

RECORD OF PROCEEDINGS

Minutes of

MARION CITY COUNCIL REGULAR MEETING

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

City Hall – Council Chambers on 1/13/2020 at 7:30 PM

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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 Mrs. Cunningham. Pledge of Allegiance recited.

MINUTES of 12/09/2019, 12/16/2019, and 01/01/2020 Meetings

Mr. Daniels made a motion to approve; 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

Minutes of 12/09/2019, 12/16/2019, and 01/01/2020 approved (9-0)

OLD BUSINESS

NEW BUSINESS

Item 1. ORDINANCE 2020-02: ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CAN DO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA, AND DECLARING AN EMERGENCY (Jobs and Economic Development 3-0, Mr. Ratliff, chair)

Mr. Ratliff made a motion to suspend; 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

Mr. Ratliff made a motion to approve; 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

Resolution 2020-02 approved (9-0)

Item 2. ORDINANCE 2020-03: ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR DOWNTOWN MARION, INC., INCLUDING BUT NOT LIMITED TO FINANCIAL SUPPORT IN ORDER TO CONTINUE THE COMMUNITY'S EFFORTS TO REVITALIZE THE DOWNTOWN AREA, AND DECLARING AN EMERGENCY (Jobs and Economic Development 3-0, Mr. Ratliff, chair)

Mr. Ratliff made a motion to suspend; 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

Mr. Ratliff made a motion to approve; 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

Resolution 2020-03 approved (9-0)

Item 3. ORDINANCE 2020-04: AN ORDINANCE RE-CREATING THE DEPARTMENT OF PUBLIC SAFETY/SERVICE WITHIN THE CODIFIED ORDINANCES OF THE CITY OF MARION CHAPTER 133, CREATING

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NECESSARY SECTIONS, REPEALING THOSE SECTIONS OF ORDINANCE 2007-107 WHICH ARE INCONSISTENT HEREWITH, AMENDING THE YARGER REPORT AND DECLARING AN EMERGENCY (Finance 3-0, Mr. Daniels, chair)

Mr. Daniels explained that the ordinance recreates the office of Safety/Service. Twelve years ago, the city had a Safety/Service Director and HR Director. The HR Director was eliminated, and Safety/Service was split. The ordinance brings the two departments together, overseen by one Safety/Service Director at \$67,128. The next ordinance creates a new position that pays \$57,950 (maximum). This nets a \$10,000 pay reduction that could go towards the carryover that has been discussed. He said that the two items go together, and one should be passed contingent on the other passing. They do not want one to pass and the other to fail. Discussion continued on which order the items should be considered or adding a contingency statement.

Mayor Schertzer explained that typically positions are not removed from the Yarger report. Law Director Russell explained that these positions have been combined and separated multiple times based on budget and wishes of differing administrations for structure. Unfilled positions tend to remain in Yarger Report.

Charlie Blevins (220 Blaine Avenue) expressed his desire to see the two positions merged to save the city money. He is opposed to the position proposed in item 4.

Matthew Pollock (567 Girard Avenue) supported combining the two positions, but not adding a new position as a responsible way to address the deficit.

Tracy Cooperrider (904 Maynard Avenue) read an unrelated letter from Mayor Schertzer to the DAC regarding the agreement for Marion Public Health. He alleged that the agenda had been changed an hour and fifteen minutes before the meeting.

Mayor Schertzer stated that the MPH issue is a totally separate issue from these agenda items and that all of council had been notified. There is no intention to create a city health department. The city continues to talk with MPH. There are grave concerns about the level of funding to the combined health district and he is challenging the use of tax dollars on the enforcement of premises regulations. Within our own budget in 2019 and 2020, they are starting to address issues of junk houses, abandoned houses, junk tires, refuse, abandoned cars, etc. There were 60+ cases in Law Directors office that required additional information from MPH to prosecute. The city is now in position because of staff in place to get the law director the information he needs to prosecute those cases. He has campaigned on having an Environmental Code Division – people in various departments coming together to clean up this town.

Mrs. Cunningham questioned whether these items are overstepping bounds and questioned whether they are duplicating duties of Auditor. Mayor Schertzer passed out list of duties of Auditor and stressed that they are not trying to duplicate services. He is in favor of streamlining many types of services. He does not see this as a duplication. Mrs. Cunningham asked the auditor for input. Auditor Landon stated that he had no comment.

In response to Christian Dunston (211 E. Fairground), Mayor Schertzer explained that the Safety and Service Directors had two distinct responsibilities that are being proposed to fall under one position, the Safety/Service Director.

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In response to Mr. Cooperrider, Mr. Daniels explained that funds are being transferred to cover the position, none of which have anything to do with Marion Public Health. The Service Director was previously budgeted. This will result in a cost savings. There are a number of transfers that can be put back towards the carryover. It is also important to realize that \$200,000+ will be returned from the pension funds as well. The deficit will not be as high as the current reports reflect. Mr. Ratliff also feels that revenues may be understated, and that the City is in better financial shape than what is being portrayed in the media.

Rick Huddle (Marion, OH) thanked council and expressed his appreciation to people for working together while he was on council. He expressed support for one position if it could be handled by one person. He has concerns on item 4 and felt that those tasks were handled by auditor's office during his time on council and that there were no problems. It makes him wonder who this person will be responsible to. Mayor Schertzer said that there is more than budget in the job responsibilities, and they will be responsible to him, like other director level positions are. He said that there is no duplication of duties with the auditor's office responsibilities. Mr. Schneider read aloud portions of Mayor's handout of "duties of Auditor". Mr. Huddle feels that the auditor and his staff should be given a chance to do their job, before another position is added.

Mr. Daniels addressed the "narrative in the room that they are creating a new position and that they are pulling money from general fund to pay for it." Both could be voted down and the Mayor could hire a Service Director that is already budgeted. The option, as proposed, creates a minimum of \$10,000 savings. Mr. Huddle stated that he thinks that the auditor should be responsible to approve the budget. Mr. Daniels reiterated that if they can swap one position for another and achieve a cost savings, he is in support of it. He stated that this person will be doing some of the same thing that the Safety Director did related to drafting the budget.

Mrs. Cunningham said these are separate issues. She does not believe that they should be brought together. If they are going to save money, they need to look at them separately. The new position seems redundant. Mr. Daniels asked which one of the positions in the Auditor's office should be eliminated as a cost savings. He indicated that could be discussed. Mr. Huddle stated that the new auditor seems to have an awful lot of experience in this area.

Aaron Rollins (850 Vernon Heights Blvd) stated that he supported combining positions, but he has some concerns about 2020-05 and the creation of a new position. He read some of the job duties of the new position. He believes that those duties are the direct responsibility of the new City Auditor, who was elected by and answerable to the people. The new position is not directly responsible to the people of the city. Why is the Mayor choosing to create this position now? Does the Mayor expect staff and elected officials to consult with the OMB prior to the auditor's office? The partisan bickering and games need to end. The expansion of local government that does not have responsibility to the people will be opposed. He believes that if this job is created that they should report to the auditor.

Mr. Ratliff said that every administration has had two positions. Jack Kellogg had a Safety/Service Director and an HR director. Mayor Schertzer had a Safety Director and Service Director. The workload is big and requires two positions. Tom Robbins, as Safety Director, did a lot of work with the budget and that is being lost. If the Mayor desires to take that off of the combined position by

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creating a new position and saving money, he does not understand the issue. He supports moving forward with both of them.

Mayor Schertzer stated that if it is best to go back to committee, he supports that to move forward. This is not partisan bickering. It is drawing a clear line as to whose responsibilities are what.

Mr. Daniels made a motion to amend to make the passage of 2020-04 would be contingent on the passage of 2020-05; Mr. Meade 2nd. Roll Call: Ayes – Mr. Ratliff. Nays -- Mr. Meade, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels.

Amendment defeated (1-8)

Mr. Thomas made a motion to send 2020-04 and 2020-05 back to committee; Mr. Daniels 2nd. Roll Call: Ayes -- Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas Mr. Daniels. Nays – Mr. Meade, Mr. Ratliff, Mr. Neff.

Ordinance 2020-04 sent back to committee (6-3)

Item 4. ORDINANCE 2020-05: ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, BY CREATING A NEW POSITION IDENTIFIED AS THE ADMINISTRATOR OF MANAGEMENT AND BUDGET, ESTABLISHING SALARY AND BENEFITS FOR SAID POSITION, AND DECLARING AN EMERGENCY (Finance 3-0, Mr. Daniels, chair)

Ordinance 2020-05 sent back to committee (6-3) as part of Item 3 action

Item 5. 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)

Law Director Russell explained that there is a need in 2 pending criminal cases in Municipal Court. Additionally, pleadings are expected to be filed in the near future. Mr. Daniels explained that this is related to a conflict of interest.

Larry Heiser (1535 Lighthouse Ridge) granted permission to speak by President Schneider discussed charges being filed prematurely. The county prosecutor typically contacts other counties for this type of assistance with no additional charge and wondered if that could happen in this case.

Matthew Pollick (Girard Avenue) asked if the Ohio Elections Commission should be handling this rather than going through the courts. This process would not cost the city any money.

Mr. Daniels made a motion to suspend; Mr. Thomas 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mrs. Swanger, Mr. Thomas, Mr. Daniels. Nays – Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mr. Neff. (5-4)

Ordinance 2020-06 had first reading

OTHER BUSINESS

MATTERS NOT ON THE AGENDA

Mr. Ratliff asked to have a conversation with the Auditor's office regarding positions within that department. He was under the impression that some job descriptions would be coming forward, but now hears that job titles have been changed since they were hired instead. It looks like they hired three people – the

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same number as previous auditor. The auditor provided people and pay, and he expressed concern last week, because people were being paid higher than pay scale allowed. He has heard that titles have been changed and that there are now two deputy auditors in the auditor's office. Deputy Auditor Marden Watts confirmed that there are two deputy auditors.

Deputy Auditor Watts said that they had discussed with Law Director Russell. There is a Yarger report and they adjusted their original thinking to model what the city had already established, rather than reinvent the wheel. Two FT Deputy Auditor, and a PT person.

From the City of Auditor's FB page, Mr. Ratliff quoted "For immediate release, Robert announces Marden Watts for Deputy Auditor". Mr. Ratliff stated that Kimberly Hutchison was hired. <inaudible comments from Mrs. Hutchison from audience>

Something changed from release to swearing in. They have two deputy auditors for the first time in the city. If they have two deputy auditors, they would have the same job description. Mrs. Hutchison said they were working under the same job description, but they have different areas of expertise.

Law Director Russell said that the Yarger report defines very specific job descriptions that defines duties. Council has just had an hour-long discussion about overlapping job duties and saving money out of the budget.

Marden Watts explained that it is common in the county auditor's office to have multiple deputy auditors.

Mr. Ratliff said that he thinks that they hired a deputy auditor and an internal auditor and then they were going to hire an administrative assistant. They wanted to pay them more than what they were supposed to. They wanted to hire Miss Hutchinson as an internal auditor for \$61,000, but the top pay is \$60,546.45. They have changed job titles to match pays, but not changed duties. They have been given job titles so they can pay more, and he thinks that is wrong.

Mrs. Hutchinson said that it does not state that there is only one deputy auditor. In her job description, it does say deputy internal auditor.

Mr. Meade said the that ORC says that deputy auditor in cities and that city auditor may, when authorized by ordinance, appoint ****A**** deputy. Singular.

Mr. Watts said that code also handles Franklin County, or in Columbus City. There is more than one deputy auditor there. In cities, there is going to be more than one deputy. President Schneider stated that Columbus is a charter city, not a statutory city, and the ORC does not necessarily apply the same.

Mr. Schaber asked if by changing the job titles, was there anything improper done or was that how the Law Director advised that office to fix the salary issue? Mr. Watts stated that they did not discuss salaries, just job titles. Mr. Watts stated that the three people who took over the area are being paid less than the three people who left. Is that not a good thing?

Mr. Daniels stated, in a nutshell, they are given certain job descriptions no matter what office they are. They can hire these individuals. He is not going to tell elected officials who they should hire. He may despise choice, but it is not his authority to tell who to hire. When they hire someone at a job and pay as set

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forth by council, there is a pay range established and the elected official cannot go beyond that or manipulate the job descriptions. They should bring the job descriptions to council and ask to amend the pay ranges for that job. They should not put two people in the same job description to try to address it and put Council in the position of asking if they can have two. Marion is a statutory city. The city cannot do that. The Auditor's office needs to reduce pay down to maximum pay that job allows. There will be more issues, when someone is new to office. There is no civilian equivalent to public finance. There are mistakes that will be made. That is the remedy – come to council to change or lower pay to meet Yarger report.

Mr. Ratliff encourages auditor's office to do that. He does not like what has happened.

Tammy Landon (989 Fairwood Ave) asked Law Director if he was asked and what was response about two deputy auditors. Law Director Russell stated that he has been emailing back and forth every day with auditor to make progressive steps and to eliminate political bickering. The Administrative Assistant position is being refined for Perry Payne, including duties and work week. On Thursday, Auditor Landon emailed about appointing two deputy auditors. He responded that at that point he did not see anything that would prevent deputy auditor/tax commissioner because it is listed in the Yarger report. There is also an internal investment auditor that Mrs. Hutchison referred to earlier.


Tracy Cooperrider (Maynard Drive) asked about meeting with MPH. they are waiting to arrange for another meeting with MPH officials.

COMMITTEE MEETING SCHEDULE

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

- Finance – 01/21/2020 at 6:30PM – Mr. Daniels, chair – revisit two ordinances sent back to committee
- Municipal Services, Parks, and Recreation – 01/21/2020 at 6:35 PM – Mrs. Swanger, chair – discussion of auditor's office job descriptions (Mr. Daniels requested that job descriptions as amended or reduced the pay)

With no further business to come before Council, Mr. Schneider adjourned the meeting at 9:11 PM.



 Todd Schneider
 President of Council



 Tarina R. Rose
 Clerk of Council