

ORDINANCE NO. 1998 - 1

ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. To provide for the current expenses and transfers and other expenditures of the City of Marion, Ohio during the fiscal year ending December 31, 1998, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 246,384
Salaries - Uniformed	2,135,000
Benefits	915,154
Accrued Pension	35,461
Quartermaster	44,947
Travel	9,000
Schooling	35,000
Service Contracts	18,500
Equipment Lease	8,000
Equipment Maintenance	35,000
Insurance	65,000
Supplies	30,000
Fuel & Lubricants	38,000
Professional Service	23,000
Special Training	1,500
Membership Dues	1,200
Subscriptions/Publications	4,000
Equipment	135,000
Third Grade Seat Belt Program	1,000
Legal Ads	1,600
Unclaimed Vehicles	<u>2,000</u>

Total Police Department\$3,784,746

Jail Facility

Salaries	\$ 113,520
Benefits	38,632
Quartermaster	1,200
Travel	500
Schooling	2,500
Prisoner Housing	7,500
Prisoner Sustenance	22,800
Equipment Maintenance	2,500
Prisoner Medical Expense	10,000
Supplies	4,000
Subscriptions/Publications	250
Equipment	<u>15,000</u>

Total Jail Facility \$ 218,402

Dispatch Department

Salaries	\$ 262,030
Benefits	97,280
Quartermaster	2,500
Travel	1,500
Schooling	13,000
Service Contracts	28,600
Equipment Maintenance	7,000
Equipment	7,482
Membership Dues	300
Subscriptions/Publications	<u>325</u>

Total Dispatch Department \$ 420,017

Fire Department

Salaries - Civilian	\$ 26,936
Salaries - Uniformed	2,592,957
Benefits	1,190,154
Accrued Pension	50,275
Quartermaster	34,320
Travel	3,000
Schooling	17,800
Utilities	48,307
Service Contracts	5,705
Equipment Maintenance	31,000
Building Maintenance	17,500
Insurance	30,000
Supplies	20,000
Fuel & Lubricants	11,330
Professional Service	6,000
Membership Dues	1,000
Subscriptions/Publications	2,000
Equipment	20,000
Capital Improvements	15,000
EMS (ODPS) Grant	<u>3,280.78</u>

Total Fire Department \$4,126,564.78

Disaster Services

City Share	\$ <u>12,000</u>
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Total Disaster Services \$ 12,000

Recreation Department

Salaries	\$ 74,776
Benefits	29,185
Travel	500
Professional Service	57,000
Insurance	3,500
Supplies	23,250
Utilities	10,000
Equipment Maintenance	3,000
Fuel	750
Equipment	10,000
Postage	2,600
Membership Dues	250
Subscriptions/Publications	200
Schooling	600
Capital Improvements	<u>6,000</u>

Total Recreation Department \$ 221,611

Senior Citizens Department

Salaries	\$ 77,000
Benefits	38,052
Utilities	21,780
Building Maintenance	5,000
Insurance	4,000
Professional Service	1,500
Equipment Maintenance	500
Equipment	<u>22,225</u>

Total Senior Citizens Dept. \$ 170,057

Planning Department

Marion Regional Planning	\$ <u>42,100</u>
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Total Planning Department \$ 42,100

Economic Development Department

Professional Service	\$ <u>9,888</u>
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Total Economic Development \$ 9,888

Street Lighting

Utilities	\$ <u>102,000</u>
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Total Street Lighting \$ 102,000

Parking Meter Department

Taxes	\$ <u>1,300</u>
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Total Parking Meter Dept. \$ 1,300

Airport

Salaries	\$ 108,493
Benefits	37,596
Travel	1,200
Utilities	31,000
Service Contracts	7,000
Equipment Maintenance	6,000
Land/Bldg. Maintenance	38,300
Insurance	4,000
Taxes	3,100
Supplies	8,000
Fuel & Lubricants	2,500
Membership Dues	650
Professional Services	20,000
Postage	300
Subscriptions/Publications	700
Equipment	10,000
Quartermaster	300
Janitorial Service	3,000
Schooling	<u>1,000</u>

Total Airport Operations. \$ 283,139

Mayor

Salaries	\$ 81,404
Benefits	22,435
Travel	2,000
Professional Service	1,200
Supplies	1,200
Utilities	400
Service Contracts	1,800
Membership Dues	100
Subscriptions/Publications	250
Schooling	<u>350</u>

Total Mayor's Office. \$ 111,139

Auditor

Salaries	\$ 183,876
Benefits	71,000
Travel	500
Professional Services	5,000
Service Contracts	15,000
Supplies	7,000
Subscriptions/Publications	2,500
Schooling	2,500
Membership Dues	300
Equipment	<u>7,400</u>

Total Auditor's Office. \$ 295,076

Income Tax

Salaries	\$ 124,940
Benefits	46,422
Travel	400
Professional Services	7,200
Supplies	13,000
Postage	5,450
Service Contracts	2,000
Schooling	3,400
Membership Dues	50
Subscriptions/Publications	800
Equipment	<u>3,000</u>

Total Income Tax Office \$ 206,662

Treasurer

Salary	\$ 5,780
Benefits	1,174
Professional Services	600
Supplies	<u>300</u>

Total Treasurer's Office \$ 7,854

Law Director

Salaries	\$ 147,374
Benefits	59,416
Travel	500
Professional Services	2,500
Supplies	2,500
Schooling	2,000
Membership Dues	500
Subscriptions/Publications	2,400
Equipment	<u>3,000</u>

Total Law Director's Office \$ 220,190

Human Resource Director

Salaries	\$ 68,753
Benefits	21,972
Travel	1,000
Professional Services	17,000
Supplies	4,500
Membership Dues	150
Subscriptions/Publications	1,500
Schooling	1,200
Equipment	1,000
Service Contract	<u>600</u>

Total Human Resource Dir's Office \$ 117,675

Safety/Service Director

Salaries	\$ 79,910
Benefits	31,640
Travel	600
Professional Services	5,000
Supplies	3,500
Demolition	25,000
Burials	5,000
Schooling	900
Service Contracts	2,000
Membership Dues	300
Litter Control	2,000
Subscriptions/Publications	400
Equipment	<u>2,400</u>

Total Safety/Service Dir's Office.\$ 158,650

Civil Service Commission

Salaries	\$ 4,100
Benefits	983
Professional Services	5,000
Supplies	<u>1,000</u>

Total Civil Service Commission.\$ 11,083

City Council

Salaries	\$ 65,570
Benefits	15,787
Travel	550
Membership Dues	3,500
Legal Advertising	2,500
Supplies	1,200
Schooling	400
Contract Services	<u>5,200</u>

Total City Council.\$ 94,707

Municipal Court

Salaries	\$ 366,000
Benefits	122,646
Travel	1,000
Professional Services	11,000
Service Contracts	2,000
Equipment Maintenance	2,000
Supplies	19,000
Fuel & Lubricants	800
Utilities	2,000
Membership Dues	620
Subscriptions/Publications	2,400
Schooling	1,000
Equipment	<u>18,700</u>

Total Municipal Court.\$ 549,166

City Hall

Salaries	\$ 57,500
Benefits	22,650
Utilities	144,000
Custodial Service	15,000
Postage Meter	44,000
Building Maintenance	23,000
Insurance	36,000
Supplies	10,000
Service Contracts	13,000
Professional Service	500
Capital Improvements	7,000
Equipment Lease	6,000
Property Tax	400
Equipment	7,000
Clothing	<u>350</u>

Total City Hall \$ 386,400

Engineering Department

Salaries	\$ 204,663
Benefits	64,494
Travel	700
Equipment Maintenance	1,000
Supplies	2,100
Fuel & Lubricants	1,000
Membership Dues	20
Subscriptions/Publications	300
Equipment	4,200
Schooling	1,800
Professional Services	200
Tree Care	9,000
Service Contracts	600
Clothing	<u>350</u>

Total Engineering Department \$ 290,427

Statutory Accounts

Election Expense	\$ 20,000
Examiner Fees	30,000
City Auditor/Treasurer Fees	25,000
Income Tax Refunds	<u>230,000</u>

Total Statutory Accounts \$ 305,000

Transfers

DARE Grant	\$ 82,653	
Youth Center	137,000	
COPS Fast	57,723	
Bond Retirement	180,000	
Health	380,000	
Transit	140,000	
Swimming Pool	40,000	
SCMR	593,225	
Storm Water Utility	55,000	
Capital Improvement	270,000	
Parks	355,000	
Law Enforcement Block Grant	<u>3,318.62</u>	
<i>Total Transfers</i>		\$ 2,293,919.62
<u>Total General Fund</u>		\$14,439,773.40

SENIOR CITIZENS III-B GRANT FUND

Administration	\$ 2,102.78
Salaries	35,471
Travel	2,200
Utilities	1,650
Equipment Maintenance	2,500
Vehicle Leases	7,200
Supplies	3,975
Fuel & Lubricants	7,500
Schooling	200
Postage	950
Equipment	250
Professional Services	<u>3,000</u>

Total Sr. Citizens III-B Grant Fund \$ 66,998.78

SENIOR CITIZENS III-D GRANT FUND

Salaries	\$ <u>2,394</u>
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Total Sr. Citizens III-D Grant Fund \$ 2,394

STATE BLOCK GRANT FUND

Salaries	\$ <u>22,278</u>
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Total State Block Grant Fund \$ 22,278

STREET CONSTRUCTION MAINTENANCE & REPAIR FUND

Traffic Maintenance

Utilities	\$ 35,000
Equipment Maintenance	16,290
Supplies	24,000
Equipment	<u>1,000</u>

Total Traffic Maintenance \$ 76,290

Street Maintenance

Salaries	\$ 770,181
Benefits	272,000
Clothing Allowance	7,800
Travel	600
Professional Services	3,000
Service Contracts	1,000
Equipment Maintenance	30,000
Permissive Auto Tax	173,000
Insurance	27,000
Supplies	156,000
Fuel & Lubricants	18,500
Equipment	17,000
Streetscape	10,000
Schooling	2,000
Utilities	14,500
Land & Building Maintenance	3,000
Resurfacing Projects	<u>108,554</u>

Total Street Maintenance \$ 1,614,135

TOTAL SCMR FUND \$ 1,690,425

STATE HIGHWAY IMPROVEMENT FUND

Supplies	\$ 10,000
Professional Services	<u>60,000</u>

Total State Highway Improvement \$ 70,000

COURT COMPUTERIZATION FUND

Supplies	\$ 10,000
Professional Services	10,000
Service Contracts	10,000
Equipment	<u>5,000</u>

Total Court Computerization Fund \$ 35,000

COPS FAST FUND

Salaries	\$ 123,962
Benefits	<u>43,761</u>

Total COPS Fast Fund \$ 167,723

LAW ENFORCEMENT BLOCK GRANT FUND

FY96 Equipment	\$ 6,604.20
FY97 Equipment	<u>26,576</u>

Total Law Enf. Block Grant Fund \$ 33,180.20

HEALTH FUND

Administration

Salaries	\$ 232,079
Benefits	79,000
Travel	2,000
Professional Services	6,400
Service Contracts	2,100
Equipment Maintenance	525
Supplies	6,050
Fuel & Lubricants	300
State Reimbursements	20,000
Insurance	6,000
Books/Publications	450
Dues & Memberships	600
Schooling	3,000
Equipment	3,643
Land & Building Maintenance	3,000
Utilities	<u>5,000</u>

Total Health Administration \$ 370,147

Inspection

Salaries	\$ 109,262
Benefits	34,839
Travel	2,800
Professional Services	2,000
Weed Control	10,000
Blight Control	13,000
Mosquito Control	2,500
Supplies	2,500
Fuel & Lubricants	1,000
Insurance	500
Schooling	500
Dues	200
Equipment	<u>493</u>

Total Health Inspection \$ 179,594

TOTAL HEALTH FUND \$ 549,741

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 165,911
Benefits	59,390
Travel	638
Equipment Maintenance	975
Supplies	4,542
Utilities	1,680
Janitorial Services	3,720
Postage	1,800
Membership Dues	<u>25</u>

Total WIC Fund \$ 238,681

D.A.R.E. GRANT FUND

Salaries	\$ 73,195
Benefits	<u>30,581</u>
<i><u>Total DARE Grant Fund</u></i>	\$ 103,776

PARKS FUND

Salaries	\$ 139,723
Benefits	64,337
Clothing Allowance	1,625
Travel	100
Utilities	18,000
Service Contracts	1,000
Equipment Maintenance	16,000
Land/Bldg. Maintenance	14,500
Insurance	6,000
Supplies	7,000
Fuel & Lubricants	4,500
Professional Service	15,000
Equipment	15,000
ODNR Grant	36,550
Resurfacing Projects	<u>15,000</u>
<i><u>Total Parks Fund</u></i>	\$ 354,335

ENFORCEMENT AND EDUCATION FUND

Professional Services	\$ 2,600
Supplies	3,500
Reimbursements	13,000
Equipment	<u>2,000</u>
<i><u>Total Enforcement & Education Fund</u></i>	\$ 21,100

INDIGENT ALCOHOL DRIVER FUND

Professional Services	\$ <u>75,000</u>
<i><u>Total Indigent Alcohol Driver Fund</u></i>	\$ 75,000

HEALTH LICENSE FUND

Trailer Park	\$ 450
Food Service	29,810
Vending Machines	1,463
Swimming Pool	2,530
Infectious Waste	250
Solid Waste	<u>3,175</u>
<i><u>Total Health License Fund</u></i>	\$ 37,678

HOME HEALTH SERVICE FUND

Reimbursements	\$ 7,500
<i>Total Home Health Service Fund.</i>	<i>.....\$ 7,500</i>

EARLY INTERVENTION GRANT FUND

Salaries	\$ 49,390
Benefits	13,677
Supplies	1,715
Schooling	1,500
Utilities	2,400
Postage	200
Travel	1,200
Professional Services	4,220
Equipment	<u>750</u>
<i>Total Early Intervention Grant Fund.</i>	<i>.....\$ 75,052</i>

OHIO EARLY START FUND

Salaries	\$ 20,517
Benefits	6,515
Travel	1,000
Schooling	2,000
Supplies	3,000
Reimbursements	<u>10,000</u>
<i>Total Ohio Early Start Fund.</i>	<i>.....\$ 43,032</i>

WELLNESS BLOCK GRANT FUND

Salaries	\$ 17,996
Benefits	4,348
Travel	1,000
Schooling	1,000
Supplies	2,409.20
Reimbursements	<u>2,000</u>
<i>Total Wellness Block Grant Fund.</i>	<i>.....\$ 28,753.20</i>

PREVENTIVE HEALTH CARE GRANT FUND

Salaries	\$ 8,736
Benefits	3,118
Travel	300
Schooling	400
Professional Services	1,500
Supplies	376
Postage	<u>200</u>
<i>Total Preventive Health Care Grant Fund.</i>	<i>.....\$ 14,630</i>

CHIP GRANT FUND

Private Rehab	\$ 39,874
Administration	15,847.19
Implementation	6,650
Rental Rehab	16,501.02
Rental Assistance	50,500
Emergency Rehab	<u>31,110</u>
<i>Total CHIP Fund</i>	..... \$160,482.21

RENTAL REHABILITATION FUND

Implementation	\$ 480
Emergency Rehab	<u>2,582.65</u>
<i>Total Rental Rehabilitation Fund</i>	..... \$ 3,062.65

REVOLVING FUND

Administration	\$ 1,000
Revolving Loans	<u>4,591.50</u>
<i>Total Revolving Fund</i>	..... \$ 5,591.50

FORMULA GRANT FUND

Private Rehab	\$ 87,000
Administration	27,000
Public Service	31,000
Fair Housing	1,000
Parks & Recr. Facilities	30,000
Architectural Barrier Rem.	<u>30,000</u>
<i>Total Formula Grant Fund</i>	..... \$ 206,000

UDAG LOAN REPAYMENT FUND

Professional Services	\$ 32,500
Revolving Loans	<u>85,000</u>
<i>Total UDAG Loan Repayment Fund</i>	..... \$ 117,500

HOME PROGRAM GRANT FUND

Emergency Rehab	\$ 4,508
<i>Total Home Program Grant Fund</i>	..... \$ 4,508

YOUTH CENTER FUND

Capital Improvements	\$ 8,000
 <i>Total Youth Center Fund</i> \$ 8,000	

STORM SEWER IMPROVEMENT FUND

Professional Services CP017A	\$ 7,220
Capital Improvements CP017A	<u>940,000</u>
 <i>Total Storm Sewer Imp. Fund</i> \$ 947,220	

INDUSTRIAL DEPOT SANITARY SEWER FUND

Professional Services CP018A	\$ 10,000
Capital Improvements CP018A	<u>690,000</u>
 <i>Total Ind. Depot San. Sewer Fund</i> \$ 700,000	

TRANSIT FUND

Salaries	\$ 319,000
Benefits	122,000
Travel	200
Utilities	32,000
Professional Services	3,000
Service Contracts	2,000
Equipment Maintenance	21,000
Land/Bldg. Maintenance	4,800
Insurance	13,000
Supplies	8,000
Fuel & Lubricants	40,000
Schooling	1,000
Membership Dues	500
Subscriptions/Publications	500
Legal Advertising	<u>750</u>
 <i>Total Transit Fund</i> \$ 567,750	

SEWER SYSTEM IMPROVEMENT FUND

G.O. Bond Interest	\$ 8,400
G.O. Bond Principal	40,000
OWDA Loan	<u>186,000</u>
 <i>Total Sewer System Imp. Fund</i> \$ 234,400	

SEWER REPLACEMENT FUND

Transfer to Ind. Depot Sewer	\$ 210,000
Equipment Maintenance	50,000
Land/Building Maintenance	400,000
Equipment	400,000
Capital Improvements	<u>362,000</u>

Total Sewer Replacement Fund \$ 1,422,000

SEWER REVENUE FUND**Water Pollution Control**

Salaries	\$ 995,456
Benefits	350,933
Clothing Allowance	8,375
Travel	3,000
Utilities	495,000
Professional Services	150,000
Equipment Maintenance	43,200
Land/Building Maintenance	20,000
Insurance	47,000
Supplies	386,000
Fuel & Lubricants	21,630
Equipment	84,150
Postage	375
Refunds	1,000
Transfer-Replacement	200,000
Transfer-Utility Billing	84,408
Subscriptions/Publications	1,600
Schooling	8,000
Dues	500
Capital Improvements	<u>5,000</u>

TOTAL SEWER REVENUE FUND \$ 2,905,627

SANITATION FUND**Refuse Collection**

Salaries	\$ 501,809
Benefits	175,800
Clothing Allowance	5,200
Equipment Maintenance	25,000
Insurance	22,000
Supplies	23,000
Fuel & Lubricants	40,000
Yard Waste Fees	42,000
Refunds	1,000
Transfer-Utility Billing	84,408
Service Contracts	2,000
Solid Waste Transfer Expense	432,000
Professional Service	8,000
Capital Equipment	2,500
Schooling	3,000
Travel	500
Building Rent	12,000
Capital Improvements	<u>7,500</u>

TOTAL SANITATION FUND \$ 1,387,717

LANDFILL MONITORING FUND

Utilities	\$ 5,000
Supplies	5,000
Professional Services	70,000
OWDA Loan	<u>205,075</u>
<i>Total Landfill Monitoring Fund</i>	..... \$ 285,075

RECYCLING FUND

Salaries	\$ 113,410
Benefits	45,850
Equipment Maintenance	10,000
Insurance	3,200
Supplies	5,000
Fuel	8,500
Clothing Allowance	975
Transfer Utility Billing	11,509
Refunds	300
Schooling	2,000
Professional Services	1,000
Comingling Expense	<u>12,500</u>
<i>Total Recycling Fund</i>	..... \$ 214,244

STORM WATER UTILITY FUND

Salaries	\$ 80,065
Benefits	28,131
Clothing Allowance	650
Equipment Maintenance	20,100
Equipment Lease	20,000
Supplies	58,000
Equipment	9,054
Transfer Utility Billing	<u>11,509</u>
<i>Total Storm Water Utility Fund</i>	..... \$ 227,509

SWIMMING POOL FUND

Salaries	\$ 37,000
Benefits	7,000
Utilities	10,000
Equipment Maintenance	5,000
Land/Building Maintenance	5,000
Insurance	900
Supplies	25,000
Schooling	500
Professional Services	1,300
Equipment	6,200
Capital Improvements	<u>6,000</u>
<i>Total Swimming Pool Fund</i>	..... \$ 103,900

NW INTERCEPTOR IMPROVEMENT FUNDOPWC Loan No. CP522 \$ 35,000*Total NW Interceptor Imp. Fund.* \$ 35,000**UTILITY BILLING FUND**

Salaries	\$ 96,768
Benefits	34,445
Travel	250
Professional Services	6,000
Supplies	8,500
Service Contracts	21,000
Equipment Lease	2,100
Postage	17,000
Schooling	4,100
Publications	150
Equipment	<u>1,525</u>

Total Utility Billing Fund. \$ 191,838**EVELYN E. WALTER TRUST FUND**Recreation Expense \$ 2,800*Total Evelyn E. Walter Trust Fund.* \$ 2,800**STATE PATROL FINES AGENCY FUND**State Patrol Fines \$ 115,000*Total State Patrol Agency Fund.* \$ 115,000**STREET CUT DEPOSIT TRUST FUND**

Pavement Bond Refund	\$ 10,000
Excavation Bond Refund	<u>15,000</u>

Total Street Cut Deposit Trust Fund. \$ 25,000**YOUTH RECREATION TRUST FUND**Recreation Expense \$ 5,000*Total Youth Recreation Trust Fund.* \$ 5,000

SENIOR CITIZENS TRUST FUND

Senior Citizens Program \$ 18,000
Total Sr. Citizens Trust Fund. \$ 18,000

POLICE & FIREMEN PENSION AGENCY FUND

Transfers-General \$ 167,726
Total Police/Firemen Pens. Ag Fund. \$ 167,726

SAFETY PATROL TRUST FUND

Safety Patrol Program \$ 4,000
Total Safety Patrol Trust Fund. \$ 4,000

LAW ENFORCEMENT TRUST FUND

Law Enforcement \$ 6,000
Total Law Enforcement Trust Fund. \$ 6,000

SAFETY CITY TRUST FUND

Safety City \$ 3,300
Total Safety City Trust Fund. \$ 3,300

PARKING METER AGENCY FUND

Henney & Cooper \$ 5,000
Courthouse 5,000
Total Parking Meter Agency Fund. \$ 10,000

FIRE DAMAGED STRUCTURE TRUST FUND

Insurance Proceeds \$ 50,000
Total Fire Dmg Structure Trust Fund. \$ 50,000

SMOKE DETECTOR FUND

Smoke Detectors	\$ 5,000	
<i>Total Smoke Detector Fund</i>		\$ 5,000

S.A. BOND RETIREMENT FUND

S.A. Bond Interest	\$ 17,282	
S.A. Bond Principal	<u>35,000</u>	
<i>Total S.A. Bond Retirement Fund</i>		\$ 52,282

ROTARY AGENCY FUND

Pass-Thru Payments	<u>\$ 50,000</u>	
<i>Total Rotary Agency Fund</i>		\$ 50,000

GRAND TOTAL\$31,142,723.06

SUMMARY OF FUNDS

Reimbursements

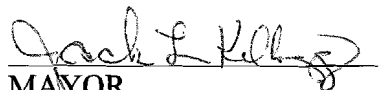
<i>Fund</i>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
General	\$11,915,853.78	\$230,000	\$2,293,919.62	\$14,439,773.40
Sr. Cit. III-B Grant	66,998.78			66,998.78
Sr. Cit. III-D Grant	2,394			2,394
State Block Grant	22,278			22,278
SCMR	1,690,425			1,690,425
State Highway Improvement	70,000			70,000
Court Computerization	35,000			35,000
COPS Fast Grant	167,723			167,723
Law Enf. Block Grant	33,180.20			33,180.20
Health	529,741	20,000		549,741
WIC Grant	238,681			238,681
D.A.R.E Grant	103,776			103,776
Parks	354,335			354,335
Enforcement & Education	8,100	13,000		21,100
Indigent Alcohol Driver	75,000			75,000
Smoke Detector	5,000			5,000
Health License		37,678		37,678
Home Health Service		7,500		7,500
Early Intervention Grant	75,052			75,052
Ohio Early Start Grant	33,032	10,000		43,032
Wellness Block Grant	26,753.20	2,000		28,753.20
Preventive Health Care Grant	14,630			14,630
CHIP Grant	160,482.21			160,482.21
Rental Rehab	3,062.65			3,062.65
Revolving Loan	5,591.50			5,591.50
Formula Grant	206,000			206,000
UDAG Loan Repayment	117,500			117,500
Home Program Grant	4,508			4,508
Housing Revolving Loan	920			920
Underground Storage Tank	11,000			11,000
G.O. Bond Retirement	2,059,266			2,059,266
Capital Improvement	705,354.12			705,354.12
Airport Industrial Park	13,000			13,000
Softball Field Improvement	6,000			6,000
Dual Rail Ind. Park Infrastructure	28,600			28,600
Youth Center	8,000			8,000
Storm Sewer Improvement	947,220			947,220
Industrial Depot Sanitary Sewer	700,000			700,000
Marion Area Transit Grant	567,750			567,750
Sewer System Improvement	234,400			234,400
Sewer Replacement	1,212,000		210,000	1,422,000
Sewer Revenue	2,620,219	1,000	284,408	2,905,627
Sanitation	1,302,309	1,000	84,408	1,387,717
Landfill Monitoring	285,075			285,075
Recycling	202,435	300	11,509	214,244
Storm Water Utility	216,000		11,509	227,509
Swimming Pool	103,900			103,900
NW Interceptor Improvement	35,000			35,000
Utility Billing	191,838			191,838
Evelyn E. Walter Trust	2,800			2,800
State Patrol Agency	115,000			115,000
Street Cut Deposit Trust		25,000		25,000
Youth Recreation Trust	5,000			5,000
Senior Citizens Trust	18,000			18,000
Police & Firemen Pension			167,726	167,726
Safety Patrol Trust	4,000			4,000
Law Enforcement Trust	6,000			6,000
Safety City Trust	3,300			3,300
Parking Meter Agency	10,000			10,000
Fire Damaged Structure Trust	50,000			50,000
S.A. Bond Retirement	52,282			52,282
Rotary Agency	50,000			50,000
GRAND TOTAL	\$27,731,765.44	\$347,478	\$3,063,479.62	\$31,142,723.06

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: January 5, 1998

APPROVED: January 6, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998 - 110ORDINANCE AMENDING MARION CODIFIED ORDINANCE
CHAPTER 760 RELATING TO TAXICABS TO INCLUDE
CHAUFFEURED LIMOUSINES.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Chapter 760 of the Codified Ordinances, now reading in part as follows:

§ 760.01 DEFINITIONS.

“TAXICAB COMPANY. Any motor transportation company which is a corporation, company, association, joint stock association, firm, person or copartnership, their licensees, lessees, personal or legal representatives, trustee, receivers or trustees appointed by any court, when engaged or proposing to engage in a business of transporting persons or furnishing such transportation for hire, whether directly or by lease or by other arrangement for the public in general, in or by motor-propelled vehicles of any kind whatsoever over any public street, alley or avenue within the municipality. ('70 Code, § 760.01)

§ 760.02 LICENSE REQUIRED.

No taxicab company shall operate motor vehicles for the transportation of persons for hire within the municipality until an application has been filed and approved by Council, and a license has been issued. ('70 Code, § 760.02) Penalty, see § 760.99

§ 760.03 APPLICATION INFORMATION.

Each person or taxicab company desiring to obtain a license shall make application therefor to the City Council setting forth the following facts:

- (A) The name of the taxicab company with the names of owners, agents and officers.
- (B) The principal place of business and address in the municipality.
- (C) Whether or not the applicant is an individual, association, partnership, corporation or other legal entity.
- (D) The nature of the applicant's business being conducted at the time the application is filed or any other business proposed to be conducted after the license is granted.
- (E) The number, make, model, serial number, engine number, horsepower, capacity and year of the vehicle, together with the state license and identification tag number.
- (F) The number of the drivers used with the vehicles and the dates and numbers of their chauffeur's license.
- (G) A copy of the insurance policy carried by the company as required by § 760.07.
- (H) A list of all accidents, collisions, arrests, suits, findings, executions or judgments against the company and its drivers or individuals connected therewith during the past five years. ('70 Code, § 760.03)

longer. ('70 Code, § 760.17) Penalty, see § 760.99

§ 760.18 TAXICAB OR CHAUFFEURED LIMOUSINE CONDITION AND EQUIPMENT.

Every taxicab OR CHAUFFEURED LIMOUSINE shall be kept in a safe and sanitary operating condition at all times. ('70 Code, § 760.18) Penalty, see § 760.99

§ 760.19 LIMITATION ON NUMBER OF PASSENGERS.

No driver shall carry more passengers in a taxicab OR CHAUFFEURED LIMOUSINE than the seating capacity of the vehicle, exclusive of the driving seat, as stated in the license application required by § 760.03. ('70 Code, § 760.19) Penalty, see § 760.99

§ 760.20 DELIVERY OF PROPERTY LEFT IN TAXICAB OR CHAUFFEURED LIMOUSINE.

It shall be the duty of a taxicab OR CHAUFFEURED LIMOUSINE to promptly deliver, to the police or to the operator of the taxicab OR CHAUFFEURED LIMOUSINE or his/her authorized agent, all property of value left in such taxicab OR CHAUFFEURED LIMOUSINE by passengers. ('70 Code, § 760.20) Penalty, see § 760.99

§ 760.99 PENALTY.

Whoever violates any provisions of this chapter shall be fined not more than \$50. Any such violation shall constitute a separate offense on each successive day continued. ('70 Code, § 760.99) (Ord. 7085, passed 10-8-62)

Cross-reference:

Taxicab stands, see § 351.10

Statutory reference:

Power to establish standards and fix rates, see R. C. § 715.25


Power to regulate, see R. C. § § 715.22 and 715.66"

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL - Pro Tempore

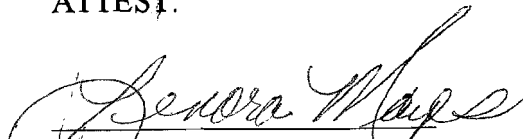
PASSED: July 13, 1998

APPROVED: July 14, 1998


MAYOR

*Advised
She Marion Stak
Aug. 8 1998
Jack Steward
Clerk of Council*

ATTEST:


CLERK - Pro Tempore

(2) They have read over his or her affidavit and from their own knowledge are satisfied that the statement contained in the affidavit are true.

(C) The applicant shall also furnish, to the Director, evidence that he or she holds a valid operator's license under the laws of the state. The applicant shall further file with his/her application two photographs of himself or herself which shall have been taken within 30 days next preceding the date of application. One photograph shall be attached to the application.
(70 Code, § 760.09) (Ord. 1981-9, passed 1-12-81)

§ 760.10 ISSUANCE.

If the Safety/Service Director is satisfied that the applicant for a driver's license is of good moral character and is a suitable and proper person to operate a taxicab within the municipality, he/she shall then issue a license to the applicant upon payment of the proper fees.
(70 Code, § 760.10) (Ord. 1974-133, passed 11-11-74)

§ 760.11 DRIVER'S LICENSE FEES; INITIAL, RENEWAL AND LOSS.

Every driver of a taxicab shall pay to the Safety/Service Director, upon issuance of the license, an annual license fee of \$5 terminating one year from the date of issuance of the license. Taxicab driver's shall also pay the Safety/Service Director an annual renewal fee of \$3 to be issued only on the basis of one year commencing one year from the date of issuance. A fee of \$1 shall be charged for each lost or destroyed license replaced by the municipality. (70 Code, § 760.11) (Ord. 1974-133, passed 11-11-74)

§ 760.12 DENIAL AND NEW APPLICATION.

When the application for a license to drive a taxicab has been denied, no new application for a license shall be considered for a period of three months.
(70 Code, § 760.12)

§ 760.13 DRIVER'S LICENSE DISPLAYED IN VEHICLE.

The license issued to the driver of a taxicab shall be in writing, and shall have affixed thereto one of the photographs filed with the Safety/Service Director at the time application for license is made as required by § 760.09. Such license and photograph shall be at all times conspicuously displayed in the vehicle driven by such driver. (70 Code, § 760.13) Penalty, see § 760.99

§ 760.14 NONTRANSFERABILITY.

The license to drive a taxicab shall not be assigned or transferred.
(70 Code, § 760.14) Penalty, see § 760.99

§ 760.15 DRIVER'S LICENSE RENEWALS.

Any licensed driver of a taxicab who fails to procure a renewal of the license within 30 days after the expiration thereof shall make a new application, as in the case of original applications. (70 Code, § 760.15) (Ord. 1974-133, passed 11-11-74)

§ 760.16 DISPOSITION OF DRIVER'S LICENSE UPON DISCONTINUANCE OF DRIVING.

Every person to whom a license has been issued under the provisions of this chapter shall, upon discontinuing or abandoning the driving of a taxicab, return such license to the Safety/Service Director unless the same has been lost or destroyed. (70 Code, § 760.16) (Ord. 1974-133, passed 11-11-74)

§ 760.17 SUSPENSION AND REVOCATION.

(A) Whenever it shall appear, upon investigation and hearing by the Safety/Service

§ 760.07 LIABILITY INSURANCE REQUIREMENTS.

Each taxicab company OR CHAUFFEURED LIMOUSINE COMPANY filing an application as provided by § 760.03 shall carry liability insurance on each motor vehicle operated as a taxicab OR CHAUFFEURED LIMOUSINE protecting the passengers and the public against all accidents arising out of the ownership, maintenance or use of such taxicab in the amount of \$12,500 because of bodily injury to or death of one person in any one accident, in the amount of \$25,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$7,500 because of injury to property of others in any one accident. Duplicate copies of insurance policies covering every piece of equipment must be filed with the Safety/Service Director. No person shall file a duplicate policy containing a limitation clause of any kind. The penalty for filing a duplicate policy containing a duplicate clause shall be forfeiture of the license on the equipment specifically covered by the duplicate policy. It shall be the obligation of the taxicab company OR CHAUFFEURED LIMOUSINE COMPANY to notify the Safety/Service Director at least 30 days prior to cancellation of any policy. ('70 Code, § 760.07) (Ord. 1982-74, passed 6-14-82)

§ 760.08 DRIVER'S LICENSE REQUIRED.

No person shall drive a taxicab OR CHAUFFEURED LIMOUSINE within the municipality until he/she has procured a license to drive such taxicab as provided by this chapter. ('70 Code, § 760.08) Penalty, see § 760.99

§ 760.09 APPLICATION FOR DRIVER'S LICENSE.

(A) Every application for a license as a driver of a taxicab OR CHAUFFEURED LIMOUSINE shall make application to the Safety/Service Director on blank forms to be supplied and shall furnish such information as may be required. The application shall be sworn to by the applicant before filing and shall contain a statement that the applicant is:

- (1) A citizen of the United States;
- (2) Able to speak, read and write the English language;
- (3) Over 18 years of age; and
- (4) Not addicted to the use of alcohol or drugs.

(B) Such affidavit shall be accompanied by the certificates to two reputable citizens of the municipality to the effect that:

- (1) They have known the applicant for more than one year;
- (2) They have read over his or her affidavit and from their own knowledge are satisfied that the statement contained in the affidavit are true.

(C) The applicant shall also furnish, to the Safety/Service Director, evidence that he or she holds a valid operator's license under the laws of the state. The applicant shall further file with his/her application two photographs of himself or herself which shall have been taken within 30 days next preceding the date of application. One photograph shall be attached to the application. ('70 Code, § 760.09) (Ord. 1981-9, passed 1-12-81)

§ 760.10 ISSUANCE.

If the Safety/Service Director is satisfied that the applicant for a driver's license is of good moral character and is a suitable and proper person to operate a taxicab OR CHAUFFEURED LIMOUSINE within the municipality, he/she shall then issue a license to the applicant upon payment of the proper fees. ('70 Code, § 760.10) (Ord. 1974-133, passed 11-11-74)

PREARRANGED CONTRACT. AN AGREEMENT, MADE IN ADVANCE OF BOARDING, PROVIDE TRANSPORTATION FROM A SPECIFIC LOCATION IN A CHAUFFEURED LIMOUSINE AT A FIXED RATE PER HOUR OR TRIP. "CHAUFFEURED LIMOUSINE" DOES NOT INCLUDE ANY VEHICLE THAT IS USED EXCLUSIVELY IN THE BUSINESS OF FUNERAL DIRECTING.

§ 760.02 LICENSE REQUIRED.

No taxicab company OR CHAUFFEURED LIMOUSINE shall operate motor vehicles for the transportation of persons for hire within the municipality until an application has been filed and approved by Council, and a license has been issued. ('70 Code, § 760.02) Penalty, see § 760.99

§ 760.03 APPLICATION INFORMATION.

Each person, taxicab company OR CHAUFFEURED LIMOUSINE desiring to obtain a license shall make application therefor to the City Council setting forth the following facts:

(A) The name of the taxicab company OR CHAUFFEURED LIMOUSINE with the names of owners, agents and officers.

(B) The principal place of business and address in the municipality.

(C) Whether or not the applicant is an individual, association, partnership, corporation or other legal entity.

(D) The nature of the applicant's business being conducted at the time the application is filed or any other business proposed to be conducted after the license is granted.

(E) The number, make, model, serial number, engine number, horsepower, capacity and year of the vehicle, together with the state license and identification tag number.

(F) The number of the drivers used with the vehicles and the dates and numbers of their chauffeur's license.

(G) A copy of the insurance policy carried by the company as required by § 760.07.

(H) A list of all accidents, collisions, arrests, suits, findings, executions or judgments against the company and its drivers or individuals connected therewith during the past five years. ('70 Code, § 760.03)

§ 760.04 LICENSE ISSUANCE AND FEE.

The Safety/Service Director, upon approval of the application in accordance with Ch. 760 shall issue the license required by § 760.02 upon payment of a license fee of \$100 for the first vehicle of the company being licensed and \$10 for each vehicle thereafter. ('70 Code, § 760.04) (Ord. 1982-34, passed 3-22-82)

§ 760.05 LICENSE PLATE.

Upon the issuance of the license as provided by § 760.04, Council shall provide for the issuance of a license plate to the licensee for each motor vehicle to be used as a taxicab OR CHAUFFEURED LIMOUSINE. Such license plates shall be carried upon all taxicabs OR CHAUFFEURED LIMOUSINE, and no taxicab OR CHAUFFEURED LIMOUSINE shall be operated without a license plate affixed thereto. ('70 Code, § 760.05)

§ 760.06 LICENSE RENEWAL, REVOCATION OR SUSPENSION.

The license shall be renewed annually by the Safety/Service Director upon the payment of the fees required by § 760.04, unless the license has been revoked or suspended by Council for a violation of this chapter. ('70 Code, § 760.06) (Ord. 1982-74, passed 6-14-82)

Director, that a license has been obtained by misrepresentation, the Director shall revoke such license.

(B) Whenever a driver of a taxicab is convicted of driving a taxicab during a period for which his/her license has been suspended, it shall be mandatory upon the Director to revoke the license of such driver. Such driver shall not be eligible to receive a new license for a period of one year from the date of such revocation.

(C) Upon the violation by any driver of a taxicab of any provisions of this chapter, or of any traffic ordinance of the municipality, or if any such driver shall violate any ordinance of the municipality or law of the state involving moral turpitude or be found guilty of intoxication, the Director may forthwith suspend the driver's license for a period of not to exceed the unexpired period of the license or ninety days, whichever is the longer. ('70 Code, § 760.17) Penalty, see § 760.99

§ 760.18 TAXICAB CONDITION AND EQUIPMENT.

Every taxicab shall be kept in a safe and sanitary operating condition at all times.
(‘70 Code, § 760.18) Penalty, see § 760.99

§ 760.19 LIMITATION ON NUMBER OF PASSENGERS.

No driver shall carry more passengers in at taxicab than the seating capacity of the vehicle, exclusive of the driving seat, as stated in the license application required by § 760.03.
(‘70 Code, § 760.19) Penalty, see § 760.99

§ 760.20 DELIVERY OF PROPERTY LEFT IN TAXICAB.

It shall be the duty of a taxicab to promptly deliver, to the police or to the operator of the taxicab or his/her authorized agent, all property of value left in such taxicab by passengers.
(‘70 Code, § 760.20) Penalty, see § 760.99

§ 760.99 PENALTY.

Whoever violates any provisions of this chapter shall be fined not more than \$50. Any such violation shall constitute a separate offense on each successive day continued.
(‘70 Code, § 760.99) (Ord. 7085, passed 10-8-62)

Cross-reference:

Taxicab stands, see § 351.10

Statutory reference:

Power to establish standards and fix rates, see R. C. § 715.25

Power to regulate, see R. C. § § 715.22 and 715.66"

is hereby amended to read as follows:

“§ 760.01 DEFINITIONS.

TAXICAB COMPANY. Any motor transportation company which is a corporation, company, association, joint stock association, firm, person or copartnership, their licensees, lessees, personal or legal representatives, trustee, receivers or trustees appointed by any court, when engaged or proposing to engage in a business of transporting persons or furnishing such transportation for hire, whether directly or by lease or by other arrangement for the public in general, in or by motor-propelled vehicles of any kind whatsoever over any public street, alley or avenue within the municipality. (‘70 Code, § 760.01)

CHAUFFEURED LIMOUSINE. A MOTOR VEHICLE THAT IS DESIGNATED TO CARRY FEWER THAN NINE PASSENGERS AND IS OPERATED FOR HIRE ON AN HOURLY BASIS PURSUANT TO A PREARRANGED CONTRACT FOR TRANSPORTATION OF PASSENGERS ON PUBLIC ROADS AND HIGHWAYS ALONG A ROUTE UNDER THE CONTROL OF THE PERSON HIRING THE VEHICLE AND NOT OVER A DEFINED AND REGULAR ROUTE.

§ 760.11 DRIVER'S LICENSE FEES; INITIAL, RENEWAL AND LOSS.

Every driver of a taxicab OR CHAUFFEURED LIMOUSINE shall pay to the Safety/Service Director, upon issuance of the license, an annual license fee of \$5 terminating one year from the date of issuance of the license. Taxicab drivers AND CHAUFFEURED LIMOUSINE DRIVERS shall also pay the Safety/Service Director an annual renewal fee of \$3 to be issued only on the basis of one year commencing one year from the date of issuance. A fee of \$1 shall be charged for each lost or destroyed license replaced by the municipality. ('70 Code, § 760.11) (Ord. 1974-133, passed 11-11-74)

§ 760.12 DENIAL AND NEW APPLICATION.

When the application for a license to drive a taxicab OR CHAUFFEURED LIMOUSINE has been denied, no new application for a license shall be considered for a period of three months. ('70 Code, § 760.12)

§ 760.13 DRIVER'S LICENSE DISPLAYED IN VEHICLE.

The license issued to the driver of a taxicab OR CHAUFFEURED LIMOUSINE shall be in writing, and shall have affixed thereto one of the photographs filed with the Safety/Service Director at the time application for license is made as required by § 760.09. Such license and photograph shall be at all times conspicuously displayed in the vehicle driven by such driver. ('70 Code, § 760.13) Penalty, see § 760.99

§ 760.14 NONTRANSFERABILITY.

The license to drive a taxicab OR CHAUFFEURED LIMOUSINE shall not be assigned or transferred. ('70 Code, § 760.14) Penalty, see § 760.99

§ 760.15 DRIVER'S LICENSE RENEWALS.

Any licensed driver of a taxicab OR CHAUFFEURED LIMOUSINE who fails to procure a renewal of the license within 30 days after the expiration thereof shall make a new application, as in the case of original applications. ('70 Code, § 760.15) (Ord. 1974-133, passed 11-11-74)

§ 760.16 DISPOSITION OF DRIVER'S LICENSE UPON DISCONTINUANCE OF DRIVING.

Every person to whom a license has been issued under the provisions of this chapter shall, upon discontinuing or abandoning the driving of a taxicab OR CHAUFFEURED LIMOUSINE, return such license to the Safety/Service Director unless the same has been lost or destroyed. ('70 Code, § 760.16) (Ord. 1974-133, passed 11-11-74)

§ 760.17 SUSPENSION AND REVOCATION.

(A) Whenever it shall appear, upon investigation and hearing by the Safety/Service Director, that a license has been obtained by misrepresentation, the Safety/Service Director shall revoke such license.

(B) Whenever a driver of a taxicab OR CHAUFFEURED LIMOUSINE is convicted of driving a taxicab OR CHAUFFEURED LIMOUSINE during a period for which his/her license has been suspended, it shall be mandatory upon the Safety/Service Director to revoke the license of such driver. Such driver shall not be eligible to receive a new license for a period of one year from the date of such revocation.

(C) Upon the violation by any driver of a taxicab OR CHAUFFEURED LIMOUSINE of any provisions of this chapter, or of any traffic ordinance of the municipality, or if any such driver shall violate any ordinance of the municipality or law of the state involving moral turpitude or be found guilty of intoxication, the Safety/Service Director may forthwith suspend the driver's license for a period of not to exceed the unexpired period of the license or ninety days, whichever is the

§ 760.04 LICENSE ISSUANCE AND FEE.

The Safety/Service Director, upon approval of the application in accordance with Ch. 760 shall issue the license required by § 760.02 upon payment of a license fee of \$100 for the first vehicle of the company being licensed and \$10 for each vehicle thereafter. ('70 Code, § 760.04) (Ord. 1982-34, passed 3-22-82)

§ 760.05 LICENSE PLATE.

Upon the issuance of the license as provided by § 760.04, Council shall provide for the issuance of a license plate to the licensee for each motor vehicle to be used as a taxicab. Such license plates shall be carried upon all taxicabs, and no taxicab shall be operated without a license plate affixed thereto. ('70 Code, § 760.05)

§ 760.06 LICENSE RENEWAL, REVOCATION OR SUSPENSION.

The license shall be renewed annually by the Safety/Service Director upon the payment of the fees required by § 760.04, unless the license has been revoked or suspended by Council for a violation of this chapter. ('70 Code, § 760.06) (Ord. 1982-74, passed 6-14-82)

§ 760.07 LIABILITY INSURANCE REQUIREMENTS.

Each taxicab company filing an application as provided by § 760.03 shall carry liability insurance on each motor vehicle operated as a taxicab protecting the passengers and the public against all accidents arising out of the ownership, maintenance or use of such taxicab in the amount of \$12,500 because of bodily injury to or death of one person in any one accident, in the amount of \$25,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$7,500 because of injury to property of others in any one accident. Duplicate copies of insurance policies covering every piece of equipment must be filed with the Safety/Service Director. No person shall file a duplicate policy containing a limitation clause of any kind. The penalty for filing a duplicate policy containing a duplicate clause shall be forfeiture of the license on the equipment specifically covered by the duplicate policy. It shall be the obligation of the taxicab company to notify the Safety/Service Director at least 30 days prior to cancellation of any policy. ('70 Code, § 760.07) (Ord. 1982-74, passed 6-14-82)

§ 760.08 DRIVER'S LICENSE REQUIRED.

No person shall drive a taxicab within the municipality until he/she has procured a license to drive such taxicab as provided by this chapter. ('70 Code, § 760.08) Penalty, see § 760.99

§ 760.09 APPLICATION FOR DRIVER'S LICENSE.

(A) Every application for a license as a driver of a taxicab shall make application to the Safety/Service Director on blank forms to be supplied and shall furnish such information as may be required. The application shall be sworn to by the applicant before filing and shall contain a statement that the applicant is:

- (1) A citizen of the United States;
- (2) Able to speak, read and write the English language;
- (3) Over 18 years of age; and
- (4) Not addicted to the use of alcohol or drugs.

(B) Such affidavit shall be accompanied by the certificates to two reputable citizens of the municipality to the effect that:

- (1) They have known the applicant for more than one year;

ORDINANCE NO. 1998-111

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OVERHEAD DOOR CO. INC. FOR THE PURCHASE AND INSTALLATION OF FOUR (4) GARAGE DOORS AT THE CITY GARAGE 960 WEST CENTER STREET.

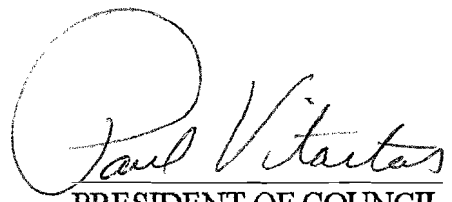
WHEREAS, Overhead Door Company Inc. submitted the lowest most responsive bid.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Overhead Door Company Inc. to purchase and install four (4) garage doors at the City Garage, 960 West Center Street.

Section 2. That \$13,444 cost of said contract shall be payable from the Transit Fund Account No 502-06-548-250-000-520

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: July 27, 1998

APPROVED: July 28, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998- 112


**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO SELL A 1967
MACK PUMPER FIRE TRUCK THAT IS NO LONGER NEEDED
IN THE FIRE DEPARTMENT.**

WHEREAS, the 1967 Mack Pumper Fire Truck is unfit and no longer needed in the operation of the Marion City Fire Department.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;

Section 1. That the Safety/Service Director be authorized to sell a 1967 Mack Pumper Fire Truck (Serial No. C95FD1564) that is no longer needed in the operation of the Marion City Fire Department.

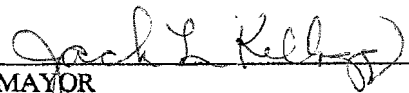
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: July 27, 1998

APPROVED: July 28, 1998



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1998- 113

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR VARIOUS MATERIALS USED BY THE CITY OF MARION.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

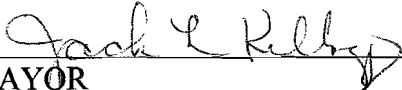
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for various materials used by the City of Marion. The materials are: unleaded fuel, diesel fuel, 404 asphalt hot mix, and yellow and white road paint.
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: July 27, 1998

APPROVED: July 28, 1998



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1998-114

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC., FOR THE STORM SEWER IMPROVEMENTS, PHASE 6, PROJECT 98-1S IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1998-97 authorized the preparation of plans, specifications and advertising for bids for the Storm Sewer Improvements, Phase 6, Project 98-1S in the City of Marion, Ohio, and

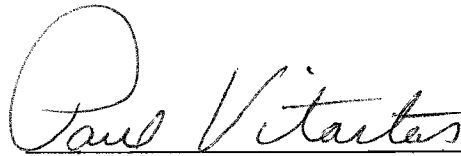
WHEREAS, Underground Utilities, Inc., submitted the lowest and best bid of \$626,253.40,

BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be directed to enter into contract with Underground Utilities, Inc., for the Storm Sewer Improvements, Phase 6, Project 98-1S.

Section 2. That said contract shall be payable from the Storm Sewer Improvement Fund.

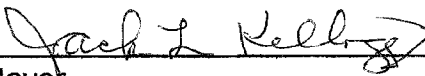
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that the City of Marion must adhere to Ohio Public Works Commission (OPWC) deadlines; and as such, shall take effect and be in force immediately upon its passage and approval by the mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

passed: July 27, 1998

approved: August 5, 1998



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1998- 115

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,150,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PROVIDING A LOAN TO MARION SENIOR HOUSING LIMITED PARTNERSHIP FOR COSTS OF REMODELING, REHABILITATING AND EQUIPPING THE FORMER HARDING HOTEL AS HOUSING, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Amended Ordinance No. 1998-7, passed February 9, 1998, notes in anticipation of bonds in the amount of \$2,030,000 dated February 13, 1998 were issued for the purpose stated in Section 1, to mature on August 13, 1998 (the Outstanding Notes); and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes and provide additional money for the purpose stated in Section 1; and

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years, and the maximum maturity of the Notes described in Section 3, is 20 years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio, that:

Section 1. It is necessary to issue taxable bonds of this City in an aggregate principal amount not to exceed \$2,150,000 (the Bonds) for the purpose of providing a loan to Marion Senior Housing Limited Partnership for costs of remodeling, rehabilitating and equipping the former Harding Hotel as housing.

Section 2. The Bonds shall be dated approximately February 1, 1999, shall bear interest at the now estimated rate of 8% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment for the Bonds is projected to be December 1, 2000.

Section 3. It is necessary to issue and this Council determines that taxable notes in an aggregate principal amount not to exceed \$2,150,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate or rates not to exceed 8% per year (computed on a 30-day month/360-day year basis), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes (the Certificate of Award) in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the principal office of National City Bank, Columbus, Ohio (the Paying Agent). The Notes shall be dated August 13, 1998 and shall mature on a date not less than three months and not more than nine months after the date of issuance, as to be determined by the Auditor in the Certificate of Award to be in the best interest of the City.

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, provided that no Note shall be issued in a denomination less than \$5,000 or be exchangeable for other Notes in denominations less than \$5,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities in accordance with Section 133.40 of the Revised Code and in book-entry or other uncertificated form in accordance with Section 9.96 of the Revised Code if it is determined by the Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes

shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. The Notes shall be sold at not less than 100% of par plus accrued interest at private sale in accordance with law and the provisions of this Ordinance. The Auditor shall sign the certificate of award referred to in Section 3 evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

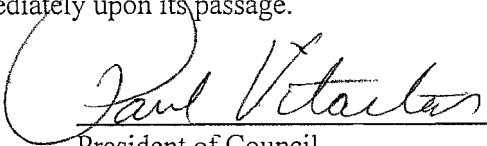
Section 10. The Clerk of Council is directed to deliver a certified copy of this Ordinance and of the certificate of award signed pursuant to Section 6 of this Ordinance to the County Auditor.

Section 11. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 12. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

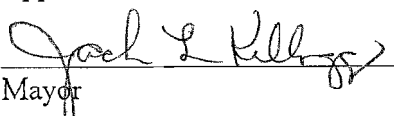
Section 13. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to timely retire the Outstanding Notes and preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: July 27, 1998

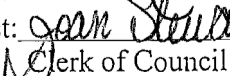


President of Council

Approved: July 28, 1998



Mayor

Attest: 

Clerk of Council

ORDINANCE NO. 1998 - 117

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS LOTS 4730 AND 4731 ON THE NORTHEAST CORNER OF VAN BUREN AND GRANT STREETS IN THE CITY OF MARION, OHIO FROM R-3 (MULTI-FAMILY DISTRICT) TO R-2 (GENERAL DWELLING DISTRICT), AND DECLARING AN EMERGENCY.

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from R-3 (Multi-Family District) to R-2 (General Dwelling District), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from R-3 to R-2, and

WHEREAS, due notice of the hearing on said rezoning has been given by publication in accordance with law,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the property known as Lots 4730 and 4731 on the northeast corner of Van Buren and Grant Streets and being more particularly described as follows:

Lot 4730

Situated in the City of Marion, County of Marion, and State of Ohio, and more particularly described as follows:

Being Lot Number Four Thousand Seven Hundred and Thirty (4730) in Prairie Lawn Addition to the City of Marion, Ohio.

Subject to easements, restrictions, and agreements of record, and to legal highways, zoning regulations, and other applicable governmental regulations.

Prior instrument reference: Deed Record 466, page 478, Official Record 65, page 207

Lot 4731

Situated in the County of Marion, in the State of Ohio, and in the City of Marion and bounded and described as follows:


Being known as Lot Number 4731 in Prairie Lawn Addition to the City of Marion, Ohio.

Prior Reference: Volume 34, Page 3 and Volume 99, Page 382 of the Official Records of Marion County, Ohio.

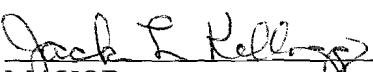
heretofore zoned R-3 (Multi-Family District) is hereby zoned R-2 (General Dwelling District).

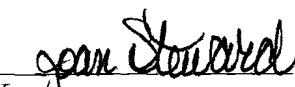
Section 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion on file in the office of the Clerk of Marion City Council and on the copy thereof on file in the office of the Safety/Service Director.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1998
APPROVED: August 25, 1998


MAYOR

ATTEST:

CLERK

ORDINANCE NO. 1998-118

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO SELL OR DISPOSE OF RUNWAY LIGHTS
BEING REPLACED AT MARION MUNICIPAL AIRPORT THAT
ARE NO LONGER NEEDED.**

WHEREAS, The City of Marion has been issued a F.A.A. grant for replacing runway lights on runway 6/24 at the Marion Municipal Airport


WHEREAS, The runway lights being removed will be no longer needed.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized to sell or dispose of runway lights being removed that are no longer needed at Marion Municipal Airport. The value of the property being less than \$1,000.00.*

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

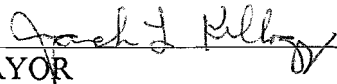
Section 3. That this ordinance shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: August 10, 1998

APPROVED: August 10, 1998



MAYOR

ATTEST:



CLERK

*AMENDED ON COUNCIL FLOOR 8/10/98

ORDINANCE NO. 1998 - 119

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
PARKS FUND FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriation made in the Parks Fund in the amount of \$2,164.39 as follows:

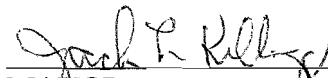
Equipment	221-03-421-250-000-450	\$2,164.39
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 10, 1998

APPROVED: August 10, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998 - 120

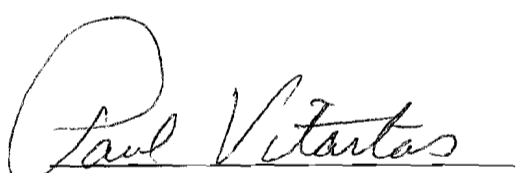
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same. . . such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."


General Fund \$1,350.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 10, 1998

APPROVED: August 10, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998-121

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT TO PURCHASE A PHOTOBOOK 2000 STARTER PACKAGE FROM THE SHERIFF'S JAIL LINKAGE SYSTEM. SAID SYSTEM TO BE INSTALLED AT THE MARION CITY JAIL.

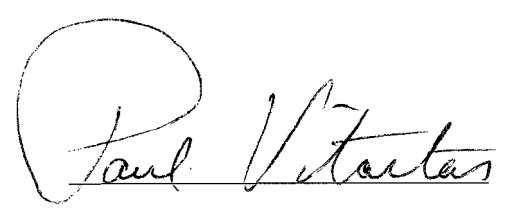
WHEREAS, the Sheriff's Jail Linkage System currently provides computer and software for maintaining Jail records. The PhotoBook 2000 Network is the best and most compatible digital imaging system available.

BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Sheriff's Jail Linkage System to purchase and install at the Marion City Jail the PhotoBook 2000 Network Jail Imaging System.

Section 2. That \$8,690.00 cost of said contract shall be payable from the Jail Capital Equipment Fund (101-01-112-250-000-450).

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: August 24, 1998

APPROVED: August 25, 1998

Jack L. Kilbegg
MAYOR

ATTEST:
Jean Steward
CLERK

ORDINANCE NO. 1998-122

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH COUNTY ENVIRONMENTAL OF WYANDOT FOR THE TRANSPORTATION AND DISPOSAL OF SCREENINGS, GRIT GREASE AND TRASH AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY.

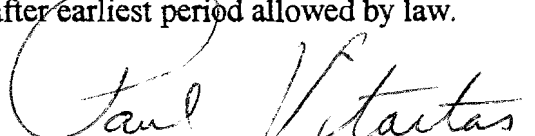
WHEREAS, County Environmental of Wyandot, submitted the lowest and best bid, therefore;

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with County Environmental of Wyandot for the Transportation and Disposal of Screenings, Grit Grease and Trash at the Water Pollution Control Plant.

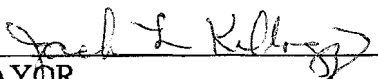
Section 2. That the cost of said contract shall be payable from the Sewer Revenue Fund Account No. 505-05-552-230-000-320.

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after earliest period allowed by law.

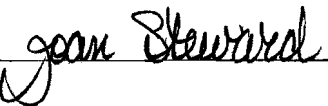

PRESIDENT OF COUNCIL

PASSED: August 24, 1998

APPROVED: August 25, 1998


MAYOR

ATTEST:



ORDINANCE NO. 1998-123

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO SELL A 1973 INTERNATIONAL BUS THAT IS NO LONGER
NEEDED IN THE RECREATION DEPARTMENT.

WHEREAS, the 1973 International Bus is unfit and no longer needed in the operation of
the Marion City Recreation Department.,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

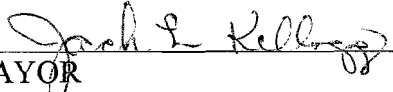
Section 1. That the Safety/Service Director be authorized to sell a 1973 International Bus
(Serial No. 13662CHA43383) that is no longer needed in the operation of the Marion City
Recreation Department.

Section 2. That this ordinance shall take effect and be in force from and after the earliest
period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1998

APPROVED: August 25, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998 - 124

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$4,767,534.00 as follows:

FY 98 CHIP GRANT

Private Rehab	272-04-548-230-000-322	\$ 210,000.00
Administration	272-04-548-230-000-324	38,000.00
Implementation	272-04-548-230-000-326	54,000.00
Emergency Home Repair	272-04-548-230-000-328	20,000.00
Rental Rehab	272-04-548-230-000-329	80,000.00
Rental Assistance (State)	272-04-548-230-000-340	140,000.00
Public Service (State)	272-04-548-230-000-342	<u>40,000.00</u>

TOTAL CHIP GRANT FUND \$ 582,000.00

HARDING CENTRE CONSTRUCTION

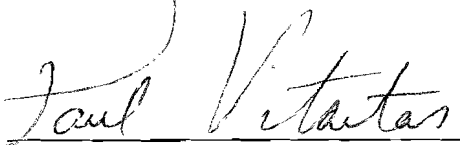
Transfer to G.O. Bond Ret.	444-04-444-270-000-710	\$2,095,318.75
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G.O. BOND RETIREMENT

G.O. Bond Retirement	343-08-911-260-000-609	\$ 60,215.25
G.O. Bond Principal	343-08-911-230-000-610	<u>2,030,000.00</u>

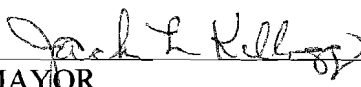
TOTAL G.O. BOND RETIREMENT FUND \$2,090,215.25

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


 PRESIDENT OF COUNCIL

PASSED: August 24, 1998

APPROVED: August 25, 1998


 MAYOR

ATTEST:


 CLERK

ORDINANCE NO. 1998 - 125

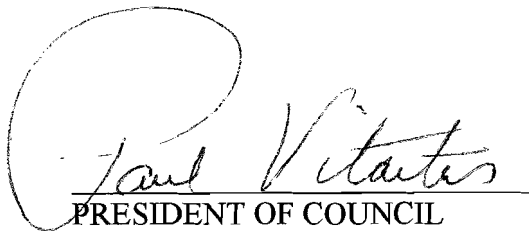
AN ORDINANCE CONSENTING TO THE SUBORDINATION OF A SPECIFIC ADDITIONAL OBLIGATION OWED BY OHIO GALVANIZING, INC. TO BANK ONE, AND DECLARING AN EMERGENCY.

WHEREAS, the Council for the City of Marion finds it to be in the best interest of the City to subordinate the existing loan to Ohio Galvanizing for specific additional obligations to be loaned by Bank One to Ohio Galvanizing, Inc.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

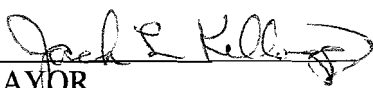
Section 1. The City of Marion, through it's administration, does hereby agree to be subordinate to Bank One, NA up to a total of \$1,800,000.00 on it's current economic development loan to Ohio Galvanizing of which \$75,000.00 principal is due.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: August 24, 1998

APPROVED: August 25, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998 - 126

ORDINANCE ENACTING A MUNICIPAL NOISE CONTROL ORDINANCE BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CURRENT CODIFIED ORDINANCE BY THE CREATION AND ADOPTION OF SECTION 634, ENTITLED NOISE CONTROL, INCLUDING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE.

WHEREAS, the Council for the City of Marion has found a need for the adoption of a Noise Control Ordinance within the Municipality, and

WHEREAS, considerable hearings and debate have been conducted refining the subject Code, and

WHEREAS, the Council wishes no further delay in the enactment of Code restrictions, regulations and accompanying rules, wherefore

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. There shall be created, adopted and enacted a Noise Control Ordinance to be established under Part 6 of the existing Codified Ordinances and referred to as Section 634 et seq. providing for laws and regulations of noise control by and within the City of Marion, Ohio, to read as follows:

CHAPTER 634: NOISE CONTROL

Section

- 634.01 Definitions.
- 634.02 Noise disturbances prohibited.
- 634.03 Specific Acts permitted.
- 634.04 Maximum permissible sound levels by zoning designations.
- 634.05 Motor vehicle noise.
- 634.06 Inspections by law enforcement officers.
- 634.07 Special variances.
- 634.08 Abatement orders.
- 634.09 Notice of violation.
- 634.10 Other remedies.
- 634.11 Exceptions.
- 634.12 Applicability.
- 634.13 Severability.

Cross-reference:

- Animals, excessive noise, see § 618.07*
- Disorderly Conduct, see § 648.04*
- Peeling, Cracking Exhaust Noises, see § 331.37*
- Noise Emission from Motor Vehicles, see § 345.04*

§ 634.01 DEFINITIONS.

As used in this chapter:

(A) "A-Weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-Weighting network. The level so read is designated dB(a) or dBA.

(B) "Commercial area" means any office building, local retail and general retail districts as set forth in the Marion City Zoning Code.

ORDINANCE NO. 1998 - 126

ORDINANCE ENACTING A MUNICIPAL NOISE CONTROL ORDINANCE BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CURRENT CODIFIED ORDINANCE BY THE CREATION AND ADOPTION OF SECTION 634, ENTITLED NOISE CONTROL, INCLUDING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE.

WHEREAS, the Council for the City of Marion has found a need for the adoption of a Noise Control Ordinance within the Municipality, and

WHEREAS, considerable hearings and debate have been conducted refining the subject Code, and

WHEREAS, the Council wishes no further delay in the enactment of Code restrictions, regulations and accompanying rules, wherefore

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. There shall be created, adopted and enacted a Noise Control Ordinance to be established under Part 6 of the existing Codified Ordinances and referred to as Section 634 et seq. providing for laws and regulations of noise control by and within the City of Marion, Ohio, to read as follows:

CHAPTER 634: NOISE CONTROL

Section

- 634.01 Definitions.
- 634.02 Noise disturbances prohibited.
- 634.03 Specific Acts permitted.
- 634.04 Maximum permissible sound levels by zoning designations.
- 634.05 Motor vehicle noise.
- 634.06 Inspections by law enforcement officers.
- 634.07 Special variances.
- 634.08 Abatement orders.
- 634.09 Notice of violation.
- 634.10 Other remedies.
- 634.11 Exceptions.
- 634.12 Applicability.
- 634.13 Severability.

Cross-reference:

- Animals, excessive noise, see § 618.07*
- Disorderly Conduct, see § 648.04*
- Peeling, Cracking Exhaust Noises, see § 331.37*
- Noise Emission from Motor Vehicles, see § 345.04*

§ 634.01 DEFINITIONS.

As used in this chapter:

- (A) "A-Weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-Weighting network. The level so read is designated dB(a) or dBA.
- (B) "Commercial area" means any office building, local retail and general retail districts as set forth in the Marion City Zoning Code.

(T) "Public right of way" means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

(U) "Pure tone" shall mean any sound which can be distinctly heard as a single pitch or set of single pitches. For the purposes of measurement, a pure tone shall exist of the one-third (1/3) octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by 5dB for frequencies of 500 Hz and above, by 8dB for frequencies between 160 and 400 Hz, and by fifteen (15)dB for frequencies less than or equal to 125 Hz.

(V) "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

(W) "Repetitive impulsive noise" shall mean any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound.

(X) "Residential area" means one-family, two-family, multi-family, and apartment districts.

(Y) "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal or interval forces that cause compression and rarefaction of that medium, and which propagates at finite speed to distant points. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(Z) "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C specified in American National Standards Institute specifications for sound level meters Publication 51.4-1971, or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-Weighting shall apply.

(AA) "Sound level meter" means an instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and/or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type two (2) or better as specified in American National Standards Institute Publication 51.4-1971 or the latest approved revision thereof.

(BB) "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

(CC) "Sound pressure level" means twenty (20) times the logarithm of twenty (20) micropascals (20×10^{-6} N/m²). The sound pressure level is denoted Lp or SPL and is expressed in decibels.

§ 634.02 NOISE DISTURBANCES PROHIBITED.

In addition to the general prohibitions outlined in this chapter, no person shall unreasonably make, continue, or cause to be made, continued or permitted, any noise disturbance. This section shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right of way or any activity specifically permitted herein.

§ 634.03 SPECIFIC ACTS PERMITTED.

The following acts, and the causing or permitting thereof, are declared to not be in violation of this chapter.

Air Conditioners. Maintaining or using any refrigeration machinery or air-conditioning, consisting of air compressors or rotating or reciprocating machinery.

(T) "Public right of way" means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

(U) "Pure tone" shall mean any sound which can be distinctly heard as a single pitch or set of single pitches. For the purposes of measurement, a pure tone shall exist of the one-third (1/3) octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by 5dB for frequencies of 500 Hz and above, by 8dB for frequencies between 160 and 400 Hz, and by fifteen (15)dB for frequencies less than or equal to 125 Hz.

(V) "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

(W) "Repetitive impulsive noise" shall mean any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound.

(X) "Residential area" means one-family, two-family, multi-family, and apartment districts.

(Y) "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal or interval forces that cause compression and rarefaction of that medium, and which propagates at finite speed to distant points. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(Z) "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C specified in American National Standards Institute specifications for sound level meters Publication 51.4-1971, or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-Weighting shall apply.

(AA) "Sound level meter" means an instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and/or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type two (2) or better as specified in American National Standards Institute Publication 51.4-1971 or the latest approved revision thereof.

(BB) "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

(CC) "Sound pressure level" means twenty (20) times the logarithm of twenty (20) micropascals (20×10^{-6} N/m²). The sound pressure level is denoted Lp or SPL and is expressed in decibels.

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§ 634.03 SPECIFIC ACTS PERMITTED.

The following acts, and the causing or permitting thereof, are declared to not be in violation of this chapter.

Air Conditioners. Maintaining or using any refrigeration machinery or air-conditioning, consisting of air compressors or rotating or reciprocating machinery.

musical instrument, or similar device:

(1) Between the hours of **6:00 a.m. and 2:00 a. m.**, so long as such activity is conducted in such a manner as to not create a an unreasonably loud noise disturbance across a residential real property boundary; or

(2) In such a manner as not to create a continuing noise disturbance at fifty (50) feet from such device, when operating in or on a motor vehicle on a public right of way or public space.

(J) Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, motorized bicycle or motorboat **so long as such activity does not cause an unreasonably loud noise disturbance across a residential real property boundary.**

§ 634.04 MAXIMUM PERMISSIBLE SOUND LEVELS BY ZONING DESIGNATIONS.

(A) No person shall operate, cause to be operated, or permit on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in the zoning designations category in Table I.

TABLE I

SOUND LEVELS BY ZONING DESIGNATIONS

Zoning designation of the property on which the source of the noise is located	Maximum number of decibels permitted from 6:00 a.m. until 9:00 p.m., until 12:00 midnight on Friday and Saturday	Maximum number of decibels permitted from 9:00 p.m. until 12:00 midnight, except Friday & Saturday	Maximum number of decibels permitted from 12:00 midnight until 6:00 a.m.
Residential	70	65	60
Commercial	75	70	65
Industrial	80	80	80

(B) The sound level limits set forth in Table I shall be exceeded when any one or more of the following occur:

(1) The noise at any one point in time exceeds any of the established zone limits in Table I by a measured sound level of fifteen (15) dBA;

(2) The noise exceeds any of the established zone limits in Table I by a measured sound level of ten (10) dBA for a cumulative total of one minute or more out of any ten (10) minute period; or

(3) The noise exceeds any of the established zone limits in Table I by a measured sound level of three (3) dBA continually for a period of five (5) minutes, or a total of five (5) minutes out of any ten (10) minute period.

(C) For the purposes of this section, noise shall be measured at or beyond the property line of the property on which the noise source is located **and shall be at least 50 feet from a sound source and shall be measured while stationary and at idle at a height of at least four feet above the immediate surrounding ground surface, in addition,** shall be made at least ten (10) feet from any large reflecting surfaces.

(D) For any source of sound which emits a pure tone, cyclically varying sound, or repetitive impulsive sound, the limits set forth in Table I shall be reduced by five (5) dBA.

(E) Any noise which occurs on property which, according to the Marion City Zoning Code, is being used in a legally nonconforming manner, and which noise relates to such use, shall be judged as if the property bore a zoning designation under which the use would be conforming.

musical instrument, or similar device:

- (1) Between the hours of **6:00 a.m. and 2:00 a. m.**, so long as such activity is conducted in such a manner as to not create a an unreasonably loud noise disturbance across a residential real property boundary; or
- (2) In such a manner as not to create a continuing noise disturbance at fifty (50) feet from such device, when operating in or on a motor vehicle on a public right of way or public space.
- (J) Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, motorized bicycle or motorboat **so long as such activity does not cause an unreasonably loud noise disturbance across a residential real property boundary.**

§ 634.04 MAXIMUM PERMISSIBLE SOUND LEVELS BY ZONING DESIGNATIONS.

(A) No person shall operate, cause to be operated, or permit on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in the zoning designations category in Table I.

TABLE I

SOUND LEVELS BY ZONING DESIGNATIONS

<u>Zoning designation of the property on which the source of the noise is located</u>	<u>Maximum number of decibels permitted from 6:00 a.m. until 9:00 p.m., until 12:00 midnight on Friday and Saturday</u>	<u>Maximum number of decibels permitted from 9:00 p.m. until 12:00 midnight, except Friday & Saturday</u>	<u>Maximum number of decibels permitted from 12:00 midnight until 6:00 a.m.</u>
Residential	70	65	60
Commercial	75	70	65
Industrial	80	80	80

(B) The sound level limits set forth in Table I shall be exceeded when any one or more of the following occur:

- (1) The noise at any one point in time exceeds any of the established zone limits in Table I by a measured sound level of fifteen (15) dBA;
- (2) The noise exceeds any of the established zone limits in Table I by a measured sound level of ten (10) dBA for a cumulative total of one minute or more out of any ten (10) minute period; or
- (3) The noise exceeds any of the established zone limits in Table I by a measured sound level of three (3) dBA continually for a period of five (5) minutes, or a total of five (5) minutes out of any ten (10) minute period.

(C) For the purposes of this section, noise shall be measured at or beyond the property line of the property on which the noise source is located **and shall be at least 50 feet from a sound source and shall be measured while stationary and at idle at a height of at least four feet above the immediate surrounding ground surface, in addition,** shall be made at least ten (10) feet from any large reflecting surfaces.

(D) For any source of sound which emits a pure tone, cyclically varying sound, or repetitive impulsive sound, the limits set forth in Table I shall be reduced by five (5) dBA.

(E) Any noise which occurs on property which, according to the Marion City Zoning Code, is being used in a legally nonconforming manner, and which noise relates to such use, shall be judged as if the property bore a zoning designation under which the use would be conforming.

(B) Any person seeking a special variance pursuant to this section shall file an application with the Safety/Service Director, or his/her designated representative. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Notice of an application for a special variance shall be given by the Safety/Service Director or his/her representative to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the Safety/Service Director or his/her representative containing any information to support his claim.

(C) In determining whether to grant or deny the application, the Safety/Service Director or his/her designated representative shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the Safety/Service Director or his/her representative may reasonably require. In granting or denying an application, the Safety/Service Director or his/her representative shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

(D) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions of the special variances shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the special variance was granted.

(E) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances.

(F) The Safety/Service Director or his/her designated representative may issue guidelines approved by Council defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.

(G) A person filing an application for a special variance pursuant to this section shall comply with this code until such time as the application is acted upon by the Safety/Service Director or his/her designated representative.

§ 634.08 ABATEMENT ORDERS.

In lieu of issuing a notice of violation as provided for in Section 634.07, any City law enforcement officer may issue an order requiring the immediate abatement of any source of sound alleged to be in violation of this chapter.

§ 634.09 NOTICE OF VIOLATION.

Except where a person is acting in good faith to comply with an abatement order issued pursuant to this chapter, violation of any provision of this chapter shall be cause for a notice of violation to be issued by any City law enforcement officer.

§ 634.10 OTHER REMEDIES.

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

(B) Any person seeking a special variance pursuant to this section shall file an application with the Safety/Service Director, or his/her designated representative. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Notice of an application for a special variance shall be given by the Safety/Service Director or his/her representative to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the Safety/Service Director or his/her representative containing any information to support his claim.

(C) In determining whether to grant or deny the application, the Safety/Service Director or his/her designated representative shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the Safety/Service Director or his/her representative may reasonably require. In granting or denying an application, the Safety/Service Director or his/her representative shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

(D) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions of the special variances shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the special variance was granted.

(E) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances.

(F) The Safety/Service Director or his/her designated representative may issue guidelines approved by Council defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.

(G) A person filing an application for a special variance pursuant to this section shall comply with this code until such time as the application is acted upon by the Safety/Service Director or his/her designated representative.

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Except where a person is acting in good faith to comply with an abatement order issued pursuant to this chapter, violation of any provision of this chapter shall be cause for a notice of violation to be issued by any City law enforcement officer.

§ 634.10 OTHER REMEDIES.

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

ORDINANCE NO. 1998-127

ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE TRAFFIC SIGNAL IMPROVEMENTS PROJECT, STATE ROUTE 4/423 AND MARION WILLIAMSPORT ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion, Ohio has received a Tax Increment Financing Grant for improvements along Marion Williamsport Road, and

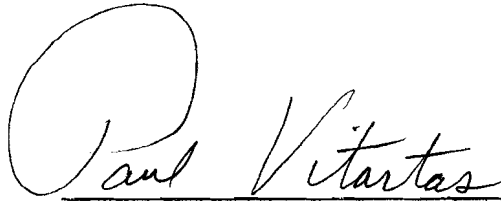
WHEREAS, Burgess and Niple, Limited submitted a proposal to provide engineering services for the project,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby directed to enter into contract with Burgess and Niple, Limited for their proposal of \$7,000.00 to provide engineering services for the design of the Traffic Signal Improvements Project, State Route 4/423 and Marion-Williamsport Road.

Section 2. That the \$7,000.00 cost to provide services for the project shall be payable from the Tax Increment Financing Fund.

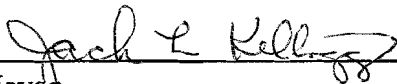
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and for the further reason that the traffic signal is needed to enhance safety at this intersection due to the anticipated increase in traffic from the new LTV Steel Company, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



President of Council


Passed: September 14, 1998

Approved: September 15, 1998



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1998-128

ORDINANCE ACCEPTING THE PLAT OF G&G HOMES, INC., OF 18 LOTS, NUMBERED 1 THROUGH 18 OF FAIR PARK 18TH ADDITION TO THE CITY OF MARION, OHIO, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 14 , T-5-S, R-15-E, CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREET THEREIN SHOWN, AND DECLARING AN EMERGENCY.

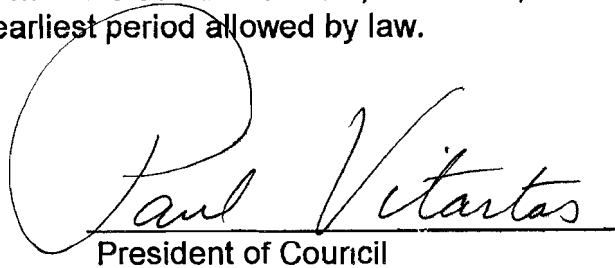
WHEREAS, G & G Homes, Inc., has hereunto submitted to the Planning Commission of the City of Marion, a Plat of 18 lots, numbered 1 through 18 in Fair Park 18th Addition, being a part of the northwest quarter of Section 14, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, and being of the dimensions as shown on said Plat, and one street known as Grenada Drive,

WHEREAS, on the 29th day of June, 1998, said Commission approved said Plat.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

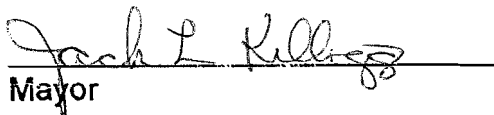
Section 1. That the Plat of G & G Homes, Inc., of 18 lots, numbered 1 through 18 in Fair Park 18th Addition, being a part of the northwest quarter of Section 14, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, dated June 08, 1998, and dedicated June 29, 1998, be and the same is hereby approved and accepted and dedicated to the public use of the street shown therein be and the same is hereby accepted and confirmed.

Section 2. This Ordinance is hereby declared to be an emergency necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council, otherwise, it shall become effective from and after the earliest period allowed by law.


President of Council

Passed: September 14, 1998

Approved: September 15, 1998


Mayor

Attest:


Clerk of Council

ORDINANCE NO. 1998- 129

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR CERTAIN EMERGENCY SEWER REPAIRS WITHIN THE CITY OF MARION, HAVING FOUND A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SERVICE, PURSUANT TO O.R.C. 735.051 EXEMPTING SAME FROM FORMAL BIDDING PROCEDURE, AND DECLARING SAME AN EMERGENCY.

WHEREAS, the Council has been advised that the sanitary sewer at the intersection of George St. and Jefferson St. has deteriorated beyond normal maintenance and repair, prohibiting normal flushing, and

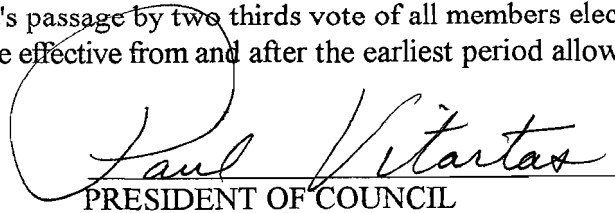
WHEREAS, the Council has further been advised by the Safety/Service Director that the condition is of such a nature that during heavy rains the sanitary sewer is directly discharging into the storm sewer causing prohibited cross-contamination resulting in high fecal colifoin bacteria levels in the storm water discharge,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized to enter into Contract, without competitive bidding, with Underground Utilities, Inc. for the repair of the sanitary sewer at George St. and Jefferson St. in order to avoid continued cross-contamination of the storm water and possible environmental penalties relating thereto,

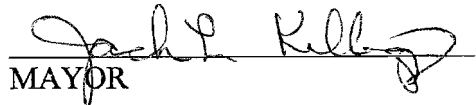
Section 2. That the Engineering estimated cost of the repair is \$25,000 and shall be payable from the Sewer Replacement Fund, Account No. 504-05-553-250-000-520.

Section 3. That due to the likely environmental impact and the real and present health concerns, this Ordinance is hereby declared to be a real and present emergency, as set forth in O.R.C. 735.051, is an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and as shall take effect and be enforce immediately upon it's passage by two thirds vote of all members elected and by approval of the Mayor, otherwise it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 14, 1998

APPROVED: September 15, 1998


MAYOR


ATTEST CLERK OF COUNCIL


ORDINANCE NO. 1998-130

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS
FOR A TRAFFIC SIGNAL AT THE INTERSECTION OF STATE ROUTE 4
AND MARION WILLIAMSPORT ROAD.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;

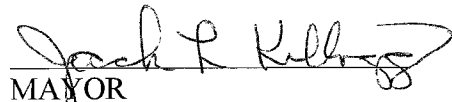
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for installation of a traffic signal at State Route 4 and Marion-Williamsport Road.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


Paul Vitartas
PRESIDENT OF COUNCIL

PASSED: September 14, 1998

APPROVED: September 15, 1998


Jack R. Kilbuck
MAYOR

ATTEST:


Joan Stenrod
CLERK OF COUNCIL

ORDINANCE NO. 1998-131

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS TO REMOVE AND TRIM TREES IN PUBLIC RIGHT OF WAYS AT VARIOUS LOCATIONS IN THE CITY OF MARION.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;

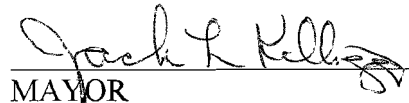
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids to remove and trim trees in the public right of ways at various locations in the City of Marion.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 14, 1998

APPROVED: September 15, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

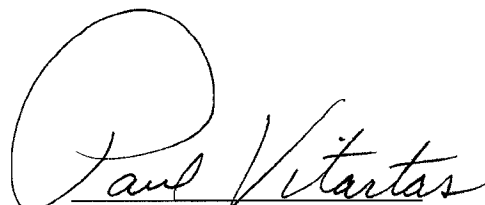
ORDINANCE NO. 1998-132

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS
FOR A LIGHTING SYSTEM FOR THE OFFICE OF MUNICIPAL JUDGE
AND COURT ROOM.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;

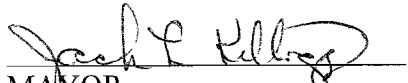
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for a new lighting system to be installed in the Municipal Court and Municipal Court Judges office.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 14, 1998

APPROVED: September 15, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998 -133

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$203,235.39 as follows:

GENERAL FUND

Transfer to COPS Fast 101-09-745-270-000-701 \$ 97,277.00

COPS FAST FUND

Salaries 211-01-111-210-000-111 \$ 86,145.00

Benefits 211-01-111-210-000-120 36,132.00

TOTAL COPS FAST FUND \$ 122,277.00

RENTAL REHAB FUND

Implementation 273-04-539-230-000-326 \$ 898.17

Emergency Rehab 273-04-539-230-000-328 992.67

TOTAL RENTAL REHAB FUND \$ 1,890.84

HOME PROGRAM FUND

Implementation 277-04-539-230-000-326 \$ 624.80

Emergency Rehab 277-04-539-230-000-328 2,499.20

TOTAL HOME PROGRAM FUND \$ 3,124.00

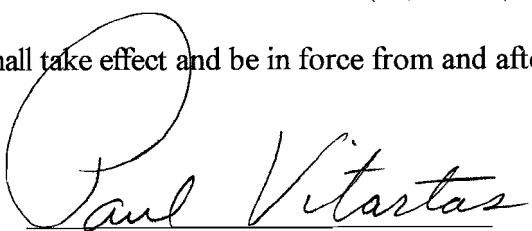
CAPITAL IMPROVEMENT FUND

FY 98 Contingency 401-09-548-270-000-624 \$ 14,300.50

AIRPORT IMPROVEMENT FUND

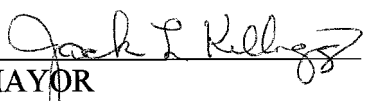
LOC/DME Project 446-06-440-250-000-520 \$ (35,633.95)

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 14, 1998

APPROVED: September 15, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE TO AMEND SECTION 1 OF ORDINANCE NO. 1990-45 (DESIGNATING CERTAIN STREETS OR PORTIONS THEREOF AS THROUGH STREETS), AS AMENDED, BY ADDING THERETO "KELLOGG PARKWAY FROM W. FAIRGROUND STREET TO MARION-WILLIAMSPORT ROAD.", AND DECLARING AN EMERGENCY.

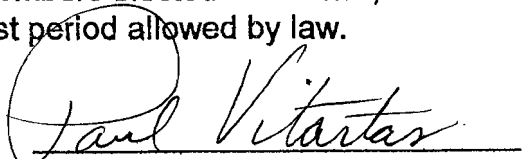
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Section 1 of Ordinance No. 1990-45, as amended, designating certain streets or portions thereof as through streets, be amended by adding thereto "Kellogg Parkway from W. Fairground Street to Marion-Williamsport Road".

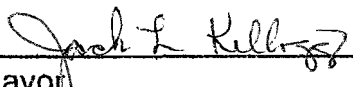
- Bellefontaine Avenue from the corporation line northeast to Prospect Street.
- Blaine Avenue from Columbia Street to Church Street.
- Center Street from the west corporation line to the east corporation line.
- Church Street from Park Boulevard to Kensington Place.
- Columbia Street from Davids Street to Blaine Avenue.
- Davids Street from the south corporation line to Center Street.
- Delaware Avenue from the south corporation line to Hill Street.
- Fairground Street from the west corporation to the east corporation line.
- Grand Avenue from Mount Vernon Avenue to Center Street.
- Greenwood Street from Presidential Drive to Fairground Street.
- KELLOGG PARKWAY FROM W. FAIRGROUND STREET TO MARION-WILLIAMSPORT ROAD.**
- Kenton Avenue from the corporation line southeast to Center Street.
- Klerx Street from Prospect Street to Main Street.
- Likens Road from the west corporation line to the east corporation line.
- Main Street from Walnut Street to the north corporation line.
- McKinley Park Boulevard from Edgewood Drive to Delaware Avenue.
- Mount Vernon Avenue from Vine Street to the east corporation line.
- Park Boulevard from Church Street to Center Street.
- Patten Street from Main Street to State Street.
- Prospect Street from the south corporation line to Fairground Street.
- Richland Road from Mount Vernon Avenue southeast to the corporation line.
- Sargent Street from Church Street to Center Street.
- Seffner Avenue from Mount Vernon Avenue to Center Street.
- Silver Street from the west corporation line to Prospect Street.
- State Street from Washington Street to Hecker Avenue.
- Vernon Heights Boulevard from Delaware Avenue to Mount Vernon Avenue.
- Walnut Street from Prospect Street to State Street.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and for the further reason that proper traffic control signs must be installed and enforceable when the new roadway is opened to traffic, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

Passed: September 28, 1998


President of Council

Approved: September 29, 1998


Mayor

Attest:


Clerk of Council

ORDINANCE NO. 1998-135

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS
FOR PHASE II AND PHASE III OF THE YOUTH CENTER PROJECT.**

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;

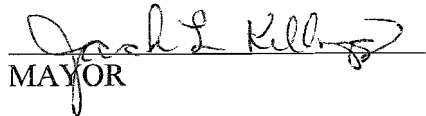
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for Phase II and Phase III of the Youth Center project.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 28, 1998

APPROVED: September 29, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-136

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH VARIOUS VENDORS FOR
MATERIALS TO BE USED IN THE DAILY OPERATIONS OF THE
CITY.**

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with various vendors as listed below, for materials to be used in the daily operations of the City for a period of two (2) years beginning November 1, 1998 and terminating not later than October 31, 2000.

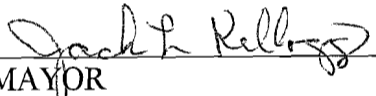
Mar-Zane	Asphalt Hot Mix
Morton Salt	Road Salt
Sherwin Williams	White and Yellow Road Paint
Englefield Oil	Unleaded and Diesel Fuel orders under 7,000 gallons.
BP America	Unleaded Fuel for orders over 7,000 gallons

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 28, 1998

APPROVED: September 29, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-137

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR A GROUNDWATER QUALITY ASSESSMENT PLAN AND CORRECTIVE MEASURES PLAN FOR THE CLOSED MARION CITY LANDFILL, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion must develop and submit a Corrective Measures Plan and Groundwater Quality Assessment Plan to the OEPA under OAC 3745-27-10.

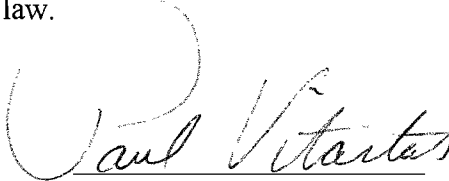
WHEREAS, Floyd Browne and Associates submitted a proposal and was determined to be the most qualified to provide engineering services for the project.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby directed to enter into agreement with Floyd Browne and Associates for their proposal of \$45,000 to provide engineering services for a Groundwater Quality Assessment Plan and Corrective Measures Plan to be submitted to the OEPA.

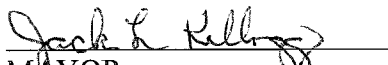
Section 2. That the \$45,000 cost to provide services for the project shall be payable from the Landfill Monitoring Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and for the further reason that the Corrective Measures Plan must be submitted in 180 days, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: October 12, 1998

APPROVED: October 13, 1998


MAYOR

ATTEST


CLERK OF COUNCIL

ORDINANCE NO. 1998-138

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MARK SCHAFFER EXCAVATING AND TRUCKING, INC. FOR THE INDUSTRIAL DEPOT SANITARY SEWER IMPROVEMENT, PROJECT 93-3S FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1997-160 authorized the preparation of plans, specifications and advertising for bids for the Industrial Depot Sanitary Sewer Improvement, Project 93-3S for the City of Marion, Ohio, and

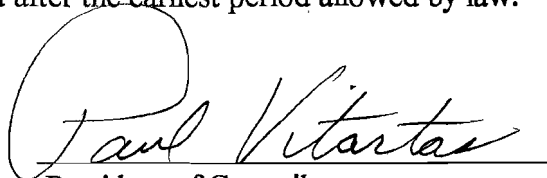
WHEREAS, Mark Schaffer Excavating and Trucking, Inc., submitted the lowest and best bid of \$298,317.00,

BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be directed to enter into contract with Mark Schaffer Excavating and Trucking, Inc., for the Industrial Depot Sanitary Sewer Improvement, Project 93-3S.

Section 2. That said contract shall be payable from the Industrial Depot Sanitary Sewer Fund.


Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that the City of Marion must adhere to Ohio Public Works Commission (OPWC) deadlines; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

passed: September 28, 1998

approved: September 29, 1998



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1998 - 139

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$64,753.98 as follows:

GENERAL FUND**CITY COUNCIL**

Service Contracts	101-07-721-230-000-321	\$ 1,500.00
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TRANSFERS

Youth Center Fund	101-09-745-270-000-697	<u>3,850.00</u>
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TOTAL GENERAL FUND		\$ 5,350.00
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COURT COMPUTERIZATION FUND

Service Contracts	210-07-731-230-000-321	\$ 7,000.00
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WIC FUND

Salaries	215-02-549-210-000-110	\$ 38,800.00
Benefits	215-02-549-210-000-120	17,000.00
Travel	215-02-549-220-000-220	200.00
Utilities	215-02-549-230-000-310	420.00
Equipment Maintenance	215-02-549-230-000-360	850.00
Janitorial Services	215-02-549-230-000-424	930.00
Supplies	215-02-549-240-000-420	1,200.00
Postage	215-02-549-240-000-423	500.00
Contingency	215-02-549-270-000-624	<u>(59,900.00)</u>
TOTAL WIC FUND		\$ 0

EARLY INTERVENTION FUND

Salaries	249-02-549-210-000-110	\$ 13,633.50
Benefits	249-02-549-210-000-120	4,002.50
Travel	249-02-549-220-000-220	375.00
Schooling	249-02-549-230-000-221	125.00
Utilities	249-02-549-230-000-310	50.00
Professional Services	249-02-549-230-000-320	325.00
Supplies	249-02-549-240-000-420	394.50
Postage	249-02-549-240-000-423	75.00
Contingency	249-02-549-270-000-624	<u>(15,426.52)</u>
TOTAL E.I. FUND		\$ 3,553.98

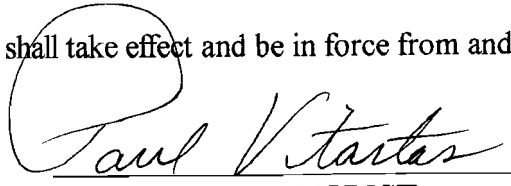
LANDFILL MONITORING FUND

Professional Services	507-05-563-230-000-320	\$ 45,000.00
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YOUTH CENTER FUND

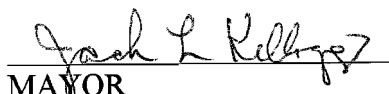
Capital Improvement	442-03-422-250-000-520	\$ 3,850.00
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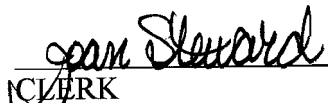
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: September 28, 1998
APPROVED: September 29, 1998

ATTEST:


MAYOR


CLERK

ORDINANCE NO. 1998-140

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH HURON LIME CO. FOR THE
PURCHASE OF HIGH CALCIUM PEBBLE QUICKLIME TO BE USED AT THE
WATER POLLUTION CONTROL PLANT.

WHEREAS, Huron Lime Co. submitted the best bid of \$56.70/ton for High
Calcium Pebble Quicklime.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director to be authorized and is hereby
directed to enter into contract with Huron Lime Co. for the purchase of High Calcium
Quick Pebble Quicklime to be used at the Water Pollution Control Plant.


Section 2. That the contract shall be payable from the Sewer Revenue Fund (505-
05-552-240-000-420).

Section 3. That this ordinance shall take effect and be inforce from and after the
earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: October 12, 1998

APPROVED: October 13, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-141

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TURNER EQUIPMENT CO. FOR THE PURCHASE OF (1) SEWER CAMERA INSPECTION SYSTEM TO BE USED AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY.

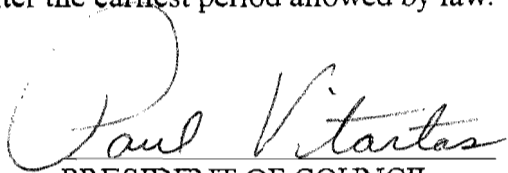
WHEREAS, Turner Equipment Co. submitted the best bid of \$64,968.00;

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with Turner Equipment Co. for the purchase of (1) Sewer Camera Inspection System to be used at the Water Pollution Control Plant.

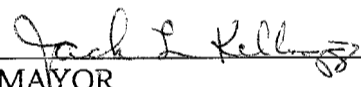
Section 2. That the contract shall be payable from the Sewer Revenue Fund (505-05-552-240-000-450).

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: October 12, 1998

APPROVED: October 13, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-142**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AGREEMENT WITH J & B ACOUSTICAL (CEILING RENOVATION) AND QUALITY PLUS BUILDERS (ELECTRICAL) FOR A LIGHTING SYSTEM IN THE COURTROOM AND JUDGES OFFICE, AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 1998-132 authorized the preparation of plans, specifications and advertising for bids for a lighting system and ceiling renovation in the Courtroom and Judges office, and

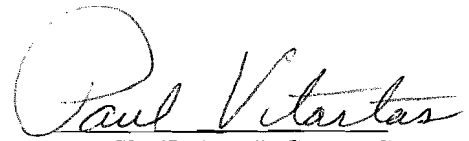
WHEREAS, J & B Acoustical(Ceiling) and Quality Plus Builders (Electrical) submitted the lowest and best bids. J & B Acoustical bid \$5,412 on the ceiling contract and Quality Plus Builders bid \$15,500 on the electrical contract.

BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be directed to enter into contract with J & B Acoustical (Ceiling) and Quality Plus Builders (Electrical) for the lighting system in the Courtroom and the Judge's Office.


Section 2. That said contract shall be payable form the Capital Improvement Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and furthermore since the completion date is December 18, 1998: shall take effect and be in force immediately upon its passage and approval by the mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: October 12, 1998

APPROVED: October 13, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998 - 143

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$222,500.00 as follows:

GENERAL FUND

Police		
Special Training	101-01-111-230-000-222	\$ 1,500.00
Civil Service		
Professional Services	101-07-717-230-000-320	<u>\$ 5,000.00</u>
TOTAL GENERAL FUND		\$ 6,500.00

FORMULA GRANT


FY 98 Formula Grant		
Private Rehab	275-04-548-230-000-322	\$ 44,000.00
Administration	275-04-548-230-000-324	31,000.00
Street Improvements	275-04-548-230-000-325	30,500.00
Curbs and Sidewalks	275-04-548-230-000-337	14,500.00
Fair Housing	275-04-548-230-000-339	1,000.00
Parks & Rec Facilities	275-04-548-230-000-341	20,000.00
Neighborhood Facilities	275-04-548-230-000-344	<u>75,000.00</u>
TOTAL FORMULA GRANT		\$216,000.00

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: October 12, 1998

APPROVED: October 13, 1998


 MAYOR

ATTEST:


 CLERK

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH U.S. CONCRETE CO. FOR THE PURCHASE OF CONTROLLED DENSITY FILL (CDF) TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

WHEREAS, U.S. Concrete submitted the best bid of \$30.00 per cu.yd.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with U.S. Concrete for the purchase of Controlled Density Concrete (CDF) to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Water Pollution Control Supplies and Materials Account (505-05-552-240-000-420) and Storm Water Utility Supplies and Material Account (509-05-554-240-000-420).

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: OCTOBER 26, 1998

APPROVED: October 27, 1998

Jack L. Kelly
MAYOR

ATTEST:

Joan Steward
CLERK OF COUNCIL

ORDINANCE NO. 1998- 145

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A 1999 1/2 TON, TWO WHEEL DRIVE PICK UP TRUCK WITH CAP WITH TRADE IN OF 1977 FORD F350 CUSTOM TRUCK.

WHEREAS, this piece of equipment will be added to our fleet, to replace existing mechanics truck, and;

WHEREAS, the 1977 Ford F350 Custom Truck is no longer fit to be used, and is not needed for any municipal purpose.

WHEREAS, this vehicle will be purchased from the S.C.M.R. and Sanitation Department.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of a 1999 1/2 Ton, Two Wheel Drive Pick Up Truck with cap.

Section 2. The Safety/Service Director be authorized to trade or dispose of 1977 Ford F350 Custom Truck, and which is no longer needed for any municipal purpose.

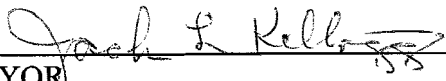
Section 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: October 26, 1998

APPROVED: October 27, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

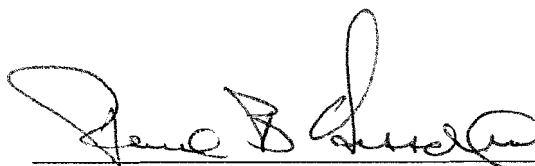
ORDINANCE NO. 1998-146

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH CONSOLIDATED RAIL CORPORATION (CONRAIL) FOR THE INSTALLATION OF A SANITARY SEWER FORCE MAIN CROSSING THE CONRAIL RIGHT-OF-WAY FOR THE INDUSTRIAL DEPOT SANITARY SEWER, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Mayor is hereby authorized and directed to enter into agreement with Conrail for the installation of a Sanitary Sewer Force Main crossing the Conrail right-of-way for the Industrial Depot Sanitary Sewer.

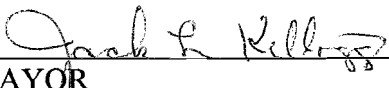
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and for the further reason that the City of Marion is required to meet project deadlines as established by the Ohio Public Works Commission, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: October 26, 1998

APPROVED: October 27, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998 - 147

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1998.

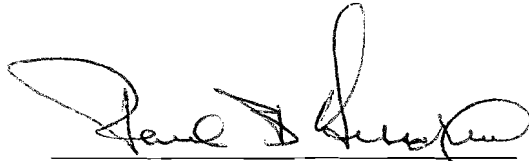
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in the General Fund in the amount of \$42,838.00 as follows:

GENERAL FUND

City Hall		
Supplies	101-07-741-240-000-420	\$ 2,200.00
Professional Services	101-07-741-230-000-320	<u>638.00</u>
		\$ 2,838.00
Statutory Account		
Income Tax Refunds	101-07-744-270-712-720	\$ 40,000.00

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: October, 26, 1998

APPROVED: October 27, 1998

Jack R. Kellogg
MAYOR

ATTEST:

Jean Steward
CLERK

ORDINANCE NO. 1998 - 148

ORDINANCE TO AMEND THE EXISTING ZONING CODE FOR THE CITY OF MARION TO ALLOW FOR THE SAME DEVELOPMENT STANDARDS FOR SINGLE-FAMILY HOMES AS CURRENTLY EXIST IN "R-2" DISTRICTS TO BE ALSO APPLICABLE TO "R-3" DISTRICTS.

WHEREAS, the City Planning Commission has recommended a change to the existing zoning code and,

WHEREAS, the Zoning and Annexation Committee has recommended the change be adopted.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. Marion City Code Section 1137.011 now reading in part as follows:

§ 1137.011 SCHEDULE OF PERMITTED USES IN RESIDENTIAL DISTRICTS.

SCHEDULE OF USES	ZONING USE DISTRICTS *				
	Single R-1A	Family R-1B	Districts R-1C	General Dwelling District R-2	Multi-Family District R-3
PRINCIPAL PERMITTED USES:					
Farming, nurseries and greenhouses	X	X	X	X	X
Single family dwellings	X	X	X	X	
Two family dwellings				X	X
Town Houses				X	X
Multi-family dwellings				X	X
Apartment Hotels					X
Public and parochial schools, not including colleges and universities	X	X	X	X	X
Churches	X	X	X	X	X

shall be amended to read as follows:

§ 1137.011 SCHEDULE OF PERMITTED USES IN RESIDENTIAL DISTRICTS.

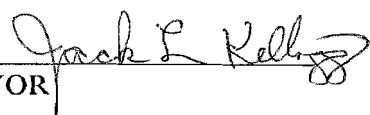
SCHEDULE OF USES	ZONING USE DISTRICTS *				
	Single R-1A	Family R-1B	Districts R-1C	General Dwelling District R-2	Multi-Family District R-3
PRINCIPAL PERMITTED USES:					
Farming, nurseries and greenhouses	X	X	X	X	X
Single family dwellings	X	X	X	X	X **
Two family dwellings				X	X
Town Houses				X	X
Multi-family dwellings				X	X
Apartment Hotels					X
Public and parochial schools, not including colleges and universities	X	X	X	X	X
Churches	X	X	X	X	X

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: October 26, 1998

APPROVED: October 27, 1998


 MAYOR

ATTEST:


 CLERK

legally advertised:
 The Marion Star
 Nov. 16 + 23, 1998
 Joan Steward
 Clerk of Council

ORDINANCE NO. 1998 - 149ORDINANCE AMENDING MARION CODIFIED ORDINANCE 351.03,
PROHIBITED STANDING OR PARKING PLACES.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Chapter 351.03 of the Codified Ordinances be amended to add Section (S) as follows:

§ 351.03 PROHIBITED STANDING OR PARKING PLACES.

No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

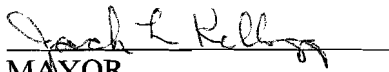
(S) Along any curb that is painted yellow.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: NOVEMBER 9, 1998

APPROVED: NOVEMBER 10, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998 - 150ORDINANCE AMENDING MARION CODIFIED ORDINANCE 660.03
(F), LITTERING AND DEPOSIT OF GARBAGE AND WASTE
MATERIAL.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Chapter 660.03 (F) of the Codified Ordinances, now reading in part as follows:

“(F) In the event that the owner, person in charge, tenant or occupant of any premises, having been notified under division (E) hereof, does not remove the deposit or accumulation specified in the notice of violation and removal order within the 14 days following notice as mentioned above, the City Safety/Service Director or designated representative shall cause such deposit or accumulation to be removed and shall charge the cost of such removal, together with the administrative costs incurred with regard to such removal, to the owner, person in charge, tenant or occupant, if such cost is not paid by the owner, person in charge, tenant or occupant within a reasonable time, the sum may be certified by the proper city official to the County Auditor and placed upon the tax duplicate for collection as a special assessment against such premises.”

is hereby amended to read as follows:

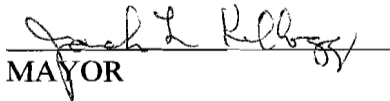
“(F) In the event that the owner, person in charge, tenant or occupant of any premises, having been notified under division (E) hereof, does not remove the deposit or accumulation specified in the notice of violation and removal order within the 14 days following notice as mentioned above, the City Safety/Service Director or designated representative shall cause such deposit or accumulation to be removed. The cost of such removal, together with the administrative costs incurred with regard to such removal shall be certified by the proper city official to the County Auditor and placed upon the tax duplicate for collection as a special assessment against such premises.”

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

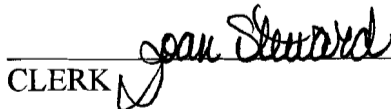

PRESIDENT OF COUNCIL

PASSED: NOVEMBER 9, 1998

APPROVED: NOVEMBER 10, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998- 151

ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN MUNICIPAL REAL PROPERTY LOCATED WITHIN THE CITY OF MARION TO THE GREATER MARION COMMUNITY AREA NEW DEVELOPMENT ORGANIZATION, INC., THROUGH THE CITY'S AGENT, THE COMMUNITY IMPROVEMENT CORPORATION, AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY AGREEMENTS TO EFFECTUATE THE TRANSFER, INCLUDING AUTHORITY TO GRANT NECESSARY EASEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion acquired approximately 431 acres and is developing a certain portion of same as a dual rail industrial park with some portion to be developed and/or retained for recreational purposes, and

WHEREAS, in the further development of the aforementioned park, the original contemplated plan included the lands being transferred to CAN DO to promote economic development and job creation, and

WHEREAS, the Council finds the creation and preservation of jobs, expansion of employment opportunities and improving the economic welfare of the people of the City of Marion, Ohio to be of the highest order and therefore authorizes the transfer of approximately 313 acres along with certain easements associated with said lands to CAN DO as was originally contemplated, and further finds the subject lands are no longer needed for public use, and

WHEREAS, this development is in conformance with the powers afforded the City of Marion as contained in Article 8, section 13 of the State of Ohio Constitution and further authorized under O.R.C. 165.02 et. al.

BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Council finds lands depicted on Exhibit A attached hereto and made a part hereof are no longer needed for any public use.

SECTION 2. The Council further finds said lands are best utilized in the further creation and preservation of jobs, the further expansion of employment opportunities and further improvement of the economic welfare of the people of the City of Marion, Ohio and therefore authorizes the Mayor to execute all necessary agreements in order to effectuate the sale through the Community Improvement Corporation to effect the conveyance of the approximately 313 acres located within the City's Dual Rail Industrial Park, by Quit Claim Deed to the Greater Marion Community Area New Development Organization, Inc., to accomplish the City's objective for the development of said lands.

SECTION 3. This Council further finds and determines that all formal actions of this Council and any of its' committees concerning and relating to the passage of this Ordinance were taken an open meeting of this Council and that all deliberations of this Council and accompanying committees that resulted in those formal actions were in meetings open to the public, all in compliance with O.R.C. 121.22, et. al.

ORDINANCE NO. 1998- 152

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,383,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE CITY SANITARY SEWER SYSTEM BY CONSTRUCTING NEW SANITARY SEWER LINES, MANHOLES, AND A LIFT STATION FOR CHURCH STREET, CLOVER STREET, HOMER STREET, KENSINGTON PLACE, MERCHANT AVENUE, SPENCER STREET, VERNON HEIGHTS BOULEVARD AND BARKS ROAD EAST, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor, as fiscal officer of this City, has certified to this Council that the estimated useful life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, County of Marion, Ohio, that:

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,383,000 (the Bonds) for the purpose of improving the City sanitary sewer system by constructing new sanitary sewer lines, manholes and a lift station for Church Street, Clover Street, Homer Street, Kensington Place, Merchant Avenue, Spencer Street, Vernon Heights Boulevard and Barks Road East, between certain termini, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately December 1, 1999, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2000.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,383,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to seven days less than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes (the Certificate of Award) in accordance with Section 6. The Notes shall bear interest at a rate or rates not to exceed 5% per year (computed on the basis of a 360-day year consisting of twelve 30 day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the Certificate of Award.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the principal corporate trust office of National City Bank, Columbus, Ohio (the Paying Agent).

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Auditor will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be

transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Auditor does not or is unable to do so, the Auditor, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes are hereby sold at not less than par plus accrued interest at private sale to McDonald Investments Inc., a KeyCorp company, in accordance with law and the provisions of this Ordinance. The Auditor shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year to the extent money from the City sanitary sewer system is available for the payment of debt charges on the Notes and the Bonds and is appropriated for that purpose, the tax shall be reduced by the amount of money so available and appropriated.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefitted from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Auditor, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

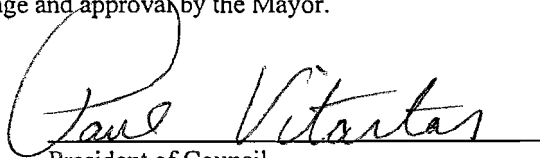
Section 11. The Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

Section 12. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.


Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to immediately commence the improvement; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: November 23, 1998



President of Council

Approved: November 24, 1998



Mayor

Attest: 

Clerk of Council

ORDINANCE NO. 1998- 153

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,567,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE CITY STORM WATER SYSTEM BY CONSTRUCTING AND REPLACING STORM WATER SEWERS ON EXECUTIVE DRIVE, LITTLETON STREET, KENTUCKY AVENUE, MICHIGAN AVENUE, FLEETWOOD AVENUE, VAN BUREN STREET, JEFFERSON STREET, RICHLAND ROAD, CHURCH STREET, CLOVER AVENUE, HOMER STREET, KENSINGTON PLACE, MERCHANT AVENUE, SPENCER STREET, BARTRAM AVENUE, AVONDALE AVENUE AND BARKS ROAD EAST, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor, as fiscal officer of this City, has certified to this Council that the estimated useful life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, County of Marion, Ohio, that:

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$3,567,000 (the Bonds) for the purpose of improving the City storm water system by constructing and replacing storm water sewers on Executive Drive, Littleton Street, Kentucky Avenue, Michigan Avenue, Fleetwood Avenue, Van Buren Street, Jefferson Street, Richland Road, Church Street, Clover Avenue, Homer Street, Kensington Place, Merchant Avenue, Spencer Street, Bartram Avenue, Avondale Avenue and Barks Road East, between certain termini, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated approximately December 1, 1999, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2000.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$3,567,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to seven days less than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes (the Certificate of Award) in accordance with Section 6. The Notes shall bear interest at a rate or rates not to exceed 5% per year (computed on the basis of a 360-day year consisting of twelve 30 day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the Certificate of Award.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the principal corporate trust office of National City Bank, Columbus, Ohio (the Paying Agent).

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Auditor will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes "immobilized" in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Auditor does not or is unable to do so, the Auditor, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes are hereby sold at not less than par plus accrued interest at private sale to McDonald Investments Inc., a KeyCorp company, in accordance with law and the provisions of this Ordinance. The Auditor shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year to the extent money from the City storm water system is available for the payment of debt charges on the Notes and the Bonds and is appropriated for that purpose, the tax shall be reduced by the amount of money so available and appropriated.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefitted from or availed itself of, any entity in

order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Auditor, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

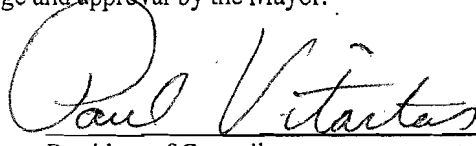
Section 11. The Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

Section 12. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

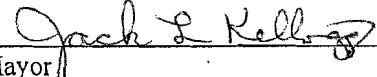
Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to immediately commence the improvement; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: November 23, 1998




President of Council

Approved: November 24, 1998



Mayor

Attest: 

Clerk of Council

ORDINANCE NO. 1998-154

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARION, OHIO TO ENTER INTO AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A TRAFFIC SIGNAL AT THE INTERSECTION OF MARION- WILLIAMSPORT ROAD AND SR 4/423, AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion has identified the need for a traffic signal at the intersection of Marion Williamsport Road and SR 4/423, and

WHEREAS, The Ohio Department of Transportation has agreed that a traffic signal is warranted at this location, and

WHEREAS, the City of Marion desires to construct, operate, and maintain this traffic signal,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Mayor is hereby authorized to enter into agreement with the Ohio Department of Transportation for the construction, operation and maintenance of a traffic signal at the intersection of Marion-Williamsport Road and SR 4/423.


Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the traffic signal is needed to enhance public safety; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



President of Council

Passed: November 23, 1998

Approved: November 24, 1998



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1998- 155

**AN ORDINANCE DESCRIBING AN IMPROVEMENT
AND REQUESTING THE COOPERATION BY THE
DIRECTOR OF TRANSPORTATION, AND
DECLARING AN EMERGENCY.**

WHEREAS, the State has identified the need for and proposes the improvement of a portion of the public highway which is described as follows:

This project proposes to plane and place asphalt concrete. Raised pavement markers and pavement markings will be installed. Curb ramps will be installed at limited locations.

TERMINI: SR95: Beginning at a point .25 miles east of junction SR529. Then proceeding eastward along the split corporation limit of the City of Marion .06 miles through the City of Marion corporate limits.

said portion of highway within the municipal corporation limits being hereinafter referred to as the improvement, and

WHEREAS, the Director of Transportation further desires cooperation from the City in the planning, design and construction of said improvement.

NOW THEREFORE, Be it ordained by the Council of the City of Marion, Ohio:

SECTION I, (Cooperation)

That said Director of Transportation hereby requests the cooperation of the City in the cost of the above described improvement as follows:

Consent is hereby given by the City for the above improvement and the City further agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement, as determined by the State and the Federal Highway Administration.

SECTION II, (Consent)

That it is declared to be in the public interest that the consent of said City be and such consent is hereby given to the Director of Transportation to construct the above described improvement, in accordance with plans, specifications and estimates as approved by the Director.

SECTION III, (Authority to sign)

That the Mayor of said City, is hereby empowered and directed on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

SECTION IV, (Traffic Control Signals and Devices)

That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

SECTION V, (Maintenance and Parking)

That upon completion of said improvement, said City, will thereafter, for all portions for which it is responsible, keep said highway open to traffic at all times, and

- (a) Maintain the improvement in accordance with the provisions of statutes relating thereto and make ample financial and other provisions for such maintenance; and
- (b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
- (c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.
- (d) Regulate parking in the following manner:

prohibit parking in accordance with section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VI, (Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

- (a) That all existing street and public way right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefore.
- (b) That the State will acquire any additional right-of-way required for the construction of the aforesaid improvement.
- (c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by said City or the Department of Transportation.
- (d) That it is hereby agreed that the City shall at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewer or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provisions of the Ohio Department of Transportation Utilities Manual inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangement shall be done at such time as requested by the Department of Transportation Engineer.
- (e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.
- (f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 Subpart B Utility Relocation and Adjustment and the Department of Transportation's Utilities Manual.
- (g) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligation made or agreed to in sections (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, The State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in sections (a), (b), (c), (d), (e) and (f) hereinabove.

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 23, _____, 19 98

Attest: Jean Steward
Clerk

Jack L. Kellogg
Mayor

Attest: Jean Steward

Paul Vitartas
President of Council

ORDINANCE NO. 1998- 156

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATTHEW KENNEDY FORD FOR THE PURCHASE OF A 1999 FORD 1/2TON PICK UP TO BE USED BY THE STREETS AND SANITATION DIVISIONS AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 1998-145 authorized the Safety/Service Director to prepare specifications and advertise for bids for one (1) vehicle to be used by the Streets/Sanitation Divisions.


WHEREAS, Mathews-Kennedy Ford submitted the lowest and best bid of \$15,595.25 which includes the trade in of a 1977 Ford F350 Custom truck serial #F374LY65219.

BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be directed to enter into contract with Mathews Kennedy Ford for the Purchase of one (1) 1999 Ford 1/2 ton pick up truck with cap.

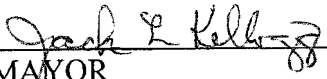
Section 2. That this contract shall be payable from the Streets/Sanitation Division Capital Equipment Fund. 250-000-450 Streets \$11,502.74 Sanitation \$4092.51.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof due to condition of current vehicle; and as such shall take effect and be in force immediately upon its passage and approval of the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council; otherwise it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: November 23, 1998

APPROVED: November 24, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-157**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH H & H EXCAVATING FOR DEMOLITION OF 513
AVONDALE AVE., AND DECLARING AN EMERGENCY.**

WHEREAS, the Safety/Service Director has declared 513 Avondale Ave. to be a dangerous building according to Chapter 1360 of the Marion Codified Ordinances and,

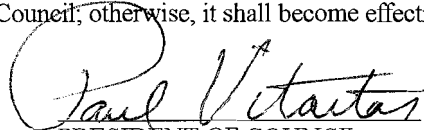
WHEREAS, H & H Excavating submitted the lowest and best bid, and therefore;

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized to enter into contract with H & H Excavating for the demolition of 513 Avondale Avenue.

Section 2. That the \$5,195 cost of said contract shall be payable from the General Fund Account No. 101-07-716-230-000-323.

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for further reason that if necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: November 23, 1998

APPROVED: November 24, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998 - 158ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND
ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER
31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations and adjustments made in various funds
in the amount of \$166,900.00 as follows:

APPROPRIATIONS ORDINANCE

GENERAL FUND

<u>POLICE:</u>	SALARIES	101-01-111-210-000-110	\$ 6,000.00
	SALARIES	101-01-111-210-000-111	42,000.00
	INSURANCE	101-01-111-230-000-380	5,000.00
	BENEFITS	101-01-111-210-000-120	10,000.00
	PROF SERVICE	101-01-111-230-000-320	(6,000.00)
	EQUIPMENT	101-01-111-250-000-450	(14,000.00)
<u>JAIL:</u>	SALARIES	101-01-112-210-000-110	5,100.00
	SCHOOLING	101-01-112-230-000-221	(2,000.00)
	HOUSING	101-01-112-230-000-352	(1,500.00)
	EQUIPMENT	101-01-112-250-000-450	(1,600.00)
	SUPPLIES	101-01-112-240-000-420	(1,000.00)
	SUSTENANCE	101-01-112-240-000-350	1,000.00
<u>DISPATCH:</u>	SALARIES	101-01-113-210-000-110	27,000.00
	SCHOOLING	101-01-113-230-000-221	(8,000.00)
	SERV CONT	101-01-113-230-000-321	(5,000.00)
	EQUIPMENT	101-01-113-250-000-450	(1,000.00)
<u>FIRE:</u>	SALARIES	101-01-131-210-000-110	1,000.00
	SALARIES	101-01-131-210-000-111	28,000.00
	BENEFITS	101-01-131-210-000-120	25,000.00
<u>RECREATION:</u>	SALARIES	101-03-422-210-000-110	13,000.00
	BENEFITS	101-03-422-210-000-120	5,000.00
<u>FIRE:</u>	INSURANCE	101-01-131-230-000-380	(4,000.00)
<u>SENIOR CIT:</u>	SALARIES	101-03-424-210-000-110	(1,000.00)
	INSURANCE	101-03-424-230-000-380	1,000.00
<u>AIRPORT:</u>	INSURANCE	101-06-621-230-000-380	3,300.00
<u>TREASURER:</u>	BENEFITS	101-07-713-210-000-120	100.00
<u>MUNI COURT:</u>	SALARIES	101-07-731-210-000-110	18,000.00
	BENEFITS	101-07-731-210-000-120	1,000.00
<u>CITY HALL:</u>	UTILITIES	101-07-741-230-000-310	4,000.00
	INSURANCE	101-07-741-230-000-380	(5,000.00)
	TOTAL GENERAL FUND		\$145,400.00

SCMR FUND

	UTILITIES	207-06-612-230-000-310	\$ 600.00
	UTILITIES	207-06-121-230-000-310	5,000.00
	SALARIES	207-06-612-210-000-110	12,000.00
	CLOTHING	207-06-612-210-000-140	200.00
	TOTAL SCMR FUND		\$ 17,800.00

VIOLENCE AGAINST WOMEN FUND

	SALARIES	212-01-547-210-000-110	\$ 1,000.00
	BENEFITS	212-01-547-210-000-120	(1,000.00)

DARE GRANT FUND

	SALARIES	216-01-111-210-000-111	\$ 1,200.00
	BENEFITS	216-01-111-210-000-120	2,500.00
	TOTAL DARE FUND		\$ 3,700.00

TRANSIT FUND

	SALARIES	502-06-548-210-000-110	\$ (17,000.00)
	BENEFITS	502-06-548-210-000-120	(6,000.00)
	INSURANCE	502-06-548-230-000-380	6,000.00
	PROF SERV	502-06-548-230-000-320	17,000.00

SEWER REVENUE FUND

CLOTHING	505-05-552-210-000-140	\$	500.00
INSURANCE	505-05-552-230-000-380		(500.00)

SANITATION FUND

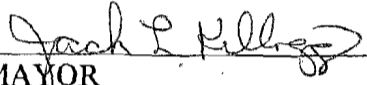
BENEFITS	506-05-561-210-000-120	\$	5,500.00
INSURANCE	506-05-561-230-000-380		(5,500.00)

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: November 23, 1998

APPROVED: November 24, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998-159

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BANK ONE FOR A ONE YEAR LEASE WITH OPTION TO PURCHASE A CERTAIN PARCEL OF REAL PROPERTY LOCATED ON S. STATE ST., UTILIZING THE COMMUNITY IMPROVEMENT CORPORATION, AND DECLARING AN EMERGENCY

WHEREAS, ridership has increased due to the skilled efforts of the City's Transit department, and

WHEREAS, the Administration has entertained proposals regarding expanding the ability of the department in order to continue to better serve the community, and

WHEREAS, an opportunity to serve the citizens exists by obtaining a Transportation Center in the heart of downtown Marion, which would bring together City bus, Greyhound Bus and taxi service in one central location,

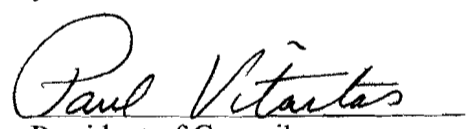
WHEREFORE, the Council finds the proposal to be in the best interests of the City of Marion and further finds a clear and present Municipal use for the subject real property in order to further develop the economic vitality of the downtown,

BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

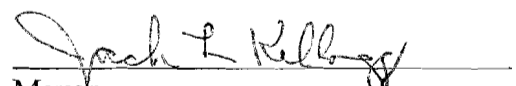
SECTION 1. The Mayor is authorized to enter into agreement with Bank One, through the City's agent the Community Improvement Corporation, to provide in part for the lease with option to purchase a certain parcel of real property located on S. State Street, within the City of Marion, Ohio. Said purchase at this time contemplates the use of a Capital Grant through ODOT for which funds would be available with formal notice of receipt of funding for purchase occurring in November, 1999, with said agreement being approved as to terms and conditions by the Director of Law,

SECTION 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediate need for a downtown transportation center and the conditions contained in the offer to purchase; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

PASSED: December 14, 1998


President of Council

APPROVED: December 14, 1998


Mayor

ATTEST:


Clerk of Council

ORDINANCE NO. 1998-160

ORDINANCE ACCEPTING THE PLAT OF THE LAKES SUBDIVISION TO THE CITY OF MARION, OHIO AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN, AND DECLARING AN EMERGENCY.

WHEREAS, The Lakes of Marion Development Co., Ltd., owner, has hereunto submitted to the Planning Commission of the City of Marion, a plat of The Lakes Subdivision to the City of Marion, being a part of Section 34, Township 5 South, Range 15 East, City of Marion, County of Marion, State of Ohio, and being the dimensions as shown on said plat, and three streets known as Bayside Drive, Community Drive and Lake Boulevard; and

WHEREAS, on the 1st day of December 1998, the Planning Commission of the City of Marion approved said plat.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the plat of The Lakes of Marion Development Co., Ltd., owner, of the Lakes Subdivision to the City of Marion, being a part of Section 34, Township 5 South, Range 15 East, City of Marion, County of Marion, State of Ohio, dated the 14th day of December 1998, and dedicated on the 14th day of December 1998, be and the same is hereby approved and accepted, and the dedication to the public use of the streets shown therein be and the same is hereby accepted and confirmed.

Section 2. That the acceptance of this plat of the Lakes Subdivision to the City of Marion shall be subject to the provisions of Ordinance No. 1973-108 pertaining to the underground facilities.


Section 3. That this ordinance is hereby declared to be an emergency measure for the immediate preservation of the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



President of Council

Passed: December 14, 1998

Approved: December 14, 1998



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1998-161

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH METTLER TOLEDO, INC. FOR THE
PURCHASE AND INSTALLATION OF TRUCK SCALES TO BE USED AT THE
WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY.

WHEREAS, Mettler Toledo, Inc. submitted the best bid of \$40,200.00;

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with Mettler Toledo, Inc. for the Purchase and Installation of Truck Scales to be used at the Water Pollution Control Plant.

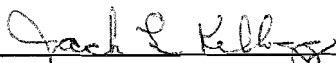
Section 2. That the contract shall be payable from the Sewer Replacement Fund (504-05-553-250-000-450).

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: December 14, 1998

APPROVED: December 14, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998 - 162

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER
31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$29,500.00 as follows:

General Fund

Police Salaries 101-01-111-210-000-111 \$ 4,500.00

Insurance Proceeds Trust

Trust Expense 741-09-828-270-000-731 \$25,000.00

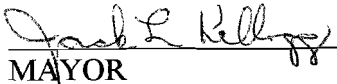
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

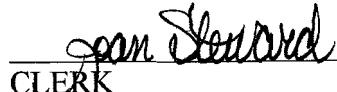
PASSED: December 14, 1998

APPROVED: December 14, 1998



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1998-163

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR REHABILITATION OF NORTHWEST TAXIWAY AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion has been tentatively allocated \$144,000.00 ODOT Airport Improvement Matching Grant Program, toward an estimated cost of \$160,000.00.

WHEREAS, The final grant award is offered as a result of these bids and bids must be submitted to granting agency by May 31, 1999.

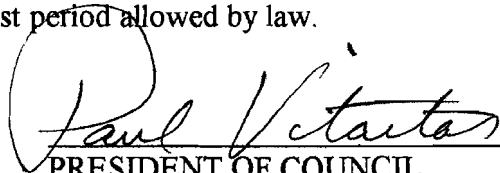
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare specifications and advertise for bids for rehabilitation of NorthWest Taxiway at Marion Municipal Airport.

Section 2. These specifications are to be prepared by Yager and Associates of Toledo, Ohio in conjunction with Marion Municipal Airport personnel, who was selected per FAA guidelines and authorized by Ordinance 1997-111.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.


Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



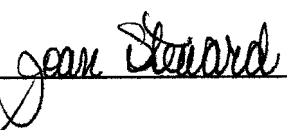
PRESIDENT OF COUNCIL

PASSED: December 28, 1998

APPROVED: December 29, 1998



MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998-164

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT ROOSE-MULLET COMPANY (GENERAL), LAKE ERIE ELECTRIC (ELECTRICAL), AND PETE MILLER INC. (MECHANICAL), FOR PHASE II OF THE YOUTH CENTER REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 1998-135, the Safety/Service Director was authorized to advertise for bids for Phase II of the Youth Center Rehabilitation Project, and

WHEREAS, Roose-Mullet Company (general), Lake Erie Electric (electrical), and Pete Miller Inc.(mechanical) submitted the lowest and best bids.

BE IT ORDAINED by the City Council of Marion, Marion County, Ohio;

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with Roose-Mullet Company (general), Lake Erie Electric (electrical), and Pete Miller Inc. for Phase II of the Youth Center Rehabilitation.

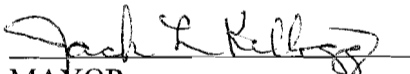
Section 2. That the \$164,845 cost of said project be payable from the Formula Grant Fund and Capital Improvement Fund.

Section 3. That this ordinance be declared and emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for further reason scheduled completion date in March 31, 1999; and as such, shall take effect and be in force immediately upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: December 28, 1998

APPROVED: December 29, 1998


MAYOR

ATTEST


CLERK OF COUNCIL

ORDINANCE NO. 1998-165

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE FILLMORE STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the Fillmore Street Improvement Project.

Section 2. That the cost of such contract shall be payable from the S.C.M. & R. Fund and the C.D.B.G. Fund.


Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



President of Council

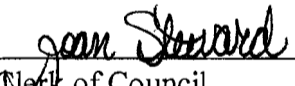
Passed: December 28, 1998

Approved: December 29, 1998



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1998-166

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RON'S TREE SERVICE, MARION, OHIO, FOR THE TREE REMOVAL PROJECT , AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1998-131 authorized the preparation of specifications and advertising for bids for the Tree Removal Project, and

WHEREAS, Ron's Tree Service submitted the lowest and best bid of \$14,329.97,

BE IT ORDAINED BY THE Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be directed to enter into contract with Ron's Tree Service for the Tree Removal Project.

Section 2. That said contract shall be payable from the Tree Care Fund (101-07-743-230-000-316)


Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that the trees are a safety hazard, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members of council; otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

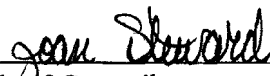
Passed: December 28, 1998

Approved: December 29, 1998



Mayor

Attest:



Clark of Council

ORDINANCE NO. 1998-167

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A NEW E-911 SYSTEM.

WHEREAS, the current E-911 system is not Y2K compliant.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;


Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for a new E-911 system.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: December 28, 1998

APPROVED: December 29, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-168

AN ORDINANCE TO AMEND ORDINANCE 1969-29 (YARGER), AS AMENDED, ORDINANCE NO. 1994-28, AS AMENDED, AND ORDINANCE NO. 1995-144, BY RESTATING AND UPGRADING THE PAY PLANS FOR THE ASSISTANT DIRECTOR OF SENIOR CENTER AND DIRECTOR OF SENIOR CENTER.

WHEREAS, Ordinance No. 1995-144 further amended and clarified certain positions in accordance with the Fair Labor Standards Act and provide for proper rewards for work performance for managerial positions with the City of Marion effective January 1, 1996, and;

WHEREAS, the salary pay ranges for the Assistant Senior Center Director and Senior Center Director may be exceeded following the next performance evaluation conducted by the Personnel Committee, and;

WHEREAS, the Council wishes to establish up-to-date salary ranges for the positions of Assistant Senior Center Director and Senior Center Director.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the positions of Assistant Senior Center Director and Director of the Senior Center remain entitled to the working conditions and employment benefits provided for full time permanent employees as set out by Ordinance No. 1968-41, as amended, Ordinance No. 1969 183, as amended, and ordinance No. 1995-144 except that as FLSA exempted salaried positions shall not be entitled to overtime pay as provided by Section 47.13 of the Personnel Policies.

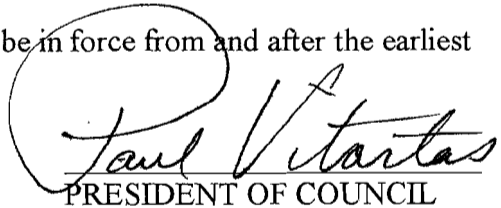
Section 2. That the position of Assistant Senior Center Director currently at Pay Grade 18E and Senior Center Director currently at Pay Grade 25E be upgraded to those listed below in order to properly compensate for the level of responsibilities:

Assistant Senior Center Director	25E
Senior Center Director	30E

Section 3. That salary ranges for Assistant Senior Center Director and Senior Center Director which are FLSA exempt positions are as follows:

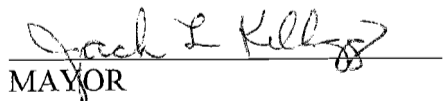
<u>Title of Position</u>	<u>Pay Grade</u>	<u>Salary Ranges</u>	
		<u>Minimum</u>	<u>Maximum</u>
ASST. DIRECTOR, SR. CENTER	25E	\$25,400	\$40,000
DIRECTOR, SENIOR CENTER	30E	\$35,000	\$50,000

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


 PRESIDENT OF COUNCIL

PASSED: December 28, 1998

APPROVED: December 29, 1998


 MAYOR

ATTEST:


 CLERK OF COUNCIL

Amends Ord. 1997-153

Building Code 063

ORDINANCE NO. 1998-169

ORDINANCE AMENDING VARIOUS SECTIONS OF ORDINANCE 1997-153, ALSO KNOWN AS MARION CITY CODE SECTION 1330, TO UPDATE THE SCHEDULE OF PERMIT FEES AND REVISE THE APPLICABLE CODE STANDARDS.

WHEREAS, Marion City Code Section 1330 et. seq. was adopted to meet the existing need of a Building Code and applicable requirements, and

WHEREAS the existing Code, passed in November of 1997, is in need of further refinement and updating as to certain sections, and

WHEREAS the Council finds the existing Code needs refinement and amending,

BE IT ORDAINED by the Council of Marion, Marion County, Ohio:

Section 1. Marion City Code Section 1330.03 now reading, in part, as follows:

- (A) HVAC CONTRACTOR'S LICENSE REQUIRED No person shallas an air conditioner contractor. All work shall be in compliance with the Ohio Basic Building Code or Council of American Building Officials and meet Ohio EPA requirements.
- (B) LICENSE INSURANCE AND FEE HVAC (Heating & Cooling) contractor licenses shall.....The original or renewal license fee shall be thirty-five dollars (\$ 35.00) per year and shall not be subject to an pro-ration if purchased in-term of the fiscal year.

SHALL BE AMENDED TO READ AS FOLLOWS:

- (A) HVAC CONTRACTOR'S'S LICENSE REQUIRED No person shallas an air conditioner contractor. All work shall be in compliance with the most current edition of the **Ohio Building Officials Association Code (OBOA)** and meet Ohio EPA requirements.
- (B) LICENSE INSURANCE AND FEE HVAC (Heating & Cooling) contractor licenses shall.....The original or or renewal license fee shall be **fifty dollars (\$ 50.00)** per year and shall not be subject to a pro-ration if purchased in-term of the fiscal year.

Section 2. Marion City Code Section 1330.04 now reading, in part, as follows:

- (B) ISSUANCE FEE Electrical Contractormay establish. The original or or renewal license fee shall be thirty-five dollars (\$ 35.00) per year and shall not be subject to an pro-ration if purchased in-term of the fiscal year.

SHALL BE AMENDED TO READ AS FOLLOWS:

- (B) ISSUANCE Electrical Contractormay establish. The original or or renewal license fee shall be **fifty dollars (\$ 50.00)** per year and shall not be subject to a pro-ration if purchased in-term of the fiscal year.

Section 3. Marion City Code Section 1330.05 now reading, in part, as follows:

- (B) ISSUANCE FEE Home Improvements Contractorsmay establish. The original or or renewal license fee shall be thirty-five dollars (\$ 35.00) per year and shall not be subject to an pro-ration if purchased in-term,of the fiscal year.

SHALL BE AMENDED TO READ AS FOLLOWS:

- (B) ISSUANCE FEE Home Improvement Contractors.....may establish. The original or or renewal license fee shall be **fifty dollars (\$ 50.00)** per year and shall not be subject to a

pro-ration if purchased in-term of the fiscal year.

Section 4. Marion City Code Section 1330.06 now reading, in part, as follows:

- (A) GENERAL CONTRACTORS REGISTRATION REQUIRED. No person shall general contractor. All work shall be in compliance with the Ohio Basic Building Code or Council of American Building Officials and meet Ohio EPA requirements.
- (B) REGISTRATION FEE General Contractors registrations shall.....may establish. The original or or renewal license fee shall be thirty-five dollars (\$ 35.00) per year and shall not be subject to an pro-ration if purchased in-term of the fiscal year.

SHALL BE AMENDED TO READ AS FOLLOWS:

- (A) GENERAL CONTRACTORS REGISTRATION REQUIRED. No person shall....general contractor. All work shall be in compliance with the most current edition of the **Ohio Building Officials Association Code (OBOA)** and meet Ohio EPA requirements.
- (B) REGISTRATION FEE General Contractors registrations shall ... may establish. The original or or renewal license fee shall be **fifty dollars (\$ 50.00)** per year and shall not be subject to a pro-ration if purchased in-term of the fiscal year.

Section 5. Marion City Code Section 1330.08 now reading as follows:

RESIDENTIAL BUILDING PERMIT COST	
1330.08	
SINGLE FAMILY HOME (one Family Dwelling) Residential package includes Structure Permit, Electrical Permit, HVAC Permit, Patio or Deck Permit (if called for on plans), Roofing, Siding, Window and Exterior Door Permits and Concrete Permits (driveway and sidewalk). Each extra electrical inspection will be \$25.	\$250 plus .30c for each sq. ft. over 1,000 sq. ft. of gross floor area. (Includes each story, but not the garage.)*
TWO FAMILY DWELLING Residential package includes Structure Permit, Electrical Permit, HVAC Permit, Patio or Deck Permit (if called for on plans), Roofing, Siding, Window and Exterior Door Permits and Concrete Permits (driveway and sidewalk). Each extra electrical inspection will be \$25.	\$350 plus .30c for each sq. ft. over 1,000 sq. ft. of gross floor area.
THREE FAMILY DWELLING Residential package includes Structure Permit, Electrical Permit, HVAC Permit, Patio or Deck Permit (if called for on plans), Roofing, Siding, Window and Exterior Door Permits and Concrete Permits (driveway and sidewalk). Each extra electrical inspection will be \$25.	\$450 plus .30c for each sq. ft. over 1,000 sq. ft. of gross floor area.
Permits for new construction will be sold only as a package to either the General Contractor or the Property Owner.	
GARAGE Anything that is 150 sq. ft. or greater, or attached to existing structure.	\$35
NO BUILDING PERMITS NEEDED FOR YARD SHEDS UNDER 150 SQ. FT.	
ROOM ADDITION <u>Room Addition</u> - anything being attached to the existing structure or enclosing an attachment that is habitable must have a building permit.	\$75
DECK Deck (or patio) added to the plans of new structures or as a new addition to an existing structure. A deck over 200 sq. ft. requires a permit, or any deck that is over four (4) ft. high requires a permit regardless of size. A ground level patio does not require a building permit (but may still require a zoning permit).	\$25

*EXAMPLE - Fee - 1,000 sq. ft. home = \$250
1,500 sq. ft. home = 400
2,000 sq. ft. home = 550

HVAC PERMIT (HEATING & COOLING)	25.00
HVAC Permit is for replacement and/or relocation of the HVAC unit and includes the 220 volt line but not to include duct work for room addition (duct work for room addition as long as there is no furnace or air conditioner change is included in the Room Addition Permit).	
ELECTRICAL PERMIT FOR SERVICE UPGRADE	35.00
ELECTRICAL PERMIT FOR NEW ELECTRIC METER SERVICE	50.00

SHALL BE AMENDED TO READ AS FOLLOWS:

1330.08 RESIDENTIAL BUILDING PERMIT COST

<u>SINGLE, TWO & THREE FAMILY DWELLINGS</u>	0 - 1,000 sq ft = \$400
Residential package includes Structure Permit,	1,001 - 1,500 sq ft = \$650
Electrical Permit, HVAC Permit, Patio or Deck	1,501 - 2,000 sq ft = \$850
Permit (if called for on plans), Roofing, gross floor area.	2,0001 sq ft + .32/sq ft
Siding, Windows and Exterior Door Permits and Concrete Permit	
Re-inspections will cost an additional \$50 per inspection	
Permits for new construction will be sold only as a packages to either the General Contractor or the property Owner.	
<u>DETACHED GARAGES & ACCESSORY BUILDINGS</u>	0 sq ft - 300 sq ft = \$100
	301 sq ft + + \$100 + .32/sq
<u>ELECTRICAL SERVICE (NEW)</u>	\$50
<u>INTERIOR ELECTRICAL</u>	\$50
<u>ROOM ADDITION</u>	0 sq ft - 300 sq ft = \$200
Room Addition - anything being attached to the existing structure or enclosing an attachment that is habitable must have a building permit.	301 sq ft + = \$200 = .32/sq ft
<u>DECKS AND ROOFS</u>	Flat rate = \$90
Deck or patio added to the plans of new structures or as a new addition to an existing structure. A deck over 200 sq. ft. requires a permit, or any deck that is over four (4) feet high requires a permit regardless of size. A ground level patio does not require a building permit, but may still require a zoning permit.	
<u>ALTERATION / REMODEL</u>	0 sq ft - 300 sq ft = \$175
	301 sq ft + \$175 + .32/sq ft
<u>ELECTRICAL SERVICE (UPGRADE)</u>	\$35
<u>HVAC PERMIT (HEATING & COOLING)</u>	\$25
HVAC Permit is for replacement and/or relocation of the HVAC unit and included the 220 volt line but not to include duct work for room addition (duct work for room addition as long as there is no furnace or air conditioner change is included in the Room Addition Permit)	

A fee of \$100 will be assessed to applicant for replacement of lost or damaged building permit. An additional fee of \$25 will be required for re-reviewing plans.

RE-INSPECTIONS SHALL BE \$ 50.00 per each re-inspection

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.



 President

Passed: **January 4, 1999**
 Approved: **January 5, 1999**



 Mayor

Attest;



 CLERK

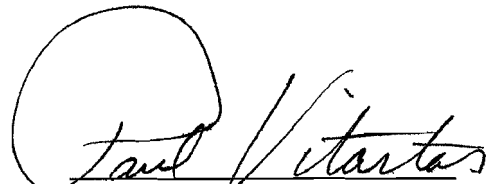
ORDINANCE NO. 1998- 170**ORDINANCE AUTHORIZING THE CITY AUDITOR
TO PAY BILLS FROM VARIOUS CITY DEPARTMENTS
PURSUANT TO OHIO REVISED CODE 5705.41 (D),
AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio::

SECTION 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. 5705.41 (D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereof a certificate of the fiscal officer of the subdivision that the amount required to meet amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

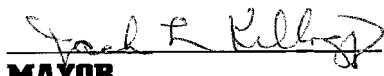
SCMR	9,054.24
General Fund	\$1,350.00

SECTION 2. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: December 28, 1998
APPROVED: December 29, 1998



MAYOR

ATTEST:



CLERK OF COUNCIL

Voucher with Improper Purchase Order

DATE	FUND/ACCOUNT NO.	VENDOR/REASON	P.O. #	AMOUNT
12/9/98	SCMR 207-06-612-230-000-531	Marion County Commissioners P.O. Too late/ Work performed w/o prior approval	12 2719	\$9,054.24
		<u>Total SCMR Fund</u>		<u>\$9,054.24</u>
		<u>Grand Total</u>		<u>\$9,054.24</u>

ORDINANCE NO. 1998- 171

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$7,000.00 as follows:

STORM SEWER IMPROVEMENT

PROFESSIONAL SERVICE	460-05-983-230-000-320	\$5,000.00
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SANITARY SEWER IMPROVEMENT

PROFESSIONAL SERVICE	550-05-983-230-000-320	\$2,000.00
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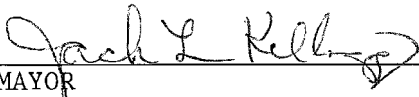
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: December 28, 1998

APPROVED: December 29, 1998



 MAYOR

ATTEST:



 CLERK

ORDINANCE NO. 1998-2

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR THE DEMOLITION OF GARAGE AT 431 CHERRY STREET AND DECLARING AN EMERGENCY.

WHEREAS, J & J Renovations submitted the lowest and best bid,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with J & J Renovations for the demolition of garage at 431 Cherry Street.

Section 2. That the \$999.00 cost of said contract shall be payable from the General Fund Account No. 101-07-716-230-000-323

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after earliest period allowed by law.

[Signature]
PRESIDENT OF COUNCIL

PASSED: January 5, 1998

APPROVED: January 6, 1998

[Signature]
MAYOR

ATTEST:

[Signature]
CLERK OF COUNCIL

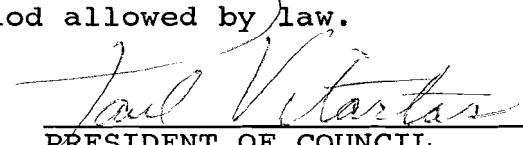
ORDINANCE NO. 1998-2A

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FIVE POLICE VEHICLES AND RELATED EQUIPMENT FOR SAID VEHICLES.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for five (5) police vehicles and related equipment.

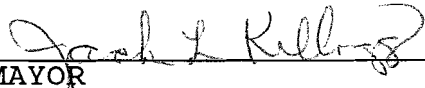
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: January 26, 1998

APPROVED: January 27, 1998



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1998-3ORDINANCE AUTHORIZING AN AMENDMENT TO THE
EXISTING LEASE AGREEMENT BETWEEN THE CITY OF MARION
AND THE MARION HOME & NEIGHBORHOOD DEVELOPMENT, INC

WHEREAS, Ordinance 1993-110 authorized the entering into a lease agreement with Marion Hand, also known as The Marion Home & Neighborhood Development, Inc., of land owned by the City located in proximity to the Harding Centre Project for development and use as a parking lot in association with the Harding Centre Project,

WHEREAS, on the 27th day of February, 1995 said lease was properly entered,

WHEREAS, on the 22nd day of December, 1997 Marion Hand requested a waiver, in writing, of the first 33 rent installment payments, due in part to delays in the Centre Project,

WHEREAS, the Council for the City finds the request to be in the best interests of the citizens of the City of Marion,

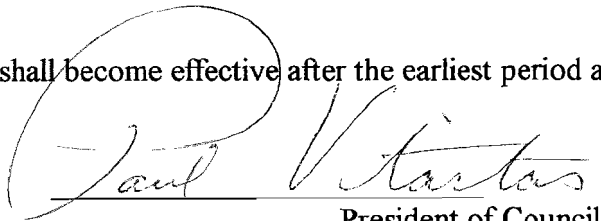
BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Safety/Service Director is authorized to execute any necessary documents in order to waive the first 33 rental installment payments due under the February 27, 1995 lease agreement between the City and Marion Hand,

SECTION 2. The Auditor is authorized to revise his records to reflect the waiver authorized herein,

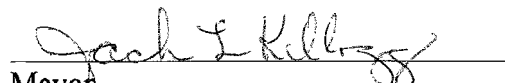
SECTION 3. This Ordinance shall become effective after the earliest period allowed by law.

PASSED: January 26, 1998




President of Council

APPROVED: January 27, 1998



Mayor

ATTEST:



Clerk of Council

ORDINANCE NO. 1998 - 4

ORDINANCE APPROVING THE PAYMENT OF AN INVOICE FROM KURTZ BROS., INC., APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion contracted with Kurtz Bros., Inc. for the disposal of yard waste, and

WHEREAS, the Sanitation Fund and the Parks Fund had sufficient certified revenues but insufficient appropriations in 1997 to pay for the disposal of their yard waste.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the City Auditor is hereby authorized and directed to pay Kurtz Bros., Inc. \$35,854.38 for the disposal of yard waste during the last quarter of 1997.

Section 2. That \$18,222.54 shall be appropriated as follows to provide funding not covered by a 1997 purchase order.

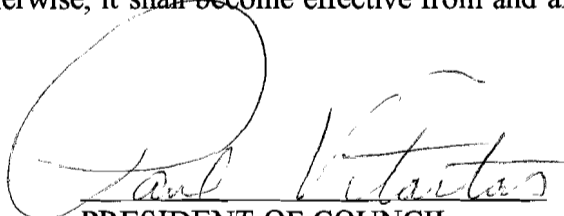
Parks Fund

Yard Waste Disposal	221-03-421-230-000-317	\$ 3,611.75
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Sanitation Fund

Yard Waste Disposal	506-05-561-230-000-317	\$14,610.79
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Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: January 26, 1998

APPROVED: January 27, 1998



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1998 - 5

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$35,010.34 as follows:

GENERAL FUND

City Hall Property Tax	101-07-741-240-000-381	\$ 4,660.00
Airport Property Tax	101-06-621-240-000-381	<u>55.00</u>
TOTAL		\$ 4,715.00

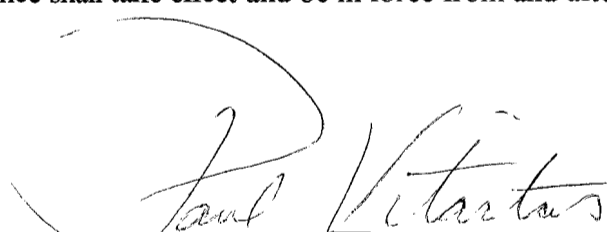
WELLNESS BLOCK GRANT FUND

Salaries	253-02-548-210-000-110	\$ 2,691.00
Benefits	253-02-548-210-000-120	1,318.43
Travel	253-02-548-220-000-220	414.93
Schooling	253-02-548-230-000-221	250.00
Supplies	253-02-548-240-000-420	1,820.98
Reimbursements	253-02-548-270-000-721	<u>1,800.00</u>
TOTAL		\$ 8,295.34

MARION AREA TRANSIT FUND

Equipment	502-06-548-250-000-450	\$ 5,000.00
Capital Improvements	502-06-548-250-000-520	<u>17,000.00</u>
TOTAL		\$22,000.00

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

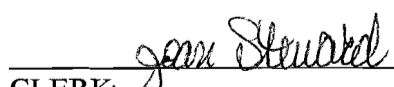
PASSED: January 26, 1998

APPROVED: January 27, 1998



 MAYOR

ATTEST:



 CLERK

ORDINANCE NO. 1998- 6 _____

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,030,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PROVIDING A LOAN TO MARION SENIOR HOUSING LIMITED PARTNERSHIP FOR COSTS OF REMODELING, REHABILITATING AND EQUIPPING THE FORMER HARDING HOTEL AS HOUSING, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Amended Ordinance No. 1996-155, passed November 25, 1996, notes in anticipation of bonds in the amount of \$1,750,000 dated December 17, 1996 were issued for the purpose stated in Section 1, to mature on February 15, 1998 (the Outstanding Notes); and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes and provide additional money for the purpose stated in Section 1; and

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years, and the maximum maturity of the Notes described in Section 3, is 20 years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio, that:

Section 1. It is necessary to issue taxable bonds of this City in the aggregate principal amount of \$2,030,000 (the Bonds) for the purpose of providing a loan to Marion Senior Housing Limited Partnership for costs of remodeling, rehabilitating and equipping the former Harding Hotel as housing.

Section 2. The Bonds shall be dated approximately August 1, 1998, shall bear interest at the now estimated rate of 8% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment for the Bonds is projected to be December 1, 1999.

Section 3. It is necessary to issue and this Council determines that taxable notes in the aggregate principal amount of \$2,030,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate or rates not to exceed 8% per year (computed on a 30-day month/360-day year basis), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes (the Certificate of Award) in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the principal office of National City Bank, Columbus, Ohio (the Paying Agent). The Notes shall be dated February 15, 1998 and shall mature on August 13, 1998.

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, provided that no Note shall be issued in a denomination less than \$5,000 or be exchangeable for other Notes in denominations less than \$5,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities in accordance with Section 133.40 of the Revised Code and in book-entry or other

uncertificated form in accordance with Section 9.96 of the Revised Code if it is determined by the Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. The Notes shall be sold at not less than 100% of par plus accrued interest at private sale in accordance with law and the provisions of this Ordinance. The Auditor shall sign the certificate of award referred to in Section 3 evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

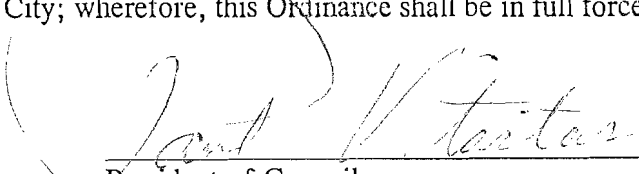
Section 10. The Clerk of Council is directed to deliver a certified copy of this Ordinance and of the certificate of award signed pursuant to Section 6 of this Ordinance to the County Auditor.

Section 11. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 12. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.


Section 13. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to permit the continuation and completion of the improvement to provide needed housing for residents of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: January 26, 1998



President of Council

Approved: January 27, 1998



Mayor

Attest: 

ORDINANCE NO. 1998-7

AN ORDINANCE TO AMEND ORDINANCE NO. 1998-6 PROVIDING FOR THE ISSUANCE AND SALE OF \$2,030,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PROVIDING A LOAN TO MARION SENIOR HOUSING LIMITED PARTNERSHIP FOR COSTS OF REMODELING, REHABILITATING AND EQUIPPING THE FORMER HARDING HOTEL AS HOUSING, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1998-6, passed January 26, 1998 this Council determined to provide for the issuance and sale of \$2,030,000 notes, in anticipation of bonds, for the purpose of providing a loan to Marion Senior Housing Limited Partnership for costs of remodeling, rehabilitating and equipping the former Harding Hotel as housing; and

WHEREAS, Ordinance No. 1998-6 inadvertently provided that the Notes were to be dated February 15, 1998 which is a Sunday; and

WHEREAS, it is in the best interest of the City that the date of the Notes to be changed to a weekday;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio, that:

Section 1. Capitalized terms used in this Ordinance and not defined in this Ordinance shall be used and defined as provided in Ordinance No. 1998-6.

Section 2. Section 4 of Ordinance No. 1998-6 is hereby amended to read as follows:

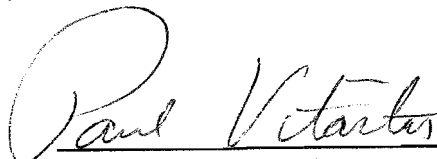
"Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the principal office of National City Bank, Columbus, Ohio (the Paying Agent). The Notes shall be dated February 13, 1998 and shall mature on August 13, 1998."

Section 3. The Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

Section 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.


Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to permit the continuation and completion of the improvement to provide needed housing for residents of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: February 9, 1998



President of Council

Approved: February 10, 1998



Mayor

Attest: 

Clerk of Council

ORDINANCE NO. 1998-8

ORDINANCE APPROVING THE PURCHASE OF FOUR (4) BUSES
FOR MARION AREA TRANSIT AND DECLARING AN EMERGENCY.

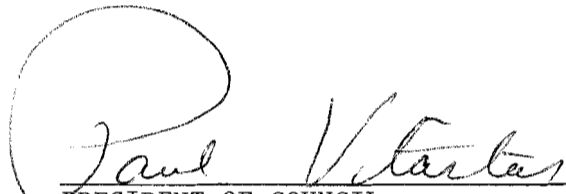
WHEREAS, Ordinance No. 1991-136 requires Council approval of
Capital Expenditures in excess of \$2,500.00, and

WHEREAS, Resolution No. 1996-17 authorized the City to participate
in the Ohio Department of Transportation (ODOT) Cooperative Purchasing
Program,

BE IT ORDAINED by the Council of the City of Marion, Marion County,
Ohio:

Section 1. That the Safety/Service Director is hereby authorized
to enter into contract for the purchase of four (4) Dual Wheel Cutaway
Buses, through the ODOT Cooperative Purchasing Program for Marion Area
Transit.


Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the welfare of the City of Marion and the inhabitants
thereof and for the further reason that it is necessary for the daily operation
of said City, and due to a short grant extension; and as such, shall take
effect and be in force immediately upon its passage and approval by the Mayor,
provided it receives the affirmative vote of two-thirds of all members elected
to Council; otherwise, it shall become effective from and after the earliest
period allowed by law.



PRESIDENT OF COUNCIL

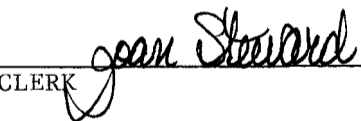
PASSED: February 9, 1998

APPROVED: February 10, 1998



MAYOR

ATTEST:



CLERK

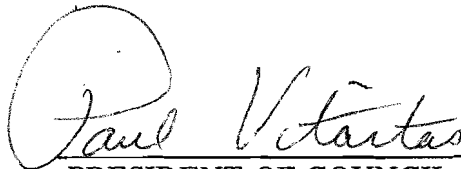
ORDINANCE NO. 1998-9

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR PLAYGROUND EQUIPMENT FOR BALDAUF PARK

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for Playground Equipment at Baldauf Park.

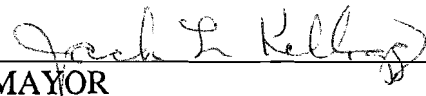
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: February 9, 1998

APPROVED: February 10, 1998



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1998-10 *

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC., FOR THE STORM SEWER IMPROVEMENTS, PHASE 5, PROJECT 97-1S IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1997-87 authorized the preparation of plans, specifications and advertising for bids for the Storm Sewer Improvements, Phase 5, Project 97-1S in the City of Marion, Ohio, and

WHEREAS, Underground Utilities, Inc., submitted the lowest and best bid of \$544,562.82,

BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be directed to enter into contract with Underground Utilities, Inc., for the Storm Sewer Improvements, Phase 5, Project 97-1S.

Section 2. That said contract shall be payable from the Storm Sewer Improvement Fund.

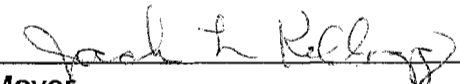
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion ^{and to meet grant requirements,} and the inhabitants thereof: and as such, shall take effect and be in force immediately upon its passage and approval by the mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

passed: February 9, 1998

approved: February 10, 1998



Mayor

Attest:



Clerk of Council

*Amended on Council floor Feb. 9, 1998

ORDINANCE NO. 1998-11

ORDINANCE TO AMEND SECTION 1 OF ORDINANCE NO. 1990-45 (DESIGNATING CERTAIN STREETS OR PORTIONS THEREOF AS THROUGH STREETS), AS AMENDED, BY DELETING THEREFROM VARIOUS STREETS OR PORTIONS THEREOF.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Section 1 of Ordinance No. 1990-45, as amended, designating certain streets or portions thereof as through streets, be amended by deleting therefrom the following streets or portions thereof:

- BELLEFONTAINE AVENUE FROM THE CORPORATION LINE NORTHEAST TO PROSPECT STREET.
- BLAINE AVENUE FROM COLUMBIA STREET TO CHURCH STREET
- CENTER STREET FROM THE WEST CORP. LINE TO THE EAST CORP. LINE.
- CHURCH STREET FROM PARK BOULEVARD TO KENSINGTON PLACE.
- COLUMBIA STREET FROM DAVIDS STREET TO BLAINE AVENUE.
- DAVIDS STREET FROM THE SOUTH CORP. LINE TO CENTER STREET.
- DELAWARE AVENUE FROM THE SOUTH CORP. LINE TO HILL STREET.
- FAIRGROUND STREET FROM THE WEST CORP. LINE TO THE EAST CORP. LINE.
- ~~Grand Avenue from Mount Vernon Avenue to Center Street.~~
- GREENWOOD STREET FROM PRESIDENTIAL DRIVE TO FAIRGROUND STREET.
- KENTON AVENUE FROM THE CORPORATION LINE SOUTHEAST TO CENTER STREET.
- KLERX STREET FROM PROSPECT STREET TO MAIN STREET.
- MAIN STREET FROM WALNUT STREET TO THE NORTH CORP. LINE.
- ~~McKinley Park Boulevard from Edgewood Drive to Delaware Avenue.~~
- MOUNT VERNON AVENUE FROM VINE STREET TO THE EAST CORP. LINE.
- PARK BOULEVARD FROM CHURCH STREET TO CENTER STREET.
- PATTEN STREET FROM MAIN STREET TO STATE STREET.
- PROSPECT STREET FROM THE SOUTH CORPORATION LINE TO FAIRGROUND STREET.
- RICHLAND ROAD FROM MOUNT VERNON AVENUE SOUTHEAST TO THE CORPORATION LINE.
- SARGENT STREET FROM CHURCH STREET TO CENTER STREET.
- ~~Seffner Avenue from Mount Vernon Avenue to Center Street.~~
- SILVER STREET FROM THE WEST CORP. LINE TO PROSPECT STREET.
- STATE STREET FROM WASHINGTON STREET TO HECKER AVENUE.
- ~~Vernon Heights Boulevard from Delaware Avenue to Mount Vernon Avenue.~~
- WALNUT STREET FROM PROSPECT STREET TO STATE STREET.

Section 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

President of Council

Passed:
Approved:

Mayor

Attest:

Clerk of Council

approved 2/10/98

ORDINANCE NO. 1998-12

**ORDINANCE TO AMEND CHAPTER 912, SEWER
USER CHARGE SYSTEM OF THE CODIFIED ORDINANCES
OF THE CITY OF MARION**

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio,

Section 1. That Section 912.10 of Chapter 912.10 of the Chapter 912 of the Codified Ordinances, as amended and now reading in part as follows:

“912.10 USER CHARGE”

(a) User Charge

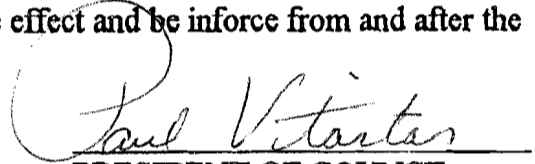
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|-----|---------|--|
| (1) | \$ 4.24 | per monthly bill; |
| (2) | \$ 7.74 | per bimonthly bill; |
| (3) | \$0.938 | per 100 cubic feet for monthly bill; |
| (4) | \$0.938 | per 100 cubic feet for bimonthly bill; |

is hereby amended to read as follows:

(a) User Charge

- | | | |
|-----|---------|--|
| (1) | \$ 4.70 | per monthly bill; |
| (2) | \$ 8.32 | per bimonthly bill; |
| (3) | \$0.936 | per 100 cubic feet for monthly bill; |
| (4) | \$0.936 | per 100 cubic feet for bimonthly bill; |

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: February 9, 1998

APPROVED: February 10, 1998



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1998 - 13

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN
THE MARION AREA TRANSIT FUND FOR THE YEAR ENDING
DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County,
Ohio:

Section 1. That there be an additional appropriation made in the
Marion Area Transit Fund in the amount of \$178,044.00 as follows:

EQUIPMENT	502-06-546-250-000-450	\$178,044.00
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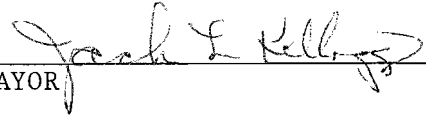
Section 2. That this ordinance shall take effect and be in force
from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: February 9, 1998

APPROVED: February 10, 1998



 MAYOR

ATTEST:



 CLERK

ORDINANCE NO. 1998-14

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$2,100,000.00 as follows:


HARDING CENTRE CONSTRUCTION FUND

Transfer to Bond Retirement	444-04-444-270-000-710	\$1,887,812.50
Professional Services	444-04-444-230-000-320	<u>42,187.50</u>
		\$1,930,000.00

STORM WATER UTILITY FUND


Refunds	509-05-554-270-000-720	\$ 10,000.00
Reimbursements	509-05-554-270-000-721	150,000.00
Professional Services	509-05-554-230-000-320	<u>10,000.00</u>
		\$ 170,000.00

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

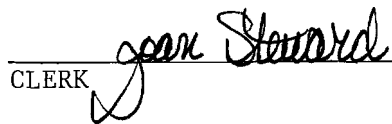

PRESIDENT OF COUNCIL

PASSED: February 9, 1998

APPROVED: February 10, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998-15

ORDINANCE AMENDING MARION CITY CODE SECTION 660.07
REVISING AND EXPANDING JUNK VEHICLE ENFORCEMENT AND
INCLUDING REQUIREMENTS AS TO OBSCURING JUNK YARDS AND
SCRAP METAL FACILITIES, PROVIDING PENALTIES RELATING THERETO

WHEREAS, Marion City Code Section 660.06 has been found to be out-dated and in desperate need for revision, and

WHEREAS the Council for the City of Marion, Ohio has found a real and present need for the adoption of requirements relating to obscuring junk yard and scrape metal operations within the City, and

WHEREAS the Council finds the sanitation and health of the citizens of the City to be in need of further protection which includes the abatement of nuisances to promote the welfare of the City and its' citizens,

BE IT ORDAINED by the Council of Marion, Marion County, Ohio:

Section 1. Marion City Code Section 660.07 STORAGE OF JUNK VEHICLES now reading as follows:

(A) As used in this section *JUNK MOTOR VEHICLES* means any motor vehicle which is three years old or older; extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor or transmission; apparently inoperable; and having a fair market value of \$200 or less, that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of R.C. §§ 4737.05 through 4737.12, or regulated under the authority of the municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle, as defined in R.C. § 4501.01(F).

(B) No person shall be prevented from storing or keeping, or restricted in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

(C) The Chief of Police may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.

(D) No person shall wilfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor continues to be so left constitutes a separate offense. (R.C. § 4513.65)

(E) No person shall store or keep outside of a building in any Residential District, as the same are established in the Zoning Code (Ordinance 1969-182, passed January 12, 1970 as subsequently amended) any motor vehicle which does not display a current Ohio license plate registered to such vehicle, for a period, either consecutively or cumulatively, in excess of 15 days.

(F) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense; on a second offense such person is guilty of a misdemeanor of the

fourth degree on each subsequent offence such person is guilty of a misdemeanor of the third degree.

SHALL BE AMENDED TO READ AS FOLLOWS:

Section 2. Marion City Code Section 660.07 JUNK VEHICLE STORAGE/ JUNK YARD & SCRAP METAL PROCESSING FACILITY REQUIREMENTS

(A) 1. As used in this section *JUNK MOTOR VEHICLES* means any motor vehicle meeting any three of the following criteria:

1. Five years old or older,
2. Partially dismantled,
3. Inoperable,
4. Fair Market value of less than three hundred dollars (\$ 300.00),
5. Unlicensed, improperly licensed or not displaying a valid license plate.

(A)2. "Partially dismantled" means, but is not limited to, the following:

1. Missing engine,
2. Missing Battery
3. Missing transmission,
4. Missing door, fenders or hood,
5. Missing wheels or on blocks,
6. Missing tires or deflated tires,
7. Missing or broken windshield or windows,

(A)3. "Inoperable" means any motor vehicle incapable of being propelled under its own power. Any motor vehicle that has not been moved for fourteen consecutive days shall be presumed to be inoperable.

(A)4. "Collector's vehicle" means any motor vehicle of special interest having a fair market value of five hundred dollars (\$ 500.00) or more, whether operable or not that is owned, operated, collected, preserved, restored, maintained or used by essentially as a collector's item, leisure pursuit or investment, but not the owner's principal means of transportation.

(B)(1) No person in charge or control of any private or commercial property within the City, whether as an owner, tenant, occupant, lessee or otherwise, or the registered owner of the motor vehicle, shall allow a Junk Motor Vehicle to remain on such property longer than ten (10) days after receipt of written notice to remove the junk motor vehicle from such premises. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor continues to be so left constitutes a separate offense. (ORC § 4513.65) The written notice shall be issued to the property owner and the owner of such vehicle by an officer of the Police Department or a designee of the Safety/Service Director by either personal or certified mail service with return receipt requested. In the event no return is received when service is attempted upon the owner of such vehicle by certified mail, or personal service has not been made after diligent attempts, notice shall be made by publication once in a daily newspaper for general circulation within the City. Such junk motor vehicle shall be removed within ten (10) days after publication. If the owner of the property cannot be found, a copy of the notice posted upon the premises shall be sufficient. Such notice shall contain:

- (1) The name of the property owner and the address at which the junk motor vehicle is located,
- (2) The make and model of the vehicle,
- (3) The license plate number, if any,
- (4) A description of the condition of said vehicle,
- (5) A statement to the effect that the person charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally responsible for the removal of the subject junk motor vehicle,

Except as allowed in subsections (B)(2) herein, parking, storage, maintenance or collection of

junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of the City.

(B)(2) No person shall be prevented from storing or keeping any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person shall be required to conceal, by means of buildings, fences, vegetation, terrain so that same is completely concealed from public view. Nor shall a person having a right to operate a junk yard or scrap metal processing facility licensed under authority of R.C. §§ 4737.05 through 4737.12 be subject to section (B)(1) above so long as his/her use is part of a bona fide commercial operation. Nor shall a person be prevented from storing a junk motor vehicle in an fully enclosed building where same is permitted under the Zoning Code.

(B)(3) The movement of a vehicle in violation of this section to any other location within the City limits that does not abate the violation under this section shall not, constitute compliance with this section. Nothing in this section shall impede the City's right to remove inoperable motor vehicles from private or commercial property in accordance with any other section of Law.

(B)(4) Any person who has received notice to remove a junk vehicle may appeal to the Safety/Service Director. An appeal must be filed in writing at the Office of the Safety/Service Director within five days after receipt of notice or date of publication, excluding Saturdays, Sundays and holidays. The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a junk motor vehicle as charged or in violation of any other section herein. At such appeal before the Safety Service Director, the City and the person(s) requesting such appeal may introduce such witnesses and evidence as each party deems necessary.

(C)(1) As used in this subsection:

"JUNK" means old or scrap copper, brass, rope, rags, trash, waste, inoperable cars, car parts, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but does not include scrap tires as defined in section 3734.01 of the Revised Code.

"JUNK YARD" means an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk.

"FENCE" means a barrier at least six feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon state, county, municipal, and township highways, roads, and streets.

"SCRAP METAL PROCESSING FACILITY" means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes or any by-product or waste related thereto.

(C)(2) Any person operating or maintaining a junk yard within one thousand feet of the nearest edge of the right of way of a state, municipal, county or township road, prior to the effective date of the passage of this Ordinance, shall within one year thereafter erect a fence in order to obscure the operation. If after passage of this Ordinance a junk yard is established within one thousand feet of the nearest edge of the right of way of a state, municipal, county or township road it shall erect a fence in order to obscure the operation.

If it is not practical or economically feasible by reason of topography, as determined by the Safety/Service Director to obscure the view of a junk yard by use of a fence then the Safety/Service Director shall require suitable plantings, or a practical and appropriate barrier not less than six feet nor more than ten feet in height, to partially obscure the view of the operation.

Nothing contained in this section shall be construed to relieve any person of his/her duty to comply with the provisions of ordinances enacted by the municipal corporation regulating or prohibiting junk yards, including requirements to obtain a license under municipal ordinances or compliance with the

municipalities zoning regulations. The requirement to obtain a license, if any, from the municipality under this section shall be in addition to regulations imposed and licenses required under municipal ordinances.

(D) reserved

(E) No person shall store or keep outside of a building in any Residential District any motor vehicle which does not display a current Ohio license plate registered to such vehicle, for a period, either consecutively or cumulatively, in excess of 15 days.

(F) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense; on a second offense such person is guilty of a misdemeanor of the fourth degree on each subsequent offence such person is guilty of a misdemeanor of the third degree.

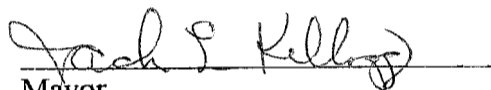
Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.



President

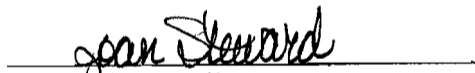
Passed: February 9, 1998

Approved: February 10, 1998



Mayor

Attest;



Clerk of Council

ORDINANCE NO. 1998-16

Amended by Ord. 1998-107

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, (KNOWN AS THE YARGER REPORT), AS AMENDED, BY REDEFINING THE DUTIES OF THE CLERK OF COUNCIL AND PROVIDING FOR AN UPDATED JOB DESCRIPTION

WHEREAS, the Council for the City of Marion finds the job description for the Clerk of Council to be outdated and in need of modernization, and

WHEREAS, the Human Resource Director has proposed and provided an updated job description, and

WHEREAS, the Council finds the redefinition and new job description to be in the best interests of the City of Marion and therefore finds it necessary to amend the Yarger Report regarding said position which was last amended March 28, 1994,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Yarger Report, previously adopted by Ordinance 1969-29, shall be amended to provide for the following updated job description for the Clerk of Council, as follows:

CLERK OF COUNCIL

SUMMARY: Assists municipal government with clerical and administrative support by performing the following duties.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following, other duties may be assigned.

Responsible to City Council; accurate, timely completion of all legal and non-legal paperwork. Attends and records proceedings of all City Council and Committee of the whole meetings. Type, record and index all ordinances and resolutions; obtaining designated signatures for approved ordinances and resolutions. Signs as Attester for each approved ordinance and resolution. Distributes same to appropriate officials.

- Posts all meeting dates giving timely notification in accordance with Sec. 121.22 of ORC (Sunshine Law) and II. B. ill.
- Initiates timely publication of ordinances, resolutions and notices according to law.
- Initiates timely notification of vacancies, of elected officials.
- Prepares agendas for Marion City Council meetings.
- Prepares agendas for all Council committee meetings.
- Supervisor and maintenance liaison for community room Dictaphone equipment.
- Records minutes of council meetings.
- Answers official correspondence.
- Keeps fiscal records, prepares purchase orders and vouchers accounts.
- Accounts for petty cash.
- Prepare and certify transcripts of all annexation proceedings.
- Adhere to correct procedures pertaining to improvements, i.e., notice to property owners, publication and objection procedures.
- Serves as secretary to City Planning Commission, adhering to all duties directed by the bylaws, and forwarding any necessary information and legislation on to City Council.
- Compose, type and deliver required legal advertisement to newspapers for City Council and City Planning Commission.
- Prepare annual budget for City Council and Clerk of Council. Updates Codified Ordinance book on a periodic basis.

QUALIFICATION REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE:

Bachelor's degree (B. A.) from four-year college or university; or one to two years related experience and/or training; or equivalent combination of education and experience.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret the most complex documents. Ability to respond articulately to the most sensitive inquiries or complaints. Ability to read, analyze, financial reports, and legal documents. Ability to respond to common inquiries or complaints from citizens, regulatory agencies, or members of the business community. Ability to write speeches and news releases. Ability to effectively relate information to administration, department heads, co-workers, City Council and public groups, and/or boards of directors.

MATHEMATICAL SKILLS

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form. Judgement skills exercised with confidential information.

OTHER SKILLS and ABILITIES:

Computer skills; knowledgeable of word processing software, basic understanding of computer functions. Windows experience essential.

Ability to learn Dictaphone system. Tape recording system experience is preferred. Basic office equipment knowledge.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, or feel objects, tools, or controls; talk or hear; and taste or smell. The employee frequently is required to sit and reach with hands and arms. The employee is occasionally required to stand; walk; climb or balance; and stoop, kneel, crouch, or crawl.

The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

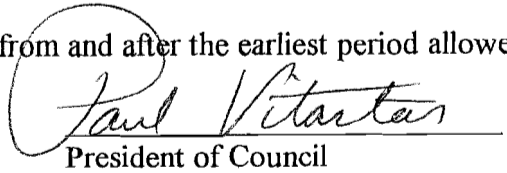
While performing the duties of this job, the employee occasionally works near moving mechanical parts.

The noise level in the work environment is usually moderate.

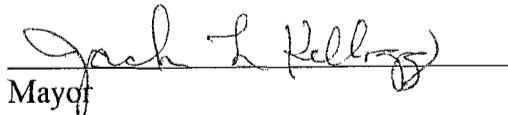
Section 2.


It is expressly found that this modification of the Clerk of Council contains no adjustment or modification as to compensation in any form. The prior grade or pay scale shall continue as previously amended.

Section 4. That this Ordinance shall take effect from and after the earliest period allowed by law.


President of Council

PASSED: February 9, 1998
APPROVED: February 10, 1998


Mayor

ATTEST:

Clerk of Council

ORDINANCE NO. 1998-17

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, (KNOWN AS THE YARGER REPORT), AS AMENDED, BY REDEFINING THE DUTIES OF THE SECRETARY TO THE MAYOR AND PROVIDING FOR AN UPDATED JOB DESCRIPTION

WHEREAS, the Council for the City of Marion finds the job description for the Secretary to the Mayor to be outdated and in need of modernization, and

WHEREAS, the Human Resource Director has proposed and provided an updated job description, and

WHEREAS, the Council finds the redefinition and new job description to be in the best interests of the City of Marion and therefore finds it necessary to amend the Yarger Report regarding said position which was last amended March 28, 1994,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Yarger Report, previously adopted by Ordinance 1969-29, shall be amended to provide for the following updated job description for the Secretary to the Mayor, as follows:

SECRETARY - MAYOR

SUMMARY: Responsible to the Mayor for the efficient operation of his/her office. Conducts on going liaison activities with all municipal departments, other government officials and the Citizenry responding with diplomacy to all inquiries. Schedules appointments, gives information to callers, takes dictation, and otherwise relieves officials of clerical work and minor administrative and business detail by performing the following duties.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

- Reads and routes incoming mail. Locates and attaches appropriate file to correspondence to be answered by Mayor.
- Takes dictation. Transcribes notes on typewriter or computer, or transcribes from voice recordings.
- Composes and types routine correspondence with accuracy, proper punctuation and grammar. Composition writing skills used daily.
- Clearinghouse for and preparation of media releases for administration and departments under Mayor.
- Files correspondence and other records.
- Answers telephone and gives information to callers or routes call to appropriate official and places outgoing calls.
- Schedules appointments for Mayor.
- Greets visitors, ascertains nature of business, and conducts visitors to Mayor or appropriate person.
- Arranges travel schedule and reservations.
- Makes copies of correspondence or other printed matter.
- Prepares outgoing mail.
- Schedules use of Community Room.
- Screens items to be placed on bulletin boards on all three floors. Serves as Secretary to the Personnel Committee and the Board of Controls.
- Initiates purchase orders, vouchers and various interoffice forms.
- Maintains petty cash.
- Coordinates Youth in Government Day.
- Assists other departments at direction of the Mayor and other miscellaneous assignments at the discretion of the Mayor.
- Adheres to all appropriate work and safety rules and regulations....

QUALIFICATION REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Ability to effectively communicate and work with other department and staff. Accept new work assignments and handle sensitive inquiries with tact and courtesy. Ability to maintain confidentiality, as it is imperative. Through knowledge of the Marion Community and its institutions, particularly for persons seeking answers and directions in a wide range of subjects, which may or may not be municipal related.

EDUCATION and/or EXPERIENCE:

Bachelor's degree (B. A.) from four-year college or university; or one to two years related experience and/or training equivalent combination of education and experience

LANGUAGE SKILLS:

Ability to read, analyze, and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community. Ability to write speeches and articles for publication that conform to prescribed style and format. Ability to effectively present information to department heads, public groups other elected officials and/or City Council.

MATHEMATICAL SKILLS:

Ability to calculate figures and amounts such as discounts, interest, and percentages. Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

Ability to make decisions in accordance with ordinances, regulations and established policies where errors could easily result in additional costs to the City.

OTHER SKILLS and ABILITIES:

Basic office equipment knowledge. Computer skills; knowledgeable of wordprocessing software, basic understanding of computer functions. Windows experience essential.

Tape recording equipment experience preferred.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; talk or hear; and taste or smell. The employee frequently is required to sit. The employee is occasionally required to stand; walk; climb or balance; and stoop, kneel, crouch, or crawl.

The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works near moving mechanical parts.

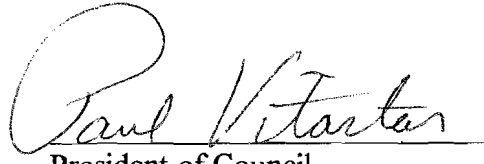
The noise level in the work environment is usually moderate.

Section 2.

It is expressly found that this modification of the Secretary of the Mayor contains no adjustment or

modification as to compensation in any form. The prior grade or pay scale shall continue as previously amended.


Section 4. That this Ordinance shall take effect from and after the earliest period allowed by law.



President of Council

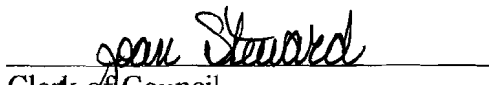
PASSED: February 9, 1998

APPROVED: February 10, 1998



Mayor

ATTEST:



Clerk of Council

ORDINANCE NO. 1998-18*

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT ~~WITH COCA COLA BOTTLING COMPANY OF OHIO/KENTUCKY~~ ARISING OUT OF AND RELATED TO THE YOUTH CENTER, PROVIDING FOR CERTAIN TERMS AND CONDITIONS AND DECLARING AN EMERGENCY

WHEREAS, by previous Ordinances the Council has supported the Marion Youth Center both financially and conceptually, and

WHEREAS, the Administration has entertained proposals regarding fixtures and accompaniments, and

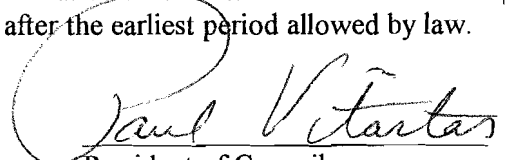
WHEREAS, ~~Coca Cola Bottling Company of Ohio/Kentucky~~ has proposed to make certain donations of various fixtures and other useful items necessary for the completion of the Youth Center,

WHEREFORE, the Council finds it in the best interests of the City of Marion to enter into a limited licensee agreement regarding the Youth Center, for a certain term and under certain conditions, this in exchange for various fixtures and other useful items,

BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:


SECTION 1. The Mayor is authorized to enter into a limited license agreement ~~with Coca Cola Bottling Company of Ohio/Kentucky~~ providing for terms and conditions which include, but are not limited to: Licensee's providing certain fixtures and equipment to the Youth Center, further providing for an exclusive, by Licensee, of the vending area for the sale and promotion of Licensee's products, including a certain commission payable by Licensee to the City of Marion upon products sold from the vending area, and for a specific term not to exceed eight (8) years.

SECTION 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediate need for subject equipment and fixtures at the Youth Center and further that any delay may cause delay in the projects completion and therefore causing great hardship upon the City' Youths; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

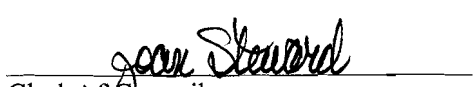

Paul V. Tartar
President of Council

PASSED: February 9, 1998

APPROVED: February 10, 1998


Jack L. Kellogg
Mayor

ATTEST:


Joan Steward
Clerk of Council

*Amended on Council floor Feb. 9, 1998

ORDINANCE NO. 1998 - 19

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 1260 DELAWARE AVENUE IN THE CITY OF MARION, OHIO FROM C-2 (COMMUNITY SHOPPING DISTRICT) TO C-4 (CENTRAL FRAME BUSINESS DISTRICT). (JOSEPH LUPICA - applicant), AND DECLARING AN EMERGENCY.

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from C-2 (Community Shopping District) to C-4 (Central Frame Business District), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from C-2 to C-4 with the conditions that the City Engineer be satisfied and with the concurrence of the Law Director, and

WHEREAS, due notice of the hearing on said rezoning has been given by publication in accordance with law,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the property known as 1260 Delaware Avenue and being more particularly described as follows:

Situated in the City of Marion, County of Marion and State of Ohio: Being a part of Lot 42, Professional Park Subdivision as shown in Plat Book 5, Pages 89 through 95 and amended in Plat Book 5, Pages 119 and 120, Plat Book 6, Pages 52 through 54, Recorder's Office, Marion, Ohio, and more particularly described as follows:

Beginning for reference at an iron pin marking the intersection of the Southerly line of Lot 42 with the Easterly right-of-way line of Delaware Avenue;

Thence North 24 degrees 57 minutes 30 seconds West along said Easterly right-of-way line of Delaware Avenue for a distance of 100.00 feet to the true place of beginning.

Thence continuing on same line North 24 degrees 57 minutes 30 seconds West, a distance of 55.57 feet to an iron pin;

Thence North 20 degrees 42 minutes 00 seconds West along the Easterly right-of-way line of Delaware Avenue for a distance of 49.81 feet to a point marking the Southwesterly corner of an 0.666 acre tract owned by Burger King of Ohio, Inc. and developed as a Burger King Restaurant;

Thence North 69 degrees 20 minutes East a distance of 200.00 feet to a point marking the southeasterly corner of said 0.666 acre tract;

Thence S. 26 degrees 57 minutes 51 seconds East, for a distance of 105.93 feet to a point marking the Northeasterly corner of an 0.466 acre tract owned by Barks, Inc.;

Thence S. 69 degrees 21 minutes 00 seconds West for a distance of 207.43 feet along the Northerly line of said 0.466 acre tract to the true place of beginning.

Also including the following parcel situated in the State of Ohio, County of Marion, City of Marion and being more fully described as follows:

Being part of Lot No. 42 in Professional Park Subdivision to the City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing monument located at the Northwest corner of Lot 42 in Professional Park Subdivision as recorded in Plat Book 5, Pages 89-95, also being the intersection of the South right-of-way line of Fairfax Road (now 50 feet wide) with the East right-of-way line of Delaware Avenue;

Thence along the East right-of-way of Delaware Avenue South 20 degrees 39 minutes 22 seconds east for a distance of 194.62 feet to a railroad spike set;

Thence continuing along the East right-of-way line of Delaware Avenue South 24 degrees 56 minutes 43 seconds East for a distance of 40.78 feet to a railroad spike set and the point of beginning;

Thence North 69 degrees 20 minutes 00 seconds East for a distance of 206.87 feet to a 5/8" dia. iron pin set;

Thence South 26 degrees 51 minutes 25 seconds East for a distance of 5.03 feet to a 5/8" dia. iron pin set;

Thence South 69 degrees 20 minutes 00 seconds West for a distance of 207.04 feet to a railroad spike set on the East right-of-way line of Delaware Avenue;

Thence along the East right-of-way line of Delaware Avenue North 24 degrees 56 minutes 43 seconds West for a distance of 5.01 feet to a railroad spike set and the point of beginning.

Containing 0.024 acres (1034.78 sq. ft.) more or less and subject to legal highways, easements, and restrictions and agreements of record.

Grantor acquired title by instrument recorded in Deed Volume 455, Page 1 and Deed Volume 560, Page 435 of the Deed Records of Marion County, Ohio.

This description was prepared from a survey made by Stults and Associates, Incorporated and dated August 11, 1997.


The bearing North 69 degrees 20 minutes 00 seconds East is the same used and recorded for the South right-of-way line of Fairfax Road in Plat Book 5, Pages 89-95 in the Office of the Marion County Recorder. All other bearings were then calculated from field observations.

All 5/8" dia. iron pins set are 30 inch long #5 rein. rods having yellow colored plastic caps stamped "Stults & Assoc."

heretofore zoned C-2 (Community Shopping District) is hereby zoned C-4 (Central Frame Business District).


Section 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion on file in the office of the Clerk of Marion City Council and on the copy thereof on file in the office of the Safety/Service Director.

Section 3.* ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~



PRESIDENT OF COUNCIL

PASSED: FEBRUARY 23, 1998

APPROVED: FEBRUARY 24, 1998


MAYOR

ATTEST:


CLERK

*This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the further reason that this ordinance must be immediately effective in order to effect the immediate rezoning, and as such shall take effect and be enforce immediately upon its passage by two-thirds vote of all members elected and by approval of the Mayor, otherwise it shall become from and after the earliest period allowed by law.

*AMENDED ON COUNCIL FLOOR 2/23/98

ORDINANCE NO. 1998- 20

ORDINANCE CONSENTING TO THE LEASE OF CERTAIN FACILITIES OF MARION AREA COUNSELING CENTER, INC. TO THE COUNTY OF MARION, OHIO AND TO THE SUBLEASE OF SUCH FACILITIES BACK TO MARION AREA COUNSELING CENTER, INC. AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to a Lease (the "Original Lease") dated December 31, 1983, the City of Marion (the "City") previously leased certain Hospital Facilities, as defined in Section 140.01 Ohio Revised Code, to Marion General Hospital, Inc.; and

WHEREAS, pursuant to a Lease dated as of January 1, 1984, Marion General Hospital, Inc. subleased a portion of those Hospital Facilities to Marion County Mental Health Board (now known as The ADAMH Board) for operation as a mental health clinic (the "Mental Health Facilities"); and

WHEREAS, pursuant to a Lease dated as of March 1, 1985, the Marion County Mental Health Board further subleased the Mental Health Facilities to the Marion Area Counseling Center, Inc. ("MACC"), which is an Ohio corporation not for profit, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual and which has authority to operate hospital facilities, for operation as a mental health clinic; and

WHEREAS, in connection with the financing of an addition to and renovation of the Mental Health Facilities through the issuance of revenue bonds of the County of Marion, Ohio (the "County"), MACC desires to lease the Mental Health Facilities to the County, and furthermore, to have such facilities subleased back from the County to MACC (the "Marion County Lease" and the "Marion County Sublease", respectively), forms of which Marion County Lease and the Marion County Sublease are on file with the Clerk of this Council; and

WHEREAS, pursuant to Section 6.1 of the Original Lease, the consent of the City of Marion, Ohio is required to the proposed Marion County Lease and the Marion County Sublease to effect such financing; and

WHEREAS, such addition to and renovation of the Mental Health Facilities will improve the quality of health services provided to the residents of the City, and the Mental Health Facilities are and will be available for the service of the general public without discrimination by reason of race, creed, color or national origin, and the residents of the City will be duly benefitted thereby;

NOW THEREFORE BE IT ORDAINED by the Council of the City of Marion, County of Marion, Ohio:

SECTION 1. That this Council hereby determines that the leasing of the Mental Health Facilities from MACC to the County and the subleasing of the Mental Health Facilities from the County to MACC, which will operate the Mental Health Facilities, providing health care to the general public without discrimination by reason of race, creed, color or national origin, is undertaken for and will serve the public purpose of better providing for the health and welfare of the people of the City of Marion, Ohio by enhancing the availability, efficiency and economy of hospital facilities and the services rendered thereby, and hereby consents to the Marion County Lease and the Marion County Sublease for the exclusive purpose of obtaining financing for a planned expansion and granting the County no greater interest therein. The period not to extend more than 40 years from the date of this ordinance.

SECTION 2. That the appropriate officers of the City, including the appropriate officers of this Council, be and they hereby are authorized to execute and deliver on behalf of the City such certificates, documents and instruments as may be required, necessary or appropriate to evidence such consent. Such documents shall be subject to such changes, insertions and omissions as may be approved by the Law Director, which approval shall be conclusively evidenced by the execution thereof by the proper officers of the Issuer.


SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code, and the rules of this Council in accordance therewith.

SECTION 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that this ordinance must be immediately effective in order to effect the issuance of bonds by the County of Marion, Ohio and the financing of an addition to and renovation of the Mental Health Facilities at the earliest possible time; wherefore, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor.

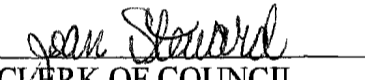

PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-21

ORDINANCE AUTHORIZING THE REPAIR/REBUILD OF ONE (1)
CHICAGO GEAR/D.O. JAMES REDUCER BY THE
CHICAGO GEAR/D.O. JAMES CORPORATION
FOR THE WATER POLLUTION CONTROL PLANT;
WITHOUT BID AND BEING A REAL AND PRESENT EMERGENCY

WHEREAS, Chicago Gear/D.O. James Corporation is the original manufacturer of the Gear Reducer meeting specifications of tolerance, hardness, tensile and strength for the gear reducer, and

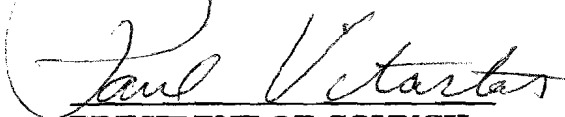
WHEREAS, Chicago Gear/D.O. James Corporation was awarded a bid under Ordinance No.1997-47 for the rebuild of identical Gear Boxes and will honor the same price of \$25,714.00.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized to enter into a contract with Chicago Gear/D.O. James Corporation for the repair/rebuild of one (1) gear reducer for use at the Water Pollution Control Plant.


Section 2. That the \$25,714.00 cost of said contract shall be payable from the Sewer Replacement Fund Account No. 504-05-553-250-00-450.


Section 3. That this ordinance is hereby declared to be real and present emergency and is an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and as such shall take effect and be enforce immediately upon it's passage by two-thirds vote of all members elected and by approval of the Mayor, otherwise it shall become from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998


MAYOR

ATTEST:

CLERK OF COUNCIL

ORDINANCE NO. 1998-22

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PUBLIC INFRASTRUCTURE IMPROVEMENTS PROJECT AT THE DUAL RAIL INDUSTRIAL PARK.

WHEREAS, the City of Marion has received a loan from the State of Ohio to make public infrastructure improvements to the Dual Rail Industrial Park.

WHEREAS, plans have been completed and approved for the public infrastructure improvements project to the Dual Rail Industrial Park.

BE IT ORDAINED: by the Council of the City of Marion, Marion County,

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare specifications and advertise for bids for public infrastructure improvements project to the Dual Rail Industrial Park.

Section 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-23

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH EQUIPMENT SPECIALISTS, FOR THE PURCHASE OF A POWER WASHER FOR USE IN THE SANITATION DEPARTMENT.

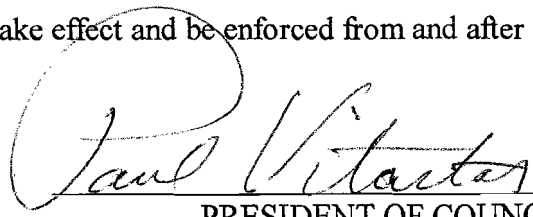
WHEREAS, this Council by passage of Ordinance No. 1991-136, requires approval of all capital expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio and

WHEREAS, Equipment Specialists submitted the best proposal for the purchase of a power washer, therefore

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

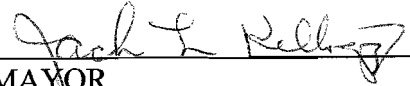
Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Equipment Specialists, to purchase one Power Washer for use in the Sanitation Department.

Section 2. This ordinance shall take effect and be enforced from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998


MAYOR

ATTEST:

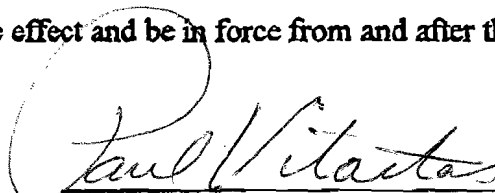

CLERK OF COUNCIL

ORDINANCE NO. 1998-24ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR
BIDS FOR A COMBINATION CATCH BASIN AND
HIGH PRESSURE SEWER CLEANER FOR THE
STORM WATER UTILITY

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for a combination Catch Basin and High Pressure Sewer Cleaner for the Storm Water Utility.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-25

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
A ONE (1) TON TRUCK CAB & CHASSIS
TO BE USED BY THE DIVISION OF WATER
POLLUTION CONTROL

BE ORDAINED by the Council of the City of Marion, Marion County, Ohio:


Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for One (1) Ton Truck Cab & Chassis to be used by the Division of Water Pollution Control.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-26

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
A PORTABLE AIR COMPRESSOR TO BE USED
BY THE DIVISION OF WATER POLLUTION CONTROL**

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

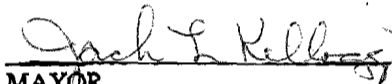
Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for a Portable Air Compressor to be used by the Division of Water Pollution Control.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-27

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR ACQUISITION AND INSTALLATION OF LOCALIZER/DISTANCE MEASURING EQUIPMENT (LOC/DME) AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion has been tentatively allocated \$158,000.00 ODOT ACIP Grant, toward an estimated cost of \$326,000.00.

WHEREAS, The final grant award is offered as a result of these bids and bids must be submitted to granting agency by May 31, 1998.

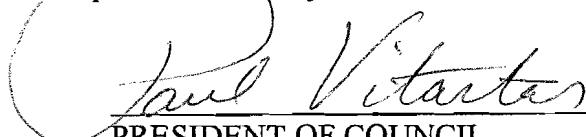
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare specifications and advertise for bids for acquisition and installation of LOC/DME at Marion Municipal Airport.

Section 2. These specifications are to be prepared by Yager and Associates of Toledo, Ohio in conjunction with Marion Municipal Airport personnel, who was selected per FAA guidelines and authorized by Ordinance 1997-111.

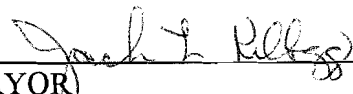
Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

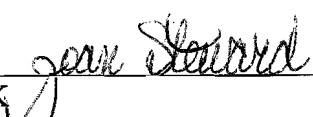
Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998


MAYOR

ATTEST:

CLERK

ORDINANCE NO. 1998-28

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AGREEMENT WITH B & L MAINTENANCE, RICHWOOD, OHIO TO PURCHASE A LORENZ MODEL 884 SNOW BLOWER FOR USE AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, this Council by passage of Ordinance No. 1991-136, requires approval of all capital expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio and

WHEREAS, B & L Maintenance submitted the best proposal for the purchase of the Lorenz Model 884 Snow Blower, therefore

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with B & L Maintenance, to purchase a Lorenz Model 884 Snow Blower for use at the Marion Municipal Airport.

Section 2. That the \$5,105.66 cost of said contract shall be payable from the Marion Municipal Airport Fund Account No. 101-06-621 -250-000-450.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998-29

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR LIGHTING AND ELECTRICAL IMPROVEMENTS AND APRON AND TAXIWAY REHABILITATION AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion has been tentatively allocated \$690,312.00 FAA Grant, known as Project 09, toward construction estimate of \$760,000.00

WHEREAS, The final grant award is offered as a result of these bids and bids must be submitted to granting agency by May 31, 1998.

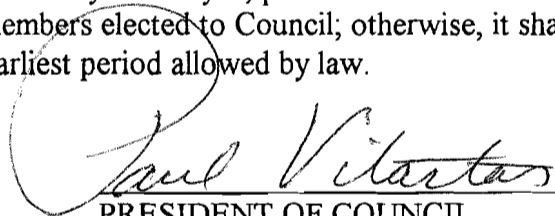
BE IT ORDAINED by the Council of the City of Marion, Marion, County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare specifications and advertise for bids for lighting improvements to Runway 6/24 and associated taxiways and apron and taxiway rehabilitation at the Marion Municipal Airport.

Section 2. These specifications are to be prepared by Yager and Associates of Toledo, Ohio in conjunction with Marion Municipal Airport personnel, who was selected per FAA guidelines and authorized by Ordinance 1997-111.

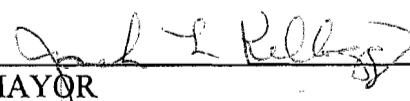
Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998- 30

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. Thatt here be additional appropriations made in various funds in the amount of \$494,000.00 as follwos:

AIRPORT IMPROVEMENT FUND

Professional Services	446-06=440-230-000-320	\$ 16,000.00
Capital Improvements	446-06-440-250-000-520	<u>310,000.00</u>
TOTAL AIRPORT IMPROVEMENT FUND		\$326,000.00

CAPITAL IMPROVEMENT FUND

Transfer to Airport Improvement Fund	401-09-547-270-000-707	\$168,000.00
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GRAND TOTAL..... \$494,000.00

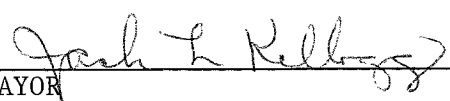
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998



 MAYOR

ATTEST:



 CLERK

ORDINANCE NO. 1998- 31

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$805,361,00 as follows:

CAPITAL IMPROVEMENT FUND

Transfer to Airport IMP Fund	401-09-546-270-000-707	\$10,673.12
Transfer to Airport IMP Fund	401-09-547-270-000-707	<u>7,676.88</u>
TOTAL CAPITAL IMPROVEMENT FUND		\$38,350.00

AIRPORT IMPROVEMENT FUND

Professional Service	446-06-449-230-000-320	\$123,800.00
Capital Improvements	446-06-449-250-000-520	<u>643,212.00</u>
TOTAL AIRPORT IMPROVEMENT FND.		\$767,012.00

GRANT TOTAL.....\$805,362.00

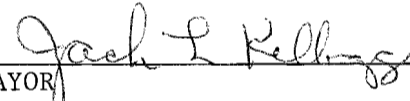
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL


PASSED: February 23, 1998

APPROVED: February 24, 1998



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1998-32

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$19,846.09 as follows:

IIIB GRANT FUND

Administration 203-03-424-240-000-324 \$4,449.20

STATE BLOCK GRANT FUND

Administration 205-03-424-210-000-324 \$1,046.86

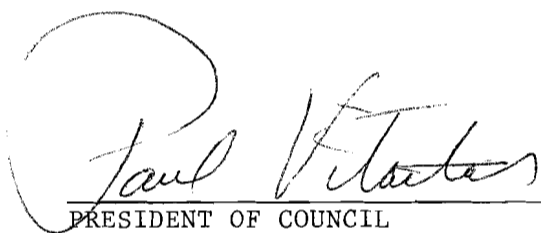
HEALTH LICENSE FUND

Trailer Park	247-02-224-270-000-723	\$1,958.66
Food Service	247-02-224-270-000-724	4,004.38
Vending Machine	247-02-224-270-000-725	2,153.18
Swimming Pool	247-02-224-270-000-727	2,026.86
Infectious Waste	247-02-224-270-000-728	972.73
Solid Waste	247-02-224-270-000-729	<u>3,199.02</u>

TOTAL HEALTH LICENSE FUND.. \$14,350.03

GRAND TOTAL..... \$19,846.09

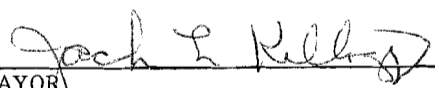
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: February 23, 1998

APPROVED: February 24, 1998



 MAYOR

ATTEST:



 CLERK

ORDINANCE NO. 1998-33AN ORDINANCE REPEALING ORDINANCE NO. 1997-148 AMENDING THE
SPEED LIMIT ON VERNON HEIGHTS BOULEVARD

WHEREAS, the Council now finds that certain members of Council have recommended that Ordinance No. 1997-148 be repealed and that the speed limit on Vernon Heights Boulevard within the City of Marion, Ohio, retain the speed limit of 35 m.p.h., and

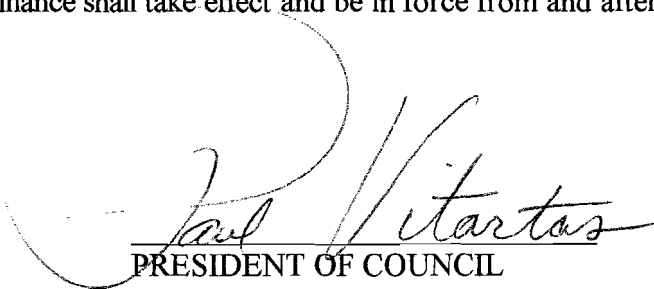
WHEREAS, the Council now finds the reduced speed limit is unnecessary and the repeal of the previous Ordinance to be in the best interests of the City of Marion,

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Ordinance 1997-148 is hereby repealed in its' entirety.

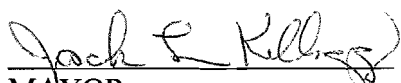
Section 2. That the speed limit on Vernon Heights Boulevard shall be 35 m.p.h. from Mt. Vernon Avenue to Delaware Avenue.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

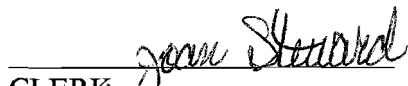

PRESIDENT OF COUNCIL

PASSED: March 9, 1998

APPROVED: March 10, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998 - 34ORDINANCE TO ENTER INTO CONTRACT FOR THE CONSTRUCTION OF
A CONCESSION STAND/PRESS BOX/STORAGE BUILDING AT GARFIELD
PARK, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1997-77 bids have been received for the construction of a concession stand/press box/storage building at Garfield Park, and

WHEREAS, the Marion City Board of Park Commissioners and Jester, Jones, Schifer & Feltham Architects have recommended that Design Built Construction, Bucyrus be awarded the contract.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Design Built Construction for the construction of a concession stand/press box/storage building at Garfield Park at a cost of \$ 52,750.00.

Section 2. That said contract shall be payable as follows:

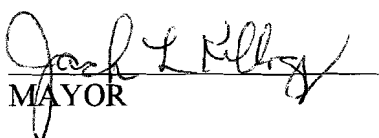
1.	Softball Field Improvement Fund	\$ 6,000.00
2.	Parks Fund & Nature Works Grant	<u>46,750.00</u>
	TOTAL	<u>\$52,750.00</u>

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that the building must be completed prior to the start of the softball season; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: *April 30, 1998*

APPROVED: *May 1, 1998*


MAYOR

ATTEST:


CLERK OF COUNCIL - Pro Tempore


ORDINANCE NO. 1998-35

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF FIFTEEN (15) SETS OF FIRE FIGHTERS GEAR AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

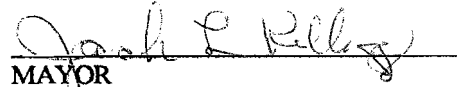
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the purchase of fifteen (15) sets of firefighter gear.

Section 2. That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: March 9, 1998

APPROVED: March 10, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998 -36

ORDINANCE MAKING CHANGES IN THE APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be changes made in the appropriations of various funds in the amount of \$(190,809.25) as follows:

PARKS FUND

Capital Improvements 221-03-421-250-547-520 \$ 10,000.00

EARLY INTERVENTION FUND

Travel	249-02-548-220-000-220	\$ 25.58
Schooling	249-02-548-230-000-221	100.00
Utilities	249-02-548-230-000-310	<u>205.13</u>
TOTAL E.I. FUND		\$ 330.71

CAPITAL IMPROVEMENT FUND

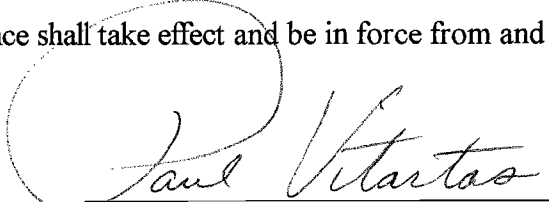
FY 96 Contingency	401-09-546-270-000-624	\$ (13,453.12)
FY 97 Contingency	401-09-547-270-000-624	<u>(195,676.88)</u>
TOTAL CAPITAL IMPROVEMENTS		\$(209,130.00)

SOFTBALL IMPROVEMENT FUND

Capital Improvements 420-03-421-250-000-510 \$ 7,990.00

GRAND TOTAL \$(190,809.29)


Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL


PASSED: March 9, 1998

APPROVED: March 10, 1998



MAYOR

ATTEST:



CLERK

ORDINANCE TO ESTABLISH A MODERATE AND LOW INCOME HOUSING REHABILITATION PROGRAM THROUGH THE STATE OF OHIO COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), TO AUTHORIZE THE MAYOR AND THE MARION COUNTY REGIONAL PLANNING COMMISSION TO APPLY FOR, ADMINISTER THE TOTAL GRANT, AND TO AUTHORIZE THE MAYOR TO ALSO EXTEND THE CONTRACT WITH THE MARION METROPOLITAN HOUSING AUTHORITY TO ADMINISTER THE TENANT BASED AND SELF SUFFICIENCY ASSISTANCE COMPONENTS AND EXTEND THE CONTRACT WITH MARION-CRAWFORD COMMUNITY ACTION COMMISSION TO ASSIST IN IMPLEMENTATION OF THE OWNER OCCUPIED AND RENTAL REHAB ACTIVITIES, AND DECLARING AN EMERGENCY.

WHEREAS, this Council recognizes the need for programs which remove slums and blights, benefit low- and moderate-income households or meet other urgent community development needs; and

WHEREAS, the CHIP Program makes funds available for projects which address these problems; and

WHEREAS, the City must submit an application to the State of Ohio, Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the Community and Economic Development Programs; and

WHEREAS, the Marion County Regional Planning Commission has a contract to prepare said application and administer said grant, if received, with the Tenant Based Assistance Component to be administered by the Marion Metropolitan Housing Authority and the Housing Rehabilitation Specialist to be provided under contract with the Marion-Crawford Community Action Commission.

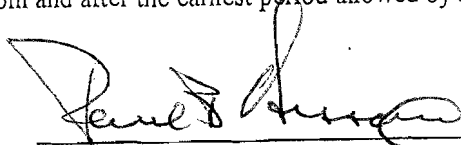
BE IT ORDAINED by the Council of the city of Marion, Marion County, Ohio:

SECTION 1. That this Council hereby authorizes the Mayor and the Marion County Regional Planning Commission to make application for a grant for moderate and low-income housing and rehabilitation in the FY '98 Target Areas out of the CDBG Small Cities and Federal H.O.M.E. Programs.

SECTION 2. That, upon approval of the City of Marion's grant application, the Mayor is authorized to sign to continue the contract and allow the administration of the grant in accordance with the terms of the contract with the Marion County Regional Planning Commission.

SECTION 3. That, upon approval of the City of Marion's grant application, the Mayor is authorized to sign a contract extension with the Marion Metropolitan Housing Authority and with the Marion-Crawford Community Action Commission.

SECTION 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order to be eligible for consideration; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: March 23, 1998

APPROVED: March 24, 1998

Jack L. Kellogg
MAYOR

ATTEST:

Jean Starned
CLERK

ORDINANCE NO. 1998 - 38

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 216 FRANCONIA AVENUE IN THE CITY OF MARION, OHIO FROM R-1C (SINGLE FAMILY DISTRICT) TO R-2 (GENERAL DWELLING DISTRICT).
(Robert Johnston-applicant)

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from R-1C (Single Family District) to R-2 (General Dwelling District), and

WHEREAS, the Marion City Planning Commission has considered and denied the rezoning from R-1C to R-2, and

WHEREAS, due notice of the hearing on said rezoning has been given by publication in accordance with law,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the property known as 216 Franconia Avenue and being more particularly described as follows:

Situated in the City of Marion, County of Marion and State of Ohio and bounded and described as follows:

Being Lot No. Fifteen Hundred Four (1504) in H. True's Second Addition to the City of Marion, Ohio.

heretofore zoned R-1C (Single Family District) is hereby zoned R-2 (General Dwelling District).

Section 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion on file in the office of the Clerk of Marion City Council and on the copy thereof on file in the office of the Safety/Service Director.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK

DEFEATED - MARCH 23, 1998

ORDINANCE NO. 1998 - 39

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY FILED BY BLANK'S HILLCREST FARMS AND LOCATED ON BARKS ROAD CONTAINING 115.586 ACRES TO THE CITY OF MARION, AND DECLARING AN EMERGENCY.

WHEREAS, a petition for the annexation of certain territory in Marion County was duly filed by James A. Blank, Blank's Hillcrest Farms; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on October 30, 1997 and December 4, 1997; and

WHEREAS, the Board of County Commissioners has approved the annexation of the territory to the City of Marion as hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council, who received same on January 9, 1998; and

WHEREAS, sixty days from the date of the filing have now elapsed in accordance with the provisions of R.C. 709.04, now, therefore,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the proposed annexation as applied for in the petition of James A. Blank and a majority of owners of real estate in the territory sought to be annexed filed with the Board of County Commissioners of Marion County, Ohio on June 27, 1997, and which petition project for annexation to the City of Marion, Ohio of certain territory adjacent thereto as hereinafter described, and which petition was approved by the Board of County Commissioners on December 4, 1997, be and the same is hereby accepted. The territory is described as follows:

Being part of the Southeast Quarter of Section 34, and part of the Southwest Quarter of Section 35, Township 5 South, Range 15 East, and being the same 10.50 acre tract, 61.499 acre tract and part of a 40 acre tract of land, now or formerly owned by Blank's Hillcrest Farms, Inc., Deed Vol. 538, page 371, a 3.001 acre tract of land, now or formerly owned by James A. Blank, et al., Trustees, O.R. 251, page 344, and a 20.019 acre tract of land, now or formerly owned by the Church of Christ, O.R. 349, page 515, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an existing survey nail located at the intersection of the North-South Half Section Line of Section 35 with the centerline of County Road 138 (Barks Rd.) And East-West Half Section Line of Section 35, said point being the Northeast corner of hereinafter described 115.586 acre tract;

Thence along the North-South Half Section Line of Section 35 South 01 deg. 23 min. 12 sec. West for a distance of 1315.34 feet to a steel I. beam set in concrete found (passing over a 1 inch dia. iron pin set at a distance of 30.00 feet);

Thence along the South Line of the North Half of the Southwest Quarter of Section 35 North 89 deg. 20 min. 40 sec. West for a distance of 1341.61 feet to a 5/8 inch dia. iron pin found on the East Line of the West Half of the Southwest Quarter of Section 35;

Thence along said Line South 01 deg. 44 min. 34 sec. West for a distance of 810.54 feet to a 1 inch dia. iron pin set (passing over 5/8 inch dia. iron pins found at distances of 255.00 feet and 605.00 feet);

Thence North 89 deg. 16 min. 11 sec. West for a distance of 1218.36 feet to a point on or near the centerline of Ququa Creek (passing over a 5/8 inch dia. iron pin found at a distance of 1198.36 feet);

Thence along or near the centerline of said creek North 29 deg. 03 min. 16 sec. West for a distance of 323.16 feet to a point, said point referenced South 61 deg. 30 min. 49 sec. West for a distance of 30.00 feet to a 5/8 inch dia. iron pin found (passing over the West Line of Section 35 at a distance of 213.55 feet);

Thence North 01 deg. 38 min. 39 sec. East for a distance of 527.70 feet to a 1 inch dia. iron pipe found on the South Line of the North Half of the Southeast Quarter of Section 34;

Thence along said Line North 88 deg. 25 min. 10 sec. West for a distance of 247.97 feet to an angle iron post found;

Thence North 01 deg. 14 min. 00 sec. East for a distance of 1326.81 feet to a survey nail found on the centerline of County Road 138 and East West Half Section Line of Section 34 (passing over an angle iron post found at a distance of 1298.11 feet);

Thence along the centerline of County Road 138 and East-West Half Section Line South 89 deg. 15 min. 35 sec. East for a distance of 313.48 feet to a 3/4 inch dia. iron pipe found on the East Line of Section 34 and angle point;

Thence continuing along the centerline of County Road 138 and East-West Half Section Line South 89 deg. 00 min. 50 sec. East for a distance of 663.72 feet to a 5/8 inch dia. iron pin found at an angle point (passing over a railroad spike found at a distance of 466.01 feet);

Thence continuing along said centerline and Half Section Line and a portion of the South Corporation Line of the City of Marion South 89 deg. 02 min. 15 sec. East for a distance of 2000.58 feet to a survey nail found on the North-South Half Section Line (passing over railroad spikes found at distances of 236.51 feet, 405.05 feet, 1110.57 feet, and 1760.58 feet) and the place of beginning.

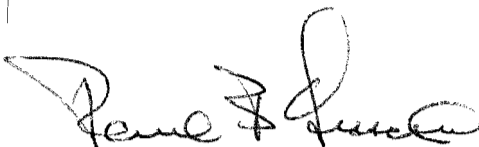
Containing 10.157 acres, more or less, in Section 34 and 105.429 acres, more or less, in Section 35, for a total acreage by this description of 115.586 acres, more or less, of which 2.051 acres, more or less is in County Road Right-of-Way. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated March 25, 1997.

Prior Deed Vol. 538, page 371
O.R. Vol. 251, page 344
O.R. Vol. 349, page 515

Basis of bearings, Survey by Stults & Assoc., Inc., dated 10/19/95, centerline C.R. 138 South 89 deg. 02 min. 15 sec. East.

Section 2. The Clerk of Council is directed to make three copies of the ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk of City Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

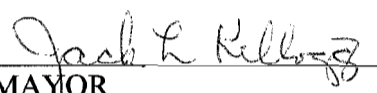
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage by two-thirds vote of all members elected and approval by the Mayor; otherwise it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: MARCH 23, 1998

APPROVED: MARCH 24, 1998


MAYOR

ATTEST:


CLERK

AMENDED ORDINANCE NO. 1998-40

ORDINANCE TO AMEND SECTION 1 OF ORDINANCE NO. 1996-76 AS AMENDED FROM ORDINANCE 1970-122, WHICH CREATED POSITIONS AND SALARIES FOR SAID POSITIONS IN THE RECREATION DEPARTMENT AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Section 1 of Ordinance No. 1996-76, as amended and now reading as follows:

“That the wages of said employees in said positions shall be as follows:

TITLE	STEP	1st year	2nd year	3rd year	4th year	5th year
		A	B	C	D	E
Front Gate Attendant (Cashier)		4.35	4.50	4.65	4.80	4.95
Concession Stand Attendant		4.35	4.50	4.65	4.80	4.95
Lifeguard with WSI		5.50	6.00	6.25	6.50	6.75
Asst. Pool Manager		5.75	6.25	6.75	7.00	7.25
Pool Manager		6.25	6.75	7.00	7.25	7.50

Step A - No previous recreational or related experience.

Step B - One (1) year recreational and/or related experience, and/or two (2) years of college completed.

Step C - Two (2) years recreational or related experience, or college graduate.

Step D - Three (3) years recreational or related experience, or one (1) year of recreational or related experience and college graduate.

Step E - Four (4) years recreational or related experience or two (2) years of recreational or related experience and college graduate.”

is hereby amended to read as follows:

“That the compensation of said employees in said positions shall be as follows:

TITLE	STEP	1st year	2nd year	3rd year	4th year	5th year
		A	B	C	D	E
Front Gate Attendant (Cashier)		4.59	4.74	4.90	5.06	5.22
Concession Stand Attendant		4.59	4.74	4.90	5.06	5.22
Lifeguard with WSI *		5.65	6.15	6.40	6.65	6.90

Changes for the following job descriptions:

Change from:

Assistant Pool Manager

to:

Head Lifeguard *	5.70	6.40	6.55	6.75	7.10
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POOL MANAGER

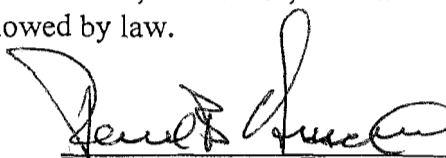
Pool Manager position would be five thousand one hundred dollars (\$5,100.00) per season starting May 1 and ending September 15. The Pool Manager would have the responsibility of all pre-season set up and post-season shut down, during this time frame.

All pool positions will be adjusted annually with 2.5% increases unless changed by City Council.

* ADDITIONS ON REVERSE SIDE

- Step A - No previous recreational or related experience.
- Step B - One (1) year recreational and/or related experience, and /or two (2) years of college completed.
- Step C - Two (2) years recreational or related experience, or college graduate.
- Step D - Three (3) year recreational or related experience, or one (1) year of recreational or related experience and college graduate.
- Step E - Four (4) years recreational or related experience or two (2) years of recreational or related experience and college graduate.

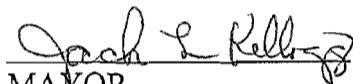
Section 2. that this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



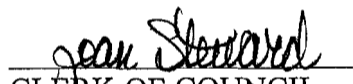
PRESIDENT OF COUNCIL PRO TEMPORE

Passed: March 23, 1998

Approved: March 24, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-41

ORDINANCE AMENDING MARION CODIFIED ORDINANCE 193.14,
ALLOCATION OF FUNDS WITHIN CHAPTER 193: MUNICIPAL INCOME TAX.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Chapter 193.14 of the Codified Ordinances, now reading in part as follows:

"193.14 ALLOCATION OF FUNDS

The funds collected under the provisions of this chapter shall be disbursed each calendar year for the period from January 1, 1978 in the following order, to wit:

(A) Such part thereof as shall be necessary to defray the cost of collecting the tax and the cost of administration and enforcing the provisions thereof.

(B) Debt Service Fund \$180,000

(C) Street, Construction
Maintenance and repair Fund \$323,225 (For street and alley construction, reconstruction, maintenance, repairs, resurfacing, seal treatment, traffic control devices, sidewalks, curbs, gutters, sewers, drains, and other appurtenant improvements.)

(D) Sewer Revenue \$ 55,000

(E) The balance of any monies received from income tax receipts shall be credit to the General Fund for disbursement by Order of Council. (ord. 1971-130, passed 7-26-71)"

is hereby amended to read as follows:

"193.14 ALLOCATION OF FUNDS

The funds collected under the provisions of this chapter shall be disbursed each calendar year for the period from January 1, 1998 in the following order, to wit:

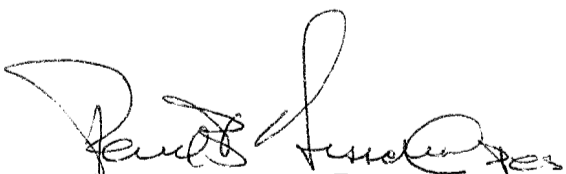
(A) Debt Service Fund..... Variable
(the amount necessary to cover the annual G.O. Debt Retirement and related bond registrar expenses: not to exceed \$180,000)

(B) Street, Construction,
Maintenance and Repair Fund.....5% of Unvoted Municipal Income Tax
(For street and alley construction, maintenance, repairs, resurfacing, seal treatment, traffic control devices, sidewalks, curbs, gutters, sewers, drains, and other appurtenant improvements.)

(C) SCMR.....5% of Unvoted Municipal Income Tax
(For Street Resurfacing Projects Only)

(D) The balance of any monies received from Income Tax receipts shall be for the credit of the general fund. (Ord. 1971-130, passed 7-26-71)

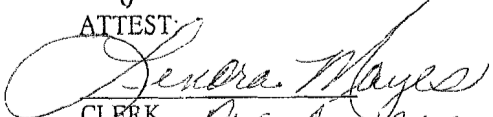
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL *Pro-tem.*

PASSED: April 27, 1998

APPROVED: April 28, 1998

MAYOR

ATTEST:

CLERK - Pro-Tempore

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MILLER LAWN & POWER EQUIPMENT COMPANY, TO PURCHASE A RIDING MOWER FOR THE PARKS DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, this Council, by passage of Ordinance No. 1991-136, requires approval of all capital expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio, and

WHEREAS, Miller Lawn & Power Company, Submitted the lowest proposal,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be and is hereby authorized to enter into contract with Miller Lawn & Power Company, to purchase a Riding Mower for the Parks Department.

Section 2. That the \$6,200.00 cost of said contract shall be payable for the Parks Fund Account No. 221-03-421-250-000-450.

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that the mower will be needed for spring mowing as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after earliest period allowed by law.

PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: March 23, 1998

APPROVED March 23, 1998

MAYOR

ATTEST:

CLERK OF COUNCIL

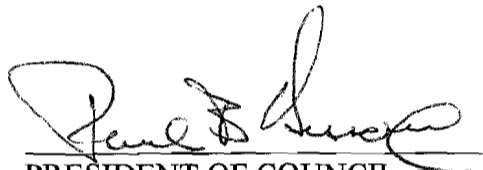
ORDINANCE NO. 1998 - 43

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE VAN FOR THE SENIOR CITIZEN TRANSPORTATION SERVICE.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio.

Section 1. That the Safety/Service Director be and he is hereby authorized and directed to prepare specifications and advertise for bids for the purchase of one van for the Senior Citizen transportation service.

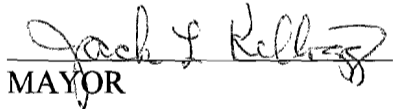
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: MARCH 23, 1998

APPROVED: MARCH 24, 1998



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1998 - 44

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A VACUUM LEAF COLLECTOR.

WHEREAS, this piece of equipment will be added to our fleet, for a total of 5 Leaf Collecting machines, and;

WHEREAS, the City has received a \$35,000 grant from the DKMM Solid Waste District.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of a vacuum leaf collector.

Section 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: March 23, 1998

APPROVED: March 24, 1998

MAYOR

ATTEST:

CLERK OF COUNCIL

ORDINANCE NO. 1998-45

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD FOR THE PURCHASE OF A 1998 FORD TAURUS TO BE USED BY THE BAILIFF IN MARION MUNICIPAL COURT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1997-165 authorized the Safety/Service Director to prepare specifications and advertise for bids for one (1) vehicle to be used by the Bailiff in the Marion Municipal Court.

WHEREAS, Mathews-Kennedy Ford submitted the lowest and best bid of \$15,623 which includes the trade in of a 1989 Plymouth Reliant.

BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be directed to enter into contract with Mathews Kennedy Ford for the Purchase of one (1) 1998 Ford Taurus.

Section 2. That this contract shall be payable from the Marion Municipal Court Capital Equipment Fund. 101-07-731-250-000-450 \$15,623.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the city of Marion and the inhabitants thereof due to condition of current vehicle: and as such shall take effect and be in force immediately upon its passage and approval of the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council; otherwise it shall become effective from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: March 23, 1998

APPROVED: March 24, 1998

MAYOR

ATTEST:

CLERK OF COUNCIL

ORDINANCE NO. 1998-46

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY, INC., FOR THE PURCHASE OF FIVE (5) POLICE VEHICLES AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 1998-2 , the Safety/Service Director was authorized to advertise for bids for the purchase of five (5) Police Vehicles, and

WHEREAS, Mathews Kennedy Ford Lincoln Mercury, Inc., submitted the only bid,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby authorized to enter into contract with Mathews Kennedy Ford Lincoln Mercury, Inc., for the purchase of two (2) mid-size police vehicles at \$16,776.00 each and three (3) full-size police vehicles at \$20,569.00 each.

Section 2. That the cost of said contract in the amount of \$95,259.00 shall be payable from the Police Department Capital Equipment Fund 101-01-111-250-000-450.

Section 3. That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the current condition of the fleet is deteriorated; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, is shall become effective from and after earliest period allowed by law.



PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: MARCH 23, 1998
APPROVED: MARCH 24, 1998

MAYOR

ATTEST:

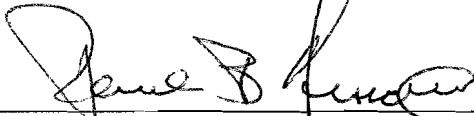
CLERK OF COUNCIL

ORDINANCE APPROVING THE REPLACEMENT OF WINDOWS AT FIRE STATION #1 AT AN ESTIMATED COST OF \$7,837.00 AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director approves the replacement of windows at Fire Station #1 with an estimated cost of \$7,837.00.

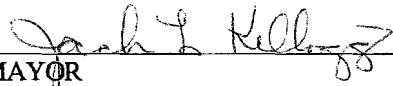
Section 2. That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after earliest period allowed by law.



PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: March 23, 1998

APPROVED: March 24, 1998



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1998 - 48

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN THE
GENERAL AND SCMR FUNDS FOR THE YEAR ENDING DECEMBER
31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be appropriation adjustments made in the General and SCMR funds in the amount of \$1,372,510.00 as follows:

General Fund

Transfers Out (Non-Voted)

Bond Retirement Fund	101-09-745-270-000-710	\$(180,000.00)
SCMR Fund	101-09-745-270-000-718	(325,000.00)
Sewer Revenue Fund	101-09-745-270-000-719	<u>(55,000.00)</u>
		\$(558,225.00)

Transfers Out (Voted)

Capital Improvement Fund	101-09-745-270-000-712	\$(270,000.00)
SCMR Fund	101-09-745-270-000-718	<u>(270,000.00)</u>
		\$(540,000.00)

TOTAL GENERAL FUND \$(1,098,225.00)

SCMR Fund

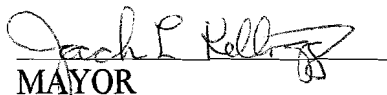
Resurfacing Projects	207-06-612-230-000-531	\$ 274,285.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

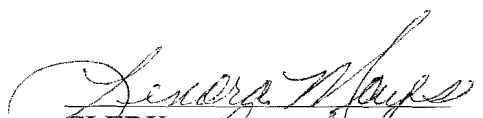

PRESIDENT OF COUNCIL

PASSED: April 27, 1998

APPROVED: April 27, 1998


MAYOR

ATTEST:


CLERK - Pro Tempore

ORDINANCE NO. 1998 - 49

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be appropriation adjustments made in various funds in the amount of \$1,185.51 as follows:

General Fund

FY '97 EMS Grant	101-01-131-230-147-223	\$ (3,280.78)
FY '98 EMS Grant	101-01-131-230-148-223	<u>4,336.00</u>
TOTAL GENERAL FUND		\$ 1,055.22

CHIP Grant Fund

Administration	272-04-546-230-000-324	\$ 130.29
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: March 23, 1998

APPROVED: March 24, 1998

Jack L. Killings
MAYOR

ATTEST:

Jean Howard
CLERK

ORDINANCE AMENDING MARION CITY CODE SECTION 672.12
REVISING AND MODIFYING THE EXISTING SECTION OF LAW
INCLUDING THE PENALTIES RELATING THERETO

WHEREAS, Marion City Code Section 672.126 has been found to be out-dated, and

WHEREAS the Council for the City of Marion, Ohio has found a real and present need for a modification of the firearms discharge law, including the penalties related thereto, and

WHEREAS the Council finds the citizens' of the City to be in need of further protections regarding discharges of firearms,

BE IT ORDAINED by the Council of Marion, Marion County, Ohio:

Section 1. Marion City Code Section 672.12 Pointing and discharging firearms and other weapons:

§ 672.12 POINTING AND DISCHARGING FIREARMS AND OTHER WEAPONS.

(A) Except as provided in divisions (C), (D)(1) and (D)(2) of this section, no person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm, or make use of any sling or arrow, within the corporate limits of the municipality.

(B) No person shall, intentionally and without malice, point or aim a firearm at or toward another or discharge a firearm so pointed or aimed.

(C) This section does not extend to cases in which firearms, slings or arrows are used in self-defense, in the discharge of official duty or in justifiable homicide.

(D)(1) This section does not extend to cases in which BB guns and other air guns, or slings or arrows, are used in the confines of dwellings, provided such use is under adult supervision and is approved by the Chief of Police.

(D)(2) This section does not extend to cases in which firearms are used in practice exercises at Government owned facilities designated as firing ranges.

(E) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree.

SHALL BE AMENDED TO READ AS FOLLOWS:

Section 2. § 672.12 POINTING AND DISCHARGING FIREARMS AND OTHER WEAPONS.

(A) Except as provided in divisions (C), (D)(1) and (D)(2) of this section, no person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm, or make use of any sling or arrow, within the corporate limits of the municipality.

(B) No person shall intentionally or recklessly, point or aim a firearm at or toward another or discharge a firearm, ~~so pointed or aimed~~.

(C) This section does not extend to cases in which air guns, rifles, shotguns, revolvers, pistols, firearms, slings or arrows are used in self-defense, in the discharge of official duty or in justifiable homicide.

(D)(1) This section does not extend to cases in which BB guns and other air guns, slings or arrows, are used in the confines of dwellings, provided such use is under adult supervision.

(D)(2) This section does not extend to cases in which firearms are used at Government owned facilities designated as firing ranges or at private firing ranges approved by the Safety/Service Director.

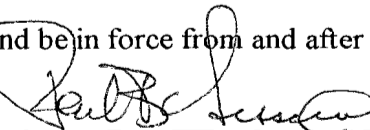
(E) Whoever violates section (B) of this section is guilty of a misdemeanor of the first degree. Whoever violates section (A) of this section is guilty of a misdemeanor of the fourth degree on a first offense; on a second offense of section (A) such person is guilty of a misdemeanor of the first degree.

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

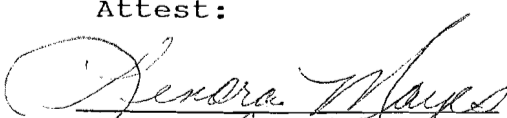
Passed: April 27, 1998

Approved: April 28, 1998

Jack L. Kellogg
Mayor


President

Attest:


Clerk - Pro-Tempore

*AMENDED ON COUNCIL FLOOR APRIL 27, 1998.

ORDINANCE NO. 1998- 51

ORDINANCE AUTHORIZING THE LEASE OF CERTAIN PROPERTY TO THE ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH BOARD AND CONSENTING TO THEIR SUBLEASE THEREOF TO THE MARION AREA COUNSELING CENTER, INC. , ENACTING THE POWER GRANTED IN ORDINANCE 1997-152 UPON CERTAIN EVENTS AND THE SUBSEQUENT ORDINANCE PROVIDING FOR THE FURTHER SUBLEASE TO THE COUNTY OF MARION, OHIO FOR FINANCING PURPOSES ONLY, AND DECLARING AN EMERGENCY

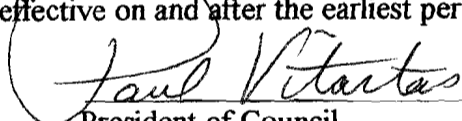
WHEREAS, this Counsel has in an earlier Ordinance provided for a second supplemental lease between the City and Marion General Hospital and further consented therein to agree to enter a direct lease with the Alcohol, Drug Addiction and Mental Health Board who sub-leases said property to the Marion Area Counseling Center if certain circumstances arose,

WHEREAS, the Marion Area Counseling Center now advises that it is necessary to enter into a "top-lease" providing for the actual entering into of a lease agreement with the Alcohol, Drug Addition and Mental Health Board and therein consent to their sublease to the Marion Area Counseling Center, Inc. who in turn have authority based upon prior Ordinance to sublease to the County of Marion, Ohio for the exclusive purpose of financing a certain improvement to the City's property,

BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Council consents to and authorizes the Mayor to enter into a top lease with the Alcohol, Drug Addition and Mental Health Board for a specific term and certain conditions, as approved by the Law Director, and therein further consenting to their sublease to the Marion Area Counseling Center, Inc. who in turn have already been empowered to sublease to the County of Marion, Ohio for the exclusive purpose of financing a certain improvement to the City's property who then are authorized to sublease same back to the Marion Area Counseling Center. The "top-lease" to take effect only upon the invalidation of the original lease between the City of Marion, Ohio and Marion General Hospital, Inc dated December 31, 1983 or any expiration of any extension or expiration of any renewal thereof,

SECTION 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof. given the immediate need for action so that the improvements may proceed without delay, which otherwise would significantly burden the project with additional cost and debt; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative-native vote of two-thirds of all members elected to Council, otherwise it shall become effective on and after the earliest period allowed by law.



President of Council

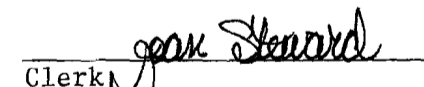
PASSED: April 13, 1998

APPROVED: April 14, 1998



Mayor

ATTEST:



Clerk

ORDINANCE NO. 1998 - 52

ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT BLOCK GRANT(CDBG) FUNDED FY '97 FORMULA GRANT AND TO AUTHORIZE THE MAYOR TO SIGN THE AMENDMENTS DOCUMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, this City Council approved Ordinance 1997-82 which authorized the Mayor to apply for the CDBG Small Cities Program FY '97 Formula Grant; and

WHEREAS, the grant application included allocating \$22,000 for the removal of architectural barriers in the Palace Theatre; and

WHEREAS, the grant agreement specified that grant funds be used to make the entrance doors handicapped accessible and the Palace Theatre would prefer to use the funds to make a handicapped accessible restroom; and

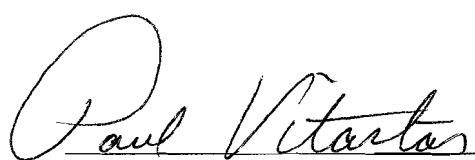
WHEREAS, a change in the scope of work requires an amendment to the grant; and

WHEREAS, the required public hearing was held on April 6, 1998 to discuss the proposed amendment.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:


Section 1: That this City Council authorizes the Mayor to apply for a grant amendment.

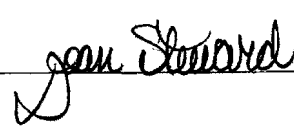
Section 2: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant amendment must be filed immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


President of Council

PASSED: April 13, 1998

APPROVED: April 14, 1998


MAYOR

ATTEST:


ORDINANCE NO. 1998-53

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR, AND UPON EXECUTION BY THE MAYOR OF THE TAX INCREMENT FINANCING AGREEMENT BETWEEN THE CITY OF MARION AND LTV TUBULAR STEEL PRODUCTS, TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES CONTRACT NO. 98-01G AND OWENS ELECTRIC CONTRACT 98-01E FOR THE PUBLIC INFRASTRUCTURE IMPROVEMENTS AT THE DUAL RAIL INDUSTRIAL PARK, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1998-22 authorized the Safety/Service Director to prepare specifications and advertise for bids for public infrastructure improvements to the Dual Rail Industrial Park, and

WHEREAS, Underground Utilities submitted the lowest and best bid of \$1,087,379 for Contract 98-01G (general) and Owens Electric submitted the lowest bid and best bid of \$90,990 for Contract 98-01E (electrical), and

WHEREAS, the Mayor has been authorized by the Council of the City Marion, Marion County, Ohio: to enter into a Tax Increment Financing Agreement with LTV Tubular Steel Products, therefore:

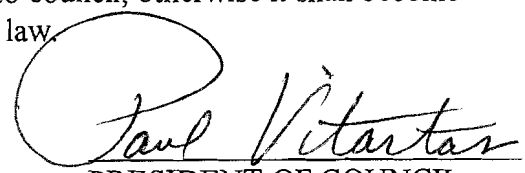
BE IT ORDAINED BY: the Council of the City of Marion, Marion County, Ohio:

Section 1. That upon the Mayor executing the Tax Increment Financing Agreement with LTV Tubular Steel Products the Safety Service Director be directed to enter into contract with Underground Utilities for Contract 98-01G, and Owens Electric for Contract 98-01E in the amounts referenced above for public infrastructure improvements to the Dual Rail Industrial Park.

Section 2. That there be an additional appropriation made in the Dual Rail Industrial Park Fund, as follows:

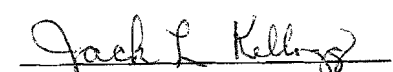
Capital Improvements	430-04-430-250-000-520	\$1,758,600.00
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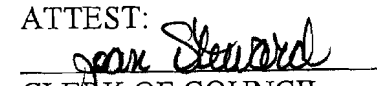
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof due to commitments with LTV Tubular Steel in regards to road construction: and as such shall take effect and be in force immediately upon its passage and approval of the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council; otherwise it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 13, 1998

APPROVED: April 14, 1998


MAYOR

ATTEST:

CLERK OF COUNCIL

ORDINANCE TO AMEND SECTION 1 OF ORDINANCE NO. 1990-45 (DESIGNATING CERTAIN STREETS OR PORTIONS THEREOF AS THROUGH STREETS), AS AMENDED, BY ADDING THERETO "LIKENS ROAD FROM THE WEST CORPORATION LINE TO THE EAST CORPORATION LINE."

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Section 1 of Ordinance No. 1990-45, as amended, designating certain streets or portions thereof as through streets, be amended by adding thereto "Likens Road from the west corporation line to the east corporation line":

- List of streets and their boundaries: Bellefontaine Avenue from the corporation line northeast to Prospect Street. Blaine Avenue from Columbia Street to Church Street. Center Street from the west corporation line to the east corporation line. Church Street from Park Boulevard to Kensington Place. Columbia Street from Davids Street to Blaine Avenue. Davids Street from the south corporation line to Center Street. Delaware Avenue from the south corporation line to Hill Street. Fairground Street from the west corporation to the east corporation line. Grand Avenue from Mount Vernon Avenue to Center Street. Greenwood Street from Presidential Drive to Fairground Street. Kenton Avenue from the corporation line southeast to Center Street. Klerx Street from Prospect Street to Main Street. LIKENS ROAD FROM THE WEST CORPORATION LINE TO THE EAST CORPORATION LINE. Main Street from Walnut Street to the north corporation line. McKinley Park Boulevard from Edgewood Drive to Delaware Avenue. Mount Vernon Avenue from Vine Street to the east corporation line. Park Boulevard from Church Street to Center Street. Patten Street from Main Street to State Street. Prospect Street from the south corporation line to Fairground Street. Richland Road from Mount Vernon Avenue southeast to the corporation line. Sargent Street from Church Street to Center Street. Seffner Avenue from Mount Vernon Avenue to Center Street. Silver Street from the west corporation line to Prospect Street. State Street from Washington Street to Hecker Avenue. Vernon Heights Boulevard from Delaware Avenue to Mount Vernon Avenue. Walnut Street from Prospect Street to State Street.

Section 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Signature of Paul Vitartas, President of Council

Passed: April 13, 1998

Approved: April 14, 1998

Signature of Jack L. Kellogg, Mayor

Attest:

Signature of Jean Steward, Clerk of Council

ORDINANCE NO. 1998-55

ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE TRAFFIC SIGNAL IMPROVEMENTS PROJECT, PHASE 3 (PROSPECT STREET/NORTH MAIN STREET), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion, Ohio is seeking a 100% Intermodal Surface Transportation Efficiency Act (ISTEA) construction grant from the Ohio Department of Transportation (ODOT), and

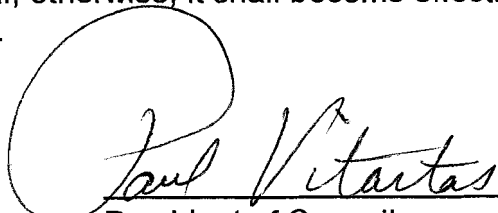
WHEREAS, Burgess and Niple, Limited submitted the best proposal to provide engineering services for the project.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby directed to enter into contract with Burgess and Niple, Limited for their proposal of \$58,400 to provide engineering services for the design of the Traffic Signal Improvements Project, Phase 3 (Prospect Street and North Main Street).

Section 2. That the \$58,400 cost to provide services for the project shall be payable from the State Highway Improvements Fund.

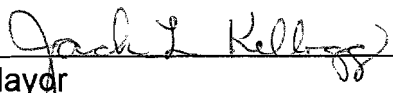
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and for the further reason that the City of Marion will lose ISTEA funding if application deadlines are not met, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



President of Council

Passed: April 13, 1998

Approved: April 14, 1998



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1998-56

**ORDINANCE TO AMEND THE TRAFFIC CONTROL MAP BY
INSTALLING STOP SIGNS ON SUPERIOR STREET AT CLEVELAND
AVENUE AND IREY AVENUE.**

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Traffic Control Map of the City of Marion, Ohio is hereby amended by *installing Stop Signs* at the following intersections:

1. Upon the southwest & northeast corner of *Superior Street* at its intersection with *Cleveland Avenue*, so as to stop traffic approaching Cleveland Avenue from the east and west.
2. Upon the southwest & northeast corner of *Superior Street* at its intersection with *Irey Avenue*, so as to stop traffic approaching Irey Avenue from the east and west.

Section 2. That the Safety/Service Director is hereby authorized and directed to issue orders to the Police Department to record this information on the Traffic Control File and amend the Traffic Control Map to Conform to the above provision, and to have said Stop Signs installed.

Section 3. That after the installation of said Stop Signs, all traffic at the above described intersections shall be amenable to the provisions of *Section 303 and 309* of the Codified Ordinances of the City of Marion, Ohio.

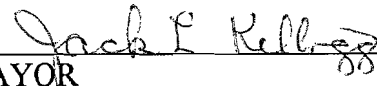
Section 4. That all ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 13, 1998

APPROVED: April 14, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-57

ORDINANCE TO AMEND THE TRAFFIC CONTROL MAP BY
INSTALLING STOP SIGNS ON UNCAPHER AVENUE AT DARIUS
STREET.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Traffic Control Map of the City of Marion, Ohio is hereby amended by *installing Stop Signs* at the following intersection:

1. Upon the southeast & northwest corner of *Uncapher Avenue* its intersection with *Darius Street*, so as to stop traffic approaching Darius Street from the north and south.

Section 2. That the Safety/Service Director is hereby authorized and directed to issue orders to the Police Department to record this information on the Traffic Control File and amend the Traffic Control Map to Conform to the above provision, and to have said Stop Signs installed.

Section 3. That after the installation of said Stop Signs, all traffic at the above described intersections shall be amenable to the provisions of *Section 303 and 309* of the Codified Ordinances of the City of Marion, Ohio.

Section 4. That all ordinances or parts thereof which are in conflict herewith are hereby repealed.


Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: April 13, 1998

APPROVED: April 14, 1998



 MAYOR

ATTEST:



 CLERK OF COUNCIL

ORDINANCE NO. 1998-58

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PITNEY BOWES TO PURCHASE A U570 PITNEY BOWES AUTOMATIC MAIL MACHINE FOR CITY HALL.

WHEREAS, this Council, by passage of Ordinance No. 1991-136, requires approval of all capital expenditures exceeding \$2,500.00 except for expenditures for the health and safety of the citizens of the City of Marion, Marion County, Ohio, and

WHEREAS, Pitney Bowes submitted the lowest and best proposal,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be and is hereby authorized to enter into contract with Pitney Bowes, to purchase a U570 Pitney Bowes mailing machine for City Hall.

Section 2. That the \$6,243.00 cost of said contract shall be payable from the General Fund Account No. 101-07-741-250-000-450.

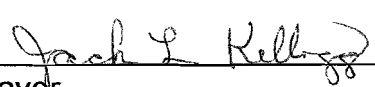
Section 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.



President of Council

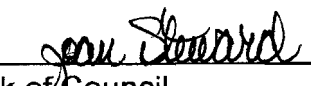
Passed: April 13, 1998

Approved: April 14, 1998



Mayor

Attest:




Clerk of Council

ORDINANCE NO. 1998-59ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
A SEWER FLUSHING TRUCK TO BE USED BY THE
DIVISION OF WATER POLLUTION CONTROL

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:


Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for a Sewer Flushing Truck to be used by the Division of Water Pollution Control.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 13, 1998

APPROVED: April 14, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-60

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
TV EQUIPMENT AND VEHICLE TO BE USED BY
THE DIVISION OF WATER POLLUTION CONTROL

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:


Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for TV Equipment and Truck to be used by the Division of Water Pollution Control.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 13, 1998

APPROVED: April 14, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-61

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
WEIGHT SCALES TO BE USED
BY THE DIVISION OF WATER POLLUTION CONTROL

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

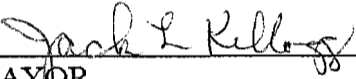
Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for Weight Scales to be used by the Division of Water Pollution Control.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 13, 1998

APPROVED: April 14, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-62

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH THE LORENZ EQUIPMENT COMPANY
OF COLUMBUS AND MANSFIELD, OHIO FOR THE PURCHASE OF ONE
PORTABLE AIR COMPRESSOR TO BE USED
AT THE WATER POLLUTION CONTROL PLANT.

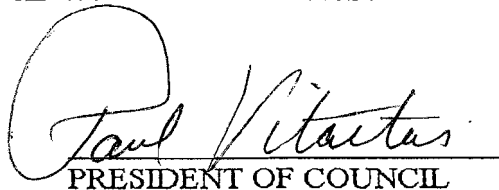
WHEREAS, The Lorenz Equipment Company submitted the lowest and best bid
of \$10,607.00.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director to be authorized and is hereby directed
to enter into contract with The Lorenz Equipment Company for the purchase of One
Portable Air Compressor to be used at the Water Pollution Control Plant.

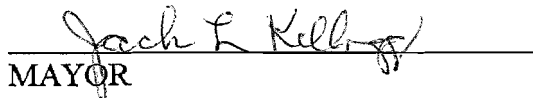
Section 2. That the contract shall be payable from the Sewer Replacement Capital
Equipment Fund (504-05-553-250-000-450).

Section 3. That this ordinance shall take effect and be in force from and after the
earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 13, 1998

APPROVED: April 14, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-63

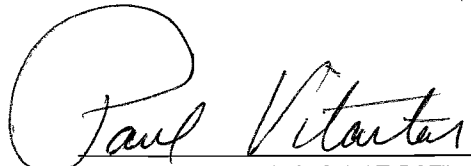
ORDINANCE AUTHORIZING THE SAFETY/ SERVICE
DIRECTOR TO ENTER INTO AN AGREEMENT WITH
AIR TECHNOLOGIES FOR THE SALE OF A USED AND
INOPERATIVE LEROI AIR COMPRESSOR FROM THE
DIVISION OF WATER POLLUTION CONTROL

WHEREAS, Air Technologies Company submitted the highest trade-in offer of \$1000.00.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

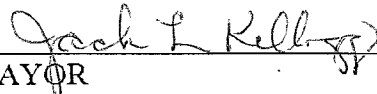
Section 1. That the Safety/Service Director be and is hereby authorized and directed to enter into an agreement with Air Technologies for the sale of the used Leroi Air Compressor from the Division of Water Pollution Control.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 13, 1998

APPROVED: April 14, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-64

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH BBS CORPORATION TO PROVIDE ENGINEERING SERVICES FOR THE DEVELOPMENT OF A FACILITY PLAN FOR THE WASTEWATER TREATMENT PLANT AND A SANITARY SEWER EXTENSION AND CSO CONTROL PLAN. AND DECLARING AN EMERGENCY.

WHEREAS, the Wastewater Treatment Plant is in need of planning for the replacement and upgrade of major components of it's system, and

WHEREAS, the Ohio Environmental Protection Agency requires the development of a Sanitary Sewer Extension and CSO Control Plan, and

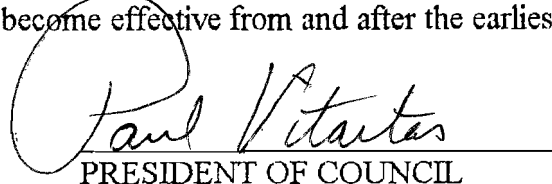
WHEREAS, the City of Marion has completed the required review of Statements of Qualifications from six (6) Engineering Firms.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized to enter into a professional service contract with BBS Corporation to provide engineering services for the development of a Facilities Plan and a Sanitary Sewer Extension and CSO Control Plan.

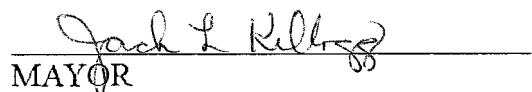
Section 2. That the cost of this service, estimated to be \$115,000.00 shall be payable from the Sewer Replacement Capital Outlay Account (504-05-553-250-000-520).

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason so that the Schedule of Compliance issued by the Ohio EPA can be adhered to; and as such, shall take effect and be in force immediately upon it's passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 13, 1998

APPROVED: April 14, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998 - 66

ORDINANCE DECLARING THE CITY OF MARION'S SUPPORT FOR MARION CAN DO, INC. AND FURTHER PROVIDING FOR CONTINUING PATRONAGE, INCLUDING BUT NOT LIMITED TO FINANCIAL SPONSORSHIP IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY THAT SAID ORGANIZATION HAS BROUGHT TO THE CITY OF MARION AND THE ENTIRE MARION AREA.

WHEREAS, a request has been made upon the Council for the City of Marion to continue its' support for Marion CAN DO, Inc. (CAN DO), and

WHEREAS, the Council has determined that the benefits arising from the City's immediate past relationship with CAN DO have been numerous and exceptional, and

WHEREAS, the accomplishments are real, genuine and tangible for all to see in the greater Marion community, and

WHEREAS, the Council finds it in the best interests of the City of Marion to continue its' financial support to the organization commonly known as CAN DO and given the current request of said economic development organization to join in its' current campaign to ensure its' economic well-being in order to allow it to perform its' function within the greater Marion community, and

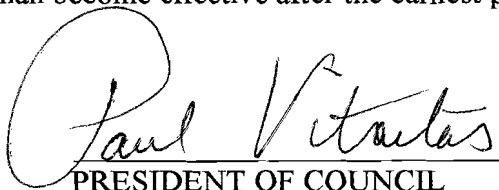
BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Council directs and authorizes the Mayor to ensure that the economic development organization commonly referred to as CAN DO continues to receive all the support the City has to offer, including continued financial support in the amount of \$ 6,500 per month, beginning the first day of the month following the expiration of the current financial support and continuing until the 1st day of December, 1999. This support shall be renewable upon the commencement of each new term of Council. It is the express desire of this Council to provide this support for a period of five years, conditioned and provided upon the subsequent Councils adopting similar appropriation legislation providing for the funding,

SECTION 2. That there is hereby appropriated the necessary funds to fulfill the responsibility as contained in Section 1. above from the General Fund as follows:

Professional Services	101-04-539-230-000-320	\$45,500.00
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SECTION 3. This Ordinance shall become effective after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: April 13, 1998

APPROVED: April 14, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998 - 67

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$15,145.00 as follows:

GENERAL FUND

Fire Dept. Quartermaster	101-01-131-210-000-140	\$ 9,850.00
Trans. To Youth Center	101-09-745-270-000-697	<u>1,175.00</u>
	TOTAL GENERAL FUND	\$11,025.00

STATE HIGHWAY IMPROVEMENT FUND

Professional Services	208-06-613-230-000-320	\$ 4,120.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

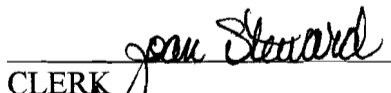
PASSED: April 13, 1998

APPROVED: April 14, 1998



 MAYOR

ATTEST:



 CLERK

ORDINANCE NO. 1998-68 *

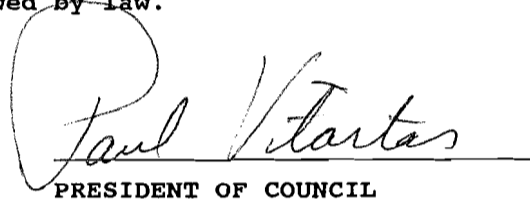
ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
SELL BY PUBLIC AUCTION A 1989 FORD CROWN VICTORIA AND
A 1992 CHEVY IMPALA THAT ARE UNFIT AND NO LONGER NEEDED
IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the 1989 Ford Crown Victoria and the 1992 Chevy Impala are unfit and no longer needed in the operation of the Marion City Police Department.

BE IT ORDAINED BY Council of the City of Marion, Marion County, Ohio:

* Section 1. That the Safety/Service Director be authorized and is hereby directed to Sell by Public Auction a 1989 Ford Crown Victoria (Serial No. 2FABP72F8KX202304) and a 1992 Chevy Impala (Serial No. 1G1BL5377NW138234) that are unfit and no longer needed in the operation of the Marion City Police Department.

Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

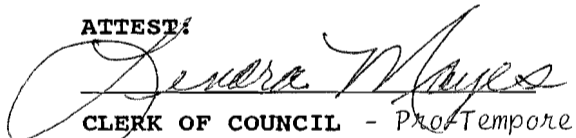

PRESIDENT OF COUNCIL

PASSED: April 30, 1998

APPROVED: May 1, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL - Pro Tempore

*AMENDED ON COUNCIL FLOOR APRIL 30, 1998.

ORDINANCE NO. 1998 - 69

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF OF THE CITY OF MARION TO EXECUTE A LEASE/PURCHASE OPTION OF REAL PROPERTY TO THE STEVENS CONSTRUCTION COMPANY AND DECLARING AN EMERGENCY.

WHEREAS, The Stevens Construction Company wishes to Lease/Purchase a parcel of land in the Marion Airport Industrial Park, and

WHEREAS, said real property is not otherwise required for the City's purposes; and such use thereof would benefit and promote the industrial and economic welfare of the City, and provide employment opportunities for its citizens, and

WHEREAS, The Marion Area Community Improvement Corporation (CIC) has previously been designated an agency of the City and the City now wishes to authorize CIC to enter into a lease/purchase option agreement on the City's behalf,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the City of Marion, by and through its Mayor and Safety/Service Director, is hereby authorized to enter into a written agreement with CIC as provided in Section 1724.10(B) of the Ohio Revised Code.

Section 2. That CIC is hereby authorized to enter into a lease/purchase agreement with The Stevens Construction Company, on behalf of the City of Marion, for a certain parcel of real property, and described as follows:

Lot # 17806 of the Marion Airport Industrial Park Subdivision consisting of 3.1165 acres more or less.

Section 3. That the proceeds of said lease/purchase, after any expenses, shall be deposited in the General Fund.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the safety and welfare of the City of Marion and the inhabitants thereof and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Paul Vitartes

PRESIDENT OF COUNCIL

PASSED: April 30, 1998

APPROVED: May 1, 1998

Jack L. Kilby

MAYOR

ATTEST:
Denara Mays

CLERK - Pro-Tempore

ORDINANCE NO. 1998-70

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH JACK DOHENY SUPPLIES OHIO, INC., FOR THE PURCHASE OF (1) VACUUM LEAF COLLECTOR FOR USE IN THE STREETS DEPARTMENT

WHEREAS, Ordinance No. 1998-44 authorized the Safety/Service Director to prepare specifications and and advertise for bids for a vacuum leaf collector for use in the Marion Streets Department.

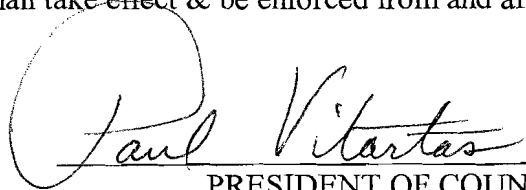
WHEREAS, Jack Doheny Supplies Ohio, Inc., submitted the only bid, therefore

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Jack Doheny Supplies Ohio, Inc., to purchase one Vacuum Leaf Collector for use in the Streets Department.

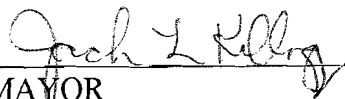
Section 2. That the \$35,150.00 cost of said contract shall be payable from the S.C.M.R. Fund.

Section 3. That this ordinance shall take effect & be enforced from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: *April 30, 1998*

APPROVED: *May 1, 1998*


MAYOR

ATTEST:


CLERK OF COUNCIL *Pro-Tempore*

*repealed by Ord.
1998-71*

ORDINANCE NO. 1998-71

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH POLYDYNE, INC. FOR THE PURCHASE OF POLYMER FLOCCULENT TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

WHEREAS, Polydyne, Inc. submitted the lowest and best bid of \$1.48 per pound for Polymer Flocculent.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with Polydyne, Inc. for the purchase of Polymer Flocculent to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Sewer Revenue Fund (505-05-552-240-000-420).

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

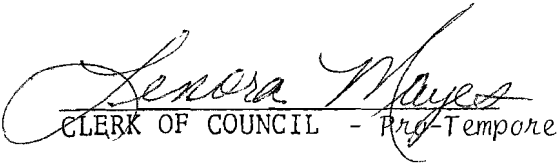

PRESIDENT OF COUNCIL

PASSED: April 30, 1998

APPROVED: May 1, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL - Pro-Tempore

ORDINANCE NO. 1998- 72

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$132,342.55 as follows:

GENERAL FUND

Revenue Sharing	101-04-539-230-712-750	\$48,533.55
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CHIP GRANT FUND

Private Rehab	272-04-546-230-000-322	\$ 175.00
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RENTAL REHAB FUND

Emergency Rehab	273-04-539-230-000-328	\$12,234.00
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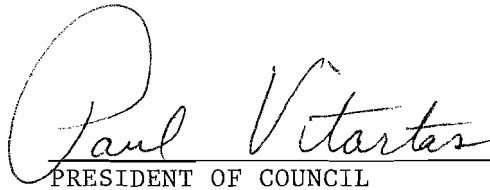
DRIP FUND

Professional Services	430-04-430-230-000-320	\$66,400.00
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TRANSIT FUND

Promotional Advertising	502-06-548-230-000-389	\$ 5,000.00
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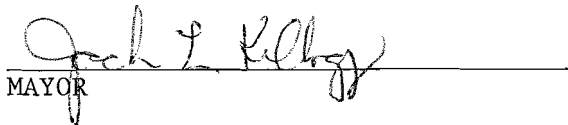
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: April 30, 1998

APPROVED: May 1, 1998



 MAYOR

ATTEST:



 CLERK - Pro Tempore

ORDINANCE NO. 1998 -73

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY ZONING THE PROPERTY OWNED BY MARION CORRECTIONAL - NORTH CENTRAL CORRECTION INSTITUTE CONTAINING 1,275.355 ACRES ON MARION-WILLIAMSPORT ROAD, AND ESTABLISHING THE TRACT AS O-I, OFFICE-INSTITUTIONAL DISTRICT, MARION CITY.

WHEREAS, the property subject hereto has recently been annexed to the City of Marion,

WHEREAS, the Marion City Planning Commission at it's April 7, 1998 meeting had considered and approved the zoning.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1.

The territory is described as follows:

Situated in Part of the East Half and the West Half of Section 2, Part of the Northeast Quarter and Southeast Quarter of Section 3, Part of the East Half and the West Half of Section 10 and Being the West Half of Section 11 and Part of the East Half of Section 11, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at a small spike set over an existing railroad spike located at the intersection of the centerline of County Road 167 (also being the North Line of Section 11) with the centerline of County Road 215; thence along the centerline of County Road 215 S 0°06'30" E (for basis of bearing, see Official Record 201 pg. 771, Marion County Recorder's Office) for a distance of 5283.17 feet to an existing large survey nail on the centerline of County Road 162 (also being the South Line of Section 11); thence along said centerline S 87°57'35" W for a distance of 1640.30 feet to a small spike set over an existing railroad spike located on the centerline of County Road 183 (also being the East Line of the Northwest Quarter of the Northwest Quarter of Section 14); thence continuing along the centerline of County Road 162 S 86°58'10" W for a distance of 1333.76 feet to a 1" dia. iron pin set on the East Line of Section 10; thence continuing along said centerline (also being the South Line of Section 10) S 89°54'10" W for a distance of 2684.94 feet to an existing 5/8" dia. iron pin on the North-South Half Section Line of Section 10; thence continuing along said centerline S 89°56'55" W for a distance of 2626.69 feet to a railroad spike set on the centerline of State Route 4/423; thence along said centerline N 4°49'55" W for a distance of 260.97 feet to a railroad spike set on the Southeast Right-of-Way Line of the Norfolk & Southern Railroad (now 80 feet wide); thence along said Southeast Right-of-Way Line N 34°18'50" E for a distance of 31.68 feet to a railroad spike set; thence continuing along said Southeast Right-of-Way Line S 4°49'55" E for a distance of 47.52 feet to a railroad spike set on the Southeast Right-of-Way Line of the Norfolk & Southern Railroad (now 110 feet wide); thence along said Southeast Right-of-Way Line N 34°18'50" E for a distance of 3631.18 feet to a 1" dia. iron pin set; thence continuing along said Southeast Right-of-Way Line S 89°48'50" W for a distance of 12.13 feet to a 1" dia. iron pin on the Southeast Right-of-Way Line of the Norfolk & Southern Railroad (now 100 feet wide); thence along said Southeast Right-of-Way Line N 34°18'50" E for a distance of 2510.67 feet to a railroad spike set on the centerline of County Road 167 (also being the South Line of Section 3); thence along said centerline N 89°55'40" W for a distance of 6.05 feet to a railroad spike set on the Southeast Right-of-Way Line of the Norfolk & Southern Railroad (now 75 feet wide); thence along said Southeast Right-of-Way Line N 34°18'50" E for a distance of 6770.96 feet to a 1" dia. iron pin set on the North Line of Section 2 (also being the North Line of Marion Township) (passing over the West Line of Section 2 at 3365.78 feet); thence along said North Line N 89°48'30" E for a distance of 1372.09 feet to a 1" dia. iron pin set on the West Limited Access Right-of-Way Line of U.S. Route 23; thence along said Limited Access

Right-of-Way Line the following courses and distances: S 28°41'00" E for a distance of 56.24 feet to a 1" dia. iron pin set on a point of spiral curve; thence Southeasterly along a curve to the right having a radius of 2740.55 feet for an arc distance of 1193.09 feet (chord = S 15°37'25" E, 1183.69 feet) to a 1" dia. iron pin set on the point of tangency; thence S 1°08'30" E for a distance of 293.42 feet to a 1" dia iron pin set; thence S 0°09'10" E for a distance of 750.09 feet to a 1" dia. iron pin set on a point of curve; thence Southeasterly along a curve to the left having a radius of 5860.67 feet for an arc distance of 762.37 feet (chord = S 3°52'45" E, 761.83 feet) to a 1" dia. iron pin set at the point of tangency; thence S 7°36'20" E for a distance of 2026.39 feet to a 1" dia. iron pin set; thence S 4°22'25" W for a distance of 52.90 feet to a 1" dia. iron pin set; thence S 0°06'50" E for a distance of 94.11 feet to a 1" dia. iron pin set on a point of curve; thence Southeasterly along a curve to the left having a radius of 686.72 feet for an arc distance of 200.16 feet (chord = S 8°28'25" E, 199.46 feet) to a 1" dia. iron pin set; thence S 73°10'30" W for a distance of 60.00 feet to a 1" dia. iron pin set; thence S 82°52'25" W for a distance of 458.51 feet to a 1" dia. iron pin set; thence S 2°06'25" E for a distance of 50.00 feet to a railroad spike set on the centerline of County Road 167 (also being the South Line of Section 2); thence along said centerline S 87°53'35" W for a distance of 548.99 feet to a small spike set over an existing railroad spike on the centerline of County Road 215 and the point of beginning.

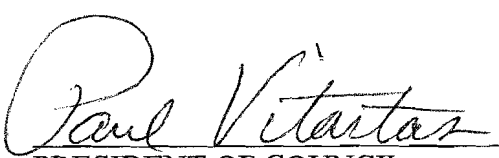
Containing 1,275.355 acres more or less, of which 408.783 acres more or less are in Section 2, 60.256 acres more or less are in Section 3, 447.512 acres more or less are in Section 10 and 358.804 acres more or less are in Section 11, and being subject to legal highways, easements, restrictions, and agreements of record.

The foregoing description was prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, dated December 15, 1995, and revised January 11, 1996. All 5/8" dia. and 1" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

be zoned O-I, Office - Institutional District, Marion City.


Section 2. The clerk is hereby authorized and directed to make such amendments to the zoning district map of the City of Marion.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: MAY 26, 1998

APPROVED: MAY 27, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998 - 74

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY ZONING THE PROPERTY BEING OWNED BY NORTHWOODS HOME MANUFACTURING PARK ON MARION-WILLIAMSPORT ROAD CONTAINING 52.789 ACRES, AND ESTABLISHING THE TRACT AS R-1C, SINGLE-FAMILY DISTRICT HIGH DENSITY, MARION CITY.

WHEREAS, the property subject hereto has recently been annexed to the City of Marion,

WHEREAS, the Marion City Planning Commission at its April 7, 1998 meeting had considered and approved the zoning.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section I.

The territory is described as follows:

Being part of the Northwest Quarter of Section 15, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at a 1" dia. iron pin set on the Northeast corner of the Northwest Quarter of said Section 15, said point being further located at the Northwest corner of Fair Park 9th Addition as recorded in Plat Book 5, page 113 in the Office of the Marion County Recorder;

Thence, along the West line of Fair Park 9th Addition - also being the North-South half section line of Section 15 South 00 degrees 22 minutes 00 seconds East for a distance of 1819.64 feet along the existing westerly Coproration Line to a 1" dia. iron pin set at the Northwest corner of Fair Park 8th Addition as recorded in Plat Book 5, page 43 in the Office of the Marion County Recorder (passing over an existing T-Bar at 30.00 feet and a 1" dia. iron pin set for reference at 1307.47 feet.

Thence along the West line of said Fair Park 8th Addition and Fair Park 7th Addition as recorded in Plat Book 5, page 5 in the Office of the Marion County Recorder also being the North-South half section line of Section 15 and the westerly Corporation Line South 00 degrees 23 minutes 00 seconds East for a distance of 827.40 feet to an existing iron pipe located on the East-West half section line of Section 15, also being the North Corporation Line of the City of Marion (passing over a 1" dia. iron pin set for reference at 231.65 feet and the North line of said Fair Park 7th Addition at 770.00 feet);

Thence along the East-West half section line of Section 15 and the North Corporation Line of the City of Marion South 89 degrees 23 minutes 50 seconds West for a distance of 1343.24 feet to an existing stone on the East line of North State Street 1st Addition as recorded in Plat Book 3, page 32 in the Office of the Marion County Recorder, said East line also being the East line of a 14 foot wide public alley;

Thence along the East line of said North State Street 1st Addition and said public alley North 00 degrees 21 minutes 39 seconds West for a distance of 842.26 feet to a 1" dia. iron pin set;

Thence North 89 degrees 50 minutes 00 seconds East for a distance of 600.00 feet to a 1" dia. iron pin set;

Thence North 00 degrees 21 minutes 39 seconds West for a distance of 1815.00 feet to a 1" dia. iron pin set on the centerline of County Road 162 (Marion-Williamsport Road), also being the North line of Section 15 and the existing Corporation Line (passing over a 1" dia. iron pin set for reference at 1785.00 feet);

Thence along the centerline of County Road 162 (Marion-Williamsport Road) - North line of Section 15 and the existing Corporation Line North 89 degrees 50 minutes 00 seconds East for a distance of 262.73 feet to a 1" dia. iron pin set;

Thence South 00 degrees 22 minutes 19 seconds East for a distance of 792.00 feet to a 1" dia. iron pin set (passing over a 1" iron pin set for reference at 30.00 feet);

Thence North 89 degrees 50 minutes 00 seconds East for a distance of 163.50 feet to a 1" dia. iron pin set;

Thence North 00 degrees 22 minutes 19 seconds West for a distance of 462.00 feet to a 1" dia. iron pin set;

Thence North 89 degrees 50 minutes 00 seconds East for a distance of 132.00 feet to a 1" dia. iron pin set;

Thence North 00 degrees 22 minutes 19 seconds West for a distance of 330.00 feet to a 1" dia. iron pin set on the centerline of County Road 162 (Marion-Williamsport Road) - North line of Section 15 and the existing Corporation Line (passing over a 1" dia. iron pin set for reference at 300.00 feet);

Thence along the centerline of County Road 162 (Marion-Williamsport Road) - North line of Section 15 and the existing Corporation Line North 89 degrees 50 minutes 00 seconds East for a distance of 184.50 feet to a 1" iron pin set and the point of beginning.

Containing 52.789 acres more or less and subject to legal highways, easements, restrictions, and agreements of record.

Grantor acquired title by instrument recorded in Official Record Volume 126, page 153 of the Deed Records of Marion County, Ohio.

This description was prepared from a original boundary survey made by Stults and Associates, Incorporated and dated March 3, 1994 and an annexation plat prepared by Stults and Associates, Incorporated and dated March 20, 1997.

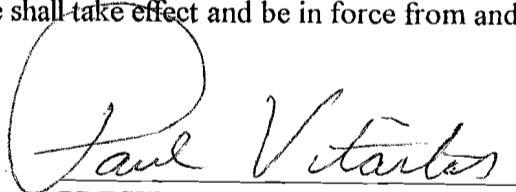
The bearing South 00 degrees 22 minutes 00 seconds West is the same used for the West line of Fair Park 9th Addition and the North-South half section line of Section 15. All bearings were calculated from field observations.

All iron pins set are 30" long 1" solid iron pins with yellow plastic caps stamped "STULTS & ASSOC."

be zoned R-1C, Single Family District-High Density, Marion City.

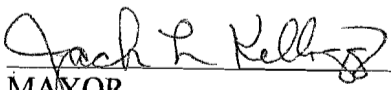
Section 2. The clerk is hereby authorized and directed to make such amendments to the zoning district map of the City of Marion.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: May 26, 1998

APPROVED: May 27, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998 - 75

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY ZONING THE PROPERTY OWNED BY AD CARE HEALTH SYSTEMS, INC. CONTAINING 35.565 ACRES LOCATED ON BARKS ROAD, AND ESTABLISHING THE TRACT AS O-I-A, OFFICE-INSTITUTIONAL, APARTMENT DISTRICT, MARION CITY.

WHEREAS, the property subject hereto has recently been annexed to the City of Marion,

WHEREAS, the Marion City Planning Commission at its April 7, 1998 meeting had considered and approved the zoning.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1.

The territory is described as follows:

Situated in the Township of Marion, County of Marion, State of Ohio and being part of the Northeast Quarter of Section 33 and part of the Northwest Quarter of Section 34, Township 5 South, Range 15 East, and more particularly described as follows:

Commencing at a 1 inch iron pin in monument box found marking the intersection of the centerline of State Route 423 (Marion-Waldo Road) with the centerline of County Road 138b (Barks Road);

thence on an assumed bearing South 88 degrees 58 minutes 40 seconds West a distance of 1,986.36 feet along the south line of said Northwest Quarter and the centerline of County Road 138b (Barks Road) to a point marking the place of the beginning referenced by a railroad spike found South 01 degrees 01 minutes 34 seconds East at 0.13 feet;

thence continuing South 88 degrees 58 minutes 40 seconds West a distance of 1,186.68 feet along the south line of said Northwest Quarter of Section 34 and the centerline of County Road 138b (Barks Road) to a railroad spike found marking southwest corner of said Northwest Quarter of Section 34, passing over a railroad spike found at 300.00 feet;

thence South 89 degrees 02 minutes 49 seconds West a distance of 285.81 feet along the south line of said Northeast Quarter of Section 33 and the centerline of County Road 138b (Barks Road) to a 1 inch iron bolt found;

thence North 00 degrees 37 minutes 11 seconds West a distance of 1,047.61 feet to a stone found on the corporation line of the City of Marion, passing a 1 inch iron pin set at 20.00 feet;

thence North 88 degrees 26 minutes 22 seconds East a distance of 1,465.12 feet along said corporation line to a point, referenced by a 5/8 inch iron pin with cap marked "Stults & Assoc." found North 19 degrees 42 minutes 10 seconds East at 0.72 feet, passing over a 1 inch iron pin set marking the west line of said Northwest Quarter of Section 34 at 285.19 feet;

thence continuing along said corporation line South 01 degrees 01 minutes 34 seconds East a distance of 1,061.69 feet to a point marking the place of beginning, passing over a 5/8 inch iron pin found at 335.54 feet.

The above described tract contains 35.565 acres, more or less, with 6.876 acres located in said Northwest Quarter of Section 33 and 28.689 acres located in said Northwest Quarter of Section 34, based on a survey by Robert Lyn Makever, P.E., P.S., Professional Surveyor Number 6828, dated January 30, 1997, but is subject to all highways, easements and restrictions of record.

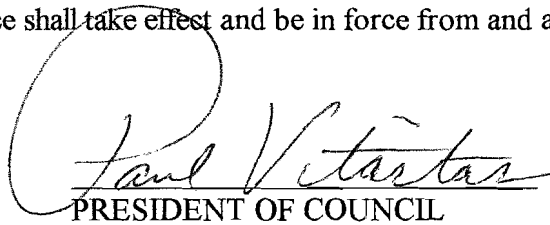
All one inch iron pins set are 30 inch long reinforcing rods with yellow plastic caps stamped "Makever & Assoc." unless otherwise noted.

Prior Deed Reference: Official Record 340, PAGE 585
Official Record 340, PAGE 591

be zoned O-I-A, Office, Institutional, Apartment District, Marion City.

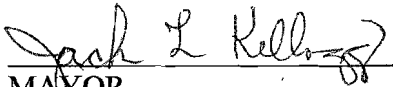
Section 2. The clerk is hereby authorized and directed to make such amendments to the zoning district map of the City of Marion.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

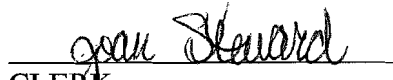

PRESIDENT OF COUNCIL

PASSED: MAY 26, 1998

APPROVED: MAY 27, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998 - 76

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY ZONING THE PROPERTY OWNED BY BLANK'S HILLCREST FARMS CONTAINING 115.586 ACRES LOCATED ON BARKS ROAD, AND ESTABLISHING THE TRACT AS R1-A, SINGLE-FAMILY DISTRICT-LOW DENSITY, MARION CITY.

WHEREAS, the property subject hereto has recently been annexed to the City of Marion,

WHEREAS, the Marion City Planning Commission at it's April 7, 1998 meeting had considered and approved the zoning.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1.

The territory is described as follows:

Being part of the Southeast Quarter of Section 34, and part of the Southwest Quarter of Section 35, Township 5 South, Range 15 East, and being the same 10.50 acre tract, 61.499 acre tract and part of a 40 acre tract of land, now or formerly owned by Blank's Hillcrest Farms, Inc., Deed Vol. 538, page 371, a 3.001 acre tract of land, now or formerly owned by James A. Blank, et al., Trustees, O.R. 251, page 344, and a 20.019 acre tract of land, now or formerly owned by the Church of Christ, O.R. 349, page 515, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an existing survey nail located at the intersection of the North-South Half Section Line of Section 35 with the centerline of County Road 138 (Barks Rd.) And East-West Half Section Line of Section 35, said point being the Northeast corner of hereinafter described 115.586 acre tract;

Thence along the North-South Half Section Line of Section 35 South 01 deg. 23 min. 12 sec. West for a distance of 1315.34 feet to a steel I. beam set in concrete found (passing over a 1 inch dia. iron pin set at a distance of 30.00 feet);

Thence along the South Line of the North Half of the Southwest Quarter of Section 35 North 89 deg. 20 min. 40 sec. West for a distance of 1341.61 feet to a 5/8 inch dia. iron pin found on the East Line of the West Half of the Southwest Quarter of Section 35;

Thence along said Line South 01 deg. 44 min. 34 sec. West for a distance of 810.54 feet to a 1 inch dia. iron pin set (passing over 5/8 inch dia. iron pins found at distances of 255.00 feet and 605.00 feet);

Thence North 89 deg. 16 min. 11 sec. West for a distance of 1218.36 feet to a point on or near the centerline of Ququa Creek (passing over a 5/8 inch dia. iron pin found at a distance of 1198.36 feet);

Thence along or near the centerline of said creek North 29 deg. 03 min. 16 sec. West for a distance of 323.16 feet to a point, said point referenced South 61 deg. 30 min. 49 sec. West for a distance of 30.00 feet to a 5/8 inch dia. iron pin found (passing over the West Line of Section 35 at a distance of 213.55 feet);

Thence North 01 deg. 38 min. 39 sec. East for a distance of 527.70 feet to a 1 inch dia. iron pipe found on the South Line of the North Half of the Southeast Quarter of Section 34;

Thence along said Line North 88 deg. 25 min. 10 sec. West for a distance of 247.97 feet to an angle iron post found;

Thence North 01 deg. 14 min. 00 sec. East for a distance of 1326.81 feet to a survey nail found on the centerline of County Road 138 and East West Half Section Line of Section 34 (passing over an angle iron post found at a distance of 1298.11 feet);

Thence along the centerline of County Road 138 and East-West Half Section Line South 89 deg. 15 min. 35 sec. East for a distance of 313.48 feet to a 3/4 inch dia. iron pipe found on the East Line of Section 34 and angle point;

Thence continuing along the centerline of County Road 138 and East-West Half Section Line South 89 deg. 00 min. 50 sec. East for a distance of 663.72 feet to a 5/8 inch dia. iron pin found at an angle point (passing over a railroad spike found at a distance of 466.01 feet);

Thence continuing along said centerline and Half Section Line and a portion of the South Corporation Line of the City of Marion South 89 deg. 02 min. 15 sec. East for a distance of 2000.58 feet to a survey nail found on the North-South Half Section Line (passing over railroad spikes found at distances of 236.51 feet, 405.05 feet, 1110.57 feet, and 1760.58 feet) and the place of beginning.

Containing 10.157 acres, more or less, in Section 34 and 105.429 acres, more or less, in Section 35, for a total acreage by this description of 115.586 acres, more or less, of which 2.051 acres, more or less is in County Road Right-of-Way. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated March 25, 1997.

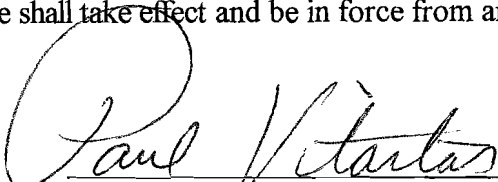
Prior Deed Vol. 538, page 371
O.R. Vol. 251, page 344
O.R. Vol. 349, page 515

Basis of bearings, Survey by Stults & Assoc., Inc., dated 10/19/95, centerline C.R. 138 South 89 deg. 02 min. 15 sec. East.

be zoned R1-A, Single Family District-Low Density, Marion City.

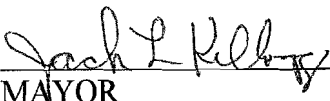
Section 2. The clerk is hereby authorized and directed to make such amendments to the zoning district map of the City of Marion.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: May 26, 1998

APPROVED: May 27, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998 - 77

ORDINANCE TO REZONING 67.3 ACRES ON BARKS ROAD FROM MARION TOWNSHIP O-I-A TO MARION CITY ZONING O-I-A AND ALSO TO REZONE THE REMAINING NORTHERN 26.8 ACRES FROM MARION TOWNSHIP R-1A TO MARION CITY ZONING R-1A. THE DUAL REZONINGS ARE KNOWN AS THE ANNEXED LAKE PROPERTY.

WHEREAS, the property subject hereto has recently been annexed to the City of Marion,

WHEREAS, the Marion City Planning Commission at it's April 7, 1998 meeting had considered and approved the zoning.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1.

The territory is described as follows:

Description of 67.3 acre O-I-A tract of land - Lakes Property

Beginning at a point on the centerline of Barks Road, which is also the southwesternmost corner of the Lakes Property, and also the point of beginning;
Thence North 02° 01' 00" West a distance of 262.49 feet;
Thence South 87° 27' 40" West a distance of 165.00 feet;
Thence North 02° 01' 00" West a distance of 1090.68 feet;
Thence North 01° 44' 38" West a distance of 885.00 feet;
Thence North 87° 21' 46" East a distance of 1565.00 feet;
Thence South 01° 44' 38" East a distance of 525.00 feet to a point on the centerline of the Qu Qua Ditch;
Thence South 47° 59' 07" West along the centerline of the Qu Qua Ditch a distance of 125.00 feet;
Thence South 14° 01' 21" West along the centerline of the Qu Qua Ditch a distance of 1086.24 feet;
Thence South 27° 21' 08" West along the centerline of the Qu Qua Ditch a distance of 296.03 feet;
Thence South 50° 51' 59" West along the centerline of the Qu Qua Ditch a distance of 266.66 feet;
Thence South 07° 52' 26" West along the centerline of the Qu Qua Ditch distance of 159.51 feet to a point on the north right-of-way line of Barks Road;
Thence South 87° 31' 04" West along the north right-of-way line of Barks Road a distance of 126.08 feet;
Thence South 01° 38' 37" East a distance of 30.00 feet to a point on the centerline of Barks Road;
Thence South 87° 31' 22" West along the centerline of Barks Road a distance of 290.87 feet;
Thence North 02° 01' 00" West a distance of 136.42 feet;
Thence North 38° 45' 26" West a distance of 106.70 feet;
Thence South 87° 31' 04" West a distance of 87.30 feet;
Thence South 02° 01' 00" East a distance of 222.43 feet to a point on the centerline of Barks Road;
Thence South 87° 31' 04" West along the centerline of Barks Road a distance of 53.00 feet to the point of beginning;
Containing approximately 67.3 acres.

Description of 26.8 acre R-1A tract of land - Lakes Property

Beginning at a point on the centerline of Barks Road, which is also the southwesternmost corner of the Lakes Property;

Thence North 02° 01' 00" West a distance of 262.49 feet;

Thence South 87° 27' 40" West a distance of 165.00 feet;

Thence North 02° 01' 00" West a distance of 1090.68 feet;

Thence North 01° 44' 38" West a distance of 885.00 feet and the point of beginning;

Thence North 01° 44' 38" West a distance of 453.00 feet;

Thence North 87° 21' 46" East a distance of 1322.75 feet;

Thence South 04° 35' 00" East a distance of 16.50 feet;

Thence North 87° 59' 23" East a distance of 1075.23 feet;

Thence South 00° 22' 40" East a distance of 328.92 feet;

Thence South 87° 40' 41" West a distance of 231.39 feet;

Thence South 02° 11' 19" East a distance of 220.00 feet;

Thence South 87° 48' 41" West a distance of 150.00 feet to a point on the centerline of the Qu Qua Ditch;

Thence South 47° 59' 07" West along the centerline of the Qu Qua Ditch a distance of 619.77 feet;

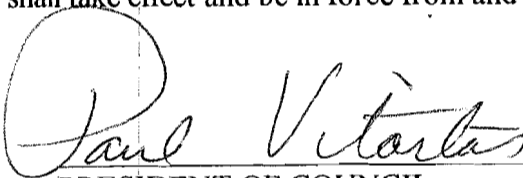
Thence North 01° 44' 38" West a distance of 525.00 feet;

Thence South 87° 21' 46" East a distance of 1565.00 feet to the point of beginning;

Containing approximately 26.8 acres.

Section 2. The clerk is hereby authorized and directed to make such amendments to the zoning district map of the City of Marion.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

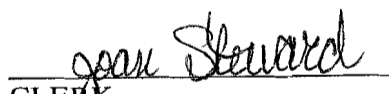

PRESIDENT OF COUNCIL

PASSED: May 26, 1998

APPROVED: May 27, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998-78

**ORDINANCE TO AMEND THE TRAFFIC CONTROL MAP BY
INSTALLING BARRICADES IN THE NORTH/SOUTH ALLEY
BETWEEN FAIRVIEW STREET AND LIBBY LANE AND THE
EAST/WEST ALLEY BETWEEN BRYANT STREET AND FAIR-
VIEW APARTMENTS.**

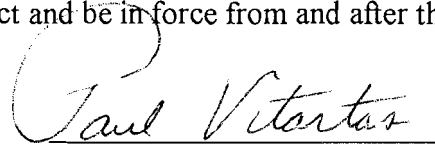
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Traffic Control Map of the City of Marion, Ohio is hereby amended by installing barricades at the following locations:

1. Within the North/South alley between Fairview Street and Libby Lane on the east side of the Fairview Apartments, so as to not allow through traffic in this alley.
2. Within the East/West alley between Bryant Street and Fairview Apartments, so as to not allow through traffic in this alley.

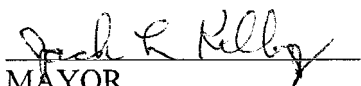
Section 2. That the Safety/Service Director is hereby authorized and directed to issue orders to the Police Department to record this information on the Traffic Control File and amend the Traffic Control Map to conform to the above provisions, and to have the barricades installed.

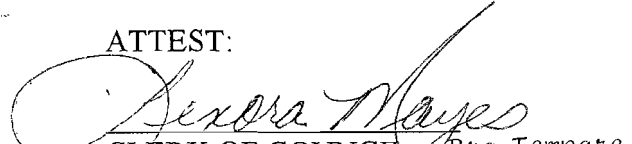
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: May 11, 1998

APPROVED: May 12, 1998


MAYOR

ATTEST:

CLERK OF COUNCIL Pro-Tempore

ORDINANCE NO. 1998-79

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PHOENIX FIRE SERVICE SYSTEMS TO PURCHASE 15 SETS OF FIRE FIGHTERS GEAR FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1998-35 authorized the Safety/Service Director to prepare specifications and advertise for bids for 15 sets of fire fighters gear for use at the Marion City Fire Department, and

WHEREAS, Phoenix Fire System submitted the lowest and best bid, therefore

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Phoenix Fire Service Systems to purchase 15 sets of fire fighters gear for use at Fire Department.

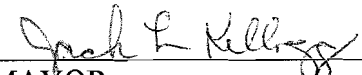
Section 2. That the **\$15,450.00** cost of said contract shall be payable from the General Fund Account No. 101-01-131-210-000-140.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the city; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: May 11, 1998

APPROVED: May 12, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL Pro-Tempore

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BOMMER & ASSOCIATES, GAHANNA, OHIO, FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR BALDAUF PARK AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance 1998-9, the Safety/Service Director was authorized to advertise for bids for the purchase of playground equipment for Baldauf park.

WHEREAS, Bommer & Associates, was low bidder of the four bids received.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Bommer & Associates, for the purchase of playground equipment for Baldauf park.

Section 2. That the cost of said contract in the amount of \$28,632.50 shall be payable from the Formula Grant.

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the ordering of equipment, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after earliest period allowed by law.

Paul Vitartas

PRESIDENT OF COUNCIL

PASSED: *May 11, 1998*

APPROVED: *May 12, 1998*

Jack L. Kellogg

MAYOR

ATTEST:
Leandra May

CLERK OF COUNCIL *Pro-Tempore*

ORDINANCE NO. 1998-81

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$44,539.91 as follows:

GENERAL FUND

Transfer to Pool 101-09-745-270-000-714 \$ 18,000.00

EDUCATION & ENFORCEMENT FUND

Reimbursement 227-01-111-270-000-721 \$ (7,000.00)

POLICE & FIREMENS P&D FUND

Transfer to General Fund 235-09-745-270-000-790 \$(167,726.00)
 Police Pension 235-01-111-210-000-120 86,653.22
 Fire Pension 235-01-131-210-000-120 86,653.22
 TOTAL P&F PENSION FUND \$ 5,580.44

WELLNESS BLOCK GRANT

~~HOME HEALTH FUND~~

Reimbursement 248-02-221-270-000-721 \$ 5,816.84

OHIO EARLY START FUND

Benefits 253-02-548-210-000-120 \$ (76.02)

CHIP GRANT FUND

Implementation 272-0⁴2-546-230-000-326 \$ 1,460.85
 Rental Rehab 272-0⁴2-546-230-000-329 2,429.00
 TOTAL CHIP GRANT FUND \$ 3,889.85

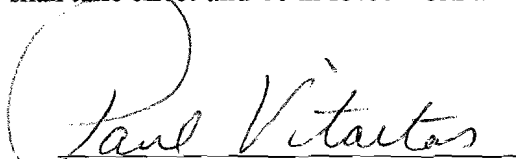
CAPITAL IMPROVEMENT FUND

FY 97 Contingency 401-09-547-270-000-624 \$ 4,264.00
 FY 98 Contingency 401-09-548-270-000-624 4,285.00
 TOTAL CAPITAL IMPROVEMENT FUND \$ 8,549.00

AIRPORT INDUSTRIAL PARK

Capital Improvements 410-04-539-250-000-520 \$ 9,779.80

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

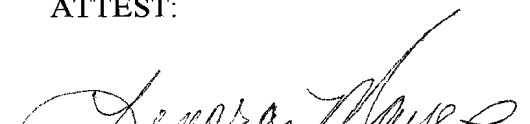

 PRESIDENT OF COUNCIL

PASSED: May 11, 1998

APPROVED: May 12, 1998


 MAYOR

ATTEST:


 CLERK of Council Proffempore

NAME OF STREET: Prospect Street and N. Main Street ORDINANCE NO.: 1998 - 82

ROUTE NO.: SR 4

DATE: May 11, 1998

An emergency ordinance enacted by the City of Marion, Marion County, Ohio, in the matter of the hereinafter described improvement and to request cooperation by the Director of Transportation.

WHEREAS, the City has identified the need for and proposes the improvement of a portion of the public highway which is described as follows:

This project proposes to replace or remove 14 existing traffic signal installations. The existing signals and control equipment is very old and is in need of replacement. The new equipment will provide coordinated signal operation to improve traffic flow, increase capacity, and enhance safety.

said portion of highway within the municipal corporation limits being hereinafter referred to as the improvement, and

WHEREAS, the City further desires cooperation from the Director of Transportation in the planning, design and construction of said improvement.

NOW THEREFORE, Be it ordained by the Council of the City of Marion, Ohio:

SECTION I, (Cooperation)

That said City hereby requests the cooperation of the Director of Transportation in the cost of the above described improvement as follows:

- a) The City hereby agrees to be the lead agency for this project and will assume and contribute one hundred percent (100%) of the cost of preliminary engineering and right-of-way.
- b) The City hereby agrees to assume and contribute one hundred percent (100%) of the cost of construction less the amount of Federal and State funds set aside by the Director of Transportation for financing the improvement from funds allocated by the Federal Highway Administration. The City further agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement, as determined by the state and the Federal Highway Administration.

SECTION II, (Consent)

That it is declared to be in the public interest that the consent of said City be and such consent is hereby given to the Director of Transportation to construct the above described improvement, in accordance with plans, specifications and estimates as approved by the Director.

SECTION III, (Authority to sign)

That the Director of Public Service of said City, is hereby empowered and directed on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

SECTION IV, (Traffic Control Signals and Devices)

That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

SECTION V, (Maintenance and Parking)

That upon completion of said improvement, said City, will thereafter, for all portions for which it is responsible, keep said highway open to traffic at all times, and

- (a) Maintain the improvement in accordance with the provisions of statutes relating thereto and make ample financial and other provisions for such maintenance; and
- (b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

(c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.

(d) Regulate parking in the following manner:

prohibit parking in accordance with section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VI, (Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

- (a) That all existing street and public way right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the City will acquire any additional right-of-way required for the construction of the aforesaid improvement.
- (c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by said City or the Department of Transportation.
- (d) That it is hereby agreed that the City shall at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provisions of Directive H-P-508 inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- (e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.
- (f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy 23-CFR-645A and the Department of Transportation's rules on Utility Accommodation.
- (g) That the City hereby agrees to accept responsibility for any and all damaged or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligation made or agreed to in sections (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, The State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in sections (a), (b), (c), (d), (e) and (f) hereinabove.

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 11, 1998

Approved: May 12, 1998

Attest: *Dendra Hayes*
Clerk Pro-Tempore

Jack R. Kelby
Mayor

Attest: *Dendra Hayes*

Paul Vitaras
President of Council

ORDINANCE 1998 - 83

ORDINANCE CREATING THE POSITION OF FOURTH ASSISTANT DIRECTOR OF LAW, ESTABLISHING THE DUTIES, SALARY AND BENEFITS AND DECLARING AN EMERGENCY

WHEREAS, through the cooperative efforts of the City Law Director's office and the Marion City Police Department the Ohio Bureau of Criminal Justice has awarded the City of Marion a matching grant the purpose of which is to even more effectively addresses cases involving violence against women, and

WHEREAS, the Council for the City of Marion find it to be in the best interests of the Citizens of Marion to create the position of Fourth Assistant Director of Law and establish the duties, salary and benefits for said position, and

WHEREAS, it is found that as of this date, this new position should be contingent upon the continued receipt of the aforementioned grant funding or other any other funding available to provide for this newly created position,

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Marion, Marion, County, Ohio :

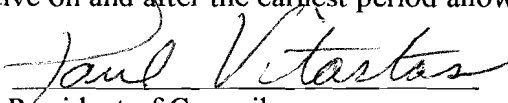
Section 1. That there is hereby created the position of Forth Assistant Director of Law within the Office of the Law Director for the City of Marion, this newly established position being contingent upon the continued receipt of grant funding,

Section 2. Beginning on the first day of June, 1998 the salary for said position shall be \$ 19,000.00 payable semi-monthly, with all benefits enjoyed by the First, Second and Third Assistant Directors of Law applicable to this newly created position.

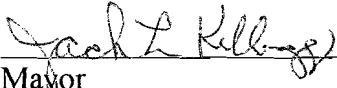
Section 3. The duties and responsibilities of this newly created Fourth Assistant Director of Law shall be as follows: Primarily prosecution of those matters which involve violence against women, including but not limited to interviews, investigation, consultation, pre-trial, hearing, trials and all necessary follow-up or related matters. Said position is hereby authorized to represent the City of Marion, County of Marion and State of Ohio before the Marion Municipal Court and all other forums. In addition to those aforementioned duties, said position shall also be responsible for all matters which may from time to time be assigned by the Law Director, which may include all matters which come before the Office of the Law Director.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the ability to fill this position has been confirmed by the Office of Criminal Justice and by acting immediately the people of the City of Marion will recognize an immediate benefit, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective on and after the earliest period allowed by law.

PASSED: May 26, 1998


President of Council

APPROVED: May 27, 1998


Mayor

ATTEST:


Clerk of Council

AMENDED ORDINANCE NO. 1998- 84

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO UNDER THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE FORMULA FUNDS AND ADMINISTER THE GRANT, AND DECLARING AN EMERGENCY.

WHEREAS, this Council recognizes the need for programs which remove slum and blight, benefit low- and moderate-income households or meet other urgent community development needs; and

WHEREAS, the CDBG Small Cities' Program makes funds available for projects which address these problems; and

WHEREAS, the Mayor must submit an application to the State of Ohio, Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the community and economic development problems.

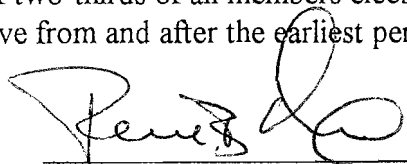
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That this Council hereby authorizes the Mayor to submit an application for CDBG Small Cities' funds, including the following projects:

- 1. Downtown Rehabilitation - Youth Center \$ ~~74,000~~ **\$75,000**
- 2. Downtown Rehabilitation - Palace Theatre ~~\$30,000~~ **\$44,000**
- 3. Street Improvements - Fillmore St. \$ 45,000
- 4. Parks & Recreation - Fairview Apts. ~~\$35,000~~ **\$20,000**
- 5. Fair Housing \$ 1,000
- 6. Environmental Review/Audit/Admin. \$ 31,000
- TOTAL \$216,000

Section 2. That upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grant and administer the CDBG Small Cities's Program in the City of Marion.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL
PRO TEMPORE

PASSED: June 8, 1998

APPROVED: June 9, 1998


MAYOR - ACTING

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998 - 85

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY, INC., FOR THE PURCHASE OF ONE (1) VAN FOR THE MARION SENIOR CITIZENS CENTER, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1998-43, the Safety/Service Director was authorized to advertise for bids for the purchase of one (1) Senior Citizen Van, and

WHEREAS, Mathews Kennedy Ford Lincoln Mercury, Inc., submitted the only bid,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be and is hereby authorized to enter into contract with Mathews Kennedy Ford Lincoln Mercury, Inc., for the purchase of one (1) van for the Marion Senior Citizen Center.


Section 2. That the cost of said contract in the amount of \$20,359.25 shall be payable from the Senior Citizen Capital Equipment Account 101-03-424-250-000-450.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare and safety of the City of Marion and the inhabitants thereof; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: May 26, 1998

APPROVED: May 27, 1998


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1998-86

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 1998 STREET RESURFACING PROGRAM, PROJECT 98-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion, Ohio has been awarded a \$126,000 resurfacing grant from the Ohio Public Works Commission to finance a portion of the 1998 Street Resurfacing Program.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be directed to prepare plans and specifications, advertise for bids, and enter into contract for the 1998 Street Resurfacing Program.

Section 2. That said contract shall be payable from an Ohio Public Works Commission (OPWC) Grant, the \$5.00 Permissive Auto Tax Fund, the State Highway Improvement Fund, and the Streets Resurfacing Fund (S.C.M. & R.).

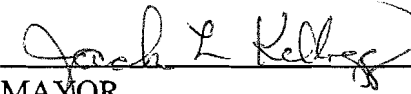
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and for the further reason that this project must be completed during warm weather; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: May 26, 1998

APPROVED: May 27, 1998



 MAYOR

ATTEST:



 CLERK OF COUNCIL

ORDINANCE NO. 1998- 87

ORDINANCE AMENDING MARION CITY CODE SECTION 660.07
 REVISING AND EXPANDING THE DEFINITION OF SUBJECT OPERATIONS
 TO INCLUDE PLACES OF MOTOR VEHICLE STORAGE AND THEREBY
 EXPANDING AND INCLUDING THE AFOREMENTIONED SECTION'S
 REQUIREMENTS AS TO OBSCURING THE SUBJECT LOT OR YARDS
 AND PROVIDING PENALTIES RELATING THERETO

WHEREAS, Marion City Code Section 660.07 has been found to be in need of further expansion and revision, and

WHEREAS the Council for the City of Marion, Ohio has found a real and present need for expanding the operations and properties to which the existing Code section shall be applicable, and

WHEREAS the Council finds the sanitation and health of the citizens of the City to be in need of further protection which includes the abatement of nuisances to promote the welfare of the City and its' citizens,

BE IT ORDAINED by the Council of Marion, Marion County, Ohio:

Section 1. Marion City Code Section 660.07 JUNK VEHICLE STORAGE/JUNK YARD & SCRAP METAL PROCESSING FACILITY REQUIREMENTS now reading as follows:

(A) 1. As used in this section *JUNK MOTOR VEHICLES* means any motor vehicle meeting any three of the following criteria:

1. Five years old or older,
2. Partially dismantled,
3. Inoperable,
4. Fair Market value of less than three hundred dollars (\$ 300.00),
5. Unlicensed, improperly licensed or not displaying a valid license plate.

(A)2. "Partially dismantled" means, but is not limited to, the following:

1. Missing engine,
2. Missing Battery
3. Missing transmission,
4. Missing door, fenders or hood,
5. Missing wheels or on blocks,
6. Missing tires or deflated tires,
7. Missing or broken windshield or windows,

(A)3. "Inoperable" means any motor vehicle incapable of being propelled under its own power. Any motor vehicle that has not been moved for fourteen consecutive days shall be presumed to be inoperable.

(A)4. "Collector's vehicle" means any motor vehicle of special interest having a fair market value of five hundred dollars (\$ 500.00) or more, whether operable or not that is owned, operated, collected, preserved, restored, maintained or used by essentially as a collector's item, leisure pursuit or investment, but not the owner's principal means of transportation.

(B)(1) No person in charge or control of any private or commercial property within the City, whether as an owner, tenant, occupant, lessee or otherwise, or the registered owner of the motor vehicle, shall allow a Junk Motor Vehicle to remain on such property longer than ten (10) days after receipt of written notice to remove the junk motor vehicle from such premises. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor continues to be so left constitutes a separate offense. (ORC § 4513.65) The written notice shall be issued to the property owner and the owner of such vehicle by an officer of the Police Department or a designee of the Safety/Service Director by either personal or certified mail service with return receipt requested. In the event no return is received when service is attempted upon the owner of such vehicle by certified mail, or personal service has not been made after diligent attempts, notice shall be made by publication once in a daily newspaper for general circulation within the City. Such junk motor vehicle shall be removed within ten (10) days after publication. If the owner of the property cannot be found, a copy of the notice posted upon the premises shall be sufficient. Such notice shall contain:

- (1) The name of the property owner and the address at which the junk motor vehicle is located,

- (2) The make and model of the vehicle,
- (3) The license plate number, if any,
- (4) A description of the condition of said vehicle,
- (5) A statement to the effect that the person charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally responsible for the removal of the subject junk motor vehicle,

Except as allowed in subsections (B)(2) herein, parking, storage, maintenance or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of the City.

(B)(2) No person shall be prevented from storing or keeping any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person shall be required to conceal, by means of buildings, fences, vegetation, terrain so that same is completely concealed from public view. Nor shall a person having a right to operate a junk yard or scrap metal processing facility licensed under authority of R.C. §§ 4737.05 through 4737.12 be subject to section (B)(1) above so long as his/her use is part of a bona fide commercial operation. Nor shall a person be prevented from storing a junk motor vehicle in an fully enclosed building where same is permitted under the Zoning Code.

(B)(3) The movement of a vehicle in violation of this section to any other location within the City limits that does not abate the violation under this section shall not, constitute compliance with this section. Nothing in this section shall impede the City's right to remove inoperable motor vehicles from private or commercial property in accordance with any other section of Law.

(B)(4) Any person who has received notice to remove a junk vehicle may appeal to the Safety/Service Director. An appeal must be filed in writing at the Office of the Safety/Service Director within five days after receipt of notice or date of publication, excluding Saturdays, Sundays and holidays. The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a junk motor vehicle as charged or in violation of any other section herein. At such appeal before the Safety Service Director, the City and the person(s) requesting such appeal may introduce such witnesses and evidence as each party deems necessary.

(C)(1) As used in this subsection:

"JUNK" means old or scrap copper, brass, rope, rags, trash, waste, inoperable cars, car parts, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but does not include scrap tires as defined in section 3734.01 of the Revised Code.

"JUNK YARD" mans an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk.

"FENCE" means a barrier at least six feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon state, county, municipal, and township highways, roads, and streets.

"SCRAP METAL PROCESSING FACILITY" means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes or any by-product or waste related thereto.

(C)(2) Any person operating or maintaining a junk yard within one thousand feet of the nearest edge of the right of way of a state, municipal, county or township road, prior to the effective date of the passage of this Ordinance, shall within one year thereafter erect a fence in order to obscure the operation. If after passage of this Ordinance a junk yard is established within one thousand feet of the nearest edge of the right of way of a state, municipal, county or township road it shall erect a fence in order to obscure the operation.

If it is not practical or economically feasible by reason of topography, as determined by the Safety/Service Director to obscure the view of a junk yard by use of a fence then the Safety/Service Director shall require suitable plantings, or a practical and appropriate barrier not less than six feet nor more than ten feet in height, to partially obscure the view of the operation.

Nothing contained in this section shall be construed to relieve any person of his/her duty to comply with the provisions of ordinances enacted by the municipal corporation regulating or prohibiting junk yards, including requirements to obtain a license under municipal ordinances or compliance with the

municipalities zoning regulations. The requirement to obtain a license, if any, from the municipality under this section shall be in addition to regulations imposed and licenses required under municipal ordinances.

(D) reserved

(E) No person shall store or keep outside of a building in any Residential District any motor vehicle which does not display a current Ohio license plate registered to such vehicle, for a period, either consecutively or cumulatively, in excess of 15 days.

(F) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense; on a second offense such person is guilty of a misdemeanor of the fourth degree on each subsequent offense such person is guilty of a misdemeanor of the third degree.

SHALL BE AMENDED TO READ AS FOLLOWS:

Section 2. Marion City Code Section 660.07 JUNK VEHICLE STORAGE/ VEHICLE STORAGE LOT, JUNK YARD & SCRAP METAL PROCESSING FACILITY REQUIREMENTS

(A) 1. As used in this section *JUNK MOTOR VEHICLES* means any motor vehicle meeting any three of the following criteria:

1. Five years old or older,
2. Partially dismantled,
3. Inoperable,
4. Fair Market value of less than three hundred dollars (\$ 300.00),
5. Unlicensed, improperly licensed or not displaying a valid license plate.

(A)2. "Partially dismantled" means, but is not limited to, the following:

1. Missing engine,
2. Missing Battery
3. Missing transmission,
4. Missing door, fenders or hood,
5. Missing wheels or on blocks,
6. Missing tires or deflated tires,
7. Missing or broken windshield or windows,

(A)3. "Inoperable" means any motor vehicle incapable of being propelled under its own power. Any motor vehicle that has not been moved for fourteen consecutive days shall be presumed to be inoperable.

(A)4. "Collector's vehicle" means any motor vehicle of special interest having a fair market value of five hundred dollars (\$ 500.00) or more, whether operable or not that is owned, operated, collected, preserved, restored, maintained or used by essentially as a collector's item, leisure pursuit or investment, but not the owner's principal means of transportation.

(B)(1) No person in charge or control of any private or commercial property within the City, whether as an owner, tenant, occupant, lessee or otherwise, or the registered owner of the motor vehicle, shall allow a Junk Motor Vehicle to remain on such property longer than ten (10) days after receipt of written notice to remove the junk motor vehicle from such premises. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor continues to be so left constitutes a separate offense. (ORC § 4513.65) The written notice shall be issued to the property owner and the owner of such vehicle by an officer of the Police Department or a designee of the Safety/Service Director by either personal or certified mail service with return receipt requested. In the event no return is received when service is attempted upon the owner of such vehicle by certified mail, or personal service has not been made after diligent attempts, notice shall be made by publication once in a daily newspaper for general circulation within the City. Such junk motor vehicle shall be removed within ten (10) days after publication. If the owner of the property cannot be found, a copy of the notice posted upon the premises shall be sufficient. Such notice shall contain:

- (1) The name of the property owner and the address at which the junk motor vehicle is located,
- (2) The make and model of the vehicle,
- (3) The license plate number, if any,
- (4) A description of the condition of said vehicle,
- (5) A statement to the effect that the person charge or in control of the private property upon which such

vehicle is located and the titled owner of such vehicle are jointly and severally responsible for the removal of the subject junk motor vehicle,

Except as allowed in subsections (B)(2) herein, parking, storage, maintenance or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of the City.

(B)(2) No person shall be prevented from storing or keeping any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person shall be required to conceal, by means of buildings, fences, vegetation, terrain so that same is completely concealed from public view. Nor shall a person having a right to operate a junk yard or scrap metal processing facility licensed under authority of R.C. §§ 4737.05 through 4737.12 be subject to section (B)(1) above so long as his/her use is part of a bona fide commercial operation. Nor shall a person be prevented from storing a junk motor vehicle in an fully enclosed building where same is permitted under the Zoning Code.

(B)(3) The movement of a vehicle in violation of this section to any other location within the City limits that does not abate the violation under this section shall not, constitute compliance with this section. Nothing in this section shall impede the City's right to remove inoperable motor vehicles from private or commercial property in accordance with any other section of Law.

(B)(4) Any person who has received notice to remove a junk vehicle may appeal to the Safety/Service Director. An appeal must be filed in writing at the Office of the Safety/Service Director within five days after receipt of notice or date of publication, excluding Saturdays, Sundays and holidays. The scope of the appeal shall be limited to determining whether the person requesting such appeal is in charge or control of the private property involved, or is the titled owner of said vehicle, and whether such vehicle is a junk motor vehicle as charged or in violation of any other section herein. At such appeal before the Safety Service Director, the City and the person(s) requesting such appeal may introduce such witnesses and evidence as each party deems necessary.

(C)(1) As used in this subsection:

"JUNK" means old or scrap copper, brass, rope, rags, trash, waste, inoperable cars, car parts, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but does not include scrap tires as defined in section 3734.01 of the Revised Code.

"JUNK YARD" means an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk.

"FENCE" means a barrier at least six feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon state, county, municipal, and township highways, roads, and streets.

"SCRAP METAL PROCESSING FACILITY" means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes or any by-product or waste related thereto.

"VEHICLE STORAGE LOT" means an establishment or place of business that is maintained or operated or associated with the operation of motor vehicle salvage, towing or recovery services, any motor vehicle storage, even temporary, of motor vehicles removed from public or private property, including those operations which may be commonly referred to as impound lots.

(C)(2) Any person operating or maintaining a junk yard or vehicle storage lot within one thousand feet of the nearest edge of the right of way of a state, municipal, county or township road, prior to the effective date of the passage of this Ordinance, shall within one year thereafter erect a fence in order to obscure the operation. If after passage of this Ordinance a junk yard or vehicle storage lot is established within one thousand feet of the nearest edge of the right of way of a state, municipal, county or township road it shall erect a fence in order to obscure the operation.

If it is not practical or economically feasible by reason of topography, as determined by the Safety/Service Director to obscure the view of a junk yard or vehicle storage lot by use of a fence then the Safety/Service Director shall require suitable plantings, or a practical and appropriate barrier not less than six feet nor more than ten feet in height, to partially obscure the view of the operation.

Nothing contained in this section shall be construed to relieve any person of his/her duty to comply with the provisions of ordinances enacted by the municipal corporation regulating or prohibiting junk yards or vehicle storage lots, including requirements to obtain a license under municipal ordinances or compliance with the

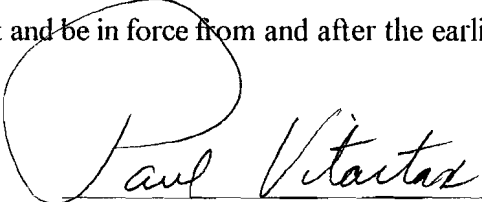
municipalities zoning regulations. The requirement to obtain a license, if any, from the municipality under this section shall be in addition to regulations imposed and licenses required under municipal ordinances.

(D) Persons operating vehicle storage lots shall, in addition to all regulation and obligations contained herein shall be prohibited from keeping, allowing or permitting that same motor vehicle from remaining at the vehicle storage lot in excess of one year. In addition thereto, the person shall prevent the storage lot from becoming a nuisance, including preventing the storage lot from contributing to vermin and rodent populations.

(E) No person shall store or keep outside of a building in any Residential District any motor vehicle which does not display a current Ohio license plate registered to such vehicle, for a period, either consecutively or cumulatively, in excess of 15 days.

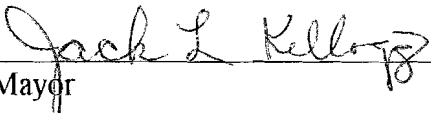
(F) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense; on a second offense such person is guilty of a misdemeanor of the fourth degree on each subsequent offense such person is guilty of a misdemeanor of the third degree.

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.



President

Passed: June 22, 1998
Approved: June 28, 1998



Mayor

Attest;



Clerk of Council

ORDINANCE NO. 1998 - 88

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be appropriation adjustments made in various funds in the amount of \$(89,057.67) as follows:

General Fund

Police Benefits	101-01-111-210-000-120	\$ (83,863.00)
Fire Benefits	101-01-131-210-000-120	(83,863.00)
Council Prof. Services	101-07-721-230-000-320	9,243.33
Transfer to V.A.W.G. Fund	101-09-745-270-000-695	<u>15,000.00</u>
TOTAL		\$(143,482.67)

Health Fund

Blight Control	214-02-222-230-000-427	\$ 9,425.00
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Violence Against Women Grant Fund

Salaries	212-01-547-210-000-110	\$ 31,000.00
Benefits	212-01-547-210-000-120	<u>14,000.00</u>
TOTAL		\$ 45,000.00

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Paul Vitartas
PRESIDENT OF COUNCIL

PASSED: May 26, 1998

APPROVED: May 27, 1998

Jack R. Kellogg
MAYOR

ATTEST:

Jean Steward
CLERK

ORDINANCE NO. 1998-89

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY FOR THE MARION-HARDIN CORRECTIONS COMMISSION IN MARION TOWNSHIP TO THE CITY OF MARION, AND DECLARING AN EMERGENCY. (Jail)

WHEREAS, a petition for the annexation of certain territory in Marion Township was duly filed by Richard D. Cardwell, Attorney At Law; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on February 12, 1998 and February 19, 1998; and

WHEREAS, the Board of County Commissioners has approved the annexation of the territory to the City of Marion as hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council, who received same on April 6, 1998; and

WHEREAS, sixty days from the date of the filing have now elapsed in accordance with the provisions of R.C. 709.04, now, therefore,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the proposed annexation as applied for in the petition of Richard D. Cardwell and a majority of owners of real estate in the territory sought to be annexed was re-filed with the Board of County Commissioners of Marion County, Ohio on November 25, 1997, and which petition project for annexation to the City of Marion, Ohio of certain territory adjacent thereto as hereinafter described, and which petition was approved by the Board of County Commissioners on March 3, 1998, be and the same is hereby accepted. The territory is described as follows:

Situated in Part of the Southeast Quarter of Section 11, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an existing large survey nail located at the intersection of the centerline of Country Road 162 (also being the South Line of Section 11) with the centerline of County Road 215; thence along said centerline of County Road 215 N 0° 06' 30" W for a distance of 690.00 feet to a railroad spike set; thence N 88° 18' 55" E for a distance of 596.67 feet to a point on the centerline of Harvey Ditch (passing over 5/8" dia. iron pins set at 30.01 feet and 585.57 feet); thence along said centerline S 11° 44' 35" E for a distance of 700.51 feet to a point on the South Line of Section 11; thence along said South Line S 88° 18' 55" W for a distance of 738.00 feet to an existing large survey nail on the centerline of County Road 215 and the point of beginning (passing over an existing iron pin at 15.00 feet).

Containing 10.567 acres more or less, of which 1.543 acres more or less are in the Right-of-Way of County Road 162, leaving 9.024 acres more or less excluding Right-of-Way, and being subject to legal highways, easements, restrictions and agreements of record. For basis of bearing, see Official Record 201 pg. 771, Marion County Recorder's Office. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated July 8, 1993. All 5/8" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

Last Deed Reference: Official Record Volume 201, Page 771
Tax Parcel No: 20-001000-7002
Property location: Northeast corner of Victory and Marion-Williamsport Roads, Marion, OH

SUBJECT TO AN EASEMENT FOR THE BENEFIT OF GRANTOR, ITS SUCCESSORS AND ASSIGNS FOR UTILITY PURPOSES, WHICH EASEMENT SHALL NOT INTERFERE WITH THE GRANTEE'S USE OF THE PREMISES AS A CORRECTIONAL FACILITY OR JAIL; GRANTOR TO PAY THE COST OF INSTALLATION AND MAINTENANCE, UNLESS GRANTEE ALSO USES, IN WHICH CASE, COSTS SHALL BE EQUALLY SHARED.

SUBJECT TO A REVERSION OF FEE SIMPLE FOR THE ABOVE-DESCRIBED REAL PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF MARION COUNTY, OHIO IF THE MH CORRECTIONS COMMISSION AGREEMENT BETWEEN THE BOARDS OF COUNTY COMMISSIONERS FOR MARION AND HARDIN COUNTIES IS TERMINATED.

THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF MARION COUNTY, OHIO further grants and conveys to THE MH CORRECTIONS COMMISSION an non-exclusive easement in, to, upon and over all that portion of a private roadway, given for the sole purpose of ingress and egress, which easement shall not preclude the County from use or from granting a similar right of ingress and egress to others. The real property subject to said easement is described as follows:

0.976 ACRE

Situated in Part of the Southeast Quarter of Section 11, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing large survey nail located at the intersection of the centerline of County Road 162 (also being the South Line of Section 11) with the centerline of County Road 215; thence along said centerline of County Road 215 N 0° 06' 30" W for a distance of 690.00 feet to a railroad spike set and the point of beginning; thence continuing along said centerline N 0° 06' 30" W for a distance of 70.00 feet to an existing railroad spike; thence N 88° 18' 55" E for a distance of 631.16 feet to a point on the centerline of Harvey Ditch (passing over existing iron pins at 30.01 feet and 616.16 feet); thence along said centerline S 36° 04' 05" W for a distance of 64.88 feet to a point (said point being referenced by an existing iron pin N 66° 15' 00" W at 7.00 feet); thence continuing along said centerline S 11° 44' 35" E for a distance of 18.96 feet to a point; thence S 88° 18' 55" W for a distance of 596.67 feet to a railroad spike set on the centerline of County Road 215 and the point of beginning (passing over 5/8" dia. iron pins set at 11.10 feet and 566.66 feet).

Containing 0.976 acre more or less and being subject to legal highways, easements, restrictions, and agreements of record. For basis of bearing, see Official Record 201 pg. 771, Marion County Recorder's Office. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated July 8, 1993. All 5/8" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

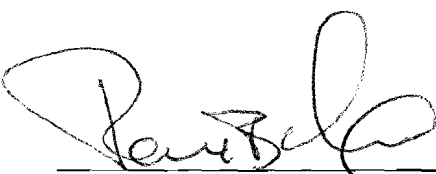
Official Record Volume 201, Page 771

Tax Parcel No: 20-001000-7002

Property Location: East side of Victory Road, 690' N of
Marion-Williamsport Road, Marion, OH

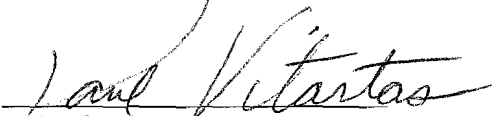
Section 2. The Clerk of Council is directed to make three copies of the ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk of City Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and as such, shall take effect and be in force immediately upon it's passage by two-thirds vote of all members elected and approval by the Mayor; otherwise it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL
PRO TEMPORE

PASSED: June 8, 1998

APPROVED: June 9, 1998


MAYOR - ACTING

ATTEST:


CLERK

ORDINANCE NO. 1998-90

ORDINANCE REPEALING PREVIOUSLY PASSED ORDINANCE 1998-71 WHICH AUTHORIZED THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH POLYDYNE, INC. FOR THE PURCHASE OF POLYMER FLOCCULENT AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1998-71 authorized the Safety/Service Director to enter into contract with Polydyne, Inc. for the purchase of polymer flocculent, and;

WHEREAS, the Safety/Service Director has not entered into contract with Polydyne, Inc. for the purchase of polymer flocculent; and;

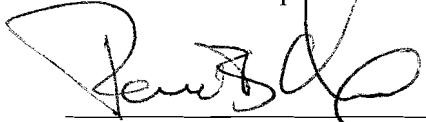
WHEREAS, it is evident that Polydyne, Inc. can not sufficiently meet the terms of the contract.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That ordinance 1998-71 be repealed.


Section 2. That the Safety/Service Director is directed not to enter into contract with Polydyne, Inc. for the purchase of polymer flocculent.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL
PRO TEMPORE

PASSED: June 8, 1998

APPROVED: June 9, 1998


MAYOR - ACTING

ATTEST:

CLERK OF COUNCIL

ORDINANCE NO. 1998-91

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HVC, INC. FOR THE PURCHASE OF POLYMER FLOCCULENT TO BE USED AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY.

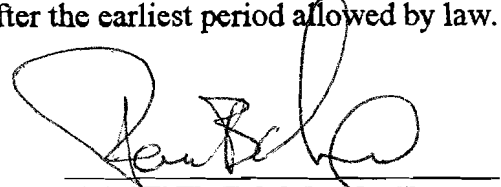
WHEREAS, HVC, Inc. submitted the best bid of \$1.455 per pound for Polymer Flocculent;

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with HVC, Inc. for the purchase of Polymer Flocculent to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Sewer Revenue Fund (505-05-552-240-000-420).

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be inforce immediately upon it's passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL
PRO TEMPORE

PASSED: June 8, 1998

APPROVED: June 9, 1998


MAYOR -ACTING

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-92

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LM, INC. OF MARION, OHIO FOR THE PURCHASE OF ONE MODEL FORD F350 SUPER DUTY TRUCK CAB AND CHASSIS TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

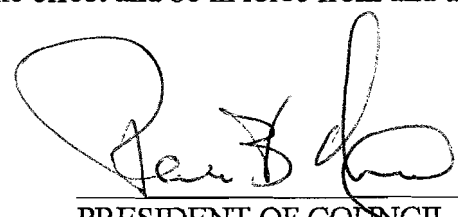
WHEREAS, Mathews Kennedy Ford LM, Inc. submitted the lowest and best bid of \$18,300.00;

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with Mathews Kennedy Ford LM, Inc. for the purchase of One Model Ford F350 Super Duty Truck Cab and Chassis to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Sewer Replacement Capital Equipment Fund (504-05-553-250-000-450).

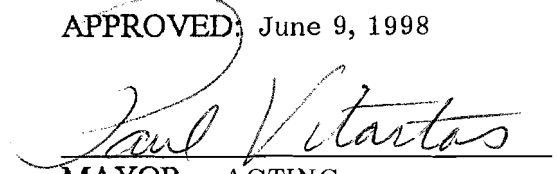
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL
PRO TEMPORE

PASSED: June 8, 1998

APPROVED: June 9, 1998


MAYOR -ACTING

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1998-93

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH M-TECH , WARRENSVILLE HEIGHTS, OHIO FOR THE PURCHASE OF ONE CLEAN EARTH CATCH BASIN AND HIGH PRESSURE SEWER CLEANER TO BE USED AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY.

WHEREAS, M-Tech submitted the lowest and best bid of \$153,935.62, and

WHEREAS, M-Tech submitted a trade-in value for a 1977 Vac-All of \$4,000.00, and

WHEREAS, additional necessary options were quoted for \$22,036.90, and

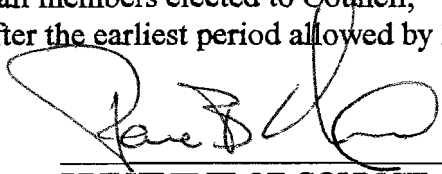
WHEREAS, the total bid with trade-in and options was for \$171,972.52;

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with M-Tech for the purchase of One Clean Earth Catch Basin and High Pressure Sewer Cleaner with trade-in and options.

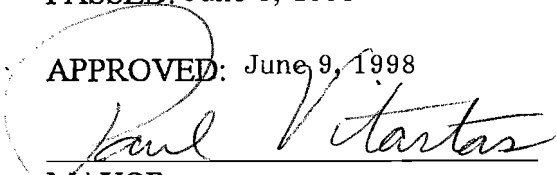
Section 2. That the contract shall be payable from the Storm Water Utility Capital Equipment Fund (509-05-554-250-000-450).

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon it's passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL
PRO TEMPORE

PASSED: June 8, 1998

APPROVED: June 9, 1998


MAYOR - ACTING

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1998-94

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FOUR (4) OVERHEAD GARAGE DOORS FOR THE CITY GARAGE.

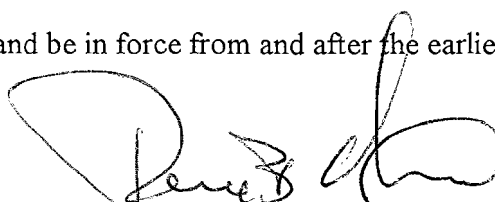
WHEREAS, the City of Marion, Marion Area Transit Department has received grant funding totaling 90% of the cost for replacement garage doors at the city garage, and;

WHEREAS, the garage doors at the city garage are becoming very maintenance intensive.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of four (4) overhead garage doors to be installed at the city garage.

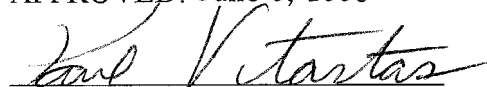
Section 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL
PRO TEMPORE

PASSED: June 8, 1998

APPROVED: June 9, 1998



MAYOR - ACTING

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1998 - 95

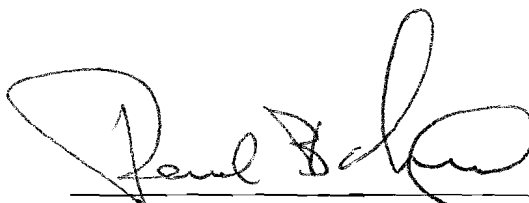
ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE SCMR FUND FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriation made in the SCMR Fund in the amount of \$35,000.00 as follows:

Capital Equipment	207-06-612-250-000-450	\$35,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL
 PRO TEMPORE

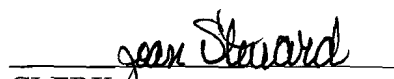
PASSED: June 8, 1998

APPROVED: June 9, 1998



 MAYOR -ACTING

ATTEST:



 CLERK

ORDINANCE NO. 1998 - 96

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$212,797.79 as follows:

AIRPORT IMPROVEMENT FUND

Capital Improvements	446-06-449-250-000-520	\$ 33,488.00
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VIOLENCE AGAINST WOMEN FUND

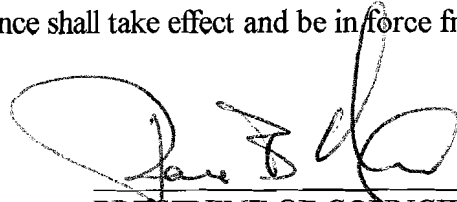
Schooling	212-01-547-230-000-221	\$ 1,000.00
Supplies	212-01-547-240-000-420	309.79
Equipment	212-01-547-250-000-450	<u>6,000.00</u>

TOTAL V.A.W. FUND		\$ 7,309.79
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STORM WATER UTILITY FUND

Equipment	509-05-554-250-000-450	\$ 172,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL
 PRO TEMPORE

PASSED: June 8, 1998

APPROVED: June 9, 1998



 MAYOR - ACTING

ATTEST:



 CLERK

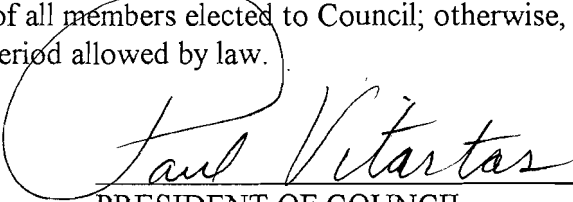
ORDINANCE NO. 1998- 97

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE STORM SEWER IMPROVEMENTS PROJECT, PHASE 6 (FLEETWOOD AVENUE AREA AND RICHLAND ROAD), AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare plans and specifications and advertise for bids for the Storm Sewer Improvements Project, Phase 6 (Fleetwood Avenue and Richland Road).

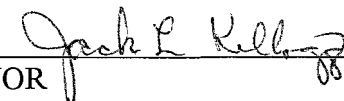
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the City of Marion must meet Ohio Public Works Commission deadlines; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: June 22, 1998

APPROVED: June 23, 1998



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1998- 98

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OURS EXCAVATING & TRUCKING CO. FOR DEMOLITION OF 872 N. STATE ST., 213 HARRISON, AND 561 AVONDALE AND S. E. PARK ENTERPRISE, INC. FOR THE DEMOLITION OF A GARAGE AT 393 FAHEY STREET AND DECLARING AN EMERGENCY.

WHEREAS, the Safety/Service Director has declared 872 N. State Street, 213 Harrison Street, 561 Avondale Ave. and a garage at 393 Fahey Street to be dangerous buildings according to Chapter 1360 of the Marion Codified Ordinances and,

WHEREAS, Ours Excavating & Trucking Co., and S. E. Park Enterprise, Inc. submitted the lowest and best bids, and therefore;

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized to enter into contract with Ours Excavating & Trucking Co. for the demolition of 872 N. State St., 213 Harrison St., and 561 Avondale, and S. E. Park Enterprise, Inc. for the demolition of a garage at 393 Fahey St.

Section 2. That the \$11,250 cost of said contracts shall be payable from the General Fund Account No. 101-07-716-230-000-323.

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for further reason that if necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

Paul Vitartas
PRESIDENT OF COUNCIL

PASSED: June 22, 1998

APPROVED: June 23, 1998

John L. Kelly
MAYOR

ATTEST:
Jean Starned
CLERK OF COUNCIL

ORDINANCE NO. 1998- 99

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH VAUGHN INDUSTRIES, INC. FOR LIGHTING AND ELECTRICAL IMPROVEMENTS AND MANSFIELD ASPHALT PAVING CO. FOR APRON AND TAXIWAY REHABILITATION AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, Council on February 24, 1998, by passage of Ordinance 1998-29, authorized the Safety/Service Director to prepare specifications and advertise for bid for lighting and electrical improvements for runway 6/24 and apron and taxiway rehabilitation for the Marion Municipal Airport.

WHEREAS, The City of Marion has been tentatively allocated \$720,450.00 FAA Grant, known as Project 09, toward an estimated cost of \$800,500.00.

WHEREAS, Based upon bid opening held May 15, 1998.

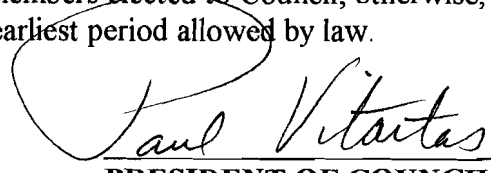
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Mayor is hereby authorized to enter into agreement with the FAA to accept and administer grant AIP # 98-1-3-39-0050-0998.

Section 2. That the Safety/Service Director is hereby authorized and directed to enter into contract with Vaughn Industries, Inc., Carey, Ohio for lighting and electrical improvements to runway 6/24 for \$325,834.90 and with Mansfield Asphalt Paving Co., Mansfield, Ohio for apron and taxiway rehabilitation for \$352,962.17. Pending receipt and execution of grant agreement.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL


PASSED: June 22, 1998

APPROVED: June 23, 1998



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1998- 100

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH AIRPORT SYSTEMS INTERNATIONAL, OVERLAND PARK, KANSAS, AND RELATED SUPPORT SERVICES BY OTHERS FOR ACQUISITION AND INSTALLATION OF LOCALIZER/DISTANCE MEASURING EQUIPMENT (LOC/DME) AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, Council on February 24, 1998, by passage of Ordinance 1998-27, authorized the Safety/Service Director to prepare specifications and advertise for bid for allocation and installation of localizer/distance measuring equipment for the Marion Municipal Airport.

WHEREAS, The City of Marion has been tentatively allocated \$145,183.00 ODOT ACIP Grant, toward an estimated cost of \$290,366.05.

WHEREAS, Based upon bid opening held May 15, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

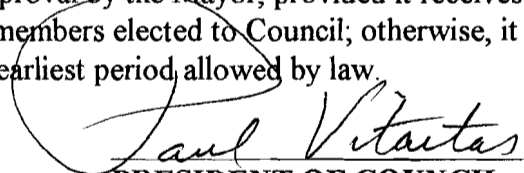
Section 1. That the Safety/Service Director is hereby authorized and directed to enter into contract with Airport Systems International, Overland Park, Kansas, for acquisition and installation of LOC/DME at Marion Municipal Airport for \$232,000.00.

Section 2. Support services cost includes:

Ohio Edison, G.T.E.	\$ 13,400.00
Vaughn Industries	\$ 855.00
Mansfield Asphalt & Paving (site work)	\$ 28,111.05
Total including Airport Systems (\$232,000.)	\$274,366.05

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

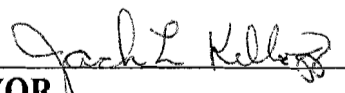
Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

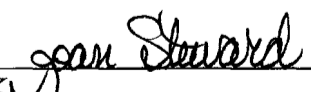
PASSED: June 22, 1998

APPROVED: June 23, 1998



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1998 - 101

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS LOTS 4732 AND 4733 ON THE NORTHEAST CORNER OF VAN BUREN AND GRANT STREETS IN THE CITY OF MARION, OHIO FROM R-3 (MULTI-FAMILY DISTRICT) TO R-2 (GENERAL DWELLING DISTRICT), AND DECLARING AN EMERGENCY.

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from R-3 (Multi-Family District) to R-2 (General Dwelling District), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from R-3 to R-2, and

WHEREAS, due notice of the hearing on said rezoning has been given by publication in accordance with law,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the property known as Lots 4732 and 4733 on the northeast corner of Van Buren and Grant Streets and being more particularly described as follows:

Situated in the City of Marion, County of Marion and State of Ohio and more particularly described as follows:

TRACT 1.

Being known as Lot Number 4732 in Prairie Lawn Addition to the City of Marion, Ohio.

TRACT 2.

Being known as Lot Number 4733 in Prairie Lawn Addition to the City of Marion, Ohio.

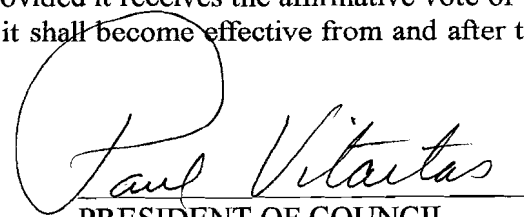
Permanent Parcel Nos. 12-118000.0800 and 12-11800.0700

Prior Instrument Reference: Volume 3, Page 483, Marion County Official Records.

heretofore zoned R-3 (Multi-Family District) is hereby zoned R-2 (General Dwelling District).

Section 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion on file in the office of the Clerk of Marion City Council and on the copy thereof on file in the office of the Safety/Service Director.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: June 22, 1998

APPROVED: June 23, 1998

ATTEST:


MAYOR


CLERK

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY ZONING THE PROPERTY FOR THE MARION-HARDIN CORRECTIONS COMMISSION, AND ESTABLISHING THE TRACT AS O-I, OFFICE AND INSTITUTIONAL DISTRICT, MARION CITY.

WHEREAS, the property subject hereto has recently been annexed to the City of Marion,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1.

The territory is described as follows:

Situated in Part of the Southeast Quarter of Section 11, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an existing large survey nail located at the intersection of the centerline of Country Road 162 (also being the South Line of Section 11) with the centerline of County Road 215; thence along said centerline of County Road 215 N 0° 06' 30" W for a distance of 690.00 feet to a railroad spike set; thence N 88° 18' 55" E for a distance of 596.67 feet to a point on the centerline of Harvey Ditch (passing over 5/8" dia. iron pins set at 30.01 feet and 585.57 feet); thence along said centerline S 11° 44' 35" E for a distance of 700.51 feet to a point on the South Line of Section 11; thence along said South Line S 88° 18' 55" W for a distance of 738.00 feet to an existing large survey nail on the centerline of County Road 215 and the point of beginning (passing over an existing iron pin at 15.00 feet).

Containing 10.567 acres more or less, of which 1.543 acres more or less are in the Right-of-Way of County Road 162, leaving 9.024 acres more or less excluding Right-of-Way, and being subject to legal highways, easements, restrictions and agreements of record. For basis of bearing, see Official Record 201 pg. 771, Marion County Recorder's Office. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated July 8, 1993. All 5/8" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

Last Deed Reference: Official Record Volume 201, Page 771

Tax Parcel No: 20-001000-7002

Property location: Northeast corner of Victory and Marion-Williamsport Roads, Marion, OH

SUBJECT TO AN EASEMENT FOR THE BENEFIT OF GRANTOR, ITS SUCCESSORS AND ASSIGNS FOR UTILITY PURPOSES, WHICH EASEMENT SHALL NOT INTERFERE WITH THE GRANTEE'S USE OF THE PREMISES AS A CORRECTIONAL FACILITY OR JAIL; GRANTOR TO PAY THE COST OF INSTALLATION AND MAINTENANCE, UNLESS GRANTEE ALSO USES, IN WHICH CASE, COSTS SHALL BE EQUALLY SHARED.

SUBJECT TO A REVERSION OF FEE SIMPLE FOR THE ABOVE-DESCRIBED REAL PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF MARION COUNTY, OHIO IF THE MH CORRECTIONS COMMISSION AGREEMENT BETWEEN THE BOARDS OF COUNTY COMMISSIONERS FOR MARION AND HARDIN COUNTIES IS TERMINATED.

THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF MARION COUNTY, OHIO further grants and conveys to THE MH CORRECTIONS COMMISSION an non-exclusive easement in, to, upon and over all that portion of a private roadway, given for the sole purpose of ingress and egress, which easement shall not preclude the County from use or from granting a similar right of ingress and egress to others. The real property subject to said easement is described as follows:

0.976 ACRE

Situated in Part of the Southeast Quarter of Section 11, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing large survey nail located at the intersection of the centerline of County Road 162 (also being the South Line of Section 11) with the centerline of County Road 215; thence along said centerline of County Road 215 N 0° 06' 30" W for a distance of 690.00 feet to a railroad spike set and the point of beginning; thence continuing along said centerline N 0° 06' 30" W for a distance of 70.00 feet to an existing railroad spike; thence N 88° 18' 55" E for a distance of 631.16 feet to a point on the centerline of Harvey Ditch (passing over existing iron pins at 30.01 feet and 616.16 feet); thence along said centerline S 36° 04' 05" W for a distance of 64.88 feet to a point (said point being referenced by an existing iron pin N 66° 15' 00" W at 7.00 feet); thence continuing along said centerline S 11° 44' 35" E for a distance of 18.96 feet to a point; thence S 88° 18' 55" W for a distance of 596.67 feet to a railroad spike set on the centerline of County Road 215 and the point of beginning (passing over 5/8" dia. iron pins set at 11.10 feet and 566.66 feet).

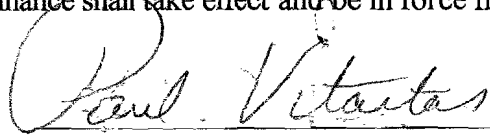
Containing 0.976 acre more or less and being subject to legal highways, easements, restrictions, and agreements of record. For basis of bearing, see Official Record 201 pg. 771, Marion County Recorder's Office. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated July 8, 1993. All 5/8" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

Official Record Volume 201, Page 771
Tax Parcel No: 20-001000-7002
Property Location: East side of Victory Road, 690' N of
Marion-Williamsport Road, Marion, OH

be zoned O-I, Office and Institutional District, Marion City.

Section 2. The clerk is hereby authorized and directed to make such amendments to the zoning district map of the City of Marion.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK

Amended due to in-accurate legal description

AMENDED ORDINANCE NO. 1998 - 102 A

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY ZONING THE PROPERTY FOR THE MARION-HARDIN CORRECTIONS COMMISSION, AND ESTABLISHING THE TRACT AS O-I, OFFICE AND INSTITUTIONAL DISTRICT, MARION CITY.

WHEREAS, the property subject hereto has recently been annexed to the City of Marion,

WHEREAS, the Marion City Planning Commission at it's July 7, 1998 meeting had considered and approved the zoning.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1.

The territory is described as follows:

10.567 ACRES

Situated in part of the Southeast Quarter of Section 11, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio; Being a tract now or formerly owned by The MH Corrections Commission (O.R. 363 Pg. 336); and being more particularly described as follows;

Beginning at an existing large survey nail located at the intersection of the centerline of County Road 162 (also being the South Line of Section 11) with the centerline of County Road 215 (also being the East Corporation Line of the City of Marion) (said point being referenced by a 1" dia. iron pin set N 30° 26' 00" E at 59.04 feet); thence along said centerline of County Road 215 (and East Corporation Line of the City of Marion), N 0° 06' 30" W (for basis of bearing, see Official Record 363 Pg. 336, Marion County Recorder's Office) for a distance of 690.00 feet to an existing railroad spike on Grantor's North Line; thence along Grantor's North Line N 88° 18' 55" E for a distance of 596.67 feet to a point on the centerline of Harvey Ditch (passing over 1" dia. iron pins set at 30.01 feet and 585.57 feet); thence along said centerline S 11° 44' 35" E for a distance of 700.51 feet to a point on the South Line of Section 11; thence along said South Line S 88° 18' 55" W for a distance of 738.00 feet to an existing large survey nail on the centerline of County Road 215 and the point of beginning (passing over a 1" dia. iron pin set at 15.00 feet).

Containing 10.567 acres more or less, and being subject to legal highways, easements, restrictions, and agreements of record. This description prepared from a survey performed by Karla M. Smith, Registered Surveyor 7023, and dated September 8, 1997. All 1" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

Last Deed Reference: Official Record Volume 201, Page 771

Tax Parcel No: 20-001000-7002

Property location: Northeast corner of Victory and Marion-Williamsport Roads, Marion, OH

SUBJECT TO AN EASEMENT FOR THE BENEFIT OF GRANTOR, ITS SUCCESSORS AND ASSIGNS FOR UTILITY PURPOSES, WHICH EASEMENT SHALL NOT INTERFERE WITH THE GRANTEE'S USE OF THE PREMISES AS A CORRECTIONAL FACILITY OR JAIL; GRANTOR TO PAY THE COST OF INSTALLATION AND MAINTENANCE, UNLESS GRANTEE ALSO USES, IN WHICH CASE, COSTS SHALL BE EQUALLY SHARED.

SUBJECT TO A REVERSION OF FEE SIMPLE FOR THE ABOVE-DESCRIBED REAL PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF MARION COUNTY, OHIO IF THE MH CORRECTIONS COMMISSION AGREEMENT BETWEEN THE BOARDS OF COUNTY COMMISSIONERS FOR MARION AND HARDIN COUNTIES IS TERMINATED.

ATTEST:

CLERK

Joan Steward

ORDINANCE NO. 1998-103

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF FOUR (4) BUSES USED BY THE MARION AREA TRANSIT SYSTEM, AND DECLARING AN EMERGENCY.

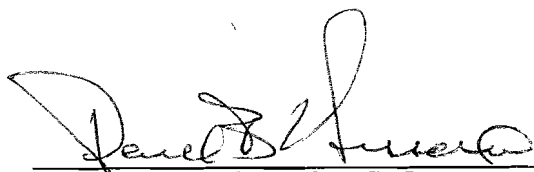
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby authorized to dispose of four (4) buses used by the Marion Area Transit System which have exceeded their useful life for the public service.

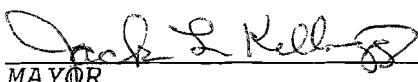
1. (1) 1990 Ford bus, Serial No. 1FDKE37G9LHA82701
Certificate of Title No. 510881546, Mileage 202,771.5
21 passenger, #721 vehicle Identification number.
2. (1) 1990 Ford bus, Serial No. 1FDKE37GOLHA82702
Certificate of Title No. 510881543, Mileage 208,602.4
21 passenger, #722 vehicle Identification number.
3. (1) 1990 Ford bus, Serial No. 1FDKE37G2LHA82703
Certificate of Title No. 510881541, Mileage 202,284.8
21 passenger, #723 vehicle Identification number.
4. (1) 1990 Ford bus, Serial No. 1FDKE37G4LHA84923
Certificate of Title No. 510881538, Mileage 265,120.7
15-2 lift equipped, #724 vehicle Identification number.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that safe storage of buses is limited; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

PASSED: July 13, 1998


PRESIDENT OF COUNCIL - Pro Tempore

APPROVED: July 14, 1998


MAYOR

ATTEST:


CLERK OF COUNCIL - Pro Tempore

ORDINANCE NO. 1998 - 104

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1998.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in various funds in the amount of \$192,307.52 as follows:

STREET IMPROVEMENT FUND

Resurfacing Projects 461-06-006-230-000-531 \$ 126,000.00

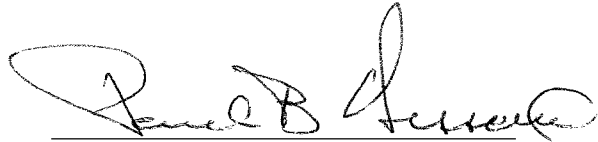
SCMR FUND

Permissive Auto Tax 207-06-612-230-000-530 \$ 1,307.52

STATE HIGHWAY FUND

Resurfacing Projects 208-06-613-230-000-531 \$ 65,000.00

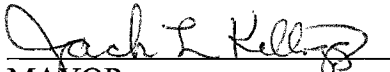
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



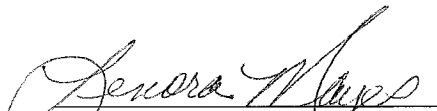
PRESIDENT OF COUNCIL - *Pro Tempore*

PASSED: *July 13, 1998*

APPROVED: *July 14, 1998*


MAYOR

ATTEST:


CLERK - *Pro Tempore*

**ORDINANCE TO AMEND ORDINANCE NO. 1989-116
TO REESTABLISH THE NUMBER OF PERSONNEL
AUTHORIZED TO BE EMPLOYED IN THE FIRE DEPARTMENT
AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Regulation III, Section 6, of Ordinance No. 1989-116 as amended, and now reading as follows:

"Section 6. That from and after January 1, 1990, the personnel of the Fire Department shall be authorized to consist of one (1) Chief, three (3) Platoon Chief's, five (5) Captains, four (4) Lieutenants, one (1) Mechanic, one (1) Fire Inspector (Captain), and fifty (50) Fire Fighters; total personnel: sixty-five (65).

is hereby amended to read:

"Section 6. That from and after July 13, 1998 the personnel of the Fire Department shall be authorized to consist of one (1) Chief, three (3) Platoon Chief's, seven (7) Captains, four (4) Lieutenants, and fifty (50) Firefighters; total personnel: sixty-five (65)".

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL - *Pro Tempore*

PASSED: *July 13, 1998*

APPROVED: *July 14, 1998*

MAYOR

ATTEST:

CLERK OF COUNCIL - *Pro Tempore*

ORDINANCE NO. 1998 - 106

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, AND FURTHER AMENDING WITH UPDATED JOB DESCRIPTIONS IN THE FIRE DEPARTMENT. SAID JOB DESCRIPTIONS SHALL BECOME A PART OF THE PERSONNEL CLASSIFICATION SCHEDULE HERETOFORE ADOPTED BY THE COUNCIL KNOWN AS THE YARGER REPORT, AND DECLARING AN EMERGENCY.

WHEREAS, the Council for the City of Marion finds the job descriptions for the Firefighters, Lieutenants, 40 hour Captain, 48 hour Captain and Platoon Chief to be outdated and in need of modernization, and

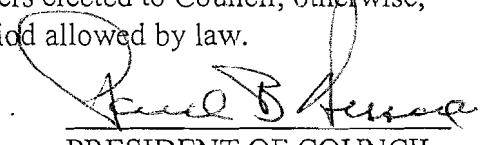
WHEREAS, the Human Resources Director has proposed and provided updated job descriptions, and

WHEREAS, the Council finds the new job descriptions to be in the best interests of the City of Marion and therefore finds it necessary to amend the Yarger Report,

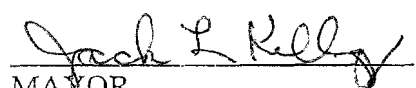
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Yarger Report, previously adopted by Ordinance 1969-29, shall be amended to provide for the above listed job descriptions attached to this ordinance as follows, exhibit A- Firefighter, exhibit B- Lieutenant, exhibit C- 40 hour Captain, exhibit D- 48 hour Captain and exhibit E- Platoon Chief.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the general welfare of the City of Marion do to the need to immediately fill vacancies in the Fire Department and to administer testing for said vacancies. For the further reason that it is necessary for the operation and safety of the public; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL
Pro-Tempore

PASSED: *July 13, 1998*
APPROVED: *July 14, 1998*


MAYOR
ATTEST:


CLERK OF COUNCIL - *Pro Tempore*

JOB TITLE: Captain 40 hour

Exempt (Y/N): No	JOB CODE:
SALARY LEVEL:	DOT CODE:
SHIFT: 40 hour week	DIVISION: Administrative
LOCATION: City Fire Department	DEPARTMENT:
EMPLOYEE NAME:	
SUPERVISOR: Marion City Fire Chief Gruber	
PREPARED BY: HR Director Spitzer	DATE: 06/15/98
APPROVED BY: S/S Director Osborn	DATE: 06/15/98

SUMMARY: Protects life, property, and the environment through mitigation and public education. Controls and extinguishes fires, renders medical aid, performs rescues. Directs and supervises activity of Officers and Firefighters. Reports to and assists the Fire Chief in the Administration of activities and personnel of the Department.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

Responds to Emergency and non-emergency calls.
 Directs assigned responsibilities on a city wide basis.
 Assist the Chief in planning and directing the activities of the Department.
 Assist the Chief the development and administration of policies and procedures on a department wide basis.
 Develops and supervises the fire prevention division of the Fire Department including but not limited to fire prevention, fire investigation, code enforcement and public education.
 Develops and supervises the training division of the Fire Department.
 Schedules, instructs and participates in drills demonstrations and courses in fire suppression, fire protection, emergency medical service and hazardous materials for fire personnel and public.
 Develops, schedules, and monitors the pre-planning and department inspection program.
 Keeps records, responsible for documentation and reports concerning personnel and activities of assigned division.
 Responsible for assigning personnel to assist the public in all safety concerns and monitoring the success.

SUPERVISORY RESPONSIBILITIES:

Supervises employees as assigned, is responsible for overall direction, coordination and evaluation of those employees. Carries out supervisory responsibilities in accordance with the organizations policies and applicable laws. Responsibilities include training employees, planning, assigning and directing work. Appraising performance and addressing complaints and resolving problems.

USER-DEFINED:

A 40 hour Captain is normally assigned to administrative, training and fire prevention duties involving city-wide, department-wide operation. A 40 hour Captain will be required to function as a shift commander or supervisor of a division as needed for operations. Duties require a thorough knowledge of the departments missions, responsibilities, policies and practices with the ability to plan and direct work of officers and firefighters. The work assigned is carried out according to procedures outlined by the Chief of the Fire Department with wide latitude for the expression of independent judgement.

QUALIFICATION REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Is trained, does training and operates the following equipment; SCBA, saws, pumps, ladders, generators, hoses, monitors, emergency medical equipment and personal protective equipment, and any other equipment used in the course of work for the Marion City Fire Department. Drives and operates fire fighting vehicles and equipment

EDUCATION and/or EXPERIENCE:

High school diploma or general education degree (GED); one to three months related experience and/or training preferred.

LANGUAGE SKILLS:

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of citizens or employees of organization.

MATHEMATICAL SKILLS:

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and

Job Description
Job Title: Captain 40 hour

interpret bar graphs.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

CERTIFICATES, LICENSES, REGISTRATIONS:

Clean valid Ohio Drivers license. Meet certification requirements established in the Ohio Revised Code for a full time professional firefighter.

The State Inspector and State Fire Instructor certification's will be required to be obtained within the probationary period of this position.

OTHER SKILLS and ABILITIES:

Must maintain current Emergency Medical Technician basic or higher certification.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to stand; walk; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell. The employee is occasionally required to sit.

The employee must regularly lift and/or move more than 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

While performing the duties of this job, the employee regularly works near moving mechanical parts; in high, precarious places; in outside weather conditions; and with explosives and is

regularly exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, risk of radiation, and vibration.

The noise level in the work environment is usually very loud.

CITY OF MARION - HUMAN RESOURCES
Job Description

JOB TITLE: Platoon Chief

Exempt (Y/N): No	JOB CODE:
SALARY LEVEL:	DOT CODE:
SHIFT: 24 hours	DIVISION:
LOCATION: Fire Department	DEPARTMENT: City of Marion
EMPLOYEE NAME:	
SUPERVISOR: Marion City Fire Chief Gruber	
PREPARED BY: HR Director Spitzer	DATE: 06/15/98
APPROVED BY: S/S Director Osborn	DATE: 06/15/98

SUMMARY: Protects life, property, and the environment through mitigation and public education. Controls and extinguishes fires, renders medical aid, performs rescues. Directs and supervises activity of Officers and Firefighters. Reports to and assists the Fire Chief in the administration of activities and personnel of the Department.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following.
Other duties may be assigned.

Functions as Chief Officer in absence of Chief of Department.
Responds to Emergency and non-emergency calls.
Directs operations on a city wide basis.
Assist the Fire Chief in planning and directing activities of the Department.
Monitors the compliance of personnel on policies and procedures.
Monitors all activities assigned to insure quality of productivity.
Keeps records and makes reports concerning personnel and department activities.
Responsible for providing or assigning personnel to assist the public in safety concerns and monitoring the success.
Schedules, instructs and participates in inspections, drills, demonstrations and courses in hydraulics, pump operation, maintenance, fire fighting techniques, fire suppression, fire protection, emergency medical service and hazardous material.

SUPERVISORY RESPONSIBILITIES:

Supervises employees as assigned. Is responsible for overall direction, coordination and evaluation of those employees. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include training employees, planning, assigning, and directing work. Appraising performance, addressing complaints and resolving problems.

USER-DEFINED:

A Platoon chief is in command of a shift. A Platoon Chief will be required to function as Acting Chief of Department, Shift Commander or supervise a division of the department. The work requires a thorough knowledge of the Departments missions, responsibilities, practices and policies, plus the ability to lead and command. Specific assignments of responsibilities and general instructions are received from the Chief. A Platoon Chief exercises general supervision over department personnel and will be assigned projects concerning the entire department operation involving emergency and non-emergency activity.

QUALIFICATION REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Is trained, does training and operates the following equipment; SCBA, saws, pumps, ladders, generators, hoses, monitors, emergency medical devices, personal protective equipment and any other equipment used in the course of work for the Marion City Fire Department. Drives and operates fire fighting vehicles and equipment.

EDUCATION and/or EXPERIENCE:

High school diploma or general education degree (GED); and one to three months related experience and/or training preferred.

LANGUAGE SKILLS:

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of citizens or employees of organization.

MATHEMATICAL SKILLS:

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

CERTIFICATES, LICENSES, REGISTRATIONS:

Clean valid Ohio Drivers license. Meet certification requirements established in the Ohio Revised Code for a full time professional fire fighter.

OTHER SKILLS and ABILITIES:

Must maintain current Emergency Medical Technician basic or higher certification.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to stand; walk; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell. The employee is occasionally required to sit.

The employee must regularly lift and/or move more than 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

While performing the duties of this job, the employee regularly works near moving mechanical parts; in high, precarious places; in outside weather conditions; and with explosives and is regularly exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, risk of radiation, and vibration.

The noise level in the work environment is usually very loud.

CITY OF MARION - HUMAN RESOURCES
Job Description

JOB TITLE: 48 HR. Captain FD

Exempt (Y/N): No	JOB CODE:
SALARY LEVEL:	DOT CODE:
SHIFT: 24 hours	DIVISION:
LOCATION: Fire Department	DEPARTMENT: City of Marion
EMPLOYEE NAME:	
SUPERVISOR: Marion City Fire Chief Gruber	
PREPARED BY: HR Director Spitzer	DATE: 06/06/98
APPROVED BY: S/S Director Osborn	DATE: 06/06/98

SUMMARY: Protects life, property, and the environment through mitigation and public education. Controls and extinguishes fires, renders medical aid, performs rescues. Directs and supervises activity of Officers and Firefighters.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following.
Other duties may be assigned.

Responds to fire, chemical, medical and other emergency calls. Responds for inspection and investigation of non-emergency calls concerning public safety.

Receives, plans and completes special projects as assigned by superiors.

Selects hose nozzle, depending on type of fire, and directs stream of water or chemicals onto fire. Positions and climbs ladders to gain access to upper levels of buildings or to assist individuals from burning structures.

Creates openings in buildings for ventilation or entrance.

Protects property from water and smoke by use of waterproof salvage covers, smoke ejectors, and deodorants.

Administers first aid and artificial respiration to injured persons and those overcome by fire and smoke.

Communicates with superior during fire by portable two-way radio. Operates radios, stands desk watch, answers telephones, assist the public in all safety concerns. Keeps records and makes reports.

Supervises Firefighters in Fire Prevention work by inspecting construction and exposures of buildings for safety hazards. Supervises and completes pre-planning inspections of business establishments, produces drawings of layout noting fire

protection equipment, utilities, access and potential safety hazards.

Supervises the driving, operation, maintenance, cleaning and minor repairs to the fire department equipment, buildings and grounds.

Schedules, instructs and participates in drills, demonstrations, and courses in hydraulics, pump operation and maintenance, firefighting techniques, fire suppression, fire protection, Emergency Medical Service and hazardous materials.

Responsible for providing assistance to the public in all safety concerns as assigned.

SUPERVISORY RESPONSIBILITIES:

Supervises employees as assigned is responsible for overall direction coordination and evaluation of those employees. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include training employees; planning, assigning, and directing work, appraising performance, addressing complaints and resolving problems.

USER-DEFINED:

A Marion City Fire Department Captain is normally assigned in command of a Fire Station or a large number of personnel. A Captain will be required to function as a shift commander, supervise a division or become a group leader as needed for operations. A Captain is expected to lead in the performance of physical tasks involving department missions and daily activities if not directly supervising. Duties require a thorough knowledge of department practices and policies with ability to plan and direct the work of officers and firefighters. A Captain will be assigned projects concerning the entire departments operation involving emergency and non-emergency activity. The work assigned is carried out according to procedures outlined by supervisors with wide latitude for the exercise of independent judgment.

QUALIFICATION REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Job Description
Job Title: 48 HR. Captain FD

SCBA, saws, pumps, ladders, generators, hoses, monitors, emergency medical devices, and personal protective equipment and any other equipment used in the course of work for the Marion City Fire Department. Drives and operates firefighting vehicles and equipment.

EDUCATION and/or EXPERIENCE:

High school diploma or general education degree (GED). One to three months related experience and/or training preferred.

LANGUAGE SKILLS:

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of citizens or employees of organization.

MATHEMATICAL SKILLS:

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

CERTIFICATES, LICENSES, REGISTRATIONS:

Clean valid Ohio Drivers license. Meet certification requirements established in the Ohio Revised Code for a full time professional firefighter.

OTHER SKILLS and ABILITIES:

Must maintain current Emergency Medical Technician basic or higher certification.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to stand; walk; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell. The employee is occasionally required to sit.

The employee must regularly lift and/or move more than 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

While performing the duties of this job, the employee regularly works near moving mechanical parts and in outside weather conditions and is regularly exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, risk of radiation, and vibration. The employee frequently works in high, precarious places and with explosives.

The noise level in the work environment is usually very loud.

Job Description

JOB TITLE: Lieutenant FD

Exempt (Y/N): No	JOB CODE:
SALARY LEVEL:	DOT CODE:
SHIFT: 24 hours	DIVISION:
LOCATION: Fire Department	DEPARTMENT: City of Marion
EMPLOYEE NAME:	
SUPERVISOR: Marion City Fire Chief Gruber	
PREPARED BY: HR Director Spitzer	DATE: 06/06/98
APPROVED BY: S/S Director Osborn	DATE: 06/06/98

SUMMARY: Protects life, property, and the environment through mitigation and public education. Controls and extinguishes fires, renders medical aid, performs rescues. Directs and supervises activity of Officers and Firefighters.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

Responds to fire, chemical, medical and other emergency calls. Responds for inspection and investigation of non-emergency calls concerning public safety.

Receives, plans and completes special projects as assigned by superiors.

Selects hose nozzle, depending on type of fire, and directs stream of water or chemicals onto fire. Positions and climbs ladders to gain access to upper levels of buildings or to assist individuals from burning structures.

Creates openings in buildings for ventilation or entrance.

Protects property from water and smoke by use of waterproof salvage covers, smoke ejectors, and deodorants.

Administers first aid and artificial respiration to injured persons and those overcome by fire and smoke.

Communicates with superior during fire by portable two-way radio. Operates radios, stands desk watch, answers telephones, assist the public in all safety concerns. Keeps records and makes reports.

Supervises Firefighters in Fire Prevention work by inspecting construction and exposures of buildings for safety hazards. Supervises and completes pre-planning inspections of business establishments, produces drawings of layout noting fire

protection equipment, utilities, access and potential safety hazards.

Supervises and assists in the driving, operation, maintenance, cleaning and minor repairs to the fire department equipment, buildings and grounds.

Schedules, instructs and participates in drills, demonstrations, and courses in hydraulics, pump operation and maintenance, firefighting techniques, fire suppression, fire protection, Emergency Medical Service and hazardous materials.

Responsible for providing assistance to the public in all safety concerns as assigned.

SUPERVISORY RESPONSIBILITIES:

Supervises employees as assigned. Is responsible for overall direction, coordination and evaluation of those employees. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include training employees; planning, assigning, and directing work; appraising performance, addressing complaints and resolving problems.

USER-DEFINED:

A Marion City Fire Department Shift Lieutenant is normally assigned in command of a Shift at a Fire Station. A Lieutenant will be required to function as a shift commander, supervise a division or become a group leader as needed for operations. A Lieutenant is expected to lead in the performance of physical tasks involving department missions and daily activities if not directly supervising. Duties require a thorough knowledge of department practices and policies with ability to plan and direct the work of officers and firefighters. A Lieutenant will be assigned projects concerning the entire departments operation involving emergency and non-emergency activity. The work assigned is carried out according to procedures outlined by supervisors with latitude for the exercise of independent judgment.

QUALIFICATION REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Is trained, does training and operates the following equipment;

Job Description
Job Title: Lieutenant FD

SCBA, saws, pumps, ladders, generators, hoses, monitors, emergency medical devices, and personal protective equipment and any other equipment used in the course of work for the Marion City Fire Department. Drives and operates firefighting vehicles and equipment.

EDUCATION and/or EXPERIENCE:

High school diploma or general education degree (GED). One to three months related experience and/or training preferred.

LANGUAGE SKILLS:

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of citizens or employees of organization.

MATHEMATICAL SKILLS:

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

CERTIFICATES, LICENSES, REGISTRATIONS:

Clean valid Ohio Drivers license. Meet certification requirements established in the Ohio Revised Code for a full time professional firefighter.

OTHER SKILLS and ABILITIES:

Must maintain current Emergency Medical Technician basic or higher certification.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to stand; walk; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell. The employee is occasionally required to sit.

The employee must regularly lift and/or move more than 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

While performing the duties of this job, the employee regularly works near moving mechanical parts and in outside weather conditions and is regularly exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, risk of radiation, and vibration. The employee frequently works in high, precarious places and with explosives.

The noise level in the work environment is usually very loud.

CITY OF MARION - HUMAN RESOURCES
Job Description

JOB TITLE: Fire Fighter

Exempt (Y/N): No	JOB CODE:
SALARY LEVEL:	DOT CODE:
SHIFT: 24 hours	DIVISION:
LOCATION: Fire Department	DEPARTMENT: City of Marion
EMPLOYEE NAME:	
SUPERVISOR: Marion City Fire Chief Gruber	
PREPARED BY: HR Director Spitzer	DATE: 06/06/98
APPROVED BY: S/S Director Osborn	DATE: 06/06/98

SUMMARY: Protects life, property, and the environment through mitigation and public education. Controls and extinguishes fires, renders medical aid, performs rescues.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following.
Other duties may be assigned.

Responds to fire, chemical, medical and other emergency calls. Responds for inspection and investigation of non-emergency calls concerning public safety.

Selects hose nozzle, depending on type of fire, and directs stream of water or chemicals onto fire. Positions and climbs ladders to gain access to upper levels of buildings or to assist individuals from burning structures.

Creates openings in buildings for ventilation or entrance.

Protects property from water and smoke by use of waterproof salvage covers, smoke ejectors, and deodorants.

Administers first aid and artificial respiration to injured persons and those overcome by fire and smoke.

Communicates with superior during fire by portable two-way radio. Operates radios, stands desk watch, answers telephones, assist the public in all safety concerns. Keeps records and makes reports.

Engages in Fire Prevention work by inspecting construction and exposures of buildings for safety hazards. Makes pre-planning inspections of business establishments, produces drawings of layout noting fire protection equipment, utilities, access and potential safety hazards.

Drives, operates, maintains, cleans and makes minor repairs to the fire department equipment.

~~Cleans~~, maintains and makes minor repairs to Fire Department buildings and grounds.

Participates in drills, demonstrations, and courses in hydraulics, pump operation and maintenance, firefighting techniques, fire suppression, fire protection, Emergency Medical Service and hazardous materials.

USER-DEFINED:

A City Firefighter is responsible for performing hazardous tasks under emergency conditions. The major portion of a Firefighters work consist of rather routine duties. Orders of supervisors must be executed promptly and efficiently. A firefighter must continually train on modern safety and prevention methods. The work requires strict adherence to department rules and regulations. Supervisors make assignments of tasks and indicate methods and procedures to be followed. Assignments may be made through oral or written instructions. The work is inspected in process and completion. All firefighters are expected to quickly learn department procedures and operation guidelines.

QUALIFICATION REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Is trained, does training and operates the following equipment; SCBA, saws, pumps, ladders, generators, hoses, monitors, emergency medical devices, and personal protective equipment and any other equipment used in the course of work for the Marion City Fire Department. Drives and operates firefighting vehicles and equipment.

EDUCATION and/or EXPERIENCE:

High school diploma or general education degree (GED). One to three months related experience and/or training preferred.

LANGUAGE SKILLS:

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of citizens or employees of organization.

MATHEMATICAL SKILLS:

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

CERTIFICATES, LICENSES, REGISTRATIONS:

Clean valid Ohio Drivers license.

OTHER SKILLS and ABILITIES:

Must maintain current Emergency Medical Technician basic or higher certification.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to stand; walk; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell. The employee is occasionally required to sit.

The employee must regularly lift and/or move more than 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

While performing the duties of this job, the employee regularly works near moving mechanical parts and in outside weather conditions and is regularly exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, risk of radiation, and vibration. The employee frequently works in high, precarious places and with explosives.

The noise level in the work environment is usually very loud.

COMMENTS:

Employee will be required to have upon appointment or to successfully complete a Firefighters course to meet certification requirements established in the Ohio Revised Code for a full time professional Firefighter, this must be accomplished by the end of the probationary period.

Employee will be required to have certification upon appointment or to successfully obtain the Department of Public Safety, Emergency Medical Technician basic certification and keep current throughout employment with the City of Marion Fire Department, this must also be accomplished by the end of the probationary period.

ORDINANCE NO. 1998-107

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, (KNOWN AS THE YARGER REPORT), AS AMENDED, AND FURTHER AMENDING AND CORRECTING ORDINANCE 1998-16 BY REDEFINING THE DUTIES OF THE CLERK OF COUNCIL AND PROVIDING FOR AN UPDATED JOB DESCRIPTION

WHEREAS, the Council for the City of Marion finds the job description for the Clerk of Council to be outdated and in need of modernization, and

WHEREAS, the Human Resource Director has proposed and provided an updated job description, and

WHEREAS, the Council finds the redefinition and new job description to be in the best interests of the City of Marion and therefore finds it necessary to amend the Yarger Report regarding said position which was last amended Feb. 10, 1998,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Yarger Report, previously adopted by Ordinance 1969-29, shall be amended to provide for the following updated job description for the Clerk of Council, as follows:

CLERK OF COUNCIL

SUMMARY: Assists municipal government with clerical and administrative support by performing the following duties.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following, other duties may be assigned.

- Responsible to City Council; accurate, timely completion of all legal and non-legal paperwork.
- Attends and records proceedings of all City Council and in addition thereto, attend and record proceedings of all meetings of the Committees of Council. Type, record and index all ordinances and resolutions, obtaining designated signatures for approved ordinances and resolutions. Signs as Attester for each approved ordinance and resolution. Distributes same to appropriate officials.
- Posts all meeting dates giving timely notification in accordance with Sec. 121.22 of ORC (Sunshine Law) and II. B. ill.
- Initiates timely publication of ordinances, resolutions and notices according to law.
- Initiates timely notification of vacancies, of elected officials.
- Prepares agendas for Marion City Council meetings.
- Prepares agendas for all Council committee meetings.
- Supervisor and maintenance liaison for community room Dictaphone equipment.
- Records minutes of council meetings.
- Answers official correspondence.
- Keeps fiscal records, prepares purchase orders and vouchers accounts.
- Accounts for petty cash.
- Prepare and certify transcripts of all annexation proceedings.
- Adhere to correct procedures pertaining to improvements, i.e., notice to property owners, publication and objection procedures.
- Serves as secretary to City Planning Commission, adhering to all duties directed by the bylaws, and forwarding any necessary information and legislation on to City Council.
- Compose, type and deliver required legal advertisement to newspapers for City Council and City Planning Commission.
- Prepare annual budget for City Council and Clerk of Council. Updates Codified Ordinance book on a periodic basis.

QUALIFICATION REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE:

Bachelor's degree (B. A.) from four-year college or university; or one to two years related experience and/or training; or equivalent combination of education and experience.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret the most complex documents. Ability to respond articulately to the most sensitive inquiries or complaints. Ability to read, analyze, financial reports, and legal documents. Ability to respond to common inquiries or complaints from citizens, regulatory agencies, or members of the business community. Ability to write speeches and news releases. Ability to effectively relate information to administration, department heads, co-workers, City Council and public groups, and/or boards of directors.

MATHEMATICAL SKILLS

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form. Judgement skills exercised with confidential information.

OTHER SKILLS and ABILITIES:

Computer skills; knowledgeable of word processing software, basic understanding of computer functions. Windows experience essential.

Ability to learn Dictaphone system. Tape recording system experience is preferred. Basic office equipment knowledge.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, or feel objects, tools, or controls; talk or hear; and taste or smell. The employee frequently is required to sit and reach with hands and arms. The employee is occasionally required to stand; walk; climb or balance; and stoop, kneel, crouch, or crawl.

The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

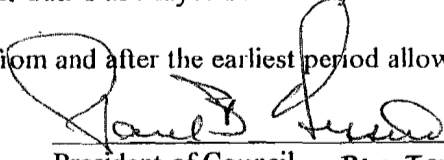
While performing the duties of this job, the employee occasionally works near moving mechanical parts.

The noise level in the work environment is usually moderate.

Section 2.

It is expressly found that this modification of the Clerk of Council contains no adjustment or modification as to compensation in any form. However, it herein expressed the Clerk shall utilize "Flex-time", using its' universal meaning, that is defined as for every hour at Clerk duties during the 40 hour work week, the Clerk shall take one hour from her duties as Mayor's secretary.

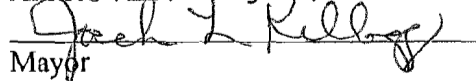
Section 4. That this Ordinance shall take effect from and after the earliest period allowed by law.



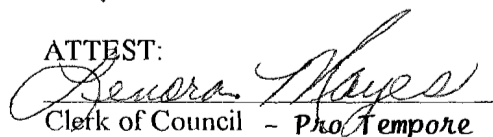
President of Council - Pro Tempore

PASSED: July 13, 1998

APPROVED: July 14, 1998


Mayor

ATTEST:


Clerk of Council - Pro Tempore

ORDINANCE NO. 1998 - 108ORDINANCE TO AMEND SECTION 111.02 (F) OF CHAPTER 111 OF
THE MARION CODIFIED ORDINANCES, RELATING TO THE CLERK
OF COUNCIL DUTIES.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Chapter 111.02 (F) of the Codified Ordinances, now reading as follows:

“(F) *Rule 12. Clerk of Council - Duties.* The Clerk of Council, and in his/her absence the Clerk Pro Tempore, shall attend all meetings, regular and special, prepare an agenda for every meeting, attend to all correspondence incidental to his/her office, attend to the codification of the ordinances, keep a proper file of all documents which are part of the transactions and orders of Council and make such records available to the public. In addition, the Clerk of Council and in his/her absence the Clerk Pro Tempore, shall report to Council the reasons advanced by members for absence from Council meetings and shall perform such other and further duties as may be assigned to him/her by a majority vote of Council. The Clerk Pro Tempore, to serve in the absence of the Clerk of Council, shall be chosen by Council.”

is hereby amended to read as follows:

“(F) *Rule 12. Clerk of Council - Duties.* The Clerk of Council, and in his/her absence the Clerk Pro Tempore shall:

BE RESPONSIBLE TO CITY COUNCIL FOR THE ACCURATE AND TIMELY COMPLETION OF ALL LEGAL AND NON LEGAL PAPERWORK;

ATTEND AND RECORD THE PROCEEDINGS OF ALL CITY COUNCIL meetings, regular and special, AND COMMITTEE MEETINGS AND TRANSCRIBE SAID PROCEEDINGS AS REQUESTED OR ASSIGNED;

PREPARE THE AGENDAS FOR ALL MARION CITY COUNCIL MEETINGS INCLUDING ANY SPECIAL MEETINGS OF COUNCIL OR COMMITTEE OF THE WHOLE;

PREPARE THE AGENDAS FOR ALL COUNCIL COMMITTEE MEETINGS;

TRANSCRIBE ALL FINANCE AND TRAFFIC COMMISSION MEETINGS;

POST ALL MEETING DATES GIVING TIMELY NOTIFICATION;

TYPE, RECORD AND INDEX ALL ORDINANCES AND RESOLUTIONS, OBTAINING DESIGNATED SIGNATURES FOR APPROVED ORDINANCES AND RESOLUTIONS AND SIGN AS ATTESTER FOR EACH APPROVED ORDINANCE AND RESOLUTION AND DISTRIBUTE SAME TO THE APPROPRIATE OFFICIAL;

INITIATE TIMELY PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES ACCORDING TO LAW;

INITIATE TIMELY NOTIFICATION OF VACANCIES OF ELECTED OFFICIALS;

attend to all correspondence incidental to his/her office AND ANSWER ALL OFFICIAL CORRESPONDENCE;

SUPERVISOR AND MAINTENANCE LIASION FOR COMMUNITY ROOM DICTAPHONE EQUIPMENT;

attend to the codification of the ordinances AND UPDATE THE CODIFIED ORDINANCE BOOK ON A PERIODIC BASIS;

keep a proper file of all documents which are part of the transactions and orders of Council and make such records available to the public;

KEEP FISCAL RECORDS, PREPARE PURCHASE ORDERS AND VOUCHER ACCOUNTS, AND ACCOUNT FOR PETTY CASH;

PREPARE AND CERTIFY TRANSCRIPT OF ALL ANNEXATION PROCEEDINGS;

ADHERE TO CORRECT PROCEDURES PERTAINING TO NOTICES TO PROPERTY OWNERS, PUBLICATION AND OBJECTION PROCEDURES;

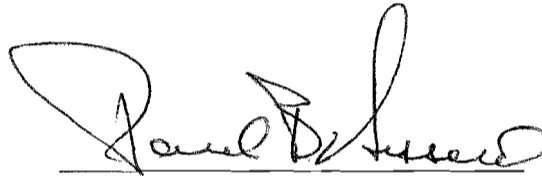
SERVE AS SECRETARY TO CITY PLANNING COMMISSION, ADHERING TO ALL DUTIES DIRECTED BY THE BY-LAWS AND FORWARDING ANY NECESSARY INFORMATION AND LEGISLATION ON TO CITY COUNCIL;

COMPOSE, TYPE AND DELIVER REQUIRED LEGAL ADVERTISEMENT TO NEWSPAPERS FOR CITY COUNCIL AND CITY PLANNING COMMISSION;

PREPARE ANNUAL BUDGET FOR CITY COUNCIL AND CLERK OF COUNCIL.

In addition, the Clerk of Council and in his/her absence the Clerk Pro Tempore, shall report to Council the reasons advanced by members for absence from Council meetings and shall perform such other and further duties as may be assigned to him/her by a majority vote of Council. The Clerk Pro Tempore, to serve in the absence of the Clerk of Council, shall be chosen by Council. THE CLERK OF COUNCIL, OR IN HIS/HER ABSENCE, THE CLERK PRO TEMPORE, SHALL UTILIZE "FLEX-TIME" FOR HIS/HER TIME USED TO ATTEND MEETINGS. FLEX-TIME TO BE GIVEN ITS' UNIVERSALLY DEFINED DEFINITION, BEING ONE HOUR FOR EACH HOUR ATTENDED AT MEETING BEING TAKEN OFF OF HIS/HER 40 HOUR WORK WEEK OBLIGATION TO THE CITY OF MARION, SUCH AS SECRETARY TO THE MAYOR."

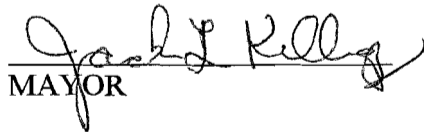
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL -*Pro Tempore*

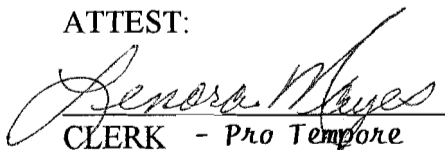
PASSED: *July 13, 1998*

APPROVED: *July 14, 1998*



MAYOR

ATTEST:



CLERK - *Pro Tempore*

ORDINANCE NO. 1998 - 109

ORDINANCE AMENDING ORDINANCE NO. 1998-89 TO INCLUDE THE UPDATED PROPERTY DESCRIPTION FOR THE ANNEXATION OF CERTAIN TERRITORY FOR THE MARION-HARDIN CORRECTIONS COMMISSION IN MARION TOWNSHIP TO THE CITY OF MARION, AND DECLARING AN EMERGENCY.

WHEREAS, on the 8th day of June, 1998, the Council for the City of Marion did pass Ordinance 1998-87 after due consideration, and thereafter, the Clerk of the Council was informed by the County Engineer that the real property description had changed but that the new description for the same real property had not been provided the Clerk of Council, and

WHEREAS, the Clerk has now obtained the corrected and most up-to-date real property description, it is necessary to confirm and acknowledge the Council's acceptance of the subject territory.

WHEREAS, a petition for the annexation of certain territory in Marion Township was duly filed by Richard D. Cardwell, Attorney At Law; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on February 12, 1998 and February 19, 1998; and

WHEREAS, the Board of County Commissioners has approved the annexation of the territory to the City of Marion as hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council, who received same on April 6, 1998; and

WHEREAS, sixty days from the date of the filing have now elapsed in accordance with the provisions of R.C. 709.04, now, therefore,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the proposed annexation as applied for in the petition of Richard D. Cardwell and a majority of owners of real estate in the territory sought to be annexed was re-filed with the Board of County Commissioners of Marion County, Ohio on November 25, 1997, and which petition project for annexation to the City of Marion, Ohio of certain territory adjacent thereto as hereinafter described, and which petition was approved by the Board of County Commissioners on March 3, 1998, be and the same is hereby accepted. The territory is described as follows:

10.567 ACRES

Situated in part of the Southeast Quarter of Section I 1, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio; Being a tract now or formerly owned by The MH Corrections Commission (O.R. 363 Pg. 336); and being more particularly described as follows;

Beginning at an existing large survey nail located at the intersection of the centerline of County Road 162 (also being the South Line of Section 11) with the centerline of County Road 215 (also being the East Corporation Line of the City of Marion) (said point being referenced by a 1" dia. iron pin set N 30° 26' 00" E at 59.04 feet); thence along said centerline of County Road 215 (and East Corporation Line of the City of Marion), N 0° 06' 30" W (for basis of bearing, see Official Record 363 Pg. 336, Marion County Recorder's Office) for a distance of 690.00 feet to an existing railroad spike on Grantor's North Line; thence along Grantor's North Line N 88° 18' 55" E for a distance of 596.67 feet to a point on the centerline of Harvey Ditch (passing over 1" dia. iron pins set at 30.01 feet and 585.57 feet); thence along

said centerline S 11° 44' 35" E for a distance of 700.51 feet to a point on the South Line of Section 11; thence along said South Line S 88° 18' 55" W for a distance of 738.00 feet to an existing large survey nail on the centerline of County Road 215 and the point of beginning (passing over a 1 " dia. iron pin set at 15.00 feet).

Containing 10.567 acres more or less, and being subject to legal highways, easements, restrictions, and agreements of record. This description prepared from a survey performed by Karla M. Smith, Registered Surveyor 7023, and dated September 8, 1997. All 1 " dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

Last Deed Reference: Official Record Volume 201, Page 771

Tax Parcel No: 20-001000-7002

Property location: Northeast corner of Victory and Marion-
Williamsport Roads, Marion, OH

SUBJECT TO AN EASEMENT FOR THE BENEFIT OF GRANTOR, ITS SUCCESSORS AND ASSIGNS FOR UTILITY PURPOSES, WHICH EASEMENT SHALL NOT INTERFERE WITH THE GRANTEE'S USE OF THE PREMISES AS A CORRECTIONAL FACILITY OR JAIL; GRANTOR TO PAY THE COST OF INSTALLATION AND MAINTENANCE, UNLESS GRANTEE ALSO USES, IN WHICH CASE, COSTS SHALL BE EQUALLY SHARED.

SUBJECT TO A REVERSION OF FEE SIMPLE FOR THE ABOVE-DESCRIBED REAL PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF MARION COUNTY, OHIO IF THE MH CORRECTIONS COMMISSION AGREEMENT BETWEEN THE BOARDS OF COUNTY COMMISSIONERS FOR MARION AND HARDIN COUNTIES IS TERMINATED.

THE BOARD OF COUNTY COMMISSIONERS ON BEHALF OF MARION COUNTY, OHIO further grants and conveys to THE MH CORRECTIONS COMMISSION an non-exclusive easement in, to, upon and over all that portion of a private roadway, given for the sole purpose of ingress and egress, which easement shall not preclude the County from use or from granting a similar right of ingress and egress to others. The real property subject to said easement is described as follows:

0.976 ACRE

Situated in Part of the Southeast Quarter of Section 11, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:


Commencing at an existing large survey nail located at the intersection of the centerline of County Road 162 (also being the South Line of Section 11) with the centerline of County Road 215; thence along said centerline of County Road 215 N 0° 06' 30" W for a distance of 690.00 feet to a railroad spike set and the point of beginning; thence continuing along said centerline N 0° 06' 30" W for a distance of 70.00 feet to an existing railroad spike; thence N 88° 18' 55" E for a distance of 631.16 feet to a point on the centerline of Harvey Ditch (passing over existing iron pins at 30.01 feet and 616.16 feet); thence along said centerline S 36° 04' 05" W for a distance of 64.88 feet to a point (said point being referenced by an existing iron pin N 66° 15' 00" W at 7.00 feet); thence continuing along said centerline S 11° 44' 35" E for a distance of 18.96 feet to a point; thence S 88° 18' 55" W for a distance of 596.67 feet to a railroad spike set on the centerline of County Road 215 and the point of beginning (passing over 5/8" dia. iron pins set at 11.10 feet and 566.66 feet).

Containing 0.976 acre more or less and being subject to legal highways, easements, restrictions, and agreements of record. For basis of bearing, see Official Record 201 pg. 771, Marion County Recorder's Office. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated July 8, 1993. All 5/8" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

Official Record Volume 201, Page 771
Tax Parcel No: 20-001000-7002
Property Location: East side of Victory Road, 690' N of
Marion-Williamsport Road, Marion, OH

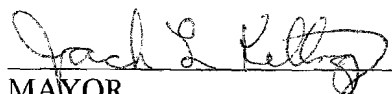
Section 2. The Clerk of Council is directed to make three copies of the ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk of City Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and as such, shall take effect and be in force immediately upon its passage by two-thirds vote of all members elected and approval by the Mayor; otherwise it shall become effective from and after the earliest period allowed by law.

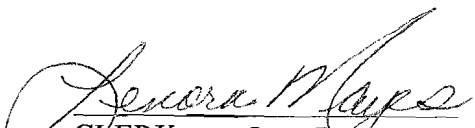

PRESIDENT OF COUNCIL - *Pro Tempore*

PASSED: *July 13, 1998*

APPROVED: *July 14, 1998*


MAYOR

ATTEST:


CLERK - *Pro Tempore*