

MARION CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers on 3/25/2024 at 6:30 PM

MARION CITY COUNCIL REGULAR MEETING 3/25/2024 6:30 pm

ROLL CALL

Ten members answered – Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff, President Stoneburner

CALL TO ORDER

With a quorum present, President Stoneburner called the meeting to order at 6:30 pm. Dr. Steve Estep, Lead Pastor, Marion Naz gave an invocation. Pledge of Allegiance was recited.

SUMMARY OF PROCEEDINGS

Mr. Pollock made a motion to accept summaries of proceedings for 03/11/2024, Mr. Neff – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Rollins, Mr. Neff; Naves – None

SUMMARIES OF PROCEEDINGS FOR 03/11/2024 APPROVED (9-0)

ADDED TO AGENDA

Item 1. ORDINANCE 2024-045: ORDINANCE TO AMEND 2024-001, AN ORDINANCE MAKING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION STATE OF OHIO, DURING THE FISCAL YEAR ENDED DECEMBER 31, 2024

Motion to add 2024 Budget to agenda – 1st Ms. Laing, 2nd Mr. Rollins, 3rd Mr. Ratliff

Ms. Laing made a motion to move the 2024 budget to first on the agenda, Mr. Ratliff – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Naves – None

ORDINANCE 2024-045 MOVED (9-0)

Mr. Schaber made a motion to waive Rule 56 (Committee Consideration), Mr. Rollins – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Naves – None

RULE 56 WAIVED (9-0)

Ms. Laing said that she has been working on the budget for a lengthy period of time and that they need to get the spending under control. They are operating at a negative budget. The position of budget manager is not in the budget. The vacancy in the engineer's office needs to be removed. She cannot get good numbers out of the auditor office to work with. She is done. They need to make some changes and they need to be made quickly. She had some recommendations for changes. She wanted to leave appropriations made to date in the budget. New requests would have to come to the council. Even with removing capital, they are still \$5 million short on the budget.

Mr. Ratliff clarified that they would approve on a case-by-case project-by-project basis.

Mr. Rollins made a motion to remove all capital line items including capital improvement and capital equipment from all departments except those already appropriated/approved by the council, Ms. Laing – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Naves – None

MOTION PASSED (9-0)

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Mr. Ratliff clarified that if a department needed more, they would need to come before the council and request more and explain why.

Ms. Laing made a motion to reduce all supply line items to 75% of the initially proposed, Mr. Rollins – 2nd. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – Mr. Barr

MOTION PASSED (8-1)

ORDINANCE 2024-045: ORDINANCE TO AMEND 2024-001, AN ORDINANCE MAKING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION STATE OF OHIO, DURING THE FISCAL YEAR ENDED DECEMBER 31, 2024, AS AMENDED

Mr. Ratliff made a motion to suspend, Mr. Prater – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – none.

SUSPEND THREE READINGS (9-0)

Auditor Meginness was asked if she could produce numbers and she said that they could this week.

The Director of Budget Management was discussed. The position was approved by Ordinance 2023-100. It was not included in Ordinance 2024-001 out of committee as confirmed by the clerk. The Auditor does not know how the money got in the line item. She states that it is not on the budget. She states that it is a problem. The mayor was not present at the meeting to explain.

Law Director Russell was asked for input. He stated that he has not been presented with the ordinance that they are discussing. Mr. Ratliff said that it is Ordinance 2024-001, and he was presented with it on January 1. Law Director Russell stated that he has not been asked any questions about this. Mr. Ratliff asked what he recommended that they do for an employee that did not have a line item in the approved budget but seems to have a line item in the system to be paid. He thought that it was reported at the time that it was funded within the budget. It would be important to hear from Mayor Collins. It is not a legal question. He would recommend a first hearing. This was not submitted to him prior to being placed on the agenda. He does not know if this has been submitted to administration. Mr. Ratliff said that they are picking up the same ordinance that they had that was presented to them by the mayor. He is not sure that applies.

Auditor Meginness said that there is a line-item number for the Office of Budget Management with \$70,000 in it. The salary line-item references Ordinance 2023-100. It was not in the budget because it was not added until February 20th. No appropriation was made through that ordinance as confirmed by the clerk. It was just the Yarger amendment creating the position.

It was decided that they would wait until the mayor was available to answer questions on the \$70,000. If the administration needs to request funding, they can do so.

Ms. Laing made a motion to adopt, Mr. Smith – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

ORDINANCE 2024-045 ADOPTED (9-0)

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OLD BUSINESS

Item 1. [ORDINANCE 2023-088 REVISED 2024.pdf](#): ORDINANCE REQUESTING ADDITIONAL APPROPRIATIONS IN THE PROFESSIONAL SERVICES OF THE AUDITOR'S OFFICE (GENERAL FUND) FOR THE YEAR ENDING DECEMBER 31, 2024, as amended. (Auditor) (\$38,000 Request for Veritas for additional professional services to reconcile)

- 3rd Reading
- Finance Committee -- Ms. Laing, chair -- 2-0.
- EXPECTED AMENDMENT/ UPDATED BALANCES REQUESTED FROM AUDITOR
- EXPECTED DETAILED INVOICE

Ms. Laing explained when the budget moved to 50%, there were sufficient funds in the budget to pay this bill. Ms. Laing recommended voting this ordinance down. Mr. Pollock wanted to be sure that there was an understanding that they are not paid until the work is done.

Auditor Meginness stated that the bank reconciliation project for 2021 is finishing up. Greg is going through is reconciling January 2022. There are a couple of questions he had on some numbers in the report. She answered those today. He is still reviewing.

Mr. Ratliff gave some historical context on spending in this line item. In 2015, \$804.85 was spent. In 2016 - \$3,151.38. In 2017 - \$841.00. In 2018 - \$811.00. In 2019 - \$796.07. In 2020 - \$4,397.52. In 2021 - \$9,422.05. In 2022 - \$47,067.74. In 2023 - \$86,980.00. This year they requested \$100,000.00. If every line item grows like this, they could not afford anything. This is part of the reason that the council is taking the kind of steps that it is taking tonight.

Mr. Ratliff said that he had asked for a lot of information four weeks ago that he had just received at 5:30 tonight. He thinks that may be a strategy. He cannot spend anymore on this line item.

Ms. Laing said that some of the delay is because they did not have the data that they needed. Once they had the entire database, they could make progress. It is important that they get this done. A lot of money was wasted because they did not have the information that they needed. Once they get 2021 done, she believes 2022 will move very quickly. Things are becoming more accurate as they get more current. Mr. Rollins reminded her that Greg had said that this would be wrapped up by the first of the year. Ms. Laing said that they did not have the data until February. It has been remedied. She said that they would be closer if individuals would not have been on vacation.

Mr. Schaber asked why it had been two weeks to get back to New World or Veritas with some numbers today. Was there no contact between last Monday and today? Auditor Meginness said that there had been email back and forth all week. It was determined that there was email on Tuesday and then later on Saturday and Sunday and Monday. How close are we to being done. There is no conference call scheduled. Ms. Laing asked to have a conference call scheduled soon, preferably this week.

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Mr. Pollock made a motion to adopt, Mr. Rollins – 2nd. Roll Call: Ayes -- Ms. Laing, Mr. Prater; Nays – Mr. Barr, Mr. Ratliff, Mr. Schaber, Mr. Smith, Mr. Pollock, Mr. Rollins, Mr. Neff

ORDINANCE 2023-088 DEFEATED (2-7)

Item 2. [ORDINANCE 2024-008.pdf](#): ORDINANCE RE-DECLARING THE CITY OF MARION’S SUPPORT FOR CAN DO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA, AND DECLARING AN EMERGENCY

- Jobs and Economic Development Committee -- Mr. Pollock, chair -- 2-0
- 2nd Reading
- REQUEST FOR FUNDING LEVEL PENDING

Terry Cline (400 E. George Street) raised concerns about the director of CanDo not living in the city of Marion. He does not think that he represents Marion in the best possible light. He felt that he should have been considered for a business contract rather than a Columbus vendor.

He also spoke about the impropriety of a member of the city council sitting on the board of Marion Can Do. Law Director Russell has no authority that indicates a conflict, but he would be happy to look at any citation provided. Mr. Cline believes that Mr. Pollock should abstain from voting.

Ms. Laing asked the auditor how much CanDo has been paid and out of what line item. No response.

Mr. Schaber said that CanDo has been paid out of the Regional Planning line item. They bill monthly. He said that we previously had named the amount right in the ordinance. At some point, they stopped naming that in the ordinance. They added it back into the DMI ordinance for 2024. Auditor Meginness provided the line-item number. DMI is paid out of a separate line item.

Clerk Rose noted that the council had been provided with an updated 990. The original form provided by CanDo was missing pages that included the staff salaries, board members names and functional expenses. A complete 990 has been provided.

Mr. Pollock said there are three city representatives on the CanDo board. One is the mayor. One is Mr. Pollock. The other is a civilian representative appointed by the city who is Gary Sims.

Mr. Ratliff noted concerns about a conflict of interest with a primary advisor to the mayor having a \$48,000 annual contract with CanDo. He said that they are paying his salary twice. He does not understand how people do not see a complete problem with that.

Mr. Comstock explained that they have 5 sites currently being considered. 2 sites are within the city limits and are considered site ready. Three are in the county around the city. They may need sanitary sewer updates and may require annexation to acquire that service. They are trying to get sites certified to qualify for state money for infrastructure funding for utilities/sewers.

Jobs Ohio and site selectors will be here on 05/23 and he invited Council members to attend. They will be talking about the things they consider when considering a community.

Mr. Comstock explained that he is a full-time employee and spends about 40 hours working in Marion.

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Mr. Schaber stated that CanDo is currently operating at a deficit based on how he is reading their 990. Mr. Comstock said that the city and county are the two largest investors, but that they have a reserve to pull from. Mr. Comstock said that they have a reserve to pull from. They have always had a healthy reserve. They have had negative budgets.

Mr. Ratliff asked who created the budget. Mr. Comstock said that the board creates the budget. This will be the third year that revenue does not meet expenses. Mr. Ratliff asked if they budget to meet expenses. Mr. Comstock explained that they have a “hypothetical budget.” They will take money out of their reserves when there is something important that they need to do. In 2022, it looks like they budgeted a 32% increase in private money coming in to make the budget balanced and then none of that was realized. What do they have in reserves? CanDo has a healthy reserve. They are supposed to have about 6 months in reserves. They have about \$180,000 in reserve accounts. They spent about \$20-30,000 out of it last year. At some point, they have to grab some of that money and invest it and that is what they are doing now.

Mr. Ratliff said that it appears to him that when they sit down and look at the budget that the expenses are more than income, so they say they are going to get a 32% increase and it is sort of a hope more than a reality. So, the plan was never to invest or to do more with that. It was just to meet the daily expenses. If that trend continues and the reserves go down by \$20 or \$30,000 several years in a row, there is not going to be a reserve. Mr. Comstock said that is a risk they take if they want to be a winner. Mr. Ratliff said they are not investing in something new. They are just using it to meet daily expenses because they budgeted a 32% increase in private monies that they just hoped would come in that did not.

Mr. Ratliff emphasized that his biggest issue is his conflict with the service director. Government needs to stay out of conflicts, and the includes even the perception of conflict.

Mr. Comstock said that he and Denny typically work 8-5, however the job requires time in the field meeting with people. Mr. Ratliff commented that these are the same hours that the Service Director works at City Hall. Mr. Bodine said that he has worked for CanDo since March of 2023. He does not do work on City computers.

ORDINANCE 2024-008 HAD 2ND READING.

Item 3. [ORDINANCE 2024-032.pdf](#): ORDINANCE MAKING AN APPROPRIATION TO THE BUDGET OF THE PARKS DEPARTMENT (Bodine)

- [ORDINANCE 2024-032 SUPPLEMENT.pdf](#)
- Finance Committee -- Ms. Laing, chair -- 2-0.
- 2nd Reading
- EXPECTED AMENDMENT/ UPDATED BALANCES REQUESTED FROM AUDITOR: [ORDINANCE 2024-032 AUDITOR PROPOSED AMENDMENT.pdf](#)

The \$24,410.00 encumbered funds are related to McKinley Playground fire. It has been addressed in a carryover ordinance. It had not yet been booked in New World when Ordinance 2024-032 first went to committee and was not reflected in the balance.

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Mr. Ratliff made a motion to amend to \$64,000 to include playground and demolition/clean up and remaining balance amended to \$0 (under 100% budget with capital line items reduced to 0), Mr. Barr – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Naves – None

ORDINANCE 2024-032 AMENDED (9-0)

Mr. Barr made a motion to suspend, Mr. Smith – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Neff; Naves – Mr. Rollins

SUSPEND THREE READINGS (8-1)

Mr. Ratliff made a motion to adopt, Mr. Barr – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Naves – None

ORDINANCE 2024-032 ADOPTED (9-0)

Item 4. [ORDINANCE 2024-035.pdf](#): ORDINANCE MAKING APPROPRIATIONS IN THE BELOW LISTED LINE ITEMS FOR THE YEAR ENDING DECEMBER 31, 2024 (Auditor)

- Finance Committee -- Ms. Laing, chair -- 2-0.
- 2nd Reading
- EXPECTED AMENDMENT/ UPDATED BALANCES REQUESTED FROM AUDITOR

These are contracts entered into in 2023 and not yet complete. These are also at 25% of the budget. Updated numbers have not been provided by number. The council is uncertain whether they are all carryover contracts. Auditor has not provided clarification from 03/11/2024 council meeting.

Mr. Ratliff asked if there were other carryover contracts that should be considered like: the fire truck, Charles Harris, the basketball court at Lincoln Park, Blume Ditch. The fire truck had been asked about it before and an answer was expected. Auditor Meginness did not recall being asked and did not have an answer. She will look into it and get back with the council. Mr. Schaber also asked about a second packer and two ambulances (one in an accident, one bought used; lead time was two years). Mr. Schaber recalled appropriating funds and believes that it should be carried over. Ms. Laing said that there are also three buses that are ordered and appropriated for. Mr. Ratliff said that the city only pays a portion of those.

Mr. Ratliff said that the auditor's office should be tracking this and doing the ordinance. They are missing a large number of contracts. These are just things that the council can think of off the top of their heads. He speculates that there is a list in the auditor's office. Auditor Meginness said that she would check with the Deputy Auditor. Clerk Rose said that from the minutes of the last meeting said that there were questions as to whether the items in the ordinance were actually contracts and should even be carried over.

Mr. Schaber reminded the council that they have been dealing with this ordinance since the beginning of the year and have been promised answers at the "next meeting" since the beginning of the year.

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Ms. Laing asked if when you encumber something in 2022 is it carried over to 2023 and if it is not purchased in 2023 is it carried over to 2024 into the budget. Auditor Meginness said that is what she needs to check. Ms. Laing said that is not what she is seeing. Those are the things that need to be fixed before they can start spending money because they are spending money they do not have.

ORDINANCE 2024-035 HAD 2ND READING.

Item 5. [ORDINANCE 2024-036.pdf](#): ORDINANCE MAKING ADDITIONAL APPROPRIATIONS TO COVER EXPENSES FOR CASH RECONCILIATION WITH TYLER TECH FOR THE YEAR ENDING DECEMBER 31, 2024 (Auditor)

- Finance Committee -- Ms. Laing, chair -- 2-0.
- 2nd Reading
- EXPECTED AMENDMENT/ UPDATED BALANCES REQUESTED FROM AUDITOR

There are sufficient funds in this account line item to make this payment. The current balance at 50% is \$68,905 according to Auditor Meginness as of this morning. Ms. Laing explained how that balance was correct.

Mr. Rollins made a motion to deappropriate \$25,000 to Vorys from this line item. Mr. Ratliff said that we appropriated \$25,000 to handle appeals. The auditor came to the council and said they were under a deadline and needed to rush this. The council acted like they were supposed to. The auditor's office did not do anything about it. They did not contact Vory's. They did not do anything with it. They didn't pay any money. He has zero faith in the appeal that they filed. Mr. Rollins said have them come back for it. He does not want that \$25,000 sitting in that account available for them to use for something else.

Auditor Meginness provided a copy of the appeals that they sent in around the end of January/first of February on March 11 – Clerk Rose forwarded them to council. Mr. Ratliff said that he has public records requests outstanding with Auditor Meginness that are incomplete. She does not know what has appealed or abated and what has not. When they have so many cases with the IRS pending, they do not have a record of the cases that they have. There is confusion about credits that have been applied to other penalties. He would rather give the money to Vorys and have them track down the status of every penalty and assure that every single one has been appealed. They need help. Shame on the auditor's office for not doing the plan that they came to council with the plan that they came up with and that council approved. It is months later, and it still is not approved. He does not know how to make a motion to do this, because they did it three months ago. Mr. Rollins then stands by his motion then. Ms. Laing seconds Mr. Rollins' motion. This will be taken up later in the meeting.

Mr. Rollins retracted his motion.

Mr. Ratliff asked why they have \$100,000 budgeted in this line item anyway. Maybe they should zero this line item out and consider it on a case-by-case basis. This line item was \$800 four years ago.

Ms. Laing said that Veritas has some additional proposals for the city. Auditor Meginness has a proposal for 2022. Ms. Laing may have an additional proposal for 2023 and something related to utility billing.

Mr. Schaber made a motion to suspend, Mr. Pollock – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff, Naves – None

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SUSPEND THREE READINGS (9-0)

Mr. Pollock made a motion to adopt, Mr. Schaber – 2nd. Roll Call: Ayes -- Mr. Barr, Ms. Laing; Nays – Mr. Ratliff, Mr. Schaber, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff

ORDINANCE 2024-036 DEFEATED (2-7)

Item 6. [ORDINANCE 2024-039.pdf](#): ORDINANCE AUTHORIZING THE SAFETY DIRECTOR AND CHIEF OF POLICE TO ENTER INTO A MUTUAL AID AGREEMENT/CONTRACT WITH THE MARION COUNTY SHERIFF'S, DEPARTMENT AND DECLARING AN EMERGENCY (McDonald)

- Added to agenda by Mr. Neff, Mr. Pollock, and Ms. Laing
- [ORDINANCE 2024-039 SUPPLEMENT.pdf](#)
- [ORDINANCE 2024-039 SUPPLEMENT REVISED 20240318.pdf](#) (NO AMENDMENT REQUIRED)
- 2nd Reading

Chief McDonald explained some changes made to the mutual aid agreement made based on input from Ms. Laing. No amendment required as not part of legislation.

Mr. Rollins made a motion to suspend, Mr. Neff – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Prater, Mr. Rollins, Mr. Neff; Nays – Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Pollock

SUSPENSION FAILED (5-4)

NEW BUSINESS

Item 1. [ORDINANCE 2024-040.pdf](#): ORDINANCE APPROVING AND ADOPTING CITY OF MARION, OHIO SENIOR CENTER'S TITLE VI POLICY NUMBERED 2024-01 ON FILE IN THE SENIOR CENTER DEPARTMENT (Badertscher)

- Municipal Services -- Mr. Smith, chair -- 3-0

Mr. Smith made a motion to suspend Mr. Schaber – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

SUSPEND THREE READINGS (9-0)

Mr. Pollock made a motion to adopt, Mr. Prater – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

ORDINANCE 2024-040 ADOPTED (9-0)

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Item 2. [ORDINANCE 2024-041.pdf](#): ORDINANCE AUTHORIZING THE CITY OF MARION, THROUGH ITS SERVICE DIRECTOR, TO ENTER INTO AND PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION PROJECT INCLUDING BUT NOT LIMITED TO SR 423, AND DECLARING AN EMERGENCY (Bishop)

- Streets and Sewers -- Mr. Barr, chair -- 3-0

Mr. Prater made a motion to suspend, Mr. Smith – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

SUSPEND THREE READINGS (9-0)

Mr. Pollock made a motion to adopt, Mr. Smith – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

ORDINANCE 2024-041 ADOPTED (9-0)

Item 3. [ORDINANCE 2024-042.pdf](#): ORDINANCE MAKING APPROPRIATIONS IN THE BELOW LISTED LINE ITEMS FOR THE YEAR ENDING DECEMBER 31, 2024 (Robbins)

- Finance Committee -- Ms. Laing, chair -- 3-0.

This ordinance is related to changing the city's liability insurance. The former insurance ends on 03/31/2024. The balance available is incorrect, however the amount needed is an increase. Mr. Ratliff had questions about the police insurance premium balance as compared to 2024-044, which is different. Auditor Meginness gave a third balance as the correct balance. She did not know why it was incorrect on both ordinances.

Ms. Laing made a motion to suspend, Mr. Pollock – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

SUSPEND THREE READINGS (9-0)

Mr. Barr made a motion to adopt, Mr. Smith – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

ORDINANCE 2024-042 ADOPTED (9-0)

Item 4. [ORDINANCE 2024-043.pdf](#): ORDINANCE MAKING ADDITIONAL APPROPRIATIONS TO COVER CURRENT EXPENSE FOR THE YEAR ENDING DECEMBER 31, 2024 (Auditor) (HSA/Cobra)

- Finance Committee -- Ms. Laing, chair -- 3-0 (no recommendation)

Members had questions about how the HSA was not budgeted correctly by the Auditor at the beginning of the year. Numbers should be known. COBRA could vary based on individual circumstances. They think HSA should be funded under the 100% budget. However, Mr. Rollins recalled a conversation with Deputy Auditor Watts in November that caused him concern.

Mr. Pollock made a motion to amend to split out HSA and Cobra, Mr. Schaber – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

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ORDINANCE 2024-043 AMENDED (9-0)

[ORDINANCE 2024-043.pdf](#): ORDINANCE MAKING ADDITIONAL APPROPRIATIONS TO COVER CURRENT EXPENSE FOR THE YEAR ENDING DECEMBER 31, 2024, AS AMENDED (Auditor) (HSA/Cobra)
ORDINANCE 2024-043 HAD FIRST READING

Item 5. [RESOLUTION 2024-006.pdf](#): RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2024, AND DECLARING AN EMERGENCY (Bishop)

- Finance Committee -- Ms. Laing, chair -- 3-0.

Mr. Schaber made a motion to suspend, Mr. Rollins – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

SUSPEND THREE READINGS (9-0)

Mr. Rollins made a motion to adopt, Mr. Pollock – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

RESOLUTION 2024-006 ADOPTED (9-0)

MATTERS NOT ON THE AGENDA

Item 1. [ORDINANCE 2024-044.pdf](#): ORDINANCE MAKING ADDITIONAL APPROPRIATIONS NECESSARY AND OBLIGATED TO CONCLUDE THE CITY'S MEMBERSHIP IN THE OMJS, FOR YEAR ENDING DECEMBER 31, 2024 (Robbins)

1st -- Ms. Laing, 2nd -- Mr. Ratliff, 3rd – Mr. Rollins

Mr. Schaber made a motion to waive rule 56, Mr. Pollock – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

WAIVE RULE 56 COMMITTEE CONSIDERATION (9-0)

Mr. Schaber made a motion to suspend, Mr. Pollock – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

SUSPEND THREE READINGS (9-0)

Mr. Pollock made a motion to adopt, Mr. Schaber – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

ORDINANCE 2024-044 ADOPTED (9-0)

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Item 2. ORDINANCE 2024-046: ORDINANCE DEAPPROPRIATING \$25,000 FROM PROFESSIONAL SERVICES LINE ITEM 101.1010.5402 DESIGNATED FOR VORYS LEGAL COUNSEL IN THE AUDITOR’S OFFICE (GENERAL FUND) FROM THE CITY’S 2024 BUDGET

Add to Agenda: 1st Mr. Rollins, 2nd Ms. Laing, 3rd Mr. Ratliff

Mr. Schaber made a motion to waive rule 56, Mr. Pollock – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Naves – None

WAIVE RULE 56 COMMITTEE CONSIDERATION (9-0)

Mr. Rollins made a motion to suspend, Mr. Pollock – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Naves – None

SUSPEND THREE READINGS (9-0)

Discussion held regarding reducing line item even further.

Law Director Russell provided additional information about filing appeals. There were a series of emails in January that included Vory’s, the auditor, and Law Director Russell. The actual deadline to file the appeal is at least a year after the payment was made. The deadline was not January 31st. They did not want to take any chance, so they submitted a form. He believes that the best course is to use Vory’s. They have been successful in each case.

Mr. Ratliff said the problem is that they put it in there 90 days ago and they did not do anything. It was their plan, and they did not do anything. In the last three weeks, there was a phone conference with the attorney at Vorys and the auditor’s office. He does not know what was said or what Vorys intended to do or what the auditor said. That is not what was expressed to the committee at all. Auditor Meginness made no comment.

Mr. Schaber said that this was changed to cover all appeals. Mr. Pollock said that was the intent. He said they cannot wait a year. They need to file an appeal now.

Mr. Barr asked Auditor Meginness directly “Has Vorys been notified that we want them to file appeals on any and all penalties?” She replied yes, but they want the city to file the initial appeals. She has filed appeals on “every penalty that she was aware of at the time.” She has received the certificate for the 1095, but not for the 941 appeals.

Clerk Rose advised that there were four additional penalties that were identified this week that would need to be appealed. They have been provided to the auditor. Clerk Rose provided the information to the council. One was a penalty paid by a credit from Kelly Carr’s refund, plus three more that were paid out of the professional service line item. These were found through requests for information from the auditor’s office. Mr. Ratliff said that there are probably more. It is happenstance that council is finding these in information that they are getting from the auditor’s office. It is beyond reason that they are unaware that they exist. Mr. Ratliff and Ms. Laing said that they are not comfortable with Auditor Meginness representing the city on this.

Clerk Rose gave more information about what is paid out of professional services including advertising for the annual tax budget, background checks, bond counsel, and bonds for employees.

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Mr. Schaber asked how accounts can be spent in the negative and how they can purchase items in inappropriate accounts. He asked about checks and balances. Auditor Meginness said there is no stop for appropriate expenditures, other than supervisory approval. Clerks pay within their own department. The auditor's office, specifically the account clerk, is the only one who has access to penalties and interest. There is an approval process where a second employee approves the first employee's payment. She does not know the details of these particular transactions. Mr. Schaber asked how they get around negative line items. She said there is a warning that pops up, but she did not know the details and needed to look into it. She said that she did not get into the day-to-day stuff and did not know the details of the internal controls of these issues. Mr. Schaber said that it sounds like the deputy auditor can go into whatever line items he wants and pay a bill. At what point will the wishes of the council be taken seriously and followed? They are trying to do what is right. Mr. Pollock asked how they were getting to the point of a warning light. They need to review the budget performance report and ask for things in advance before a warning light.

Law Director Russell said that when they got the Landon penalty, they got an ordinance and approved the payment. They paid it now and recovered it later. Mr. Schaber reminded him that Mr. Landon did not come before them and ask for it. They are right back on the same path. The auditor is writing checks and hiding it. They cannot match up with appropriations.

Law Director Russell said that the auditor can request a transcript from the IRS as to what has occurred. Clerk Rose advised that Mr. Ratliff had made a public records request for that document earlier in the week or late last week and it was currently in the auditor's hands.

Mr. Ratliff said that people need to do their jobs, and this would not happen. There is a fiscal integrity act that is supposed to govern this. He brought this up in December and January. The auditor has not completed her training that was due by the end of her first term. They cannot expect her to have fiscal integrity if she does not care enough about it to complete the training. She does not care. It is infuriating. He is glad the majority of this city council is getting completely fed up with it and are taking some pretty drastic measures. It is all because the auditor's office is not doing their job.

In response to Mr. Ratliff, Auditor Meginness stated that her intention is to retain Vorys from the existing funds in this line item.

Mr. Rollins made a motion to adopt, Mr. Barr – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Rollins, Mr. Neff; Nays – Mr. Pollock

ORDINANCE 2024-046 ADOPTED (8-1)

Item 3. ORDINANCE 2024-047: ORDINANCE MAKING ADDITIONAL APPROPRIATIONS TO COVER CURRENT EXPENSES FOR THE YEAR ENDING DECEMBER 31, 2024

Add to Agenda: 1st Mr. Pollock, 2nd Mr. Schaber, 3rd Mr. Smith

Mr. Ratliff made a motion to waive rule 56, Mr. Schaber – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Nays – None

WAIVE RULE 56 COMMITTEE CONSIDERATION (9-0)

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Mr. Schaber made a motion to suspend, Mr. Pollock – 2nd. Roll Call: Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Naves – None

SUSPEND THREE READINGS (9-0)

Mr. Pollock made a motion to adopt, Mr. Schaber – 2nd. Roll Call: Ayes -- Mr. Barr, Mr. Ratliff, Mr. Schaber, Ms. Laing, Mr. Smith, Mr. Prater, Mr. Pollock, Mr. Rollins, Mr. Neff; Naves – None

ORDINANCE 2024-047 ADOPTED (9-0)

MATTERS NOT ON THE AGENDA

Mr. Ratliff has concerns that the Internal Auditor is not performing any function of internal auditing. Auditor Meginness has repeatedly stated that the bond for the Internal Auditor is \$250,000. However, it remains at \$100,000. Auditor Meginness stated that she has asked for the Internal Auditor to have it increased. She will follow-up on the status.

Mr. Ratliff asked about the Rudra Investment \$12,000 wire transfer possible scam. He asked Auditor Meginness to make a criminal report on 02/26/2024. She has taken no action.

OTHER MATTERS

COMMITTEE MEETINGS – 04/01/2024

- Regional Planning – Mr. Smith, chair – 4th Wednesday at 7 PM.

No other committees were called.

Ms. Laing stated that she will not call any finance committee meetings until she has answers, dates, corrected budgets, and an accurate and current budget performance report. Until that happens, she will not hold any more committee meetings. She will not hold meetings until she has answers. Clerk Rose said that they had pending requests for ordinances to open up fire damaged structures to the full amount of the liability.

Kenny Ballinger, Parks Department, said that they have sponsor money in a capital line item for the baseball field. He was advised to talk with the auditor and Ms. Laing so that they could separate that out and make it available. Mr. Ratliff said that there is a process to accept donations and it seems like it should be the same across departments.

ADJOURN

With no further business to come before Council, President Stoneburner adjourned the meeting at approximately 9:51 PM.

Mary Stoneburner
President of Council

Tarina R. Rose

MARION CITY COUNCIL REGULAR MEETING

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Clerk of Council