

MARION CITY COUNCIL REGULAR MEETING

City Hall – Zoom Meeting on 7/13/2020 at 7:30 PM

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Zoom Meeting on 7/13/2020 7:30 PM

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

With a quorum present via videoconferencing, Mr. Schneider called the meeting was called to order at 7:30 PM. Pledge of Allegiance recited. Prayer led by Mr. Schneider.

SUMMARY OF PROCEEDINGS

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

SUMMARY OF PROCEEDINGS FOR 06/22/2020 ADOPTED (7-0)

OLD BUSINESS

Item 1. ORDINANCE 2020-39: ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE SANITATION DEPARTMENT TO GENERAL FUND ENDING DECEMBER 31, 2020, TO ACCOUNT FOR A RECENT TRANSFER AND TO CORRECT THE QUARTERMASTER EXPENSE ACCOUNT. (AUDITOR) (Finance – Daniels – 3-0) (Cross Reference ORD 2020-43)

Deputy Auditor Watts stated that he followed up on question from Mr. Ratliff at the last meeting. This transfer is not correct, and he asked that it be voted down.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-42 DEFEATED (0-7)

NEW BUSINESS

Item 1. ORDINANCE 2020-43: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE CITY HALL (GENERAL FUND) ENDING DECEMBER 31, 2020, TO COVER THE COST OF THE CLOTHING ALLOWANCE DUE TO THE HIRING OF A NEW EMPLOYEE (Finance – Daniels – 3-0) (Cross Reference ORD 2020-39)

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-43 ADOPTED (7-0)

MARION CITY COUNCIL REGULAR MEETING

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

Mr. Meade asked why there were so many pieces of legislation coming from the Auditor's office to appropriate funds. Deputy Director Watts explained that he brings these forward when accounts go into the negative to keep accounts balanced. He stated that they could hold off and make one big adjustment at the end of the year. He believes that is how the adjustments used to happen. Mr. Schaber explained that some of these are for grants that are for pass-throughs. Mr. Thomas asked if all of these ordinances could have been combined. Deputy Director Watts agreed that they could be and that he would be willing to do that.

Item 2. ORDINANCE 2020-44: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE PARKS FUND FOR THE YEAR ENDING DECEMBER 31, 2020. (Finance – Daniels – 3-0)

Service Director Chaffin explained that the City received \$400,000 grant for Lincoln Park stadium. This allows them to make appropriation and then proceed with spec and bid.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-44 ADOPTED (7-0)

Item 3. ORDINANCE 2020-45: ORDINANCE MAKING AN APPROPRIATION IN COVID FUND FOR THE YEAR ENDING DECEMBER 31, 2020. (Finance – Daniels – 3-0)

Mr. Daniels stated that this covers the reimbursement for COVID related expenses from the federal government.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-45 ADOPTED (7-0)

MARION CITY COUNCIL REGULAR MEETING

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

Item 4. ORDINANCE 2020-46: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE POLICE INSURANCE FUND, TO COVER THE COST OF A CRUISER TO REPLACE ONE DAMAGED IN AN ACCIDENT FOR THE YEAR ENDING DECEMBER 31, 2020. (Finance – Daniels – 3-0)

Police Chief Collins explained that this is a pass-through of insurance money to pay for a cruiser that was totaled. They are replacing the cruiser.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-46 ADOPTED (7-0)

Item 5. ORDINANCE 2020-47: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE FIRE DEPARTMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2020. (Finance – Daniels – 3-0)

Fire Chief Deem explained that this is grant money from Mid-Ohio Energy Co-op in the amount of \$1,290 and will be used to purchase/replace two full body water rescue suits.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-47 ADOPTED (7-0)

Item 6. ORDINANCE 2020-48: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AIRPORT IMPROVEMENT FUND ENDING DECEMBER 31, 2020, TO COVER CURRENT EXPENSES AND REMAINING BALANCE FOR THE COMPLETION OF THE AIRPORT TERMINAL BUILDING. (Finance – Daniels – 3-0)

Deputy Auditor Watts explained that these are the final funds needed to complete the grant-funded terminal project at the airport.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-48 ADOPTED (7-0)

MARION CITY COUNCIL REGULAR MEETING

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

Item 7. ORDINANCE 2020-49: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE CREDIT CARD FEES FUNDS FROM THE CITY'S GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2020, TO COVER CURRENT EXPENSES AND FUTURE NEEDS. (Finance – Daniels – 3-0)

Deputy Auditor Watts explained that these are the fees that city gets charged when people use credit cards to pay their bills. They believe this is pandemic-driven because people are using credit cards more often. This is also a pass-through because the resident pays for the fee.

Mr. Feliciano made a motion to suspend the rules; Mr. Daniels 2nd. Roll Call: Ayes – Mr. Meade, Mr. Schaber, Mr. Feliciano, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

RULES SUSPENDED (7-0)

Mr. Feliciano made a motion to adopt; Mr. Daniels 2nd. Roll Call: Ayes – Mr. Meade, Mr. Schaber, Mr. Feliciano, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

ORDINANCE 2020-49 ADOPTED (7-0)

Item 8. ORDINANCE 2020-50: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE WITHIN THE INSURANCE PROCEEDS FUND ENDING DECEMBER 31, 2020, TO COVER CURRENT EXPENSES AND FUTURE NEEDS. (Finance – Daniels – 3-0)

Deputy Auditor Watts explained that the insurance proceeds fund comes from fees paid when a house burns down. The city holds some of the insurance proceeds until the house is brought back up to standard and approved by the zoning department. This is also a pass-through.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-50 ADOPTED (7-0)

MARION CITY COUNCIL REGULAR MEETING

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

Item 9. ORDINANCE 2020-51: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE FIRE DEPARTMENT ENDING DECEMBER 31, 2020, TO ACCOUNT FOR FUNDS RECEIVED FROM THE CARES ACT. (Finance – Daniels – 3-0)

Fire Chief Deem stated that they received this as a result of the CARES Act based on Medicare billing for 2019. The money is designated for COVID related expenses for an organization that provides health care. They are initially placing it in the supplies line. They have an idea on how they will spend it for medical equipment, but they will wait to make sure there is not a greater need someplace else. He responded to Mr. Schaber's question that they can place in the supplies line rather than a separate COVID account.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-51 ADOPTED (7-0)

Item 10. ORDINANCE 2020-52: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE COBRA ACCOUNTS FOR PARKS, SAFETY DIRECTOR AND FIRE DEPARTMENT ENDING DECEMBER 31, 2020, TO ACCOUNT FOR PAYMENTS BY FORMER EMPLOYEES THAT ARE PURCHASING CITY HEALTH INSURANCE. (Finance – Daniels – 3-0)

Mr. Daniels said that this is the opportunity to purchase 6 months of health insurance (at our rate) that is not subsidized by the City for former employees. Again, this would be considered a pass-through.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-52 ADOPTED (7-0)

MARION CITY COUNCIL REGULAR MEETING

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

Item 11. ORDINANCE 2020-53: ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO APPLY FOR ODOT AIRPORT GRANT PROGRAM FY 2021 GRANT FUNDS, ADVERTISE FOR BIDS FOR AND ENTER INTO CONTRACT FOR MARKING AND DRAINAGE IMPROVEMENTS FOR GRASS RUNWAYS AND DECLARED AN EMERGENCY AT THE MARION MUNICIPAL AIRPORT. (Airport, Lands and Buildings – Schaber – 3-0)

Service Director Chaffin explained that grass runways are preferred for gliders and light airplanes. There are other runways that they can land on now.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2020-53 ADOPTED (7-0)

Item 12. RESOLUTION 2020-26: RESOLUTION FOR THE CITY OF MARION, OHIO AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO EXECUTE THE APPLICATION FOR THE 2020 COPS MICROGRANT- MPD WELLNESS GRANT TO IMPROVE THE OVERALL HEALTH OF OUR POLICE OFFICERS BY OFFERING SERVICES RELATED TO MENTAL HEALTH, EXERCISE, HEALTHY EATING AND FINANCIAL HEALTH. (Finance – Daniels – 3-0)

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

RULES SUSPENDED (7-0)

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

RESOLUTION 2020-26 ADOPTED (7-0)

Item 13. RESOLUTION 2020-27: RESOLUTION OF THE CITY OF MARION, OHIO ON EQUITY AND SOCIAL JUSTICE, AND DECLARING AN EMERGENCY (Legislation and Codes – Daniels – 3-0)

Mr. Feliciano stated that he thinks the resolution needs to be tweaked a little more. There are areas that he continues to find offensive. He wonders if this is a political issue and how is this a health crisis. Everyone is saying that this is a “Black Lives Movement”. He still has a lot of questions on that area. It is more of a racist. It puts Black Lives Movement above everyone else and that is racism itself. It bothers him and he is not comfortable with it. He is currently tweaking his own resolution, but his comments have nothing to do with that. He is against this resolution as written.

Mr. Neff stated he has no objection to the scope and intent of the Mayor’s resolution. He has an objection that Mr. Daniels did not allow Peaceful Community Resolution to be placed on the Legislation and Codes Committee agenda. Mr. Daniels stated that the resolutions were competing, however Mr. Neff believes that they are not. They are similar but there are distinct differences. He believes that Mr. Feliciano brings a different perspective to this.

MARION CITY COUNCIL REGULAR MEETING

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

He has reached out to other council members about the situation and they were not supportive. He feels that the only way he can be heard is to vote “no” on this resolution.

Mayor Schertzer explained that this was put together is because it is not specific to one department. It is reflective of all City government. He believes that it is very inclusive of everyone and not specific to anybody. He appreciates the points made by what looks to be two dissenting views of council. He hopes that we can set those feelings aside and show the community that we can be united when it comes to something like this. He asked for consideration to suspend rules.

Mr. Daniels stated that Mr. Schertzer has been in public service for over 20 years and introduced his piece of legislation correctly to the Legislation and Codes Chairman. Procedurally, the other option is to have three votes to add directly to Council agenda. That is the reason that the two pieces of legislation were treated the way that they were.

Mr. Thomas says that he hopes that this does not become a political issue.

Mr. Schaber clarified that all members would have to vote in the affirmative for suspension. He asked what was really going to come from the resolution and commended Mr. Meade on the activities surrounding his small business resolution.

Miss Rose read the entire resolution at Mr. Schaber’s request.

Mr. Neff stated that he forwarded his resolution to the Clerk of Council and Law Director on 06/12; and on 06/14 or 06/15 that they would figure out who the proper committee chair to send it to. He heard from the committee chair on 06/26. He does not believe that this is a political issue. It is about a resolution being brought to council by a minority member. He has no issue with suspending the rules.

Mr. Meade expressed that this should not be a political issue and he would like to look at suspending rules.

Tara Dyer (485 N. Grand Ave.) said that she finds it offensive that whenever there is anything doing with social justice, equity, and race that there is this big conversation. Had this been a resolution about denoting a day recognizing businesses or the class of 2020, there was little to no discussion and it was passed on the first reading. We would have to have our head in the sand to not recognize that racism has been declared everywhere throughout the US as a public health crisis. It is not like this is going to be a law or has a lot of teeth to it. As a City, we need to recognize these issues and we need to work together to get rid of these injustices so that we can enjoy life in the City of Marion. She supports this resolution. We need to all work together to help Feliciano/Neff know the proper way to introduce legislation.

Sue McGowen (246 Elm St.) said that this needed to happen a long time ago, not just racial minorities, but also sexual orientation. We need equality for everybody. We need to focus on not labeling each other.

MARION CITY COUNCIL REGULAR MEETING

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

Christian Dunstan (211 E. Fairground St.) says that he supports resolution but agrees with Mr. Schaber. We need to do things to level the playing field. What happens next? What are the action steps Council plans to take as a result of this resolution? Mrs. Swanger explained that they have already met with the Marion Minority Commission, Peace and Freedom Foundation, and community stakeholders. The group is looking at the resolution as a talking point and setting action steps and following through.

Brandi Downs (631 Cherry St.) states that she supports resolution. We should recognize that MPH has already declared racism a public health crisis here in Marion. This resolution merely recognizes that.

Jess Lamar Reece Holler (Marion Historical Society) again stated that racism is a public health crisis that has outcomes in the community. This is a first step and questions how this could be controversial.

Mr. Daniels made a motion to suspend the rules; Mr. Thomas 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Schaber, Mrs. Swanger, Mr. Thomas, Mr. Daniels. Nays –Mr. Feliciano, Mr. Neff

RULES NOT SUSPENDED (5-2)

RESOLUTION 2020-27 HAD FIRST READING

Item 14. RESOLUTION 2020-28: RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2021, AND DECLARING AN EMERGENCY (First Reading Only) (Finance – Daniels – 3-0)

RESOLUTION 2020-28 HAD FIRST READING

Mr. Daniels said it is required by state law that they pass a tax budget by 07/20/2020 and provide that to the county.

Mr. Schaber say a public notice in the Marion Star for 07/18 and he believes that the hearing is 07/19 at 7:30PM. Was there another public notice done? Deputy Director Watts stated that another notice has been scheduled to run in the Marion Star announcing the 07/19 special meeting and public hearing.

Mr. Meade wanted to confirm that the situation is resolved, especially because the Auditor is not present at the meeting. Deputy Director Watts stated that everything is done and that they will receive proof of publication. He confirmed that the Auditor will be present at the 07/19 meeting.

Christian Dunston (211 E. Fairground St.) stated that he understood this is a procedural thing. Last year, they were promised a discussion of the budget that came into 2020 with a negative. At what point will we discuss that? There was no response from council or staff. Mr. Schneider encouraged him to bring that up at the special meeting.

OTHER BUSINESS

MATTERS NOT ON THE AGENDA

Item 1. Mr. Feliciano requested an update to his address on the website.

MARION CITY COUNCIL REGULAR MEETING

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

Item 2. Anthony Marks Jr. (624 Ballentine Ave.) asked about the requirements to have a “Black” bank. Would Council have jurisdiction over the charter for the bank? Mr. Daniels stated that they have no authority to oversee a bank. Banks do have oversight from a federal level, but not by council. Council would have authority over the location and zoning requirements.

Item 3. Tara Dyer (485 N. Grand Ave.) asked about utility bills being paid electronically by using checking account. There is no fee. Does the city tell customers, especially the elderly? Deputy Director Watts explained that they do advise customers of the \$3 credit card fee. He again explained that the money is passed through to the credit card company.

Item 4. Deputy Director Watts explained that if you work in Marion (primary place to report), workers are required to pay City Income Tax. Specifically, he mentioned that the Sheriff’s Department and the Engineer’s Office report in Marion City and are required to pay the income tax. This changed under HB#5. He requested that council make their two appointments to the Tax Commission.

Item 5. Brandi Downes (631 Cherry Street) asked for confirmation that the auditor will be at the 07/19 meeting. Her audio broke up. Deputy Director Watts confirmed that he would be there.

COMMITTEE MEETING SCHEDULE FOR 07/20/2020

Finance – Mr. Daniels, chair – 6:30 PM – Bonds, CDBG, Monthly Financials

Regional Planning – Mrs. Swanger, chair – 07/22/2020 – 7 PM-- Zoom

With no further business to come before Council, Mr. Schneider adjourned the meeting at 9:08PM.

Todd Schneider
President of Council

Tarina R. Rose
Clerk of Council

MARION CITY COUNCIL REGULAR MEETING

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