

MARION CITY COUNCIL REGULAR MEETING

City Hall – Zoom Meeting on 3/22/2021 at 6:30 PM

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ROLL CALL: 7 members answered – Mr. Meade, Mr. Ratliff, Mr. Schaber, Mrs. Fosnaugh, Mrs. Swanger, Mr. Thomas, Mr. Neff
Absent: Mr. Feliciano, Mr. Daniels, Mr. Schneider

With a quorum present via videoconferencing, President Pro Temp Ratliff called the meeting to order at 6:30 PM on Zoom. Pledge of Allegiance recited. Invocation given by Mrs. Swanger.

MINUTES OF 03/08/2021

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

MINUTES 03/08/2021 APPROVED (7-0)

OLD BUSINESS – NONE

NEW BUSINESS

Item 1. ORD 2021-22: ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO CONTRACT WITH LJB INC. FOR THE ENGINEERING AND DESIGN OF THE BENTON PLACE SEWER IMPROVEMENTS, PROJECT 21-3S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS AND DECLARING AN EMERGENCY

(Bischoff/Bishop) (Streets and Sewers – Mr. Thomas, chair – 3-0)

Public Works Director Bischoff explained that all three Ordinances 2021-22, 26, and 27 are Ohio Public Works Commission (OPWC). These are the projects that were awarded last fall. These are three consultants they would like to enter into contract with for engineering and design. This is a quality-based selection process which means they negotiate the price after they select a firm based off qualifications.

In the state budget, there is money set aside for different categories of improvements, including local transportation and state capital improvements. Every year they apply through that program for grants and historically they have been zero percent loans. Those loans are voted on by the district itself. Marion is part of district 16. They have been very successful over the years in funding projects this way. These three projects are what they consider our complete streets -- where they are rebuilding all of the infrastructure, including the sidewalks, drive approaches, curbs, and gutters -- everything within the right of way. Mr. Thomas stated that for probably 15 years or more, the districts have always voted to have those at zero percent. All three ordinances are this same concept.

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2021-22 APPROVED (7-0)

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Item 2. ORD 2021-26: ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO CONTRACT WITH JONES AND HENRY ENGINEERS, LTD. FOR THE ENGINEERING AND DESIGN OF THE BOONE AVENUE SEWER IMPROVEMENTS, PROJECT 21-2S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY

(Bischoff/Bishop) (Streets and Sewers – Mr. Thomas, chair – 3-0)

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2021-26 APPROVED (7-0)

Item 3. ORD 2021-27: ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO CONTRACT WITH BURGESS & NIPLE, INC. FOR THE ENGINEERING AND DESIGN OF THE S. MAIN STREET SEWER IMPROVEMENTS, PROJECT 21-1S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY

(Bischoff/Bishop) (Streets and Sewers – Mr. Thomas, chair – 3-0)

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

RULES SUSPENDED (7-0)

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

ORDINANCE 2021-27 APPROVED (7-0)

Item 4. RES 2021-07: RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF CHRISTIAN DUNSTON, AS A MEMBER OF THE MARION CITY PLANNING COMMISSION (Mayor Schertzer)

Mayor Schertzer reminded council of the merger of City Planning and Board of Zoning Appeals. The first combined meeting happened last week. He commended the clerk for her assistance with coordinating the Zoom meeting. The legislation supports filling ward vacancies as they come up and he is bringing forth an appointee for the 2nd Ward. Currently, City Planning has representatives from the first, fourth (2), fifth (1) and sixth (2). There are no appointees in the second and the third.

Christian Dunston is a second ward resident and he is willing to serve. He also serves on Regional Planning which is a good experience. Mr. Dunston is at virtually every City Council meeting regardless of format.

Mr. Ratliff stated that he does not think anybody that is on council or attends council meetings would ever question Christian's commitment to service and to show up and keep the job as serious as anybody has ever taken it.

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

RULES SUSPENDED (7-0)

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

RESOLUTION 2021-07 APPROVED (7-0)

Matters Not On The Agenda: None

Other Matters:

Item 1. CONTINUATION OF DISCUSSION REGARDING CONCERNS IN AUDITOR’S OFFICE, SPECIFICALLY ERROR ON IRS PAYMENTS

<<Clerk Note: Auditor Landon continues to experience persistent technical issues that interfere with the quality of his audio. Most of the content is transcribed word-for-word to avoid any misunderstanding of intent or meaning, especially because of the audio problem. Clerk has omitted repeated words and the use of words like “um”. Clerk has made judgements in the placement of punctuation as well and, in some cases, broke down some run-on sentences.>>

Mr. Meade asked if the Auditor was prepared with the timeline that has been discussed the last several weeks.

Auditor Landon >> “I have the timeline. If I can share that now...

- On June 26, 2020 is when the payroll error occurred... when we were given the wrong account number by our payment provider.
- December 14, 2020, we received a letter from the IRS that we were short \$8,000 on our June payment.
- The next day December 15, 2020, we made a \$8,000 payment to the IRS.
- January 29th, 2021 is when my Payroll Specialist and Internal Auditor discovered the overpayment to the State of Ohio and first notified me of the issue.
- February 2nd, 2021, we made contact or attempted to make contact with the State Department of Taxation to request a refund and attempted to contact the IRS.
- February 10, 2021 is when we made the \$1.28 million overpayment... excuse me... \$1.828 million payment to the IRS.
- February 12th is when I received a letter from the Mayor.
- February 17th is when we had our first meeting with the Law Director.
- March 1st, the Department of Taxation contacted our office and stated overpayment would be refunded the following week.
- March 3rd, we had our second meeting with the Law Director.
- March 15th, we received \$1.19 million back from the state of Ohio.
- And March 17th, the Department of Taxation advised the remainder of that refund would be issued on March 24.”

Meade asked what the point was in bringing up potential legal action against the third-party vendor if the Auditor was aware that that the mistake was made by Deputy Auditor Hutchison, because that seems like it was just counter intuitive.

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Landon >> “I really not comfortable on speaking on litigation. If the Law Director’s on the call, I would defer to him on potential litigation.”

Ratliff asked Mr. Landon if he had referred to potential litigation as Councilman Mead is recalling?

Landon >> “I’m sorry Mr. President I thought that question was directed to somebody else. Could you say that again?”

Landon >> “To be honest, I don’t recall who brought that up first like... so. we’ve had several meetings.... a lot of things have happened on the last month so I wouldn’t be comfortable giving an exact answer on that.”

Meade asked if he had a meeting about potential litigation since March 1st?

Landon >> “Yes.”

Meade asked if anyone involved with OPERS should be worried about any type of problems from the payments from the \$1.28 million stemming that double payment or the late payment?

Landon >> “Mr. Meade, could you state that question again? I’m getting bad feedback on my end here?”

Meade asked should anyone involved in OPERS be worried about any type of problems with the payment going through on their end or is this strictly over the payroll tax issue?

Landon >> “To my knowledge, would only be the payroll tax issue.”

Meade requested a copy of the timeline in writing.

Ratliff stated that the timeline sparks a question. He understand that when the Auditor was asked on several occasions about the \$1.28 million and the authority to pay it, the Auditor’s response was you your response several times was that “upon meeting with the Law Director, you had acted upon your advice that you had authority to pay that.” On this timeline that the money was paid on the 10th and the meeting with the Law Director was on the 17th. How did the Auditor get the impression from the Law Director that he had authority to pay that when it was paid seven days prior to meeting with the Law Director?

Landon >> “Great question. I think you might be misinterpreting what I may have said either today or in a previous meeting. I’m not saying that the Law Director gave me authority before making that payment. We acted quickly under what we felt was right at that time to make that payment, but then when we did meet with the Mayor -- excuse me -- the law director we had brought that up and my impression was there wasn’t really any issue with that.”

Ratliff stated that was not his understanding of the comments

Law Director Russell >> “I don’t have my notes from February 17th in front of me at this time, but the payment referred to now as the payment on February 10 that the Auditor’s Office had previously acknowledged that they determined on their own to send to the IRS. We did not discuss that at our February 17th meeting. I’m not even sure it was a subject of the February 24th meeting. The first I recall hearing of that payment by the Auditor was the Tuesday after the last Council Meeting when I received an email from one of the council persons.”

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Ratliff said, “that even sheds more light on the fact that of the information that we were given several times in public.” He asked Landon for a response.

Landon >> “Mr. President. I would. I respectfully disagree with the Law Director. I think we have differences opinions on how that meeting went, but I'm not going to get into that any further here.”

Ratliff >> “So, you're stating that you did bring that up and that he did advise you at that first meeting?”

Landon >> That is how I recall it.”

Ratliff >> “OK. Somebody has a bad memory that was in that meeting... Actually, a couple a question or two from myself here on the \$1.28 million. The money that was paid out... what account was that paid out of and how are we showing that on our books?”

Landon >> “I don't have that answer in front of me. I would have to gather that and send it to you.”

Ratliff >> “Now, Mr. Auditor, I'm going to assume that \$1.28 million is a large payment to make and that you looked at it before that it was sent and that you paid close attention especially since it was a mistake the first time and you don't know how we're showing that on the books.”

Landon >> “Mr. President, I would have to look at it again. There's been a lot of information that's happened in the last month.”

Ratliff >> “So the money that we received back in... how are we showing that on the books now? That just happened the other day.”

Landon >> “Again, I can get that Information. It should be in the payroll account is how we would show it, because normally we would pay anything through ACH through our payroll account. But again, I can get all that information to you.”

Ratliff >> “I'm going to assume that if we're going to show it coming into the payroll account that it would have come out of the payroll account. Is that a good assumption or do you not know?”

Landon >> “Just to make sure I understand you're saying... what was your question again?”

Ratliff >> So, I want to make sure with all the mistakes that have happened up to this point that we don't continue to snowball mistakes. We want to make sure that our books are being done properly and that if we're taking... that we're showing money coming out of an account that we're showing money coming back into the account. Because, you know, I don't know where we're at with our reconciliation of books, but when we reconcile, we need to come back to zero. And that has and that needs to be done properly or we're not going to come back to zero and yourself nor counsel nor anybody is really even going to know how much money that the city has if the books are not kept properly.”

Landon >> “I understand. I believe we receipted that in through our payroll account, but as I said I would double check on that.”

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Meade asked Law Director Russell, “At any point in time when you were made aware of the contract with the third party vendor -- just I had a chance to read it and had I guess the facts of the situation explained to you -- did you ever imply that potential litigation was a potential avenue against the third party vendor?”

Russell >> “Mr. Landon pointed out that I met with his senior staff -- the deputy directors -- on February 17th. I again met with them on February 24th. And many times, Auditor Landon has referred to and properly referred to the fact that it's best not to discuss what potential litigation may be undertaken by this city of Marion or maybe brought against the city of Marion. And that's one reason that the Council is permitted to go into an Executive Session to talk about threatened or potential litigation. For that reason, I'm not going to discuss what potential litigation may take place. In regards to the contract the third party vendor, I will tell you that in response to my public records request that I made to the -- not public records request a records request -- to the Auditor's Office, I did receive about approximately 1500 pages -- documents -- that I'm more than halfway through. So, I'm currently reviewing those documents and will continue to look into the matter that is generally referred to as potential litigation.”

Mr. Thomas asked if he heard correctly that he received 1500 pages as a response on a request of records from the Auditor to the Law Director.

Russell >> “Yes. In a previous meeting, I had referenced that I had listed nine bullet points with the detailed information that I would like to be provided and they provided that to me. Many of the pages are payroll, so the vast number of -- probably a thousand -- pages is the payrolls through 2020. So, I'm working my way through that.”

Thomas >> “The question that I've always had is first of all the \$1.28 wasn't appropriated properly through the Finance Committee and City Council. So where did that money come from? And we're kind of getting dodged around here and not knowing what they did and how they did it. Where did it come from? What funded the one point the second time? It was spent. Where did it come from Mr. Landon?”

Landon >> “Mr. Thomas, as I stated previously, we used current appropriations at that time to make that payment with the cash that was on hand in our checking account.”

Thomas >> “The first payment of 1.28. Where'd the second payment of 1.28 come from?”

Landon >> “Our checking account.”

Thomas >> “Who's checking account?”

Landon >> “From the city of Marion's checking account with Fahey Bank.”

Thomas >> “We're carrying that amount of money in a checking account? What's in that checking account now?”

Landon >> “\$2.5 to \$3 million between what we have in General Checking in Payroll. I mean, if you've seen our previous statement of cash positions. I mean the City has approximately -- I think -- \$14 million dollars between what we have in Cash and Investments.”

Thomas >> “I understand we got that kind of money. We may have that kind of money, but you're not authorized to spend that money without an appropriation. Right? <no response> Nobody wants to answer that?”

Landon >> “Mr. Thomas, I would refer you to my previous comments.”

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Thomas >> “OK. I'll refer to the Law Director. Does he have the right to spend that money without an appropriation, Mr. Law Director.”

Russell >> “I think it would be helpful to take a step back and walk through what you were just talking about. That the initial overpayment that was directed to the State of Ohio errantly, as opposed to the Internal Revenue Service, was made from 2020 appropriated monies that were contained within the 2020 budget. What we've learned and the Auditor has acknowledged that on February 10th, he and his staff determined - - they found it necessary -- to take from appropriated 2021 monies \$1.28 million and forward that for the 2020 third quarter and fourth quarter obligations. In response to your request for whether or not that is a proper act, I will be issuing a report on that subject before the next Council Meeting once I make my way through the rest of the documents the Auditor's Office provided me.”

Thomas >> “When we appropriate money to be spent in 2020, right? Does that money carry over into 2021 to be used for a 20... I'm confused. I'm completely confused. Is anybody else? Can somebody else tell me that or am I not thinking about this right?”

Ratliff >> “I agree with you Mr. Thomas on this and I don't think anybody, you know except our Auditor's Office, would question the fact that our government is set up with checks and balances. And when you erase and when you go around those checks and balances, then you have situations that are not positive for the taxpayers. And it's taxpayer dollars. And when you don't disclose information, act outside of the bounds of the scope of what you're allowed to do, and give out disinformation and no information; you sit with a room full of people who are really concerned, really confused, and don't like what's going on. It just seems like we're running in a circle here, because as we've said in previous meetings, we as a Council need to investigate this and do our due diligence. But the problem is the people that have the answers, don't give us the answers. And when they give us answers, I don't trust the answers because time after time after time, we've seen that they're not right. It is a really frustrating situation when you have huge mistakes being done with taxpayer dollars that we're all elected to look out for. And we're kept in the dark. And we're not giving accurate information and we're not told the truth a lot of the time. And so, I share your concern here and do I think that he had the right to pay that and have the authority to pay that? Absolutely not.”

Thomas >> “I guess I would do requests from the Auditor's Office a written summary of what happened. What was spent the first time. What was spent a second time. Where the money come from. And what year it was budgeted. And again, somebody do that for us again? No answer.”

Landon >> “Mr. Thomas, yeah absolutely I will get you what you've asked for.”

Thomas >> “Thank you. I think you could distribute that to all the Council people so if/when it comes back up, everybody will have the information. If you would please.”

Ratliff >> “And when you give that to us, will you show us where it shows on the books, and it showed on our books the day of the payment, and what account that it's out of, and where it shows on the books that it came back in.”

Landon >> “Absolutely.”

Ratliff >> “I just can't imagine having \$1.28 million setting in some fund that was not appropriated and where it was, I don't understand that.”

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Mrs. Fosnaugh >> “ I think it was discussed either at the last meeting or the meeting before that the Auditor of the State was supposed to be giving us a ruling on the if it was okay for him to go ahead and make this payment. We've been batting this around and wasting time I'll never get back when no one has the correct answer here. And If we're supposed to be waiting on the State Auditor to give us this answer, why don't we just wait for the answers to come in?

Ratliff >> “I think the Council people have opinions on it and I guess I apologize that you feel it's a waste of your time to listen to him.”

Fosnaugh >> “I don't feel it's a waste of my time. I'm just feeling it's a waste of my time to be kicking a dead horse here. If we're supposed to be waiting on an answer from the Auditor and waiting on the Law Director to finish the review, then why are we not waiting on that and then you can hash it out when we get the answers. You're hashing out things you don't have an answer to and then that, in my opinion, is a waste of time.”

Meade >> “Due to the conversation about potential litigation and for that reason, I'm going to make a motion that we go into Executive Session to talk about that so we can kind of get some answers on to what we should expect coming. What kind of pending lawsuits we can expect from both ways?”

Motion 2nd by Schaber.

Thomas >> “I have a question... Executive Session on Zoom? How do we make sure nobody else is in there but us?”

Clerk assured Mr. Thomas that they have the capability to do that and that we have had at least one other session on Zoom.

Russell >> “My comment would be the motion needs to state that the purpose of the executive session is to discuss potential litigation involving the City of Marion with the attorney for the city of Marion. It actually requires a third and a roll call vote to go into executive session.”

Ratliff >> “Mr. Russell, do you believe, as our attorney, that it would be a fruitful conversation at this point to go into executive session about this? Since there is nothing pending, I would be shocked if there is.”

Russell >> “I think It may be a little premature. If any Council persons would like to talk with me, they can reach out to me directly and I'll answer their questions directly. It may be better suited once we hear from the State Auditor and once my reports to Council before the next Council meeting. If there's a continuing need to talk about threatened or potential litigation, it would be better to come together in executive session then.”

Ratliff >> “Because I feel like sometimes what some people hear is different than what other people hear and so what I have heard at -- I believe -- our last committee meeting is that one of the Deputy Auditors took responsibility for this. And said she made a mistake and she deleted a batch and that was the problem. So, I think it was a very good question why in the world would we have even brought up potential litigation when it seems like it would be frivolous litigation by what we know at this point.”

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Meade >> “I was just going to add on that it's already gotten brought up in a public meeting -- the potential litigation. And so, I think that the point of the Executive Session would be to find out what conversations have taken place so that other Council members can make the best... be as informed as possible on this issue. If we need to go to Invest in Executive Session another time, that's fine too. We can -- to my knowledge -- we have as many as we want. So, I just think it'd be good for all the Council members to be informed on the conversations that have taken place in regard to potential litigation.

Ratliff >> “I am just under the mindset and I will be frank about this that this would be given credence to a completely ridiculous statement that was made. I just would rather not participate in giving somebody credence and act like we are really looking into when they make extremely ridiculous statements. But with that being said, I do have a motion and a second. Do I have a third to go into executive session? One more time. Do I have a third to go into executive session? It does not look like I have a third, so the motion will die.”

Mrs. Swanger >> “Since there's a discrepancy about what happened at the February 17th meeting and the March 3rd meeting, I'm just curious did anybody take notes on those two meetings?”

Russell >> “I want to make sure that I'm clear. In regard to the February did you mention February 17th meeting?”

Swanger >> “So according to my notes, February 17th was the first meeting between the Law Director and the Auditor's office and then the second meeting was on March 3rd between the two. And there's been a discrepancy as to what happened during those meetings so I'm just curious did anybody take notes during those meetings?”

Russell >> “I took I took meticulous notes, yes. And I also have a recollection of what was discussed.”

Mr. Schaber asked for clarification on requiring a 3rd to go into Executive Session.

Mr. Russell explained that he looked it up and found that he was mistaken. They need a first and second and then it's a roll call vote.

Thomas >> “If we're going to go into Executive Session I really would like to for the Auditor and the Law Director to have an opportunity to put together the information that we're asking for and then go into an Executive session at a later date. So, we have all that information before we go into it.”

Ratliff >> “I do understand what you're saying. I'm just not sure that everybody agrees with you.”

Thomas >> “We can't get the answer out of the Law Director or the Auditor because it keeps referring, don't want to discuss it, and referring to the Law Director and the Law Director is telling us he's studying/looking at it now to see you know the information that's we need that information. If we're going to go into an executive session, what are we going to discuss if we're going to an Executive Session now.”

Schaber >> “I think an Executive Session would give the Auditor the opportunity to let Council know what pending litigation or who he's going to hold responsible for the mistake. Because it's been brought up several times in public meetings that an account number was given to the staff when some mistake was made. So, it sounds like we're going after that vendor and he/we can't discuss it publicly.

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Thomas >> “But why can't we discuss it publicly?”

Schaber >> “... because we get a ‘well I can't talk about it’ <and> we kick it back and forth between Law Director and the Auditor. Executive Session would be not a free-for-all, but we could speak freely.”

Mr. Meade made a motion to go into Executive Session to discuss pending or imminent court action with the Law Director in attendance (R. C. 121.22(G)(3)); Mr. Schaber 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Schaber. Nays – Mr. Ratliff, Mrs. Fosnaugh, Mrs. Swanger, Mr. Thomas, Mr. Neff.

MOTION TO ENTER EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION DEFEATED (2-5)

Schaber >> “So since we got to gather more information, we don't know what information we can and can't talk about, I'll just put it out there. So, are we suing Magic Writer for giving us an account number wrong after we made a mistake? Is that really what we're dancing around? I mean come on.”

Ratliff >> “Well, I'll have a follow-up question to you. After the payment was made, there's been some private meetings between the Auditor staff and the Mayor's Administration and with the Law Director. Has the issue of the wrong information been given been discussed in either one of those sets of meetings? And I will ask that to the Mayor or anyone in his Administration or to the Law Director.”

Schertzer >> “I do believe it was referenced in our March 9th meeting, but I honestly do not recall of any in-depth conversations on the matter. But there were two-three people from my Administration also in that meeting.”

Ratliff >> “Because... and I may be incorrect about this, but it's my understanding that the role of this third-party person is not even to provide information like this. And again, maybe I'm wrong, but does anybody in your Administration recall any further discussion on this or have any other details that they could add on what that role of that third-party vendor even is.

Schertzer >> “I don't know that... I don't recall of that but again there are my three directors that all three are on this Zoom meeting tonight of any one of them recall of any further detailed discussion about Magic Writer I would ask them to speak up now or forever hold your peace.”

Service Director Chaffin >> “I was in that meeting and the reference was made to Magic Writer being the vendor who gave the Deputy Auditor Miss Hutchison the incorrect number. I challenged that information she provided at that time because I used to work with Magic Writer and work for them/with them for well over 10 -- if not the entire 12 years that I was in the Auditor's Office. Magic Writer is a third-party vendor that does not supply you with account numbers of any kind. Never will they and you can ask them and ask them and ask them and they will never give them to you. You, as the customer are required to put in your own numbers. They have never done that before. I don't know why they would have changed after 12 years and I did challenge that. So that was the information that was received at that meeting and I challenged that the Magic Writer personnel would not do that.”

Ratliff >> “So when you challenged that, was there any response from the Auditor or any of his Deputies?”

Chaffin > “The Deputy Auditor again stated that they gave her that number and it was incorrect.”

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Schaber >> “So since we're trying to save time and not waste people's time... so June 26 can we safely say and just put this to bed: ‘Deputy Auditor Hutchison made a mistake. It's not Magic Writer’s fault and move the hell on and forget about any pending litigation? Because It doesn't sound like there's any merit or grounds for anything.’”

Ratliff >> “I mean I think we should be able to move on from that particular issue unless we are told at a later time after his investigation that the Law Director feels differently.”

Russell >> “If I may Interject once again. I think that would be a prudent move. Allow me to provide in a report reference to the viability of the claim and then Council members can have a discussion at that time.”

Item 2. LOVE YOUR NEIGHBORHOOD PROGRAM – CLEAN UP SCHEDULED

Mayor Schertzer and Service Director Chaffin reminded everyone that they are having the first neighborhood cleanup of the year. It is March 24th and 25th from 9 am to 3 pm. Chaffin continued that they do have one scheduled tentatively for each month moving through November, weather dependent. The program area this month includes Edwards, Senate, Martin Luther King Drive, Niles, Creston, Silver from Kenton to Edwards, Fairfield Avenue and Kenton Avenue. They will be meeting at the Martin Luther King Park.

Item 3. CITY HALL HOURS UPDATE

Mayor Schertzer announced that City Hall is scheduled to reopen to our normal hours on Monday, April the 5th. The hours have been 10a to 2p and we will go back to regular department hours.

Item 4. YARD WASTE

Mayor Schertzer announced that Council had been sent an email with the particulars related to yard waste disposal.

Item 5. Zoom Meetings vs. In Person Meetings

In response to Christian Dunston (211 East Fairground), Mr. Ratliff stated that we have continued meeting on Zoom because we are a “red” county. When we are no longer “red” and at our last meeting on Zoom, we will vote again to go back into live meetings. If the county would go back up to “red”, then they would revert to Zoom meetings.

COMMITTEE MEETING SCHEDULE FOR 04/05/2021:

- Finance Committee – Mr. Daniels, chair – 04/05/2021 at 6:30 PM –Garbage Packer purchase, Fire Department appropriation
- Airports, Lands, and Buildings – Mr. Schaber, chair – 04/05/2021 at 6:35PM regarding Safety City building
- Regional Planning – Mrs. Swanger -- 03/24/2021 meeting canceled
- Streets and Sewers – Mr. Thomas – 04/05/2021 at 6:40 PM regarding two alley vacations recommended by City Planning

No other Committees called at this time. Please check Thursday notice for changes. With no further business to come before Council, President Pro Temp Ratliff adjourned the meeting at 7:33 PM.

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 3/22/2021 at 6:30 PM

Todd Schneider
President of Council

Tarina R. Rose
Clerk of Council

MARION CITY COUNCIL REGULAR MEETING

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