

## **MARION CITY COUNCIL REGULAR MEETING**

City Hall – Zoom Meeting on 7/27/2020 at 7:30 PM

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Zoom Meeting on 7/27/2020 7:30 PM

**ROLL CALL:** 9 members answered – Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels, Mr. Schneider;

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. Neff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

#### **SUMMARY OF PROCEEDINGS FOR 07/19/2020 ADOPTED (8-0)**

#### **OLD BUSINESS**

#### **Item 1. 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) (2<sup>nd</sup> Reading)**

Mr. Feliciano asked if there had been any changes to certain items on this resolution, a tweaking of certain areas?

Mr. Thomas stated that no amendments had been made to this resolution, as far as he knows. He is unsure what Mr. Feliciano is referring to.

Mr. Feliciano said that there are two areas that he requested to be revised. The section that reads “mindful of our rich history while acknowledging the American history of racism, slavery, and policies that have negatively impacted the African American community.” Personally, he feels that “the African American community was put above everyone else, especially the Hispanic community.” He also had issue with the section that reads “we believe that racial injustice and other forms of discrimination have become a public health crisis.” He does not believe that it is a health crisis. He would like to have it explained why it is a public health crisis. That was why he was against it the first time.

Mr. Thomas asked what specific language he would like to see. Mr. Feliciano said “no, I was hoping someone else could come and revise that... without saying it is a health crisis.” Mr. Thomas again asked how he would like to see that read. Mr. Thomas asked if he would like to amend it. Mr. Feliciano says that he would like to have it on an equal level, where one race is not put above the other, so “it sounds good.” Mr. Thomas again asked him to put forward a motion on an amendment. Mr. Feliciano made a motion to amend those two areas, specifically “to be revised.” Mr. Feliciano withdrew his amendment.

Mr. Ratliff talked about the process. It is July and many meetings have been on Zoom. We do have some new council members and perhaps we need to review the process, seven months into their term. When something is on the council’s agenda, a person cannot ask if it has been changed between meetings. Things cannot be changed between meetings. It can be changed at the meeting by offering a motion with the specific language that you want it changed to. The only people who can change/amend legislation is the council as a body at a meeting by proposing an amendment.

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Mr. Neff stated that he believes the reason Mr. Feliciano may be asking about changes is because Mr. Feliciano had met with the Mayor last week and was wondering what became of that.

Mayor Schertzer said that he did meet with Mr. Feliciano, however he does not have the ability to amend the legislation as a member of the executive branch. His conversation was that they were going to have a 2<sup>nd</sup> reading on this resolution and a 1<sup>st</sup> reading on Mr. Feliciano's resolution. He is surprised that Mr. Feliciano would request an amendment without knowing the change that he wanted. He is not in favor of changing those two items as an amendment.

Mr. Daniels requested that they move on. It was suggested that if Mr. Feliciano wanted a change, he could offer an amendment.

Maureen Hubbard (389 S. Seffner) is a life-long Marion resident. She shared some history of Marion, as follows: In 1920, Marion became a sundown/sunset town and was all white, because the African American population had been expelled. It was illegal for an African American to be in town after sundown and this was enforced by armed vigilante groups. Marion has made moves over the years to rectify this sorrowful and painful history. She appeals to council to make a strong statement by passing an effective resolution and standing for a just and equitable society in our town. Please put aside political considerations and pass at least one piece of legislation with a loud and clear voice.

Johnny Jackson (181 Stark Ct.) said that as an African American who grew up in Marion, he is excited to see this resolution and this discussion. It is important to recognize that we got to this resolution because of the recent actions, social uprising, and the Black Lives Movement. It is important to acknowledge the history. This is a historical moment to have this discussion. Regarding the Hispanic/Latino community being included, that conversation should also be taking place where they might also be suffering institutionalized racism. They need to discuss how people of color experience America and American policies. He would love to hear action-oriented steps that are planned to make sure this policy has teeth.

Heath Ring (491 Wilson Ave.) asked council to remember their mission and why they exist in the first place. He believes that inaccessibility is another form of injustice. City Council members and Government officials are public servants and are here to empower, advocate, equip, and lead by example. They need to represent the best interest of the community at large, not personal agendas/feelings. It is sad that it has taken this much time to get this passed, especially because it does not have any teeth to it. This is just the beginning. You should be at the forefront, not dragging your feet. You are causing inaccessibility.

Mr. Daniels responded to Mr. Ring. He clarified that Mr. Ring has been to one other council meeting. He believes that there is a partnership between the public and public servants. When some precincts are only having 15% voting, that is discouraging. When people only show up when they are narrowly interested in a topic, it is difficult to move things forward.

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Clerk Rose stated that there are many people joining the meeting late. She is having trouble identifying people who do not have video turned on or a picture. Participants are asked to turn their video on. With the recent Zoom bombing incident, she did not want to mistakenly remove someone from the meeting for something that they did not cause.

Brandy Downs (631 Cherry St.) said she still does not understand why Mr. Feliciano does not consider this a public health issue. She wonders if he has sat down with Traci Kinsler from Marion Public Health to gain understanding as to why they declared it a public health crisis (rather than just relying on personal opinion that it is not).

Anthony Marks Jr. (624 Ballentine Ave.) asked about “partnering with community.” He would like to hear what kinds of programs the council is interested in partnering with. He has some ideas. Mr. Schneider suggested that he reach out to Ward Councilman and/or Council President. He said some things are happening, but the conversations need to continue.

Cliff Smith (1581 Eagle Links Dr.) stated that, as an African man, he supports the Mayor’s resolution. He feels that it speaks with a lot more on emphasis on what the issues are in the community and listening with intent to understand issues with social justice. His is more impactful. He agrees that politics need to be set aside, and they need to move forward to address the issue. Racial injustice is a public health issue. Some people may not understand that. Past racial injustice policies have impacted African Americans health.

Tracy Cooperider (904 Maynard Dr.) stated he is a diabetic and wondered if all of the melanin ran out of his skin tone. He is upset with Mr. Thomas’ mispronunciation of Mr. Feliciano’s name. He feels that the resolution is a “feel good” story and that racism is not a health issue.

Mr. Meade said there was confusion at the last meeting regarding suspension of rules, where some council members voted against it but are now stating that they have no problem with it. He wants to stand united as a city council.

Mr. Ratliff said he is confused by strategy. We had a council person come to the meeting who wanted to make changes and wanted to wait until the next meeting. Mr. Ratliff voted “no” for suspension to respect Mr. Feliciano’s wishes, but he did not.

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

**RULES SUSPENDED (7-1)**

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

**RESOLUTION 2020-27 ADOPTED (8-0)**

## MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 7/27/2020 at 7:30 PM

### NEW BUSINESS

**Item 1. ORDINANCE 2020-54: ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH OH-MAN ENTERPRISES LLC FOR THE FY 2019 CDBG MARION AQUATIC CENTER WATERSLIDE REPAIR PROJECT AND DECLARING AN EMERGENCY. (Regional Planning) (Finance – Daniels – 3-0)**

Mr. Daniels stated that this is CDBG federal funding and it is an opportune time to get the work done since the pool is closed.

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

**RULES SUSPENDED (8-0)**

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

**ORDINANCE 2020-54 ADOPTED (8-0)**

**Item 2. ORDINANCE 2020-55: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE SANITARY SEWER CAPITAL IMPROVEMENT FUND ENDING DECEMBER 31, 2020, TO COVER CURRENT COST AND FUTURE PAYMENTS (Auditor) (Finance – Daniels – 3-0)**

Deputy Director Watts explained that this is for a refinancing on the bond for the sanitary sewer treatment plant. We are currently under contract with Kokosing to upgrade plant. We have a loan with Ohio Water Development Authority. Construction has been ongoing. This is a pass through to show amount of funding that we are receiving. No city dollars going out on this; however, we are paying back the loan.

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

**RULES SUSPENDED (7-1)**

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

**ORDINANCE 2020-55 ADOPTED (7-1)**

## MARION CITY COUNCIL REGULAR MEETING

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**Item 3. ORDINANCE 2020-56: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$2,953,000 FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS AND VARIOUS IMPROVEMENTS TO THE CITY'S STORM WATER AND SANITARY SEWER SYSTEMS; AND DECLARING AN EMERGENCY. (Auditor) (Finance – Daniels – 3-0)**

Representatives from 5<sup>th</sup> Third Securities (Kathleen Clark) and Bond Counsel (Allison Binkley, Squire Patton Boggs). Miss Clark underwrite bond issues. They are proposing a refunding of bonds that are currently outstanding because interest rates have dropped. They want to issue new bonds and refund existing bonds. The term will be the same, but the interest rate should be reduced. This is similar to refinancing a mortgage on a consumer loan. City savings is projected to be \$351,000+ or net present value savings of 12% of the bonds that are outstanding (Item 3, 2010A Bonds). City savings is projected to be \$599,000 or net present value savings of 11.74% of the bonds that are outstanding (Item 4, 2010B Bonds). They are asking for the ability to issue these bonds. If there is a market change, the city can choose not to do it.

Mr. Ratliff asked about the process from where we were to where we are. She has worked with the City for many years. They look at bonds that are outstanding and based on current market rates, look at savings. She came to city and presented this idea.

Miss Binkley says that that they discuss with Auditors office and Mayor. She prepares paperwork and many of those forms are on file with Council. Council delegates certain authority to City Auditor. The Fiscal Officer Certificate is a form provided and it is signed. The City Auditor is required by law to sign it. The ORC requires that the paperwork be presented to council prior to consideration. Mr. Ratliff said that in the past, they were read into the meeting record. Miss Binkley said that is not necessary.

Mayor Schertzer stated that the discussions on these bonds began with his administration and the previous auditor. He has signed a document, engagement letter, that is currently with the auditor. More market changes related to the pandemic have driven this process as well.

Mr. Ratliff said that the Supplemental Certificate is signed by Deputy Director Watts rather than the Auditor (Fiscal Officer). He wants to be sure that this is done correctly. It was confirmed by bond counsel that the auditor should sign that for each ordinance.

Mayor Schertzer clarified with Miss Binkley that it would not be advisable to pass legislation until form is signed by Auditor, rather than Deputy Auditor.

**ORDINANCE 2020-56 HAD FIRST READING**

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**Item 4. ORDINANCE 2020-57: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$5,423,000 FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS AND VARIOUS IMPROVEMENTS TO THE CITY'S STORM WATER AND SANITARY SEWER SYSTEMS; AND DECLARING AN EMERGENCY. (Auditor) (Finance – Daniels – 3-0)**

### **ORDINANCE 2020-57 HAD FIRST READING**

**Item 5. RESOLUTION 2020-29: TO AFFIRM MARION CITY COUNCIL'S COMMITMENT TO A PEACEFUL COMMUNITY FREE OF VIOLENCE AND RACISM (Feliciano/Neff) (Legislation and Codes – Daniels – 3-0)**

Mr. Feliciano indicated that he wrote this to support our police department. This is strictly for the city council on what happened in Minneapolis. He feels that our police department has a higher standard than the situation in Minneapolis. This is to support them and to try to get this racism under control. He noted that he had re-written this in some areas. It is revised from the first one.

Mr. Ratliff asked Mr. Feliciano to clarify that it had not been revised since it was approved in committee. No changes have been made. He revised it from the very first draft, but prior to the committee meeting.

Clerk Rose read the resolution in its entirety.

### **RESOLUTION 2020-29 HAD FIRST READING**

**Item 6. RESOLUTION 2020-30: RESOLUTION APPOINTING COUNCIL'S MEMBERS TO THE BOARD OF TAX REVIEW (Ratliff/Russell) (Finance – Daniels – 3-0)**

Law Director Russell indicated that Doug Diequez should be removed from the resolution because he does not reside in the city. This would require an amendment.

Mr. Ratliff requested that this be a first reading. He is close to confirming a second appointee.

Mr. Ratliff made a motion to amend the legislation to remove Doug Diequez; Mr. Schaber 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays –none

### **RULES SUSPENDED (8-0)**

### **RESOLUTION 2020-30 HAD FIRST READING**

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### **OTHER BUSINESS**

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

Item 1. Mr. Meade explained that they recently did a clean-up on Decatur Street for two days. He thanked the Mayor, Service Director, and city staff for their assistance. It exceeded their expectations and they are very optimistic about the future of that street.

Mayor Schertzer continued that there were a number of people who donated time. Hessler's donated t-shirts. A resident donated donuts. Mega Moo and McDonalds also made donations of food and drink. This was a pilot program modeled after the westside neighborhood group organized by Mr. Thomas. This was more unique and was more hands on.

Service Director Chaffin said that they hope that they can continue to do this in other neighborhoods. 21 tons of solid waster and debris were removed. They are expecting another 6-7 more ton of debris. Over 600 tires were also removed from the neighborhood. It truly was collaborative. She extended thanks to the neighbors for taking such pride in their neighborhood and stepping up.

Item 2. Mr. Feliciano requested his number be changed on the website from his personal cell phone to a second cell phone he has for council business.

Item 3. Tara Dyer (485 N. Grand Ave.) asked when the residents of the 5<sup>th</sup> ward would have a representative appointed since Mrs. Cunningham's resignation. There is concern that they are not being represented. She knows that they can access at-large members. Mr. Schaber stated that the rule states that the Republican Party/Central Committee (not council) has 5-45 days to do the appointment. The resignation was effective 06/30/2020. Otherwise, the appointment goes to full council. Mr. Schaber assured residents of the ward would be helped by any member of council and encouraged them to contact them with concerns. Mr. Feliciano said that the president of the Republican party told him that they are doing interviews for the position.

Item 4. Tracy Cooperider (no address provided) requested that Mr. Russell take note that he was cut off twice by the president and he did not appreciate it. He read a list of names and said that they all are clients of Squire, Patton, and Boggs (bond council). He wondered why this global company (offices in 19 countries) is doing business with a small city like Marion, Ohio.

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**COMMITTEE MEETING SCHEDULE FOR 08/03/2020**

Finance – Mr. Daniels, chair – 6:30 PM -- items anticipated for agenda

Legislation, Codes, and Regulations -- Mr. Daniels, chair – 6:45PM – abandoned vehicles in the city right-of-way

With no further business to come before Council, Mr. Schneider adjourned the meeting at 8:52PM.

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Todd Schneider  
President of Council

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Tarina R. Rose  
Clerk of Council

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