET PRODUCED BY MR. LANDON (5-4)**

**ORDINANCE 2020-01, AS AMENDED BY SPREADSHEET FIRST READING**

**OTHER MATTERS NOT ON THE AGENDA:**

In response to Mr. Cooperrider (Maynard Drive), Law Director Russell explained that the city did not attend the PUCO meeting regarding the capital assessment, which by law they are able to recover 100%. When the file for a general increase, yes, the city will be there.

Mr. Ratliff made a motion to reschedule the 12/23 regular meeting to 12/16 and include any agenda items that do not pass tonight and cancel out the previous motion for a special meeting; Mr. Schaber 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Landon, Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Thomas, Mr. Daniels. Nays – none

**12/23 COUNCIL MEETING RESCHEDULED TO 12/16 9-0**

Mattie Kelly (Uncapher Avenue) asked about process to replace Mrs. Gustin. She felt that Miss Tera Dyer should have been selected, because she actually ran for a seat. She understood that council is the entity that appointed replacement. Mr. Schaber clarified that council did not fill seat, that was done by the Democratic Central Committee.

Mr. Ratliff expressed disappointment in the article run by the Marion Star regarding Mrs. Gustin. He felt that it was misleading and confused people. Mrs. Gustin tried to withdraw her name from the petition, and it was too late. Marion Board of Elections told her no. Three people ran for three seats. At that point, city council would have made the appointment. City voters would have never voted on that position. He felt that Marion Star treated her unfairly and we should be thanking her for the years of service. She has given decades of service to community and should be applauded. Mrs. Gustin ran for an at-large seat. Mrs. Dyer ran for the 5<sup>th</sup> ward. They are different seats.

Mayor Schertzer requested that members reach out to administration and the chief if they needed more information about proposed levy and options.

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**COMMITTEE MEETING SCHEDULE:**

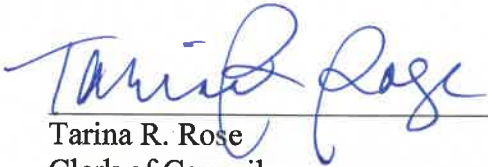
- Finance Committee – Rick Huddle – 6:30 12/16/2019 – year-end adjustments
- Legislation, Codes, and Regulations – Robert Landon – 6:35 12/16/2019 – liquor permit transfer
- Regional Planning – Kevin Norris – 7:00 12/11/20109
- Streets and Sewers – Jason Schaber – 6:40 12/16/2019 – discussion of vac truck

No other committees announced meetings.

With no further business to come before Council, Mr. Schneider adjourned the meeting at 9:49 PM.



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Todd Schneider  
President of Council



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Tarina R. Rose  
Clerk of Council