

## MARION CITY COUNCIL REGULAR MEETING

City Hall – Zoom Meeting on 9/28/2020 at 7:30 PM

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Zoom Meeting on 09/28/2020 7:30 PM

**ROLL CALL:** 10 members answered – Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, 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. Invocation given by Jason Kwast, Family Life Church.

#### **SUMMARY OF PROCEEDINGS**

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

#### **SUMMARY OF PROCEEDINGS FOR 09/14/2020 ADOPTED (9-0)**

#### **NEW BUSINESS**

Item 1. ORDINANCE 2020-59: ORDINANCE AMENDING SECTIONS 337.13 AND 331.38, OF THE MARION CITY CODE AND DECLARING AN EMERGENCY (Legislation and Codes 3-0, Josh Daniels, chair) (Russell)

Law Director Russell referred to diagram that shows how this ordinance will address issues with the tree lawn area between the street curb and the sidewalk. The right of way is owned by the city.

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

#### **RULES SUSPENDED (7-2)**

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

#### **ORDINANCE 2020-59 ADOPTED (9-0)**

Item 2. ORDINANCE 2020-70: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020. (Finance 3-0, Josh Daniels, chair) (Chaffin)

Service Director Chaffin explained that this addresses CARES Act 2 monies and allows to appropriate and reappropriate for reimbursements. This allows the monies to be spent for intended use. The majority of funds have been spent for police, fire, ems, and IT issues to allow for remote work. We are at the end of CARES Act 1 and CARES Act 2 monies. She will come back for a disbursement of these funds.

Mr. Neff asked for a more detailed accounting of how the money is being spent.

## MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 9/28/2020 at 7:30 PM

Mr. Ratliff stated that this is not money that we are getting on top of everything else. This is money for things that we have already spent. Departments00000000 have had to do extra things because of COVID regulations.

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

### **RULES SUSPENDED (8-1)**

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

### **ORDINANCE 2020-70 ADOPTED (9-0)**

Item 3. ORDINANCE 2020-71: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE BELOW LISTED ACCOUNTS ENDING DECEMBER 31, 2020, TO COVER CURRENT COST AND FUTURE PAYMENTS

(Finance 3-0, Josh Daniels, chair) (Landon)

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

### **RULES SUSPENDED (9-0)**

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

### **ORDINANCE 2020-71 ADOPTED (9-0)**

Item 4. ORDINANCE 2020-73: ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN BY IMPLEMENTING ALL NECESSARY TRAFFIC CONTROL DEVICES ASSOCIATED WITH TRAFFIC CALMING, PATTERNS, PARKING AND SAFETY MEASURES ON S. MAIN ST. WITHIN THE CITY, INCLUDING BUT NOT LIMITED TO THOSE CONTAINED ON EXHIBIT A ATTACHED HERETO

(Traffic Commission 7-0, Mike Thomas, chair) (Schertzer/Bischoff)

Mayor Schertzer explained that they would still be asking to change this traffic pattern, even if a Designated Outdoor Refreshment Area is created. He is meeting with licensed liquor establishments tomorrow regarding the DORA.

Mr. Ratliff asked if there is a long-term plan or model that they are looking at for this. Mayor Schertzer explained that there is an informal long-term plan that they are taking in small bite-sized, affordable pieces. As this develops, they may want to look at more changes to the infrastructure. They have talked about closing this portion of the street down on weekends for activities. Regional Planning has a lot of ideas as well. Right now, they are starting with these two steps – calming traffic and the DORA.

### **ORDINANCE 2020-73 HAD FIRST READING**

## MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 9/28/2020 at 7:30 PM

Item 5. ORDINANCE 2020-74: ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN TO PROVIDE FOR A TEMPORARY TRAFFIC PATTERN AND CONTROL DEVICES CHANGE ASSOCIATED WITH JEFFERSON ST.

(Traffic Commission 6-1, Mike Thomas, chair) (Schertzer/Bischoff)

Mr. Thomas explained that this is to try to help with traffic situation around Bunge, especially during harvest season. Mrs. Fosnaugh explained that she had gone out to the neighborhood and visited with the neighbors. Parking is only allowed on one side of the street now. She saw driveways, as well as alley access. She requested that a letter be sent to the residents and allow for feedback. This is a temporary change through 12/31/2020 to allow for evaluation. Mayor Schertzer clarified that this changes Jefferson Street (Center Street to the railroad tracks) to “no parking” from 6 AM to 6 PM and removing a stop sign. He does not know that this will affect the school bus stops. Mr. Neff asked for a copy of the “approved truck route”. Mr. Bischoff explained that this was a “proposed truck route” to use Greenwood and George Streets for semi-traffic. They are not having too many people use it. It is an easier route to drive with a truck, but slightly longer. Mr. Ratliff asked for clarification on the letters to residents. That letter will be composed by Mr. Bischoff. Mrs. Fosnaugh requested a copy of the letter.

### **ORDINANCE 2020-74 HAD FIRST READING**

Item 6. RESOLUTION 2020-34: RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY

(Finance 3-0, Josh Daniels, chair) (Landon)

Mr. Ratliff asked what the deadline is to get this done. He believes that it is soon. Auditor Landon said that he believes that it is sometime in October and that they are well within that deadline. If council prefers, they can do a first reading on it tonight. Auditor Landon explained that this is a routine annual action and it will just expedite things if they can get it approved tonight.

Mr. Ratliff asked about how much money comes to the city because of this and how much we would lose if we do not get it in timely. Mr. Landon stated that he did not know. He did not think it had ever happened. He can find out and get back to him.

## MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 9/28/2020 at 7:30 PM

Mayor Schertzer explained that this is a standard operating procedure for this time of year. He believes that this brings in excess of \$1 million dollars. He asked to pass this tonight and to include an emergency clause because he does not know when the deadline is either. He wants to ensure that we get this money. Mr. Ratliff thinks that it needs to be passed tonight to be submitted timely to not lose money for the city. Mr. Schaber stated that he did not think that Resolutions need an emergency clause. Law Director Russell stated that he does not think it is necessary, however he recommends adding the emergency clause and act on it to just be safe.

Mr. Landon said that this was reviewed by the Law Director and would he have not caught that this needed an emergency clause. Law Director Russell stated that he only confirmed with Mr. Watts that this was identical to the legislation passed last year. Russell again encouraged them to add the emergency clause and that the amount is probably \$1.5 million. Landon again confirmed that the language was the same as legislation passed previous year.

Mr. Landon also wanted to note for the record that the resolution includes a clause that the Council Clerk needs to certify a copy of this legislation and it needs to be filed with the County Auditor. He wanted to be sure that was on record.

Mr. Schaber asked if we are really up against a deadline or is that just some drama added in. He does not understand the purpose of the conversation. It appears curious.

Auditor Landon said that they took this before the Law Director. He wished that the Law Director would have advised him that they needed to have an emergency clause. Mr. Schaber said that he feels that something else is being brought up. This entire evening is odd.

Auditor Landon stated that he is “a rookie to municipal government” and that he does not know all of the deadlines. He trusts the experience and work ethic of the Deputy Auditor. He does not believe that they are missing a deadline.

Mr. Ratliff made a motion to amend the resolution to include “and declaring an emergency”; Mr. Neff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

### **RESOLUTION AMENDED TO ADD EMERGENCY CLAUSE (9-0)**

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

### **RULES SUSPENDED (9-0)**

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

### **RESOLUTION 2020-34 ADOPTED (9-0)**

## MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 9/28/2020 at 7:30 PM

### OTHER BUSINESS

#### MATTERS NOT ON THE AGENDA

#### ITEM EXPECTED TO BE ADDED:

Item 1. ORDINANCE 2020-72: ORDINANCE AMENDING EXISTING MARION CITY CODE SECTION 111.01 (C) ALSO KNOWN AS RULE 3. (EXPECTED TO BE ADDED BY DANIELS, SCHABER, THOMAS AS DISCUSSED IN 09/21/2020 LEGISLATION AND CODES COMMITTEE MEETING) (Daniels/Schaber)

Mr. Daniels explained that this item makes meeting times consistent with a 6:30 PM start time for council and committee meetings.

1<sup>st</sup> Mr. Daniels, 2<sup>nd</sup> Mr. Thomas, 3<sup>rd</sup> Mrs. Fosnaugh to add ORD 2020-72 to agenda.

Mr. Daniels made a motion to suspend rule 56; Mr. Feliciano 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Feliciano, Mrs. Fosnaugh, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – Mr. Schaber

#### **RULE 56 SUSPENDED (8-1)**

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

#### **RULES SUSPENDED (7-2)**

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

#### **RESOLUTION 2020-33 ADOPTED (9-0)**

Item 2. DISCUSSION/VOTE; RESUMING COUNCIL MEETINGS IN PERSON AND NEEDED MODIFICATIONS DUE TO COVID-19 (Schaber/Swanger)

Mrs. Swanger and Mr. Schaber, in conjunction with Marion Public Health, worked on putting together procedures based on guidelines and regulations. If we are able to come back, they want to be sure that it is clear what everyone needs to do to comply.

Mrs. Swanger stated that we would need to:

- Have sign in sheet required for contact tracing, state temperature, and answer questions about symptoms.
- Wear masks. It is a state mandate. MPH recommends it. It is a City Hall rule.
- Socially distance at least 6' apart unless there is a barrier between people. They would like to consider plexiglass barriers to put between council members. Family members can sit together, but others must sit at least 6' apart.
- There will be a clean-up process to sanitize. They will need to sanitize in between speakers at the podium.
- Ask people who intent to speak to sit closer to podium.
- Follow Public Health Advisory color code system. We would meet in person if the county was yellow or orange. We would go back to Zoom if county is red or purple.

## MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 9/28/2020 at 7:30 PM

Mrs. Chaffin agreed to assist with providing appropriate cleaning supplies. She and clerk will order plexiglass barriers. Mr. Schaber spoke in support. Mr. Ratliff did as well and asked about procedure to implement. They want to be sure that council is comfortable with precautions.

Law Director Russell stated that it was an act of council to go to videoconferencing and it will take the same to go back to in-person.

Because social distancing cannot be maintained, other elected officials and staff who sit in the jury box will be protected by the plexiglass that the judge has installed.

It was recommended that council chamber doors remain open during the meeting.

Mr. Schaber proposed that everything will have to be self-policed.

Mr. Ratliff, President Pro Temp, proposed that the rules mentioned by Mrs. Swanger be included in documentation and displayed. He is comfortable with everyone wearing a mask and would like to see the plexiglass barriers as well.

Mr. Russell stated that they should commit Mrs. Swanger's items to the council order. It does not need to be an ordinance or resolution. He will put into a document for the Council President to sign.

Mr. Feliciano asked if the partitions would be available by meeting time. Mr. Schaber explained that should not delay, because it is just an extra precaution (because of lack of social distancing) protection. Plexiglass is difficult to find and may take some time.

Mr. Ratliff made a motion to begin in-person meetings starting next week, following rules as stated by Mrs. Swanger; Mr. Meade 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays -- none

### **RULES ADOPTED CONSISTENT WITH THE DISCUSSION (9-0)**

Item 2. Mr. Daniels announced that Marion County may be soon to have the largest Ohio buckeye tree in the world. We have a tree here in Marion that is 71 feet tall, 132 inches in circumference. It is on Fairground Street, behind Bartram next to the park.

Item 3. Mr. Neff attended the Marion County Regional Planning meeting this past Wednesday. Marion Township is allocating some of their CARES Act money for grants to small businesses. They are distributing checks right now to qualifying businesses. He understands that there is a Round 3 on the horizon. He would like to do something similar in the City. He has sent out paperwork for a similar program in Grove City and requests that council members review and discuss with him. Mayor Schertzer said that they are interested in something like this and has had some discussion with local businesses. He requested that Mr. Neff share the same information with him so they can see what Grove City is doing.

Item 4. Mr. Feliciano asked a question about a contractor who is removing blacktop and replacing with concrete. Mr. Bischoff confirmed that no permit required, if it is on private property and they are not changing the area that they are covering.

## MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 9/28/2020 at 7:30 PM

Item 5. Mrs. Dyer (485 N. Grand) thanked the people involved with the clean up project in the 5<sup>th</sup> ward. She asked if FEMA dollars are available for help because of damage due to recent flooding. Mayor Schertzer was at EMA meeting this morning. He has declared a state of emergency on Labor Day. They do not know if there will be any dollars available. The EMA (Sarah McNamee) is currently exploring it.

### **COMMITTEE MEETING SCHEDULE FOR 10/05/2020**

Finance – Mr. Daniels, chair – 6:30 PM – Discussion on loan forgiveness for Harding Center, Auditor discussion of budgetary legal level of control

Legislation, Codes, and Regulations -- Mr. Daniels, chair – 6:35 PM – Discussion of DORA, City Planning/BZA

With no further business to come before Council, Mr. Schneider adjourned the meeting at 9:13 PM.

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Todd Schneider  
President of Council

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Tarina R. Rose  
Clerk of Council

**MARION CITY COUNCIL REGULAR MEETING**

City Hall – Council Chambers on 9/28/2020 at 7:30 PM