

MARION CITY COUNCIL REGULAR MEETING

City Hall – Zoom Meeting on 4/26/2021 at 6:30 PM

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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 to order at 6:30 PM on Zoom. Pledge of Allegiance recited. Invocation given by Pastor Estep, Marion Nazarene Church.

MINUTES -- 03/22/2021 (updated); 04/12/2021 -- pending

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

Minutes of 03/22/2021 Approved

OLD BUSINESS

Item 1. ORD 2021-33: ORDINANCE TO VACATE SOUTHERN 80' PORTION OF GILL AVE. AND VACATE 12' WIDE x 306.41' LONG EAST WEST ALLEY PURSUANT TO ORC 723.041 RETAINING PERMANENT EASEMENT RIGHTS (applicant, Nucor Steel Marion)

Second Reading (Streets and Sewers -- Mr. Thomas, chair -- 3-0 with contingencies)

Please note: Staff Report and related documents available on the website

Bryan Kresak, NUCOR, stated that the survey has been done and should be available next week. They have met with many of the neighbors to work on an agreeable plan. He has also worked out plans with Public Works Director Bischoff.

ORDINANCE 2021-33 HAS HAD A SECOND READING

NEW BUSINESS

Item 1. ORD 2021-34: ORDINANCE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENTER INTO CONTRACT WITH SOUTHEASTERN EQUIPMENT FOR THE PURCHASE OF (1) SKID STEER LOADER FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY (Kurz) (Finance Committee, 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. Thomas, Mr. Neff, Mr. Daniels. Nays – none

RULES SUSPENDED (9-0)

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. Thomas, Mr. Neff, Mr. Daniels. Nays – none

ORDINANCE 2021-34 APPROVED (9-0)

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Item 2. ORD 2021-35: ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNATED DIRECTOR TO MAKE APPLICATION(S), ACCEPT AND THEREAFTER ADMINISTER SAID MONIES PROVIDED AND AVAILABLE TO THE CITY OF MARION TO ADDRESS THE PANDEMIC RELATED TO COVID 19 UNDER THE AMERICAN RESCUE PLAN ACT (ARPA) AND DECLARING AN EMERGENCY.

(Chaffin) (Finance Committee, Mr. Daniels, Chair, 2-1)

Service Director Chaffin explained that this is a very similar procedure to the CARES Act. The City needs this in place as ARPA money starts being awarded.

Mrs. Fosnaugh made motion to add wording “and as approved and appropriated by City Council.” Feliciano 2nd.

In response to Mr. Ratliff, Mayor Schertzer explained that there are some situations where a timeline is so tight that it may be difficult to pull Council together. They really do not know right now. Chaffin explained that this ordinance does not appropriate anything, and it only allows us to apply and receive. The appropriation would be a separate piece of legislation. They are awaiting guidance and she expects that there will be a quick turn-around. With the CARES Act, they had some activities that required a turnaround as quick as three days. The bill was passed, and it was signed, and they were told that the money would be released, and the guidance would follow. Spending will come much later.

Mrs. Fosnaugh asked that the word “administer” could be removed, if her first proposal was not agreeable. Mayor explained that this helps city to ahead of the game and ready to go when the money is available. They have a lot of experience working with these types of grants – every term he has been in office. Chaffin added that any times you receive a grant, they do need to administer it to complete reporting, recording, and administering the program itself under the guidelines and rules established. They have to have an administer of the grant and it is included in the applications. Deciding what to spend it on comes much later. You must have an administrator to apply for the grant.

Mrs. Fosnaugh stated that she is uncomfortable with the wording because she believes this allows them to spend the money. She has spoken with several residents of the 5th ward and they were all in agreement with her. Mayor Schertzer said that they still have to come back for spec and bid before any money is spent.

Mr. Daniels stated that he thinks it is reasonable to ask that council have input on \$7 million. He thinks there would be some discussion and that could make for better results. He does not anticipate a time crunch, especially as Council can call special meetings. They have met a lot under less serious matters.

Mr. Ratliff said that he understands it is the appropriation process that comes after this. In the past, he feels like he has had input. He hates to change from processes that worked in round 1 and 2 for round 3, especially when the amount is much more than the last two. He is cautious about tying the hands of administration and is concerned that could get them in trouble.

Mrs. Fosnaugh made a motion to amend the content of the legislation to include “and as approved and appropriated by City Council”: Mr. Feliciano 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, Mr. Neff, Mr. Daniels. Nays – Mr. Ratliff, Mrs. Swanger, Mr. Thomas.

ORDINANCE AMENDED (6-3)

ORD 2021-35: ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNATED DIRECTOR TO MAKE APPLICATION(S), ACCEPT AND

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THEREAFTER ADMINISTER SAID MONIES PROVIDED AND AVAILABLE TO THE CITY OF MARION TO ADDRESS THE PANDEMIC RELATED TO COVID 19 UNDER THE AMERICAN RESCUE PLAN ACT (ARPA) AND DECLARING AN EMERGENCY, AS AMENDED

Council President clarified that the change was not in the title and heading was read correctly.

In response to Mrs. Swanger's question, Law Director Russell said that it would take about 48 hours to have everyone notified properly.

Mrs. Chaffin said that she does not know when this will be due. She is hoping for some guidance later this week.

Law Director Russell attempted to clarify the amendment, whether it was just in the title or in actual legislation. It actually makes a change in the title. Title reread amendment with changes.

ORD 2021-35: ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNATED DIRECTOR TO MAKE APPLICATION(S), ACCEPT AND THEREAFTER ADMINISTER SAID MONIES PROVIDED AND AVAILABLE TO THE CITY OF MARION, AND AS APPROVED AND APPROPRIATED BY CITY COUNCIL TO ADDRESS THE PANDEMIC RELATED TO COVID 19 UNDER THE AMERICAN RESCUE PLAN ACT (ARPA) AND DECLARING AN EMERGENCY, AS AMENDED

Mr. Schaber clarified that there needs to be changes in the body of the legislation. Mrs. Fosnaugh amended the ordinance to add the same language in section 1, after the word COVID19 pandemic; as well as at the second "whereas".

Mrs. Fosnaugh made a motion to amend the legislation to the title and to add same language to section 1 and the second whereas; Mr. Daniels 2nd. Roll Call: Ayes -- Mr. Meade, Mr. Schaber, Mr. Feliciano, Mrs. Fosnaugh, Mr. Neff, Mr. Daniels. Nays – Mr. Ratliff, Mrs. Swanger, Mr. Thomas

ORDINANCE AMENDED (6-3)

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Mr. Schaber proposed having this be a first reading to see what Chaffin finds out in the meeting she is attending this week. Mr. Ratliff is concerned that if they do not pass it that Mrs. Chaffin may have a hard time applying on time, depending on what she learns in meeting.

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

RULES SUSPENDED (7-2)

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

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ORDINANCE 2021-35 APPROVED (9-0)

Item 3. ORD 2021-37: ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO DISPOSE OF VEHICLES PREVIOUSLY UTILIZED BY VARIOUS DEPARTMENTS, AND DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY

(Chaffin) (Finance Committee, Mr. Daniels, Chair, 3-0)

Mr. Thomas 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. Thomas, Mr. Neff, Mr. Daniels. Nays – none

RULES SUSPENDED (9-0)

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

ORDINANCE 2021-37 APPROVED (9-0)

Item 4. ORD 2021-36: ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPDATING AND ASSIGNING A PAY GRADE TO THE PART-TIME EMPLOYEES OF THE MARION SENIOR CENTER, ASSIGNING A PAY GRADE TO THE TRANSPORTATION COORDINATOR (SOCIAL SERVICES) OF THE MARION SENIOR CENTER FOR THE CITY OF MARION.

(Chaffin) (Municipal Services, Mrs. Swanger, Chair, 3-0)

Service Director Chaffin explained that this is merely assigning a pay grade and is a housekeeping issue. This does not change any wages.

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. Thomas, Mr. Neff, Mr. Daniels. Nays – none

RULES SUSPENDED (9-0)

Check this vote

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

ORDINANCE 2021-36 APPROVED (9-0)

Item 5. RES 2021-10: RESOLUTION ESTABLISHING THE AMERICAN RESCUE PLAN ACT FUND (ARPA)

(Chaffin) (Finance Committee, Mr. Daniels, Chair, 3-0)

Service Director Chaffin explained that this is setting up the fund for the ARPA money to go into.

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. Thomas, Mr. Daniels. Nays – Mr. Neff

RULES SUSPENDED (8-1)

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

RESOLUTION 2021-10 APPROVED (9-0)

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OTHER BUSINESS

Mr. Feliciano asked about the licensing requirements for small minibikes and four wheelers. If they are on the street, Chief McDonald need to be licensed. Many of these vehicles do not qualify for licensing. He encourages people to report when they see it. They cannot ticket after the fact.

Mr. Ratliff, President pro tempore, announced that a select committee has been formed with the following members: Mr. Schaber (chair), Mr. Meade (vice chair), and Mr. Meade. This committee is an exploratory and investigative committee to look into issues within the Auditor's Office.

Christian Dunston (211 E. Fairground Street) asked about the change in traffic pattern between Church and Center. He does not believe that the right turn only lane is marked early enough. Mayor Schertzer explained that it had gone before City Council and was approved. They will be adding additional signage. It will also take the community a little time to get used to the change. Public Works Director Bischoff stated there would be additional lane markings soon. The fence was installed pre-1960. There are two cisterns in her yard. The fence was removed by the neighbor on 04/16. They have worked with Brent Roland and Malcolm Smith to determine the setback lines.

Charlie Esterline (518 E. Church Street) spoke on behalf of his mother Lee Esterline regarding an issue she is having with a fence. They are requesting some clarification on the alley. The fence was torn out on 04/16 by the neighbor.

Mayor Schertzer announced that 19 ton of tires were collected at the scrap tire event this past weekend. He thanked Sindy Thrapp with Love Your Neighborhood, as well as DKMM.

Chaffin announced an additional "Love Your Neighborhood" clean up later this week. Community Service workers have been helping with these clean ups.

COMMITTEE MEETING SCHEDULE FOR 02/16/2021:

- Finance Committee – Mr. Daniels, chair – 05/03/2021 at 6:30 PM – appropriation ordinance
- Airport, Lands, and Buildings – Mr. Schaber, chair – 05/03/2021 at 6:35 PM – Safety City property (if Safety City representatives cannot attend, they will open and close the meeting)
- Jobs and Economic Development – Mr. Ratliff, chair – 05/03/2021 at 6:45 PM to consider annual salaries for aquatics staff
- Regional Planning – Mrs. Swanger – 04/28/2021 at 7:00PM at the County Building in the Prospect Room
- Select Committee – Exploratory/Investigative Committee – Mr. Schaber, chair – 05/03/2021 at 6:50 – to determine scope, format, schedule of dates of meetings

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 7:48 PM.

Todd Schneider
President of Council

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Tarina R. Rose
Clerk of Council