

March 5, 2024

The Board of Trustees of Marion Township, Marion County, Ohio met in a regular meeting. Mr. Ballinger called the meeting to order 5:30 pm with the following members and visitors present:

Mr. Larry Ballinger	Present	Ms. Karen McCleary	Present
Mr. Ben Creasap	Present	Ms. Sheila Perin	Present

EMPLOYEES: Mark McCleary, Ron Phillips, Chief Meddles, Brian Thomas, Darrin Hollenbaugh, Matt Wollett, Ryan Lovett

GUESTS: Tim Mooney, Sheriff Matt Bayes and Deputy Jamie Ralston

PUBLIC COMMENT: Tim Mooney was in attendance to introduce himself as a candidate for county commissioner.

Ms. McCleary made a motion to approve the minutes of the February 6, 2024 meeting. Mr. Creasap seconded the motion. Motion carried.

The fiscal officer reported the correspondence about MORE grant. The amount of the MORE grant is being increased from \$500 to \$1000.

OLD BUSINESS

Mr. Creasap reported that he visited the area of Dee Mackall's residence and also spoke with Cathy Walker of the county auditor's office. It appears that Ms. Mackall is being charged for two parcels for the lighting assessment. Mr. Creasap's recommendation is that for the three homes located at 1811, 1823 and 1843 Grandview only be charged for one parcel for the lighting assessment. Mr. Creasap made the motion; seconded by Ms. McCleary. Motion carried. Ms. Perin will adjust the correspondence that is sent in August for this to Cathy Walker

The county prosecutor's office discussed with Ms. McCleary that the township cannot prohibit panhandling in the township due to free speech. Ms. McCleary will contact the deputy with the Sheriff's Dept. and report her findings.

NEW BUSINESS

The resolution for the 2024 road paving invitation to bid was read:

**MARION TOWNSHIP RESOLUTION
NO. 2024-0305 (A)**

Resolution for Marion Township 2024 Road Paving project

IN THE MATTER OF A RESOLUTION AUTHORIZING THE BOARD OF MARION TOWNSHIP TRUSTEES TO TAKE BIDS AND ENTER INTO CONTRACTS FOR THE PURPOSE OF PARTICIPATING IN LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS.

WHEREAS, Marion Township is planning to make or perform several road improvements for 2024 and

WHEREAS, these infrastructure improvements are considered to be priority needs for the community and are qualified projects within the Marion Township Road Department rotation list and

WHEREAS, road paving costs have been projected and estimated by the Marion County Engineer's Office for 2024, and

WHEREAS, legal notice will be published for bidding of said roads in local newspaper and specifications will be available on the Marion Township Website, www.mariontwp.org and by contacting the Marion Township Fiscal Officer, and

THEREFORE, BE IT RESOLVED; that the Chairman of the board of Marion Township Trustees, Mr. Larry Ballinger is hereby authorized to enter into contract, on behalf of the board, with the lowest bidding contractor, and that Mr. Roger Dietrich, Consultant will be the contact person for the road paving project.

IT WAS MOVED BY; Karen McCleary, seconded by Ben Creasap to authorize the board of Marion Township Trustees to enter into contract for the purpose of participating in the local transportation improvement project.

Vote on motion: Mr. Ballinger, yes; Mr. Creasap, yes; Ms. McCleary, yes.

WHEREUPON the resolution was declared adopted this 5th day of March 2024 and that bid opening is scheduled for April 2, 2024 at 5:30pm, at the meeting of the Marion Township Trustee.

Ms. Perin and Chief Meddles attended an insurance meeting with Dostel and Kirk and Craig Huebner, a rep from OTARMA. The group reviewed changes to the township's insurance coverage and Mr. Huebner recommended that Marion Township participate in a faithful performance of duty in lieu of separate bonds for each elected official. Resolution was read as follows:

Resolution No. 2024-0305(B)

WHEREAS Marion Township, Marion County is a member of the Ohio Township Association Risk Management Authority (OTARMA), a political subdivision risk pool established pursuant to Ohio Revised Code hereinafter "ORC" 2744.081;

WHEREAS in accordance with ORC 3061, the township must adopt a policy by resolution to allow the use of an "employee dishonesty and faithful performance of duty" coverage document, rather than a surety bond, to cover loss by fraudulent or dishonest actions of employees and failure of employees to faithfully perform duties; the following shall apply to the policy:

1. An officer, employee, or appointee shall be considered qualified to hold the office or employment, without acquiring a bond, on the date the oath of office is taken, certified, and filed as required by law.
2. An officer, employee, or appointee shall have the employee dishonesty and faithful performance of duty policy in effect before the individual's term of office or employment and the officer, employee or appointee shall not commence the discharge of duties until coverage is documented.
3. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.
4. The coverage amount for an officer, employee, or appointee under an employee dishonesty and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law.
5. Elected officials, prior to taking the oath of office and holding office, shall obtain approval of the intent to use the township's OTARMA coverage agreement and affirm that the township's coverage complies with ORC 3061. Said approval shall be obtained by the Marion Township, Marion County.

WHEREAS, Marion Township, Marion County’s “employee dishonesty and faithful performance of duty policy” through the OTARMA coverage document complies with ORC 3061; and

NOW THEREFORE BE IT RESOLVED, that on this 5th day of March 2024, the Marion Township, Marion County hereby authorizes the township to purchase and use “employee dishonesty and faithful performance of duty policy” through OTARMA instead of individual surety bonds for officers, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties.

Ms. Perin asked for approval of the permanent appropriation resolution.

The ***Board of Trustees*** of Marion Township, in Marion County

Ohio met in regular session on the 5th day of March, 2024 with the following members present:

Larry Ballinger Ben Creasap Karen McCleary

Ms. McCleary moved the adoption of the following Resolution:

BE IT RESOLVED by the *Board of Trustees* of Marion Township,

Marion County Ohio that to provide for the current expenses and

other expenditures of said Board of Trustees, during the fiscal year, ending ***December 31, 2024***,

the following sums be and the same are hereby set aside and ***appropriated*** for the several purposes

for which expenditures are to be made for and during said fiscal year, as follows, viz:

Mr. Thomas seconded the **Resolution** and the

roll being called upon its adoption the vote resulted as follows:

Mr. Ballinger, yes; Mr. Creasap, yes; Ms. McCleary, yes;

Adopted March 5, 2024

Mark McCleary stated there is nothing in the zoning that has to do with the proposed Wheeler Drive condos.

A resolution was read limiting the number of future marijuana dispensary locations.

RESOLUTION 2024-0305

A RESOLUTION TO LIMIT ADULT USE CANNABIS OPERATORS WITHIN THE UNINCORPORATED AREA OF MARION TOWNSHIP, MARION COUNTY

WHEREAS, on November 7, 2023, voters in Ohio approved State Issue 2, which enacts new Chapter 3780 of the Ohio Revised Code, effective thirty (30) days from the date of election, and

WHEREAS, Chapter 3780 authorizes and regulates recreational adult-use cannabis in the state of Ohio; and

WHEREAS, O.R.C. 3780.25 authorizes townships to limit the number of adult-use cannabis operators (as defined in O.R.C. 3780.01) within the unincorporated area of the township; and

WHEREAS, the Marion Township Board of Trustees finds it to be in the best interest of the township to limit adult-use cannabis operators licensed under O.R.C. Ch. 3780 within the unincorporated area of the township.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. All terms used in this resolution shall be defined in the same manner as O.R.C. Chapter 3780 as it pertains to adult-use cannabis. All terms used in this resolution but not defined in those chapters shall be construed, for purposes of this resolution, in a manner to be consistent with the use of such terms in both chapters
2. Adult use cannabis operators, which includes adult-use marijuana dispensaries, cultivators, and processors, are hereby limited to no more than one (1) operating within the unincorporated area of Marion Township, Marion County, Ohio

THE AFORESAID matter came before the Board of Trustees on March 5, 2024 for consideration. Mr. Ballinger, Trustee, made a motion to approve the resolution regarding limiting the number of adult-use cannabis operators to one (1) in the unincorporated area of Marion Township, Marion County, Ohio. The motion was seconded by Mr. Creasap.

Roll call as follows: Mr. Ballinger, yes; Mr. Creasap, yes; Ms. McCleary, yes. Motion carried unanimously.

Adopted the 5th day of March, 2024.

Committee Reports

Zoning

24-3-10-R-1	11-Mar-2024	Garage	\$50.00	Thomas Ford	1758 Harris Dr.
24-3-18-R-1	18-Mar-2024	Fence	\$50.00	Sydney Cunningham	481 Mayfield Dr.
24-3-18-R-2	18-Mar-2024	Fence	\$50.00	Carl Barandi	2437 East Dr.

Road Department

Cleared roads from limbs (high winds)
Pothole patched Edgefield, Merkel , Lindbergh, Westminster ,Woodrow, American, and Lexington
Washed trucks
Spot berm all township
Cut brush on Bryant St.
Put new signs on Ducor, Arlington, and Christian St.
Jet clogged pipe on Brookpark, Forest hill, Ducor(Pickens)
Fixed signs on Phoenix Dr.
Two days of snow and ice

Fire Department

Chief Meddles discussed proceeding with the levy for the November 2024 ballot.

A motion was made by Mr. Ballinger to exit out of regular session and enter into executive session for personnel; seconded by Mr. Creasap. Adjourned out of regular session and entered in executive session at 6:41 pm.

A motion was made by Mr. Ballinger and seconded by Ms. McCleary to adjourn out of executive session and re-enter into regular session at 6:57 pm.

A motion was made by Ms. McCleary and seconded by Mr. Creasap to place Jon Van Hesteren on administrative leave immediately until further notice.

With no further business to discuss, Mr. Ballinger made a motion to adjourn; Mr. Creasap seconded. The motion carried and the meeting adjourned at 7:00 pm

_____	Ms. Larry Ballinger, Chairman
_____	Mr. Ben Creasap, Vice-Chairman
_____	Ms. Karen McCleary, Trustee
_____	Ms. Sheila Perin, Fiscal Officer

All formal actions of the Board of Trustees of Marion Township concerning and relating to the adoption of resolutions and /or motions passed at this meeting were adopted in the meeting open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.