**MARION CITY COUNCIL REGULAR MEETING**

City Hall – Council Chambers on 3/9/2020 7:30 PM

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

Absent -- Mr. Schneider.

With a quorum present, Mr. Ratliff (President, Pro Tempore) called the meeting was called to order at 7:30 PM.

Prayer was led by Brian Swingle, Family Life Church. Pledge of Allegiance recited.

**MINUTES of 02/24/2020**

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

**Minutes of 02/24/2020 approved (9-0)**

**OLD BUSINESS**

Item 1. ORDINANCE 2020-06: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE OFFICE OF THE LAW DIRECTOR FOR THE YEAR ENDING DECEMBER 31, 2020.

(Finance 3-0, Mr. Daniels, chair) (3rd Reading)

Various members of the audience spoke regarding the specifics of the cases that require this additional appropriation due to conflict of interest, as well as the qualifications of the special prosecutor and concerns over a lengthy appeal process. It was stated (by audience members) that this is a partisan issue. There was questioning the use of taxpayer dollars to pay for this.

President Pro Tempore Ratliff stated several times that council is a legislative body and did not bring the charges and has no role in determining guilt or innocence. Council has been court ordered to pay the visiting prosecutor. It was noted that the judge has recused herself from the two cases as well.

Neff explained his belief that the service could be “traded” with another jurisdiction rather than incurring a cost.

Daniels noted that $3,000 was initially budgeted for 2020 and approved by council (8-1) with no question about details. Now, there is a need for an additional $3,000 because there are two cases and that is now bringing this type of discussion. He believes that objecting now moves beyond seeking justice to partisan politics.

Neff expressed concern that the partisan politics started on election day when charges were filed against a current council person. He states that these charges are unprecedented. He believes that this will open the city up to additional expenses and liability (because of extended appeals).

Daniels explained that the charges were filed late on election day, after most people would have voted. Daniels explained that other council people benefited from the acts of the defendants.

Ratliff explained that he understood (from the Law Director) that the charges are capped at $3,000. The Law Director was not in attendance to answer questions.

Mr. Thomas made a motion postpone further discussion until the end of the agenda; Mr. Schaber 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

**ITEM MOVED TO END OF AGENDA (9-0)**

**NEW BUSINESS**

Item 1. ORDINANCE 2020-11: ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE AND EQUIPPING OF TWO (2) POLICE VEHICLES AND ENTER INTO CONTRACT WITH THE LOWEST AND MOST RESPONSIVE BIDDER FOR THE PURCHASE OF 2 EQUIPPED VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY (Finance 3-0, Mr. Daniels, chair)

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-11 ADOPTED (9-0)**

Item 2. ORDINANCE 2020-12: ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE FORMULA FUND FOR THE YEAR ENDING DECEMBER 31, 2020 (Finance 3-0, Mr. Daniels, chair)

These are for projects that they discussed last year, including work at the aquatic center, Sawyer-Ludwig, and building demolition on N. Main. This is a $202,000 grant.

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-12 ADOPTED (9-0)**

Item 3. ORDINANCE 2020-13: ORDINANCE AUTHORIZING THE APPROPRIATION OF ODPS GRANT MONEY INTO THE SUPPLIES LINE ITEM TO PURCHASE ITEMS FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY (Finance 3-0, Mr. Daniels, chair)

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-13 ADOPTED (9-0)**

Item 4. ORDINANCE 2020-14: ORDINANCE AMENDING ORDINANCE 2019-18 WHICH CHANGED SALARIES FOR AQUATICS CENTER, AND DECLARING AN EMERGENCY (Municipal Services 3-0, Mrs. Swanger, chair)

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-14 ADOPTED (9-0)**

Item 5. ORDINANCE 2020-15: ORDINANCE AMENDING MARION CITY CODE CHAPTER 911.42, SECTION C, PART 4, FIRST PARAGRAPH; TO REMOVE THE SPECIFIC LOCAL LIMIT VALUES FOR POLLUTANTS OF CONCERN AND TO REFERENCE A SEPARATE DOCUMENT WHERE THESE VALUES CAN BE FOUND IN ORDER TO ENABLE THESE VALUES TO BE CHANGED WITHOUT CHANGING CITY CODE. (Legislation and Codes 2-0, Mr. Daniels, chair)

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-15 ADOPTED (9-0)**

Item 6. ORDINANCE 2020-16: ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO EXTEND A REQUEST FOR PROPOSALS AND THEREAFTER ENTER INTO CONTRACT FOR THE DEMOLITION OF 205 SILVER ST., MARION, OHIO WHICH HAS BEEN DECLARED BY HIM TO BE A DANGEROUS STRUCTURE AND AN IMMINENT THREAT, FURTHER FINDING A REAL AND PRESENT EMERGENCY EXISTS PURSUANT TO ORC 735.051 AND DECLARING AN EMERGENCY (Finance 3-0, Mr. Daniels, chair)

Per Safety Director Caryer, the funds for demolition are anticipated to come from the city’s revolving Land Bank fund. Concerns were expressed about asbestos increasing the cost of the demolition. They will obtain the bids and come back if costs exceed available funds.

In response to comments from audience member Clifford Hall (1418 Wilson Drive, Marion Township), Mr. Daniels explained that he does not bid or do these type of demolitions for the city because of his role as a council member and the inherent conflict of interest. He cannot legally bid on these projects for the city.

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-16 ADOPTED (9-0)**

Item 7. RESOLUTION 2020-12: RESOLUTION AUTHORIZING THE AUDITOR TO TRANSFER APPROPRIATED GENERAL FUND MONIES TO TRANSIT AND POLICE FOR THE YEAR ENDING DECEMBER 31, 2020 (Finance 3-0, Mr. Daniels, chair)

It was reinforced that this is a normal transaction and is referencing previously budgeted items that just need appropriated into funds to pay bills. No department has requested new funds.

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-07 ADOPTED (9-0)**

Item 8. ORDINANCE 2020-17: ORDINANCE RATIFYING AND APPROVING THE BARGAINING AGREEEMENT BETWEEN THE CITY OF MARION AND IAFF #379, APPROPRIATE THE NECESSARY FUNDS AND DECLARING AN EMERGENCY (added by Mayor Schertzer)

Safety Director Caryer explained that increases were budgeted for 2020, and this allows Firefighters to scale up from entry wages much faster. The bargaining unit has voted to approve contract.

Mr. Thomas made a motion to go into executive session to discuss collective bargaining matters (as permitted in O.R.C. 121.22(G)(4)) and to allow firefighters at meeting to stay in attendance; Mr. Daniels 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

**COUNCIL WENT INTO EXECUTIVE SESSION (9-0)**

Mr. Thomas made a motion to come out of executive session; Mrs. Swanger 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

**COUNCIL CAME OUT OF EXECUTIVE SESSION (9-0)**

Mr. Thomas made a motion to suspend Rule 56; Mrs. Cunningham 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

**RULE 56 SUSPENDED (9-0)**

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

**RULES SUSPENDED (9-0)**

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

**ORDINANCE 2020-17 ADOPTED (9-0)**

**Council returned to Old Business:**

Item 1. ORDINANCE 2020-06: ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE OFFICE OF THE LAW DIRECTOR FOR THE YEAR ENDING DECEMBER 31, 2020.

(Finance 3-0, Mr. Daniels, chair) (3rd Reading)

Discussion continued. There was a concern that this is wasting taxpayer dollars. Others felt that it was a legitimate need to protect the rights of voters. Mr. Ratliff commented that he would like this to be viewed as an issue of justice, not partisan politics. He redirected the conversation to focus on this as a legal issue.

Mr. Meade made a motion to allow non-city resident Debra Tinnerello to speak; Mr. Feliciano 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Ratliff, Mr. Schaber, Mr. Feliciano, Mrs. Cunningham, Mrs. Swanger, Mr. Thomas, Mr. Neff, Mr. Daniels. Nays – none

**Mrs. Tinnerello allowed to address council (9-0)**

Tinerello stated $3,000 will not be enough money to pay attorney. She thinks the Board of Elections should be advising Council.

Mr. Ratliff stated that this is court mandated. Failure to approve it may result in action against Council. Mr. Schaber asked to see the order.

Additional discussion continued to answer questions posed by the audience. Mr. Ratliff again interjected and stated that it is not for this body to litigate the case.

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

**ORDINANCE 2020-07 ADOPTED (5-4)**

**OTHER BUSINESS**

**MATTERS NOT ON THE AGENDA**

Schaber asked that they look at changing rule of council so that committee meetings and council meeting will all start at the same time, on their respective dates. Ratliff explained that it should go through committee – legislation and codes chair is Mr. Daniels.

Feliciano asked whether there was an update to the Yarger Report. Swanger indicated that her committee will be looking at it.

**COMMITTEE MEETING SCHEDULE**

* Finance – 03/16/2020 at 6:30PM – Mr. Daniels, chair – unsure as to agenda
* Legislation and Codes – 03/16/2020 at 6:45 – Mr. Daniels, chair – BZA and CPC
* Regional Planning – 03/25/2020 at 7:00PM at County Building – Mrs. Swanger, chair

No other chairs called for their committee to meet.

With no further business to come before Council, Mr. Schneider adjourned the meeting at 9:34 PM.

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Ayers Ratliff

President of Council, pro tempore

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Tarina R. Rose

Clerk of Council