

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers 07/26/2021 at 6:30 PM

MARION CITY COUNCIL REGULAR MEETING

7/26/2021 6:30 PM

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

With a quorum present, Mr. Schneider called the meeting to order at 6:30 PM. Pledge of Allegiance led by group of Scouts. Invocation given by Mrs. Swanger.

MINUTES – 07/12/2021

Mr. Neff a motion to approve the minutes of 07/12/2021, Mr. Meade 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, Mrs. Swanger, Mr. Neff, Mr. Daniels. Nays – none

MINUTES OF 07/12/2021 APPROVED (8-0)

Old Business

Item 1. ORD2021-51: ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING 583 W. Fairground St. FROM C-5 TO I - 1 Limited Industrial District (Applicant, Josh Daniels) (Zoning and Annexation -- Mr. Meade, chair -- 3-0) **THIRD READING**

- Public Hearing – opened at 6:34 PM and closed at 6:35 PM.

Mr. Feliciano asked again for a copy of the letter that goes to residents. Mr. Schneider advised him that a copy had been sent to him via email.

Mr. Meade made a motion to approve; Mrs. Swanger 2nd. Roll Call: Ayes --Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, Mrs. Swanger, Mr. Neff. Nays – none. Mr. Daniels abstained as he is the applicant.

ORDINANCE 2021-51 APPROVED (7-0)

New Business

Item 1. ORD2021-52: ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ACCEPT FUNDING FROM FAA AND FEDERAL GOVERNMENT GRANTS AND TO ENTER INTO CONTRACT WITH KOKOSING CONSTRUCTION COMPANY FOR THE REHABILITATION OF RUNWAY 7/25 AT THE MARION MUNICIPAL AIRPORT, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.

(Chaffin) (Airports, Lands, and Buildings – Mr. Schaber, chair – 3-0)

Service Director Chaffin explained that this had been bid out, as well as Item 2.

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

RULES SUSPENDED (8-0)

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

ORDINANCE 2021-52 APPROVED (8-0)

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 7/26/2021 at 6:30 PM

Item 2. ORD2021-53: ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ACCEPT FUNDING FROM FAA AND FEDERAL GOVERNMENT GRANTS AND TO ENTER INTO CONTRACT WITH JESS HOWARD ELECTRIC CO. FOR LIGHTING IMPROVEMENTS OF RUNWAY 7/25 AT THE MARION MUNICIPAL AIRPORT, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY. (Chaffin) (Airports, Lands, and Buildings – Mr. Schaber, chair – 3-0)

Service Director Chaffin said that most of this will be directly billed. The engineering may be paid and then reimbursed. This is 100% federally funded.

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

RULES SUSPENDED (8-0)

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

ORDINANCE 2021-53 APPROVED (8-0)

Item 3. ORD2021-54: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE BELOW LISTED POLICE FUNDS TO COVER ADDITIONAL COBRA EXPENSES DUE TO RETIREMENT ENDING DECEMBER 31, 2021. (Landon) (Finance – Mr. Daniels, chair – 3-0)

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

RULES SUSPENDED (8-0)

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

ORDINANCE 2021-54 APPROVED (8-0)

Item 4. ORD2021-55: ORDINANCE MAKING AN APPROPRIATION IN THE GENERAL FUND POLICE LINE ITEM FOR REIMBURSEMENTS ON ALARM PERMITS INCORRECTLY PURCHASED BY COMPANIES OUTSIDE THE CITY OF MARION FOR THE YEAR ENDING DECEMBER 31, 2021. (Landon) (Finance – Mr. Daniels, chair – 3-0)

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

RULES SUSPENDED (8-0)

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

ORDINANCE 2021-55 APPROVED (8-0)

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 7/26/2021 at 6:30 PM

Item 5. ORD2021-57: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2021 (Chaffin) (Finance – Mr. Daniels, chair – 3-0)

Service Director Chaffin reviewed distribution of funds, including airport fund and ARPA. Chaffin clarified that the overtime in police and fire is related to understaffing. Entry fees taken during the season are the source of the field improvement dollars.

Mrs. Fosnaugh asked additional questions related to ARPA. She asked why this needed to be appropriated now rather than when they know what it is going to go for. Chaffin explained that the Department of Treasury dictates that the appropriation be in order and then seek approval for expenses. Some are likely to be like the CARES Act. Refunds and reimbursements will be for dedicated police and fire -- more medics than police -- that are dedicated to the covered response and would include salaries and benefits.

Chaffin explained that there will be two parts and there are four categories of expenses. The Treasurer issues guidance on what is allowable. There is a secondary portion of \$10 billion set aside for additional infrastructure. They would apply for the portion of that the City might be eligible. They need to be sure that they have a project ready to capture these dollars when they become available. Projects need to be approved by the Department of Treasurer before they are performed.

Mrs. Fosnaugh clarified that projects would be coming back through council for approval. Mrs. Chaffin explained that smaller projects, i.e., \$1,000, would not, but most projects would. Fosnaugh stated that she did not want to see “it all go into the wind like the \$3 million COVID” because they did not get to see the details. Chaffin clarified that they did not go into the wind. They went into salaries and benefits for personnel on the front line and to things to keep employees and residents safe from COVID. Fosnaugh said that she had requested reports with details and never received them. Chaffin explained that the Auditor’s office could provide that. Fosnaugh said that it was not detailed.

Mr. Daniels reminded council that this is the first installment of two payments. He did not submit any ideas, but he thought that council had several of those. Council will get to approve the projects, but they did not get to choose the project.

Mr. Neff stated that he has asked several times about CARES Act expenditures. \$1.24 million has been spent and he still does not know where it went. He had a printed report. He feels uncomfortable approving ARPA money if he does not understand where it will be spent.

Mr. Ratliff tried to verify who has the information to provide. Deputy Auditor Watts stated that they have all of it. He will break it down.

Auditor Landon said that they specifically asked for the excel spreadsheet which Mr. Neff had. It goes through October. He does not have a spreadsheet and he did not create that one. The Service Director created that spreadsheet and she was the one administering the program as approved by council. He provided what they had been given. He would imagine that there is an electronic copy with further detail, but he does not have that.

Mayor Schertzer felt that the Auditor should have that information because of the responsibility as the bookkeeper.

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 7/26/2021 at 6:30 PM

Auditor Landon said that they can provide detailed journal entries of the expenditures. His understanding was that Mr. Neff wants the excel spreadsheet so that he could view it in a more easily readable format. He has provided what he was given, but he does not have anything after that.

Mr. Ratliff said that the auditor should have the records of who the money was paid to. He would like to see a plan as to how people are going to get the information that they need to make decisions and to feel comfortable. Auditor Landon said that he can provide that tomorrow morning. It will be a very extensive amount of information because it is journal entries. They are generating a new monthly report to try to take a large amount of information and make it understandable. They will try to take all those journal entries and expand upon that spreadsheet to provide detailed information.

A copy of the spreadsheet was shared around the council table.

Daniels said that if council is uncomfortable with appropriating the money, then council needs to participate as well. If members have a list of projects that they can present to the administration for consideration and to see if they are even applicable to the ARPA funds. If they are not, then they can take them off the table.

Chaffin explained that money must be appropriated before anything is proposed for expenditure. The IRS is encouraging the sooner, the better. A two-week delay to allow for more discussion will not cause a problem.

Fosnaugh requested a list of the programs and projects that administration is proposing. Chaffin agreed. Chaffin acknowledged that ideas included in Fosnaugh email are included.

Ratliff said that he is looking at the list of CARES Act expenditures. He states that he could not pick one that he would have removed. Most of it is safety things for employees. He agrees that open dialogue is good, but he does not think anything has been unwisely spent. It looks legitimate and necessary to him.

Mr. Daniels asked that ideas be submitted expeditiously – additions and deletions. He requests that they obtain a list of the requirements, as well, to facilitate the conversation.

Mr. Schaber clarified that this will come back before Finance Committee next Monday and that the ARPA portion will be represented.

Mr. Schaber made a motion to amend the ordinance to remove the ARPA related items, Mr. Daniels 2nd. Roll Call: Ayes --Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, Mrs. Swanger, Mr. Neff, Mr. Daniels. Nays – none
ORD2021-57 AMENDED (8-0)

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 7/26/2021 at 6:30 PM

ORD2021-57: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2021, as amended

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

RULES SUSPENDED (8-0)

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

ORDINANCE 2021-57, as amended, APPROVED (8-0)

Item 6. ORD2021-58: ORDINANCE ADMENDING THE YARGER REPORT TO UPDATE AND INCORPORATE JOB DESCRIPTION REVISIONS AS TO THE ASSISTANT WATER POLLUTION CONTROL SUPERINTENDENT (Bischoff) (Municipal Services, Parks, and Recreation – Mrs. Swanger, chair – 3-0)

Bischoff stated position is currently vacant due to death. They are trying to make these changes prior to hiring.

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

RULES SUSPENDED (8-0)

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

ORDINANCE 2021-58 APPROVED (8-0)

Item 7. RES2021-19: RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF AN INDIVIDUAL TO SERVE AS A MEMBER TO THE AIRPORT COMMISSION (Mayor) (Greg Sens)

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

RULES SUSPENDED (8-0)

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

RESOLUTION 2021-19 APPROVED (8-0)

Item 8. RES2021-20: RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF INDIVIDUAL TO SERVE AS MEMBER OF THE AIRPORT COMMISSION (Mayor) (Tom Titus)

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

RULES SUSPENDED (8-0)

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 7/26/2021 at 6:30 PM

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

RESOLUTION 2021-19 APPROVED (8-0)

MATTERS NOT ON THE AGENDA

OTHER MATTERS

A representative from the Marion Kennel Club provided a short presentation on the upcoming dog show and the expected economic impact to the area.

Mr. Feliciano said that a week ago there was an incident at the restaurant beside Topped on South Main. He was contacted by a patron who was sitting at a table outside. Two youth almost ran down a waitress who was coming out with a tray of food. Mayor said this is the first he has heard of an issue. There is a law that people cannot ride their bicycles on the sidewalk, and this could be report to the police. The sidewalks are narrow and that is part of the reason that outdoor seating can be a challenge downtown. ADA requires a 5' unobstructed walkway. They are currently working with that establishment now on that issue. Mayor encouraged Mr. Feliciano to report promptly as things happen, as well as to call so that the city can respond to concerns. Chief McDonald explained that this would be an enforcement issue if an officer happens to be there. Mr. Feliciano said that they could suggest to the owners to install a mirror.

Mr. Daniels stated that many alleys have overgrowth and he suggested that the city trim trees into the right of way. Mayor explained that there is a due process to notify the property owner of their obligation to trim overgrowth in the public right of way.

Mr. Feliciano announced that a sign is down on Foster Lane. Safety Director Caryer encouraged him to call in when he sees these kinds of issues so that they can be taken care of promptly.

Mayor Schertzer explained that there will be a required resolution for One Ohio which is part of the opioid settlement. 55% of Ohio's settlement goes into a foundation that is to be used for treatment in local communities. A board will oversee this. 35% will be divided among the political subdivisions. The remainder goes to the state of Ohio. He does not know when the money will be distributed. He asked that the finance Committee consider this on Monday. He anticipates that a lot of this can go towards reimbursing police and fire because they are the front line.

Mrs. Swanger announced that Wednesday and Thursday is another Love Our Neighborhoods clean up.

National Night Out is August 3, 2021, and all were encouraged to attend. Mayor asked that City Planning Consider an alternate meeting date.

Danny Clark (252 Homer Street) stated that a public records request had been made by a council member for public utility records for 543 King Avenue. This house belongs to his brother, Mike Clark. He wanted to know who requested the records and for what purpose. Mr. Ratliff stated that he believes that they are not allowed to ask why someone is requesting a record.

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 7/26/2021 at 6:30 PM

Tracey Cooperrider (904 Maynard Drive) stated that he has made a public records request and is not getting a response from city administration. He clarified that he is asking for the actual grant for the “Lincoln Park baseball field project”, i.e., Restore the Glory. Mrs. Swanger stated that she asked for that information today from the Auditor’s Office and received it and she referred him there. Cooperrider said that he has already been there, and that the Auditor is not in charge of the grant. Mr. Schaber said that the Auditor’s Office oversees the grant. As he recalls, the grant was back in 2019 and it had nothing to do with the field, just the stadium. It was Restore the Glory. The City had to be involved because ODNR would not issue the (state capital) grant to Restore the Glory because it was a city owned property.

Auditor Landon said that Cooperider requested all the expenditures related to that grant coming out of capital improvements line item within the parks department. That has been provided to him. He requested the grant application that they do not have. It would be with whoever applied for it. Departments are typically primarily responsible for applying for the grants and maintaining. The Auditor’s office does assist with filing reports and keeping track of expenditures, but they do not have the grant application.

Service Director Chaffin stated that Mr. Cooperider did not ask about the stadium. He asked about a (main) “baseball field improvement grant” at Lincoln Park. She does not, nor has she ever, had anything like that. She has provided information regarding the stadium renovation to Fosnaugh and Neff.

“Restore the Glory” was from one of the leadership classes through the Chamber of Commerce. Mayor stated that there have been a total of 4 projects through these classes that have involved Marion City parks. The City must receive the money because it is city property and there is liability to the City.

Safety Director Caryer (former Service Director) stated that “Restore the Glory” had three phases. Phase one was the renovation of the stadium. Phase two was to do the ball field. He believes that phase three was the concession area and bathrooms. The project was well over one million dollars.

Cooperider continued to assert that he was unable to obtain the documents that he was requesting and that when he referred to the ball field that staff should have understood that included the stadium.

Mr. Schaber asked if there was a specific issue that is troubling Mr. Cooperider that needs to be discussed. Mr. Cooperider stated that he did not need to provide that and that he is being “stonewalled”.

Mayor Schertzer stated that there is a process if there is an issue. If there is an issue with the state capital grant, the auditor should come to him regarding any issue or concern. He knows that process because he recently followed it when he was made aware that the COPS grant is not being drawn down.

The COPS grant was granted on 07/01/2020 and three officers have been hired. He believed that it was being drawn down on. They are in the process of hiring some officers, which included one additional officer (net 1), and that triggered him to ask how the COPS grant was doing. This means that in Q4 the salary line item in the MPD is gong to come up short. He informed members of council and the Auditor, and they had a meeting last week.

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 7/26/2021 at 6:30 PM

They also found out that the fire department SAFER grant has not been drawn on since February for salaries of 6 firefighters. This affects the safety and well-being of our citizens. There is a plan in place to start doing it. He does not know if they can go back to recoup quarters that were missed. They then questioned whether there are other federal grants that have not been drawn down on. There is a courts grant that has not been drawn down on yet. There is a COVID specific MPD grant, and maybe one for the airport. This must happen, or it may make salary line items come up short by the end of the year and could affect the staffing of safety forces. There is a protocol to go through and it works.

The City has been successful in obtaining grants. They know how to make application. They just need to assure that they are drawn down on.

Mr. Ratliff asked about total dollar amount. Mayor did not have those numbers.

Deputy Auditor Watts explained that with the SAFER grant, they collected \$64,000 in January for the fourth quarter. The Safer grant runs from March to March. They previously applied through March. He has since applied April through June which would bring it current. Makowski from the fire department has some ideas for additional funding opportunities. They are going to meet again. He has talked with the courts, and they have done a draw on the first and second quarter. There are also funds left over that he is working on. There is \$35,000 in the COVID grant for the PD and \$17,000 in the first drug court grant (4th quarter last year).

Mr. Ratliff clarified that the auditor's office knew to draw it down and drew it down initially and then stopped. There is a plan in place. Realistically, there should have been a plan to start with. Watts agreed. Ratliff continues to be concerned about how money is being handled by that office. Administration portrayed that they advocated to handle the COVID money. It is his understanding that they were almost asked to do it. He is thankful for that. There has been no concern as to how the money was handled – spent, reimbursed, deadlines. There seems to be a new issue all the time.

Ratliff asked about the status of the IRS issue. Watts explained that they have rec'd a letter first quarter of 2021 for ^\$16,000. They are in contact and are trying to put it into one consideration. They are working with congressman as a liaison with the IRS. They do not have an answer on last request. Ratliff confirmed that total is about \$80,000ish and there is another one still to come.

Mrs. Chaffin agreed to work directly with Mr. Cooperider to resolve his request. She asked that Mr. Cooperider come into the office to discuss what his request is so that they can provide what he really needs.

Mr. Meade asked about a cross-fund report that came to finance. He was concerned about page 12 and total debits and credits of \$177,600,000 and \$769 and ending total of \$15.69. He said there was some confusion about what that number represented, and he asked if there was any clarification since last Wednesday's meeting.

Auditor Landon stated that the grand total number is supposed to be total fund balances of cash on hand. They have worked with the state auditor's office who recommended that they pull the data that way. He does not think there is an issue with the grand total. It is just the debits and credits and he thinks that is because they are highlighting revenues and expenses in addition to assets.

Meade asked if perhaps something just got counted twice because of the way they were highlighting. Landon stated again that they are working with the state auditor's office but he thinks it is just the way they bring the report. Meade noted that would be \$20 million off.

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 7/26/2021 at 6:30 PM

COMMITTEE MEETING SCHEDULE FOR 08/02/2021:

- Finance – Mr. Daniels, chair – 08/02/2021 at 6:30 PM – ARPA funds
- No other committees called at this time. Please check Thursday notice for changes.

With no further business to come before Council, Mr. Schneider adjourned the meeting at 8:13 PM.

Todd Schneider
President of Council

Tarina R. Rose
Clerk of Council

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 7/26/2021 at 6:30 PM