

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, 1999.

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, 1999, the following sums be and they are hereby set aside, transferred and appropriated as follows:

**GENERAL FUND**

**Police Department**

Salaries - Civilian	\$ 262,261
Salaries - Uniformed	2,304,761
Benefits	918,100
Accrued Pension	35,461
Quartermaster	54,000
Travel	9,500
Schooling	35,000
Service Contracts	15,500
Equipment Lease	9,000
Equipment Maintenance	12,000
Insurance	65,000
Supplies	60,000
Fuel & Lubricants	40,000
Professional Service	35,000
Special Training	2,500
Membership Dues	1,450
Subscriptions/Publications	4,600
Equipment	90,000
Third Grade Seat Belt Program	1,400
Legal Ads	1,750
Unclaimed Vehicles	<u>2,000</u>
<i>Total Police Department.</i>	<i>.....\$3,959,283</i>

**Jail Facility**

Salaries	\$ 115,552
Benefits	39,879
Quartermaster	1,500
Travel	500
Schooling	3,000
Prisoner Housing	2,500
Prisoner Sustenance	27,000
Equipment Maintenance	2,500
Prisoner Medical Expense	10,000
Supplies	4,000
Subscriptions/Publications	250
Equipment	1,000
Equipment Lease	<u>1,800</u>
<i>Total Jail Facility.</i>	<i>.....\$ 209,481</i>

**Dispatch Department**

Salaries	\$ 296,455
Benefits	99,441
Quartermaster	2,500
Travel	1,500
Schooling	5,600
Service Contracts	27,000
Equipment Maintenance	5,000
Supplies	2,000
Membership Dues	300
Subscriptions/Publications	<u>400</u>
<i><u>Total Dispatch Department</u></i>	<i>.....\$ 440,196</i>

**Fire Department**

Salaries - Civilian	\$ 27,734
Salaries - Uniformed	2,623,378
Benefits	1,209,603
Accrued Pension	50,275
Quartermaster	34,320
Travel	3,000
Schooling	16,800
Utilities	48,307
Service Contracts	5,725
Equipment Maintenance	16,000
Building Maintenance	14,000
Insurance	30,000
Supplies	40,425
Fuel & Lubricants	10,100
Professional Service	5,000
Membership Dues	1,000
Subscriptions/Publications	2,000
Equipment	<u>38,500</u>
<i><u>Total Fire Department</u></i>	<i>.....\$4,176,167</i>

**Disaster Services**

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

**Recreation Department**

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Salaries	\$ 94,883
Benefits	35,143
Travel	1,300
Professional Service	45,100
Insurance	3,500
Supplies	22,000
Utilities	25,500
Equipment Maintenance	3,500
Fuel	750
Equipment	5,000
Postage	2,600
Membership Dues	250
Subscriptions/Publications	200
Schooling	1,000
Capital Improvements	5,000
Service Contracts	650
Building Lease	<u>14,001</u>

*Total Recreation Department* ..... \$ 260,377

**Senior Citizens Department**

Salaries	\$ 82,174
Benefits	41,374
Utilities	22,500
Building Maintenance	6,000
Insurance	5,000
Professional Service	1,500
Equipment Maintenance	500
Capital Improvements	<u>17,000</u>

*Total Senior Citizens Dept.* ..... \$ 176,048

**Planning Department**

Marion Regional Planning	\$ 49,000
Building Code Expense	<u>132,500</u>

*Total Planning Department* ..... \$ 181,500

**Economic Development Department**

Professional Service	\$ 93,000
Revenue Sharing	<u>50,000</u>

*Total Economic Development* ..... \$ 143,000

**Street Lighting**

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

**Parking Meter Department**

Taxes	\$ 1,500	
<i>Total Parking Meter Dept.</i>		\$ 1,500

**Airport**

Salaries	\$ 112,526	
Benefits	40,251	
Travel	1,600	
Utilities	31,000	
Service Contracts	7,000	
Equipment Maintenance	7,000	
Land/Bldg. Maintenance	30,300	
Insurance	5,000	
Taxes	3,200	
Supplies	12,000	
Fuel & Lubricants	2,000	
Membership Dues	700	
Professional Services	20,000	
Postage	300	
Subscriptions/Publications	700	
Equipment	18,400	
Quartermaster	300	
Janitorial Service	3,000	
Schooling	1,000	
Equipment Rent/Lease	1,000	
<i>Total Airport Operations.</i>		\$ 297,277

**Mayor**

Salaries	\$ 82,138	
Benefits	22,718	
Travel	2,000	
Professional Service	1,100	
Supplies	900	
Utilities	300	
Equipment	100	
Membership Dues	100	
Subscriptions/Publications	250	
Schooling	300	
<i>Total Mayor's Office.</i>		\$ 109,906

**Auditor**

Salaries	\$ 186,000	
Benefits	66,000	
Travel	500	
Professional Services	5,000	
Service Contracts	15,000	
Supplies	7,000	
Subscriptions/Publications	2,500	
Schooling	2,500	
Membership Dues	300	
Equipment	5,000	
<i>Total Auditor's Office.</i>		\$ 289,800



**Income Tax**

Salaries	\$ 129,588	
Benefits	48,604	
Travel	300	
Professional Services	7,100	
Supplies	13,000	
Postage	5,450	
Service Contracts	2,000	
Schooling	3,600	
Membership Dues	50	
Subscriptions/Publications	900	
Equipment	<u>6,000</u>	
<i>Total Income Tax Office</i>		\$ 216,592

**Treasurer**

Salary	\$ 5,780	
Benefits	1,386	
Professional Services	600	
Supplies	<u>300</u>	
<i>Total Treasurer's Office</i>		\$ 8,066

**Law Director**

Salaries	\$ 150,896	
Benefits	63,301	
Travel	500	
Professional Services	14,500	
Supplies	2,500	
Schooling	2,000	
Membership Dues	500	
Subscriptions/Publications	2,400	
Equipment	<u>4,000</u>	
<i>Total Law Director's Office</i>		\$ 240,597

**Human Resource Director**

Salaries	\$ 71,095	
Benefits	21,478	
Travel	1,000	
Professional Services	17,000	
Supplies	2,500	
Membership Dues	200	
Subscriptions/Publications	1,000	
Schooling	1,200	
Equipment	500	
Service Contract	<u>300</u>	
<i>Total Human Resource Dir's Office</i>		\$ 116,273

**Safety/Service Director**

Salaries	\$ 82,860
Benefits	32,552
Travel	580
Professional Services	9,500
Supplies	2,500
Demolition	22,000
Burials	4,000
Schooling	500
Service Contracts	2,000
Membership Dues	600
Litter Control	1,500
Subscriptions/Publications	900
Equipment	300
Equipment Rent/Lease	1,400

*Total Safety/Service Dir's Office.* .....\$ 161,192

**Civil Service Commission**

Salaries	\$ 4,100
Benefits	983
Professional Services	5,000
Supplies	1,000

*Total Civil Service Commission.* .....\$ 11,083

**City Council**

Salaries	\$ 66,103
Benefits	15,915
Travel	200
Membership Dues	3,700
Legal Advertising	2,500
Supplies	1,200
Schooling	400
Contract Services	5,200
Professional Services	21,000

*Total City Council.* .....\$ 116,218

**Municipal Court**

Salaries	\$ 392,000
Benefits	138,000
Travel	1,000
Professional Services	11,000
Service Contracts	1,000
Equipment Maintenance	1,000
Supplies	19,000
Fuel & Lubricants	1,000
Utilities	2,000
Membership Dues	700
Subscriptions/Publications	2,000
Schooling	1,000

*Total Municipal Court.* .....\$ 569,700

**City Hall**

070

Salaries	\$ 59,500	
Benefits	20,700	
Utilities	149,000	
Custodial Service	16,000	
Postage Meter	44,500	
Building Maintenance	20,000	
Insurance	23,000	
Supplies	17,000	
Service Contracts	14,000	
Professional Service	500	
Equipment Lease	6,000	
Property Tax	5,060	
Equipment	7,000	
Clothing	350	
<i>Total City Hall</i>		\$ 382,610

**Engineering Department**

Salaries	\$ 213,207	
Benefits	67,458	
Travel	700	
Equipment Maintenance	1,200	
Supplies	5,000	
Fuel & Lubricants	1,000	
Membership Dues	20	
Subscriptions/Publications	500	
Equipment	19,000	
Schooling	1,800	
Tree Care	21,482	
Service Contracts	600	
Clothing	350	
<i>Total Engineering Department</i>		\$ 332,317

**Statutory Accounts**

Election Expense	\$ 15,000	
Examiner Fees	35,000	
City Auditor/Treasurer Fees	25,000	
Income Tax Refunds	230,000	
<i>Total Statutory Accounts</i>		\$ 305,000

**Transfers**

DARE Grant	\$ 88,312.00	
Violence Against Women	5,291.00	
COPS Fast	145,000.00	
Health	300,000.00	
Transit	125,000.00	
Swimming Pool	52,000.00	
Parks	377,000.00	
Law Enforcement Block Grant	2,545.05	
<i>Total Transfers</i>		\$ 1,095,148.05

**Total General Fund** ..... \$13,913,331.05

**SENIOR CITIZENS III-B GRANT FUND**

Administration	\$ 3,746.34
Salaries	36,482.00
Travel	1,819.00
Utilities	1,450.00
Equipment Maintenance	2,500.00
Vehicle Leases	7,200.00
Supplies	3,481.00
Fuel & Lubricants	7,000.00
Schooling	300.00
Postage	1,065.00
Professional Services	<u>2,700.00</u>

Total Sr. Citizens III-B Grant Fund. . . . . . \$ 67,743.34

**STATE BLOCK GRANT FUND**

Salaries	\$ <u>18,744</u>
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Total State Block Grant Fund. . . . . . \$ 18,744

**STREET CONSTRUCTION MAINTENANCE & REPAIR FUND**

**Street Maintenance**

Salaries	\$ 809,303
Benefits	280,457
Clothing Allowance	7,800
Travel	600
Professional Services	3,000
Service Contracts	1,000
Equipment Maintenance	21,290
Permissive Auto Tax	177,052
Insurance	27,000
Supplies	205,000
Fuel & Lubricants	40,500
Equipment	101,000
Streetscape	11,000
Schooling	2,000
Utilities	51,500
Land & Building Maintenance	3,000
Resurfacing Projects	<u>288,571</u>

TOTAL SCMR FUND. . . . . . \$ 2,030,073

**STATE HIGHWAY IMPROVEMENT FUND**

Supplies	\$ 19,160
Professional Services	<u>60,000</u>

Total State Highway Improvement. . . . . . \$ 79,160

**COURT COMPUTERIZATION FUND**

Supplies	\$ 10,000
Professional Services	15,000
Service Contracts	<u>15,000</u>
<i>Total Court Computerization Fund</i>	.....\$ 40,000

**COPS FAST FUND**

Salaries	\$ 221,656
Benefits	<u>92,708</u>
<i>Total COPS Fast Fund</i>	.....\$ 314,364

**VIOLENCE AGAINST WOMEN FUND**

Salaries	\$ 24,262.34
Benefits	8,084.49
Schooling	437.81
Supplies	309.79
Equipment	<u>75.03</u>
<i>Total VAW Fund</i>	.....\$ 33,169.46

**LAW ENFORCEMENT BLOCK GRANT FUND**

FY97 Equipment	\$ <u>25,136.45</u>
<i>Total Law Enf. Block Grant Fund</i>	.....\$ 25,136.45

**HEALTH FUND****Administration**

Salaries	\$ 227,082
Benefits	90,747
Travel	2,000
Professional Services	6,400
Service Contracts	2,000
Equipment Maintenance	525
Supplies	6,040
Fuel & Lubricants	300
State Reimbursements	20,000
Insurance	6,000
Books/Publications	450
Dues & Memberships	700
Schooling	3,000
Equipment	2,500
Land & Building Maintenance	3,000
Utilities	<u>7,000</u>
<i>Total Health Administration</i>	.....\$ 377,744

**Inspection**

Salaries	\$ 115,981	
Benefits	42,288	
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	
<i><u>Total Health Inspection</u></i>		\$ 193,269
<i><u>TOTAL HEALTH FUND</u></i>		\$ 571,013

**WOMEN, INFANTS & CHILDREN FUND**

Salaries	\$ 162,183	
Benefits	64,192	
Travel	981	
Equipment Maintenance	1,000	
Supplies	4,800	
Utilities	1,680	
Janitorial Services	3,720	
Postage	2,000	
Membership Dues	25	
<i><u>Total WIC Fund</u></i>		\$ 240,581

**D.A.R.E. GRANT FUND**

Salaries	\$ 76,517	
Benefits	31,795	
<i><u>Total DARE Grant Fund</u></i>		\$ 108,312

**PARKS FUND**

Salaries	\$ 144,642	
Benefits	61,643	
Clothing Allowance	1,850	
Travel	100	
Utilities	18,000	
Service Contracts	1,000	
Equipment Maintenance	10,000	
Land/Bldg. Maintenance	5,000	
Insurance	6,000	
Supplies	28,000	
Fuel & Lubricants	4,500	
Professional Service	25,000	
Equipment	45,265	
Yard Waste Fees	4,000	
Resurfacing Projects	20,000	
Capital Improvements	3,025	
<i><u>Total Parks Fund</u></i>		\$ 378,025

**ENFORCEMENT AND EDUCATION FUND**

Professional Services	\$	2,500	
Supplies		4,000	
Reimbursements		6,000	
Equipment		<u>4,000</u>	
<i>Total Enforcement &amp; Education Fund.</i>			\$ 16,500

**INDIGENT ALCOHOL DRIVER FUND**

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

**HEALTH LICENSE FUND**

Trailer Park	\$	450	
Food Service		30,000	
Vending Machines		1,300	
Swimming Pool		2,500	
Infectious Waste		250	
Solid Waste		<u>2,000</u>	
<i>Total Health License Fund.</i>			\$ 36,500

**HOME HEALTH SERVICE FUND**

Reimbursements	\$	<u>9,300</u>	
<i>Total Home Health Service Fund.</i>			\$ 9,300

**EARLY INTERVENTION GRANT FUND**

Salaries	\$	54,534	
Benefits		16,010	
Supplies		1,578	
Schooling		1,300	
Utilities		200	
Postage		300	
Travel		1,500	
Professional Services		<u>500</u>	
<i>Total Early Intervention Grant Fund.</i>			\$ 75,922

**OHIO EARLY START FUND**

Salaries	\$	25,249	
Benefits		8,320	
Travel		500	
Schooling		500	
Supplies		3,119	
Reimbursements		<u>4,183</u>	
<i>Total Ohio Early Start Fund.</i>			\$ 41,871

**WELLNESS BLOCK GRANT FUND**

Salaries	\$ 15,000
Benefits	4,000
Travel	1,600
Schooling	800
Supplies	3,753
Reimbursements	<u>3,600</u>
<i>Total Wellness Block Grant Fund</i>	<i>.....\$ 28,753</i>

**PREVENTIVE HEALTH CARE GRANT FUND**

Salaries	\$ 11,415
Benefits	2,738
Travel	300
Schooling	50
Dues	20
Supplies	<u>107</u>
<i>Total Preventive Health Care Grant Fund</i>	<i>.....\$ 14,630</i>

**CHIP GRANT FUND**

Private Rehab	\$ 210,000.00
Administration	36,919.12
Implementation	54,000.00
Rental Rehab	80,000.00
Rental Assistance	122,348.00
Emergency Rehab	12,900.00
Public Service	<u>34,000.00</u>
<i>Total CHIP Fund</i>	<i>.....\$550,167.12</i>

**RENTAL REHABILITATION FUND**

Emergency Rehab	\$ <u>15,268.32</u>
<i>Total Rental Rehabilitation Fund</i>	<i>.....\$ 15,268.32</i>

**REVOLVING FUND**

Revolving Loans	\$ <u>2,650</u>
<i>Total Revolving Fund</i>	<i>.....\$ 2,650</i>



**FORMULA GRANT FUND**

Private Rehab	\$ 44,000
Administration	30,500
Neighborhood Facilities	71,850
Fair Housing	1,000
Parks & Recr. Facilities	20,000
Curbs & Sidewalks	14,500
Street Improvements	<u>30,500</u>

*Total Formula Grant Fund* . . . . . \$ 212,350

**UDAG LOAN REPAYMENT FUND**

Revolving Loans	\$ <u>118,048</u>
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*Total UDAG Loan Repayment Fund* . . . . . \$ 118,048

**HOME PROGRAM GRANT FUND**

Emergency Rehab	\$ <u>8,452.50</u>
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*Total Home Program Grant Fund* . . . . . \$ 8,452.50

**UNDERGROUND STORAGE TANK FUND**

Professional Services	\$ <u>11,000</u>
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*Total UST Fund* . . . . . \$ 11,000

**G.O. BOND RETIREMENT FUND**

Professional Services	\$ 1,500
G.O. Bond Interest	14,175
G.O. Bond Principal	<u>135,000</u>

*Total G.O. Bond Retirement Fund* . . . . . \$ 150,675

**CAPITAL IMPROVEMENT FUND**

FY 97 Youth Center	\$ 19,792.07
FY 97 Airport Improvements	59,025.00
FY 98 Youth Center	73,202.93
FY 98 Contingency	215,382.57
FY 99 Contingency	<u>288,571.00</u>

*Total Capital Improvement Fund* . . . . . \$ 655,973.57

**AIRPORT INDUSTRIAL PARK FUND**

Professional Services	\$ 10,000
Property Tax	4,000
Capital Improvements	<u>10,638</u>

*Total Airport Industrial Park Fund. . . . .* \$ 24,638

**SOFTBALL FIELD IMPROVEMENT FUND**

Capital Improvements	\$ <u>7,500</u>
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*Total Softball Field Improvement Fund. . . . .* \$ 7,500

**DUAL RAIL INDUSTRIAL PARK INFRASTRUCTURE FUND**

Professional Services	\$ 5,141.20
Capital Improvements	<u>338,309.05</u>

*Total D.R.I.P. Infrastructure Fund. . . . .* \$ 343,450.25

**YOUTH CENTER FUND**

Equipment	\$ 7,419.30
Capital Improvements	<u>94,500.00</u>

*Total Youth Center Fund. . . . .* \$ 101,919.30

**AIRPORT IMPROVEMENT FUND**

Professional Services Project 09	\$ 762.93
Professional Services NW Taxiway	6,600.00
Capital Improvements NW Taxiway	<u>139,900.00</u>

*Total Airport Imp. Fund. . . . .* \$ 147,262.93

**INDUSTRIAL DEPOT SANITARY SEWER FUND**

Professional Services CP018A	\$ 227.54
Capital Improvements CP018A	<u>384,670.44</u>

*Total Ind. Depot San. Sewer Fund. . . . .* \$ 384,897.98

**TRANSIT FUND**

Salaries	\$ 334,450
Benefits	118,950
Travel	1,700
Utilities	27,000
Professional Services	11,400
Building Lease	12,000
Equipment Maintenance	21,200
Land/Bldg. Maintenance	5,000
Insurance	20,000
Supplies	5,000
Fuel & Lubricants	25,000
Equipment	62,105
Membership Dues	700
Promotional Advertising	3,000
Legal Advertising	<u>1,000</u>

*Total Transit Fund.* ..... \$ 648,505

**SEWER SYSTEM IMPROVEMENT FUND**

G.O. Bond Interest	\$ 4,200
G.O. Bond Principal	40,000
OWDA Loan	<u>186,000</u>

*Total Sewer System Imp. Fund.* ..... \$ 230,200

**SEWER REPLACEMENT FUND**

Transfer to Ind. Depot Sewer	\$ 201,277
Equipment Maintenance	50,000
Land/Building Maintenance	400,000
Equipment	400,000
Capital Improvements	<u>300,000</u>

*Total Sewer Replacement Fund.* ..... \$ 1,351,277

**SEWER REVENUE FUND****Water Pollution Control**

Salaries	\$ 995,460
Benefits	320,000
Clothing Allowance	8,800
Travel	3,000
Utilities	495,000
Professional Services	150,000
Equipment Maintenance	30,000
Land/Building Maintenance	17,000
Insurance	40,000
Supplies	360,000
Fuel & Lubricants	17,000
Equipment	80,000
Postage	3,000
Refunds	2,000
Transfer-Replacement	200,000
Transfer-Utility Billing	79,353
Subscriptions/Publications	2,000
Schooling	8,000
Dues	2,000
Capital Improvements	10,000
Service Contracts	10,000
Janitorial Services	<u>15,000</u>

**TOTAL SEWER REVENUE FUND.** ..... \$ 2,847,613

**SANITATION FUND**

**Refuse Collection**

Salaries	\$ 508,361
Benefits	178,706
Clothing Allowance	5,500
Equipment Maintenance	10,000
Insurance	22,000
Supplies	38,000
Fuel & Lubricants	40,000
Yard Waste Fees	60,000
Refunds	1,000
Transfer-Utility Billing	67,741
Service Contracts	3,000
Solid Waste Transfer Expense	435,000
Professional Service	6,000
Capital Equipment	5,000
Schooling	1,500
Travel	500
Building Rent	<u>12,000</u>

**TOTAL SANITATION FUND.** . . . . . \$ 1,394,308

**LANDFILL MONITORING FUND**

Utilities	\$ 5,000
Supplies	5,000
Professional Services	70,000
OWDA Loan	<u>205,075</u>

**Total Landfill Monitoring Fund.** . . . . . \$ 285,075

**RECYCLING FUND**

Salaries	\$ 101,931
Benefits	40,762
Equipment Maintenance	2,500
Insurance	3,200
Supplies	10,500
Fuel	8,000
Clothing Allowance	975
Transfer Utility Billing	7,742
Refunds	100
Schooling	1,000
Professional Services	3,000
Comingling Expense	12,000
Equipment	<u>1,000</u>

**Total Recycling Fund.** . . . . . \$ 192,710

**STORM WATER UTILITY FUND**

Salaries	\$ 88,340
Benefits	30,000
Professional Service	10,000
Equipment Maintenance	20,000
Equipment Lease	19,500
Supplies	52,000
Equipment	15,000
Transfer Utility Billing	38,709
Insurance	500
Refunds	10,000
Reimbursements	<u>31,660</u>

*Total Storm Water Utility Fund.* . . . . . \$ 315,709

**SWIMMING POOL FUND**

Salaries	\$ 43,000
Benefits	7,000
Utilities	9,700
Equipment Maintenance	5,000
Land/Building Maintenance	5,000
Insurance	950
Supplies	27,000
Schooling	860
Professional Services	2,000
Equipment	2,000
Capital Improvements	4,000
Membership Dues	<u>200</u>

*Total Swimming Pool Fund.* . . . . . \$ 106,710

**NW INTERCEPTOR IMPROVEMENT FUND**

OPWC Loan No. CP522	\$ <u>35,000</u>
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*Total NW Interceptor Imp. Fund.* . . . . . \$ 35,000

**UTILITY BILLING FUND**

Salaries	\$ 99,650
Benefits	33,800
Travel	250
Professional Services	6,000
Supplies	8,500
Service Contracts	21,000
Equipment Lease	2,520
Postage	17,000
Schooling	2,950
Publications	175
Equipment	<u>1,700</u>

*Total Utility Billing Fund.* . . . . . \$ 193,545

**EVELYN E. WALTER TRUST FUND**

Recreation Expense	\$ 4,680	
<i>Total Evelyn E. Walter Trust Fund.</i>		\$ 4,680

**STATE PATROL FINES AGENCY FUND**

State Patrol Fines	\$ 120,000	
<i>Total State Patrol Agency Fund.</i>		\$ 120,000

**STREET CUT DEPOSIT TRUST FUND**

Pavement Bond Refund	\$ 10,000	
Excavation Bond Refund	18,000	
<i>Total Street Cut Deposit Trust Fund.</i>		\$ 28,000

**YOUTH RECREATION TRUST FUND**

Recreation Expense	\$ 5,000	
<i>Total Youth Recreation Trust Fund.</i>		\$ 5,000

**SENIOR CITIZENS TRUST FUND**

Senior Citizens Program	\$ 18,000	
<i>Total Sr. Citizens Trust Fund.</i>		\$ 18,000

**POLICE & FIREMEN PENSION AGENCY FUND**

Police Benefits	\$ 97,374	
Fire Benefits	97,374	
<i>Total Police/Firemen Pens. Ag Fund.</i>		\$ 194,748

**SAFETY PATROL TRUST FUND**

Safety Patrol Program	\$ 4,000	
<i>Total Safety Patrol Trust Fund.</i>		\$ 4,000

**LAW ENFORCEMENT TRUST FUND**

Law Enforcement	\$ 6,000	
<i>Total Law Enforcement Trust Fund</i>		\$ 6,000

**SAFETY CITY TRUST FUND**

Safety City	\$ 3,300	
<i>Total Safety City Trust Fund</i>		\$ 3,300

**PARKING METER AGENCY FUND**

Henney & Cooper	\$ 5,000	
Courthouse	<u>5,000</u>	
<i>Total Parking Meter Agency Fund</i>		\$ 10,000

**FIRE DAMAGED STRUCTURE TRUST FUND**

Insurance Proceeds	\$ 75,000	
<i>Total Fire Dmg Structure Trust Fund</i>		\$ 75,000

**SMOKE DETECTOR FUND**

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

**S.A. BOND RETIREMENT FUND**

S.A. Bond Interest	\$ 13,825	
S.A. Bond Principal	<u>35,000</u>	
<i>Total S.A. Bond Retirement Fund</i>		\$ 48,825

**ROTARY AGENCY FUND**

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

**GRAND TOTAL** .....\$29,025.586.27

**SUMMARY OF FUNDS**

<i>Fund</i>	<i>Appropriations</i>	<i>Reimbursements And Refunds</i>	<i>Transfers</i>	<i>Totals</i>
General	\$12,588,183	\$230,000	\$1,095,148.05	\$13,913,331.05
Sr. Cit. III-B Grant	67,743.34			67,743.34
State Block Grant	18,744			18,744
SCMR	2,030,073			2,030,073
State Highway Improvement	79,160			79,160
Court Computerization	40,000			40,000
COPS Fast Grant	314,364			314,364
Violence Against Women	33,169.46			33,169.46
Law Enf. Block Grant	25,136.45			25,136.45
Health	551,013	20,000		571,013
WIC Grant	240,581			240,581
D.A.R.E Grant	108,312			108,312
Parks	378,025			378,025
Enforcement & Education	10,500	6,000		16,500
Indigent Alcohol Driver	75,000			75,000
Smoke Detector	5,000			5,000
Police & Firemen Pension	194,748			194,748
Health License		36,500		36,500
Home Health Service		9,300		9,300
Early Intervention Grant	75,922			75,922
Ohio Early Start Grant	37,688	4,183		41,871
Wellness Block Grant	25,153	3,600		28,753
Preventive Health Care Grant	14,630			14,630
CHIP Grant	550,167.12			550,167.12
Rental Rehab	15,268.32			15,268.32
Revolving Loan	2,650			2,650
Formula Grant	212,350			212,350
UDAG Loan Repayment	118,048			118,048
Home Program Grant	8,452.50			8,452.50
Underground Storage Tank	11,000			11,000
G.O. Bond Retirement	150,675			150,675
S.A. Bond Retirement	48,825			48,825
Capital Improvement	503,953.57		152,020	655,973.57
Airport Industrial Park	24,638			24,638
Softball Field Improvement	7,500			7,500
Dual Rail Ind. Park Infrastructure	343,450.25			343,450.25
Youth Center	101,919.30			101,919.30
Airport Improvement	147,262.93			147,262.93
Industrial Depot Sanitary Sewer	384,897.98			384,897.98
Marion Area Transit Grant	648,505			648,505
Sewer System Improvement	230,200			230,200
Sewer Replacement	1,150,000		201,277	1,351,277
Sewer Revenue	2,646,613	1,000	200,000	2,847,613
Sanitation	1,393,308	1,000		1,394,308
Landfill Monitoring	285,075			285,075
Recycling	192,610	100		192,710
Storm Water Utility	274,049	41,660		315,709
Swimming Pool	106,710			106,710
NW Interceptor Improvement	35,000			35,000
Utility Billing	193,545			193,545
Evelyn E. Walter Trust	4,680			4,680
State Patrol Agency	120,000			120,000
Street Cut Deposit Trust		28,000		28,000
Youth Recreation Trust	5,000			5,000
Senior Citizens Trust	18,000			18,000
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	75,000			75,000
Rotary Agency	50,000			50,000
<b>GRAND TOTAL</b>	<b>\$26,995,798.22</b>	<b>\$381,343</b>	<b>\$1,648,445.05</b>	<b>\$29,025,586.27</b>

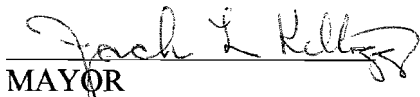


Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: January 4, 1999

APPROVED: January 5, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999-2

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO  
PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS  
FOR JANITORIAL SERVICES AT CITY HALL AND YOUTH CENTER.**

**WHEREAS, the current contract will be expiring on March 31, 1999.**

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

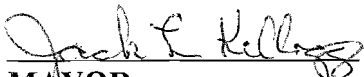
**Section 1. That the Safety/Service Director be authorized and is hereby directed  
to prepare specifications and advertise for bids janitorial services at  
City Hall and the Youth Center.**

**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 4, 1999

**APPROVED:** January 5, 1999

  
**MAYOR**

**ATTEST:**

  
**CLERK OF COUNCIL**

ORDINANCE NO. 1999-3

**ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO  
ENTER INTO CONTRACT FOR PROFESSIONAL ENGINEERING  
SERVICES FOR THE DESIGN AND INSPECTION OF THE MERCHANT  
AVENUE AREA SANITARY AND STORM SEWER PROJECT, AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, the Merchant Avenue area is experiencing significant infiltration/inflow problems in their sanitary and storm sewers, and

**WHEREAS**, the Merchant Avenue Area Sanitary and Storm Sewer Improvement project will reduce the amount of infiltration/inflow in this area, and

**WHEREAS**, URS Greiner Woodward-Clyde, Inc. was rated the most qualified design firm to provide design and inspection services,

**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 URS Greiner Woodward-Clyde, Inc. for their proposal of \$232,165 to provide engineering and inspection services for the design of the Merchant Avenue Area Sanitary and Storm Sewer Project.


**Section 2.** That the \$232,165 cost to provide services for the project shall be payable from the Storm Sewer Improvement Fund (\$130,012) and the Sanitary Sewer Improvement Fund (\$102,153).

**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 can not extend new sanitary sewer services until infiltration/inflow is removed from existing sewers, 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 4, 1999

Approved: January 5, 1999

  
\_\_\_\_\_

Attest:

  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1999-4

ORDINANCE MAKING APPROPRIATIONS IN VARIOUS FUNDS FOR THE  
YEAR ENDING DECEMBER 31, 1999.

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

Section 1. That there be appropriations made in various funds in the amount of \$282,165.00 as follows:

**School Watch Program**

Salaries	218-01-111-210-000-111	\$ 34,000.00
Benefits	218-01-111-210-000-120	<u>16,000.00</u>
		\$ 50,000.00

**Storm Sewer Improvement**

Professional Service	460-05-983-230-000-320	\$ 130,012.00
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**Sanitary Sewer Improvement**

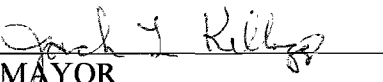
Professional Service	550-05-983-230-000-320	\$ 102,153.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: January 4, 1999

APPROVED: January 5, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999-5

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO  
PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A ONE TON  
TRUCK, CAB & CHASSIS WITH A UTILITY BODY**

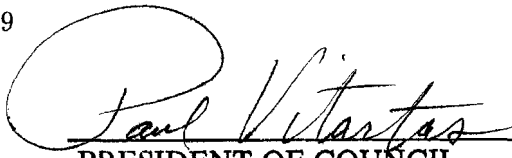
*BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;*

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for One Ton Truck, Cab & Chassis with a Utility Body to be used in the Parks Dept.

**Section 2.** ~~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.~~

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

Amended on Council floor 1/4/99

  
PRESIDENT OF COUNCIL

PASSED: January 4, 1999

APPROVED: January 5, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-6

ORDINANCE AMENDING ORDINANCE NO. 1997 - 155 IN ORDER TO  
CONTINUE THE EXISTING AGREEMENT WITH SPECIAL COUNSEL  
FOR SPECIFIC SERVICES RELATING TO THE CITY'S LEASE  
AGREEMENT WITH MARION GENERAL HOSPITAL BOARD, INC.,

WHEREAS, the City of Marion through it's Council is desirous of continuing the employment of a special Counsel to advise in matters relating to Marion General Hospital Board, Inc./ Ohio Health Corp., Inc, and

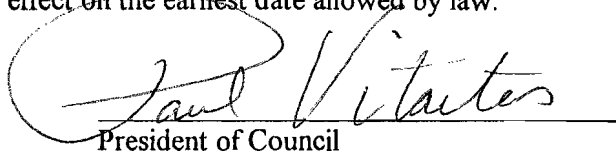
WHEREAS, City Council wishes to continue to proceed with the matter as expeditiously as possible.

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

Section 1. The City of Marion, by its Council, hereby continues its agreement with Attorney Ken Seminatore who shall provide services as specifically directed in relation to the City's lease with Marion General Hospital Board, Inc. and the City's current evaluation of the health care services in the community.

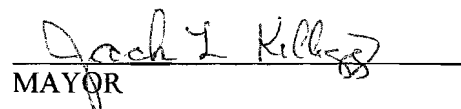
Section 2. That the Auditor is authorized and directed to appropriate an additional sum certain to provide for said employment, up to \$5,000.00 from Council's professional services account.

Section 3. That this ordinance shall take effect on the earliest date allowed by law.

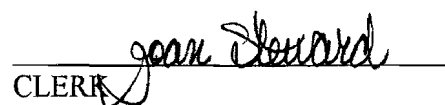
  
President of Council

PASSED: January 25, 1999

APPROVED: January 26, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999-7**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE ANALYSIS OF LEACHATE SAMPLES AT THE MARION CITY LANDFILL.**

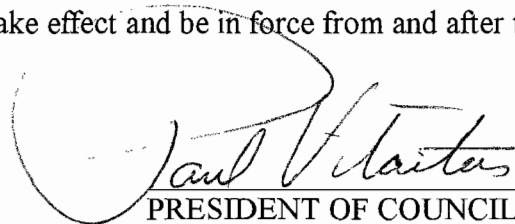
*WHEREAS*, the current contract expires on March 31, 1999, and;

*WHEREAS*, the City is required by the Ohio EPA to test these samples for a minimum of the next 25 years.

**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 analysis of leachate samples at the Marion City Landfill.

**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 25, 1999

APPROVED: January 26, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-8

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE  
SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A DUMP  
TRUCK AND SNOW EQUIPMENT.**

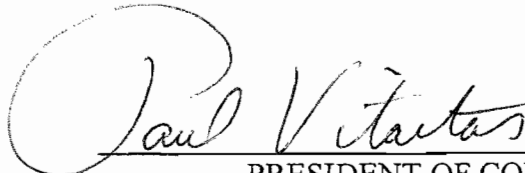
**WHEREAS**, this piece of equipment will be added to our fleet, as an additional truck and;

**WHEREAS**, this vehicle will be purchased from the S.C.M.R. Fund

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

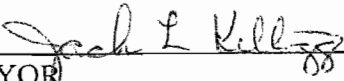
**Section 1.** That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of a Dump Truck and Snow Equipment.

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

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: January 25, 1999

APPROVED: January 26, 1999

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL



ORDINANCE NO. 1999-9

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A SKID LOADER AND PLANER ATTACHMENT.**

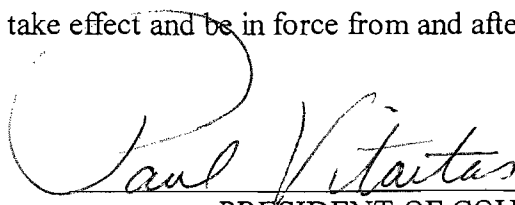
**WHEREAS**, this piece of equipment will be added to our fleet, as an additional piece of equipment and;

**WHEREAS**, this vehicle will be purchased from the S.C.M.R. Fund

**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 Skid Loader and Planer Attachment.

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

  
PRESIDENT OF COUNCIL

PASSED: January 25, 1999

APPROVED: January 26, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-10

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THREE NEW VEHICLES TO BE USED IN THE POLICE DEPARTMENT AND ONE NEW VEHICLE TO BE USED IN THE FIRE DEPARTMENT.**


**WHEREAS, all the vehicles will be used as passenger cars or police cruisers, and;**

**WHEREAS, these vehicles were budgeted in the 1999 fiscal budget.**

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

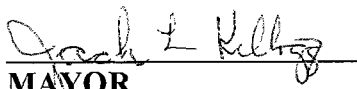
**Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for three new police vehicles to be used in the Police Department and one new vehicle to be used in the Fire Department**

**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:** January 25, 1999

**APPROVED:** January 26, 1999

  
MAYOR

**ATTEST:**

  
CLERK OF COUNCIL

ORDINANCE NO. 1999 -11

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1999.

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 \$287,730.41 as follows:

Law Enforcement Block Grant Fund

Equipment	213-01-547-250-000-450	\$ 30.41
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Storm Water Utility Fund

Quartermaster	509-05-554-210-000-140	\$ 700.00
Professional Services	509-05-554-230-000-320	<u>50,000.00</u>

TOTAL STORM WATER UTILITY FUND	\$ 50,700.00
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Discretionary Loan Fund


Revolving Loan	270-04-548-230-000-333	\$237,000.00
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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: January 25, 1999

APPROVED: January 26, 1999

  
MAYOR

ATTEST:

  
CLERK

## ORDINANCE NO. 1999- 12

ORDINANCE AUTHORIZING THE MAYOR AND AUDITOR  
TO WAIVE THE ONE QUARTER OF ONE PERCENT ADMINISTRATIVE  
FEE IN RELATION TO THE HARDING CENTRE CONSTRUCTION LOAN  
CONTINGENT UPON THE PROJECT OBTAINING OUTSIDE OR PRIVATE  
LENDING FUNDING AND DECLARING AN EMERGENCY

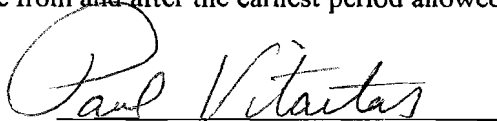
WHEREAS, the Council finds it advantageous to authorize the Mayor and Auditor to waive the one quarter of one percent administrative fee in relation to the outstanding Harding Centre construction loan, and

WHEREAS, there are on going negotiations and dialogue with the various parties involved with the Harding Centre Project in order to continue to ensure the project is a success, which includes obtaining other than public permanent financing, and


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

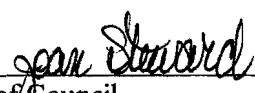
Section 1. The Mayor and Auditor are hereby authorized to waive the one quarter of one percent administrative fee in relation to the outstanding Harding Centre construction loan.

Section 2. Due to the nearing deadline and favorable negotiations in regards to this project, the above 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 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

Passed: January 25, 1999  
Approved: January 26, 1999

  
Mayor

Attest;  
  
Clerk of Council

## ORDINANCE NO. 1999-13

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,020,000 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. 1998-115, passed July 27, 1998, notes in anticipation of bonds in the amount of \$2,100,000 dated August 13, 1998 were issued for the purpose stated in Section 1, to mature on February 11, 1999 (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 of \$2,020,000 (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, 1999, shall bear interest at the rate of 7% 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, 2001.

Section 3. It is necessary to issue and this Council determines that taxable notes in an aggregate principal of \$2,020,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate of 5% 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.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, and shall be payable, without deduction for services of the City's paying agent, at the office of the Treasurer of the City (the Paying Agent). The Notes shall be prepayable, in whole or in part, without penalty or premium at the option of the City at any time prior to maturity (a Prepayment Date) as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes to be prepaid together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by giving notice of prepayment stating the Prepayment Date and the principal amount of the Notes to be prepaid, by hand delivery or by certified or registered mail, to the original purchaser of the Notes and to the Paying Agent. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. Any partially prepaid Note shall be exchanged for a replacement Note in the principal amount not prepaid, and the Auditor shall cause the replacement Note to be signed by the Mayor and the Auditor. The Notes shall be dated February 11, 1999 and shall mature on a August 11, 1999.

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 of less than \$100,000. 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 offered at par plus accrued interest to the City's Treasury Investment Board. If the Notes are not purchased by the Treasury Investment Board, 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.

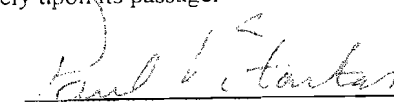
Section 10. The Clerk of Council is directed to deliver a certified copy of this Ordinance and of the certificate of award signed pursuant to Section 6 of this Ordinance to the County Auditor.

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: February 8, 1999

  
\_\_\_\_\_  
President of Council

Approved: February 9, 1999

  
\_\_\_\_\_  
Mayor

Attest:   
\_\_\_\_\_  
Clerk of Council

## ORDINANCE NO. 1999- 14

ORDINANCE AUTHORIZING THE MAYOR AND AUDITOR  
TO SUBORDINATE THE CITY OF MARION'S PRIORITY  
OF LIENS IN RELATION TO THE HARDING CENTRE CONSTRUCTION  
LOAN CONTINGENT UPON THE PROJECT OBTAINING OUTSIDE OR PRIVATE  
LENDING FUNDING AND DECLARING AN EMERGENCY

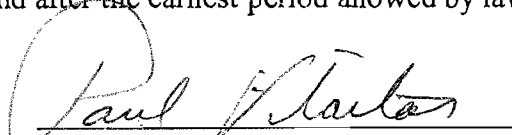
WHEREAS, the Council finds it advantageous to authorize the Mayor and Auditor to subordinate the City of Marion's existing priority of liens regarding the outstanding Harding Centre construction loan, and

WHEREAS, there are on going negotiations and dialogue with the various parties involved with the Harding Centre Project in order to continue to ensure the project is a success, which includes obtaining other than public permanent financing, and

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

Section 1. The Mayor and Auditor are hereby authorized to execute all documents necessary to subordinate the existing priority of the Economic Development Loan and the existing Home Loan in relation to the outstanding Harding Centre construction loan.

Section 2. Due to the nearing deadline and favorable negotiations in regards to this project, the above 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 enforce immediately upon its 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

Passed: February 8, 1999  
Approved: February 9, 1999

  
Mayor

Attest;  
  
Clerk of Council

ORDINANCE NO. 1999-15

**ORDINANCE ACCEPTING THE PLAT OF THE LAKES SUBDIVISION  
(Phase I) 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 a 2.232 acre tract with the dimensions as shown on said plat, and two streets known as Bayside Drive and Lake Boulevard; and

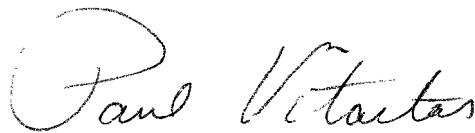
**WHEREAS,** on the 6th day of May 1997, the Planning Commission of the City of Marion approved said plat.

**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, dedicated on the 6th day of May 1997, 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.

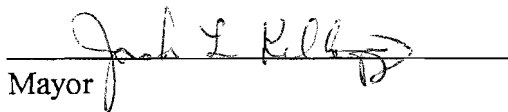
**Section 3.** That this ordinance is hereby declared to be an emergency measure for the welfare of the City of Marion, and the immediate preservation of the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives 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: February 8, 1999

Approved: February 9, 1999



Mayor

Attest:



Clerk of Council



**ORDINANCE NO. 1999-16**

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLEMING CONSTRUCTION COMPANY FOR THE FILLMORE STREET IMPROVEMENT, PROJECT 98-1P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 1998-165 authorized the preparation of plans, specifications and advertising for bids for the Fillmore Street Improvement, Project 98-1P for the City of Marion, Ohio, and

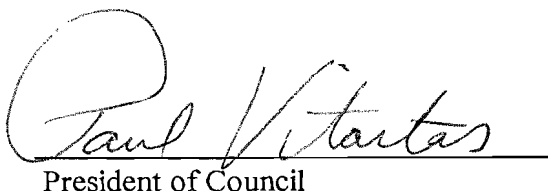
**WHEREAS**, Fleming Construction Company, submitted the lowest and best bid of \$56,792.89,

**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 Fleming Construction Company for the Fillmore Street Improvement, Project 98-1P.

**Section 2.** That said contract shall be payable from the S.C.M. & R. Fund and the C.D.B.G. Formula Grant.

**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 construction must be completed in 1999; 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.

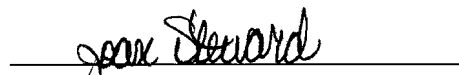
  
President of Council

Passed: February 8, 1999

Approved: February 9, 1999

  
Mayor

Attest:

  
Clark of Council

ORDINANCE NO. 1999-17

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
THE PURCHASE OF A 4-WHEEL DRIVE PICKUP TRUCK FOR THE  
ENGINEERING DEPARTMENT,

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

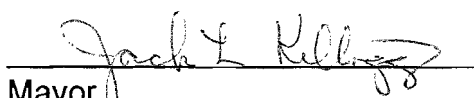
**Section 1.** That the Safety/Service Director is hereby authorized and directed to prepare specifications and advertise for bids for the purchase of a 4-wheel drive pickup truck for the Engineering Department.

**Section 2.** That this ordinance shall become effective from and after the earliest period allowed by law.

  
\_\_\_\_\_  
President of Council

Passed: February 8, 1999

Approved: February 9, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1999-18

ORDINANCE APPROVING THE PURCHASE OF ONE (1) BUS 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. 1998-18 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 one (1) 12-  
2 LTV Vehicle (Bus) 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 bus is seven  
years old, has in excess of 250,000 miles and has been out of  
service numerous times for repair 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

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

Defeated Feb. 8, 1999

ORDINANCE 1999 - 19

ORDINANCE RE-ESTABLISHING THE POSITION OF LAW DIRECTOR  
AS A FULL TIME POSITION AND REVISING THE SALARY AND  
BENEFITS THEREOF, AMENDING 1995-137 et. seq. AND DECLARING  
AN EMERGENCY

WHEREAS the Council finds it necessary to review the Office of the Director of Law, and

WHEREAS a variety of contributing factors have presented themselves, including but not limited to: increased civil representation demands, increased criminal prosecution demands and the clear and present need to fulfil the continuing need of the citizens of the City of Marion, Ohio in all areas of legal representation, and

WHEREAS, the Council for the City of Marion finds the necessity to re-establish the existing position from that of a part-time position to that of a full time position,

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

Section 1. That Ordinance 1995-137, as amended, and now reading:

Section 1. That commencing on the first day of 1996 the annual salary for the holder of the office of Law Director shall be \$ 30,000, payable semi-monthly.

Section 2. That the working conditions and benefits for the Office of Law Director shall remain as authorized by Ordinance 1989-24, which states: "That the Law Director and Assistant Law Directors for the City of Marion shall be entitled to the working conditions and employee benefits for employees as set out in Ordinance No.68-41, as amended, and Ordinance no. 1969-183, as amended"


Shall be amended to read as follows:

Section 1. That commencing on the first day of 2000 the existing position of City Director of Law shall be full time, further said position shall have a salary of \$ 72,500.00 per year, payable semi-monthly.

Section 2. That said position shall be entitled to the working conditions and employee benefits for full-time permanent employees as set out in Ordinance No. 68-41, as amended, and Ordinance No. 1969-183, as amended, as previously authorized in Ordinance 1989-24.

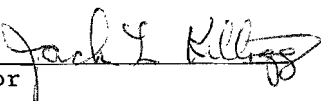
~~\*Section 3. In addition to Sections 1 and 2 above, the position shall be entitled, during the term of office, under Ordinance No. 1994-128, Section 2, increases as allowed non-bargaining employees.~~

Section 4. Due to the nearing deadline of registration for primary elections, the above 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 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: February 8, 1999

APPROVED: February 9, 1999

  
Mayor

Attest:

  
Clerk

\* Amended on Council floor Feb. 8, 1999

ORDINANCE NO. 1999-20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH POLYDYNE FOR THE  
PURCHASE OF POLYMER FLOCCULENT TO BE USED AT THE  
WATER POLLUTION CONTROL PLANT.

WHEREAS, Polydyne submitted the best bid of \$.90 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 for the purchase of Polymer Flocculent to be used at the Water Pollution Control Plant.

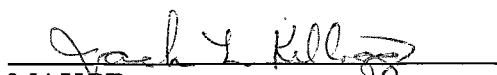
Section 2. That the contract shall be payable from the Sewer Revenue Fund (505-05-552-240-000-420).

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

  
PRESIDENT OF COUNCIL

PASSED: February 8, 1999

APPROVED: February 9, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-120

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO  
CONTRACT WITH ICE BAN AMERICA, INC., FOR THE PURCHASE OF ICE BAN  
ANTI-ICING EQUIPMENT FOR USE IN THE STREETS DEPARTMENT AND  
DECLARING AN EMERGENCY.

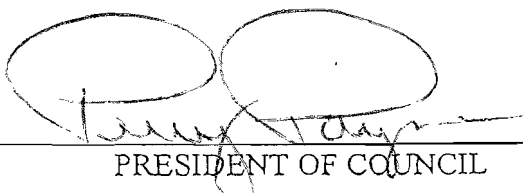
WHEREAS, this Council by passage of Ordinance No. 1991-136, requires approval of all capital expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio and

WHEREAS, Ice Ban America, Inc. submitted the best proposal for the purchase of Ice Ban Anti-Icing Equipment, 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 Ice Ban America, Inc., to purchase Ice Ban Anti-Icing Equipment for use in the Streets 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 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 27, 1999

APPROVED: September 28, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-121

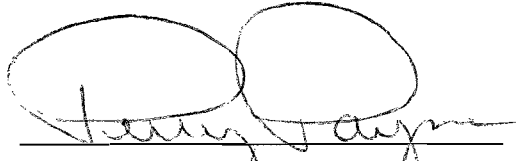
ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF ONE (1) BUS USED BY THE MARION AREA TRANSIT SYSTEM, AND DECLARING AN EMERGENCY.

Whereas, The Ohio Department of Transportation has agreed to allow the entity to donate one 1992 Ford bus to RHAM.

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

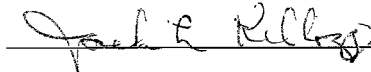
Section 1. That the Mayor is hereby authorized to donate one 1992 Ford Bus, Serial No. 1 FDKE37G8NHA44878, To Residential Homes Association of Marion (RHAM), used by the Marion Area Transit System which has exceeded its useful life for the public service.

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 this bus is limited and insurance premiums are due on this bus October 8, 1999, 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 27, 1999

APPROVED: September 28, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999 - 122

ORDINANCE UPDATING THE POSITION OF TRANSIT  
ADMINISTRATOR FOR THE MARION AREA TRANSIT  
(MAT) BUSES BY AMENDING ORDINANCE 1985-43  
AND DECLARING AN EMERGENCY

WHEREAS, ORDINANCE 1985-43 created the position of City Transit Administrator  
and therein provided for a job description and associated benefits, and

WHEREAS, the Council finds the need to revise and amend the previous Ordinance

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

SECTION 1. Ordinance 1985-43 Sections 2 and 3 shall be amended as follows:

Section 2. NOW READING AS:

That the salary for said position is attached hereto and incorporated herein by reference, and any increase in salary shall be tied into additional operational grants funded for the transit system. Employee shall also receive City fringe benefits.

SHALL BE AMENDED TO READ:

Section 2. The salary and benefits will be established by the Personnel Committee and approved by the Council. The salary and benefits attached hereto are adopted as the revised salary and benefits and are made a part hereof by reference. Any increase thereto will be in accordance with the increases received by non-bargaining employees.

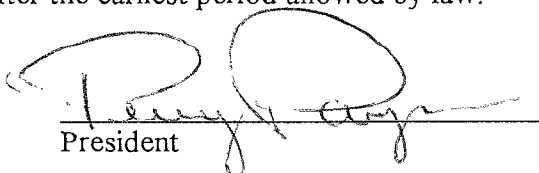
Section 3. NOW READING AS:

That Ordinance No. 1983-2 authorizing the Service Director to enter into contract with Iola Mahaffey to perform the services as Office Administrator for the Marion Area Transit System is hereby repealed.


SHALL BE AMENDED TO READ:

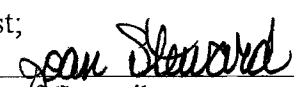
Section 3. The Transit Administrator will be hired on a contractual basis by the Administration. This position is established by Ordinance.

SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and 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 further due to the impending replacement of the current Administrator and as such shall become effective 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

Passed: Sept. 27, 1999  
Approved: Sept. 28, 1999

  
Mayor

Attest;  
  
Clerk of Council



Job Title: Transit Administrator  
Department: Marion Area Transit System  
Reports To: Safety Service Director  
FLSA Status: Exempt  
Prepared By: Human Resources Director Spitzer  
Prepared Date: July 1999  
Approved By: Safety Service Director Osborn  
Approved Date: August 1999

#### SUMMARY

Review, investigate, plan, and analyze and manage the overall operation of the Marion Area Transit System and make recommendations to the City Administration, City Council, and Transit Advisory Board.

**ESSENTIAL DUTIES AND RESPONSIBILITIES** include the following. Other duties may be assigned.

Works with the Ohio Department of Transportation (ODOT) to ensure the Marion Area Transit System complies and works within the guidelines of all state and federal grant funding.

Implement those operational plans which are approved by the City Administration, ODOT and the Transit Advisory Board.

Conduct public hearings when necessary,

Supervises and coordinates movement of workers and equipment throughout system.

Oversees the maintenance and upkeep of Marion Area Transit building and grounds.

Meet with City Council, Mayor and Safety/Service Director with requested updates.

#### SUPERVISORY RESPONSIBILITIES

Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include; interviewing, hiring, training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

**QUALIFICATIONS** 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.

#### OTHER SKILLS AND ABILITIES

Two years previous experience in transportation field preferred. Grant writing experience preferred.

#### LANGUAGE SKILLS

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.

#### MATHEMATICAL SKILLS

Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area, circumference, and volume. Ability to apply concepts of basic algebra and geometry.

#### 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

Valid Ohio Drivers license, CDL required within six months of hire.

**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; reach with hands and arms; talk or hear; and taste or smell. The employee frequently is required to stand and walk. The employee is occasionally required to sit; climb or balance; and stoop, kneel, crouch, or crawl. The employee must occasionally 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 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 is regularly exposed to outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, moving mechanical parts, fumes or airborne particles, and vibration. The noise level in the work environment is usually moderate.

FLSA NON-BARGAINING UNIT  
CLASSES ASSIGNED TO SALARY GRADES

CLASS TITLE	GRADE	-----SALARY BASIS-----	
		MINIMUM	MAXIMUM
TRANSIT ADMINISTRATOR	26E	26,500.00	\$42,000.00

ORDINANCE NO. 1999 - 123

ORDINANCE UPDATING THE JOB DESCRIPTION  
FOR THE CITY'S HUMAN RESOURCE DIRECTOR,  
AMENDING THE YARGER REPORT, AS AMENDED,  
AND DECLARING AN EMERGENCY

WHEREAS, ORDINANCE 1991-147 further amended the Yarger report as to the duties and responsibilities of the Marion City Human Resource Director, and

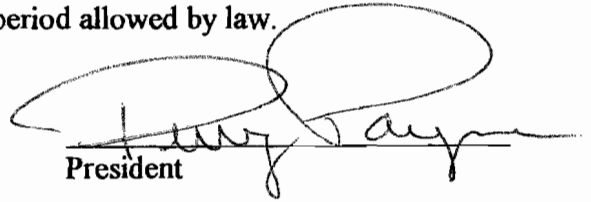
WHEREAS, the Council finds the need to again revise and amend the job description and responsibilities of the Marion City Human Resource Director,

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

SECTION 1. The duties of the Marion City Human Resource Director shall be amended and the job description attached hereto as Exhibit A, made a part hereof, shall be adopted as if fully re-written herein.

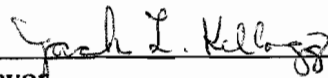
SECTION 2. The Yarger report shall be amended to provide for the amended job description referred to in Section 1 herein.


SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and 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 further due to recent change in the Director's office and the immediate need to begin the new Director's tenure with the re-constituted job description, and as such shall become effective 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

Passed: October 11, 1999

Approved: October 12, 1999

  
Mayor

Attest;  
  
Clerk of Council

**City of Marion**  
**Human Resources Director**  
**Job Description**

PAGE 2 - ORDINANCE NO. 1999-123

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**Job Title:** Human Resources Director  
**Department:** Human Resources Department  
**Reports To:** Mayor Jack L. Kellogg  
**FLSA Status:** exempt  
**Prepared By:** Human Resources Director Sherri L. Spitzer  
**Prepared Date:** 8/99  
**Approved By:** Mayor Jack L. Kellogg  
**Approved Date:** 8/99

**SUMMARY**

Plans, directs, coordinates and administers personnel activities for the City as well as perform other duties as assigned by the Mayor. Develops policy and directs and coordinates human resources activities, such as employment, compensation, labor relations, benefits, training, and employee services by performing the following duties personally or through subordinate supervisors.

**OTHER SKILLS AND ABILITIES**

Comprehensive knowledge of Federal and State laws regarding employment practices, Federal wage and labor laws; Fair Labor Standards Act, Occupational Safety and Health Act (OSHA), Equal Employment Opportunity (EEO), Employee Retirement Income Security Act (ERISA), State of Ohio Ethics Laws, Ohio Public Records, and Bureau of Workers Compensation (BWC). Must have excellent managerial skills which include but are not limited to knowledge and proficiency in activities involving methods, processes and procedures, the ability to work with people of all levels and to be able to create an environment in which people work together toward common goals.

**ESSENTIAL DUTIES AND RESPONSIBILITIES** include the following. Other duties may be assigned.

- Analyzes wage and salary reports and data to determine competitive compensation plan.
- Writes directives advising department managers of company policy regarding equal employment opportunities, compensation, and employee benefits, etc.
- Consults legal counsel to ensure that policies comply with federal and state law.
- Develops and maintains a human resources system that meets top management information needs.
- Oversees the analysis, maintenance, and communication of records required by law or local governing bodies, or other departments in the organization.

Studies legislation, arbitration decisions, and collective bargaining contracts to assess industry trends.

Represents management in negotiating collective bargaining agreements.

Writes and delivers presentations to government officials regarding human resources policies and practices.

Promotes a labor climate conducive to maintaining the highest possible productive environment to benefit employees and the citizens of the City.

Conducts job analysis surveys in order to develop written job descriptions and specifications.

Audits requests and claims regarding leave of absence, vacations, benefits, unemployment compensation, on-the-job-injuries, sexual harassment, equal employment opportunities and represents the City at any hearings that may result from these claims.

Directs and /or conducts employment practices including such activities as wage surveys, recruitment, testing, referral for hiring, firing, promotion, transfer, job-bidding, lay-off etc. while maintaining strict and aggressive compliance with such laws as equal employment.

Gathers information for negotiations, negotiates collective bargaining agreements, assists with pre-disciplinary hearings and arbitrations.

### **SUPERVISORY RESPONSIBILITIES**

Is responsible for the overall direction, coordination, and evaluation of this unit. Also directly supervises one non-supervisory employee. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

**QUALIFICATIONS** 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 <sup>four</sup>~~two~~ years related experience and/or training; or equivalent combination of education and experience.

### **LANGUAGE SKILLS**

Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from employees, 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 top management, public groups, and City Council.

### **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, and deal with several abstract and concrete variables.

### **CERTIFICATES, LICENSES, REGISTRATIONS**

Valid Ohio Drivers License.

**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; reach with hands and arms; talk or hear; and taste or smell. The employee frequently is required to stand and walk. The employee is occasionally required to sit; 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 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.

ORDINANCE NO. 1999 - 124

ORDINANCE UPDATING THE JOB DESCRIPTION  
FOR THE CITY'S RECREATION DIRECTOR, AMENDING  
THE YARGER REPORT, AS AMENDED,  
AND DECLARING AN EMERGENCY

WHEREAS, ORDINANCE 1985-29 further amended the Yarger report as to the duties and responsibilities of the Marion City Recreation Director, and

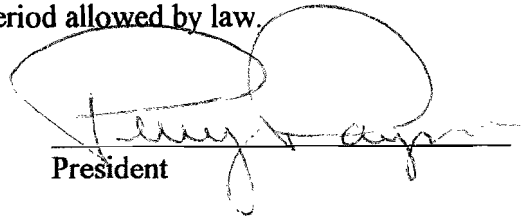
WHEREAS, the Council finds the need to again revise and amend the job description and responsibilities of the Marion City Recreation Director,

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

SECTION 1. The duties of the Marion City Recreation Director shall be amended and the job description attached hereto as Exhibit A, made a part hereof, shall be adopted as if fully re-written herein.

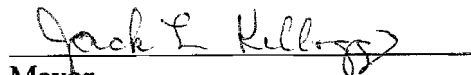
SECTION 2. The Yarger report shall be amended to provide for the amended job description referred to in Section 1 herein.

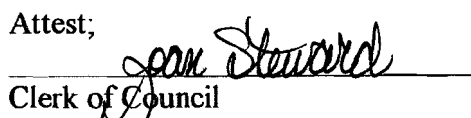
SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City, and further due to recent change in the Director's office and the immediate need to begin the new Director's tenure with the re-constituted job description, and as such shall become effective 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

Passed: September 27, 1999

Approved: September 28, 1999

  
\_\_\_\_\_  
Mayor

Attest;  
  
\_\_\_\_\_  
Clerk of Council

**Job Title:** Recreation Director  
**Department:** Marion City Recreation Department  
**Reports To:** Marion Recreation Board  
**FLSA Status:** Exempt  
**Prepared By:** Human Resources Director Sherri L. Spitzer  
**Prepared Date:** 7/30/99  
**Approved By:** Safety Service Director Osborn  
**Approved Date:** 8/2/99

#### **SUMMARY**

Responsible for efficient, safe operation of the City's recreation programs, including development and direction of a year round recreation program for all groups, ages and interest levels within the City and for the necessary physical facilities to make programs effective.

**ESSENTIAL DUTIES AND RESPONSIBILITIES** include the following. Other duties may be assigned.

Conducts market research and develops short- and long-range goals and objectives.  
Schedules maintenance and use of facilities.  
Cooperates with recreation and nonrecreation personnel.  
Studies and complies with all applicable government regulations.  
Plans and directs an expanding, flexible program of recreational activities for all segments, groups, ages and interest levels of the City.  
Allocates and supervises the work of the staff.  
Provides programs of training for staff members.  
Develops, supports, controls and administers the budget for the department.  
Interprets the program through press releases and other publicity, through representation on interagency councils and committees and community addresses, and through the organization and encouragement of neighborhood councils and other interested groups.  
Supervises and administers City swimming pool.  
Prepares comprehensive application for Federal funds.  
Prepares periodic reports to Federal government.  
researches community needs.  
Negotiates with all area school boards, church boards, for use of property and buildings.  
Prepares technical reports.  
Studies continuously to keep abreast of changing laws, rules and policies.  
Prepares or directs the preparation of periodic and special reports.  
Conducts recreational activities on occasion as needed.

#### **SUPERVISORY RESPONSIBILITIES**

Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

**QUALIFICATIONS** 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.

#### **REQUIRED KNOWLEDGE SKILLS AND ABILITIES**

Comprehensive knowledge of all phases of City recreational work and its administration; through knowledge of the principles and methods of park and playground planning and development; knowledge of laws, rules and regulations governing the operation of programs; ability to develop and execute a well rounded program of recreational activities; ability to cooperate with and interpret recreational philosophies to City authorities, public and private groups and agencies and to the general public; ability to develop and maintain effective relationships with subordinates and to generate and maintain high morale and enthusiasm; ability to communicate ideas and procedures clearly, verbal or written.

#### **EDUCATION and/or EXPERIENCE**

Bachelor's degree (B. A.) from four-year college or university; extensive experience in recreation administration and courses in recreation administration or physical education. Equivalent combination of education, experience and training which provide the required knowledge, skills and abilities may be accepted.

### **LANGUAGE SKILLS**

Ability to read, analyze, and interpret common scientific 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 City Council, management, public groups, and/or boards of directors.

### **MATHEMATICAL SKILLS**

Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area, circumference, and volume. Ability to apply concepts of basic algebra and geometry.

### **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**

Valid Ohio Drivers License.

**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 stand; walk; use hands to finger, handle, or feel; reach with hands and arms; talk or hear; and taste or smell. The

employee frequently is required to climb or balance. The employee is occasionally required to sit and stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and 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 is frequently exposed to outside weather conditions. The employee is occasionally exposed to high, precarious places and toxic or caustic chemicals. The noise level in the work environment is usually loud.



ORDINANCE NO. 1999 - 125ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1999.

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 General Fund in the amount of \$3,100.00 as follows:


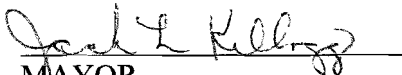
HUMAN RESOURCES

Professional Services

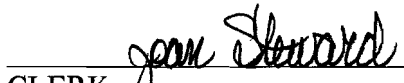
101-07-715-230-000-320

\$3,100.00

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

  
\_\_\_\_\_  
PRESIDENT OF COUNCILPASSED: *September 27, 1999*APPROVED: *September 28, 1999*  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1999-126

ORDINANCE TO AMEND ORDINANCE 1969-29 (YARGER), AS AMENDED, ORDINANCE NO. 1994-28, AS AMENDED, AND ORDINANCE 1995-144, BY RESTATING AND UPGRADING VARIOUS PAY PLANS FOR SALARIED FLSA EXEMPT STATUS POSITIONS WITHIN THE CITY CLASSIFICATIONS

WHEREAS, the Council of Marion established various FLSA exempted salaried positions within the classifications and pay grades shown below with Ordinance 1995-144, and;

WHEREAS, these positions FLSA exempted salaried shall not be entitled to overtime pas as provided in Section 47.13 of the Personnel Policies, and;

WHEREAS, these positions were assigned pay grades and salary ranges, and;

WHEREAS, many of employees within these positions are in jeopardy of exceeding the top salary ranges on January 1, 2000 and January 1, 2001.

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

Section 1. "That Section 4.2 of Ordinance 1995-144 now reads as follows:

Salary ranges for FLSA exempt positions are as follows:

TITLE AND POSITION	PAY	SALARY RANGES	
	GRADE	MINIMUM	MAXIMUM
TAX INVESTIGATOR	21E	\$ 21,320	\$ 32,600
ASST, DIRECTOR SR. CTR.	25E	25,400	40,000
DEPUTY TAX COMMISSIONER	25E	25,400	40,000
INV. & INT. AUDITOR	25E	25,400	40,000
UTILITY BILLING SUPV.	25E	25,400	40,000
AIRPORT MANAGER	26E	26,500	42,000
RECREATION DIRECTOR	26E	26,500	42,000
DEPUTY AUDITOR	28E	30,000	44,512
TAX COMMISSIONER	28E	30,000	44,512
ASST. WPC SUPT.	28E	30,000	44,512
SERVICE/SANITATION SUPT.	30E	35,000	50,000
DIRECTOR, SENIOR CTR.	30E	35,000	50,000
DIRECTOR OF AVIATION	31E	42,120	57,070
WPC SUPERINTENDENT	32E	44,000	59,000
CITY ENGINEER	32E	44,000	59,000 "

is hereby amended to read as follows:

Section 1. "Salary ranges for FLSA exempt positions are as follows:

TITLE AND POSITIONS	PAY	SALARY RANGES	
	GRADE	MINIMUM	MAXIMUM
TAX INVESTIGATOR	21E	\$21,320	\$35,860
ASST, DIRECTOR SR. CTR.	25E	25,400	44,000
DEPUTY TAX COMMISSIONER	25E	25,400	44,000
INV. & INT. AUDITOR	25E	25,400	44,000
UTILITY BILLING SUPV.	25E	25,400	44,000
AIRPORT MANAGER	26E	26,500	46,200
RECREATION DIRECTOR	26E	26,500	46,200
TRANSIT ADMINISTRATOR	26E	26,500	46,200
DEPUTY AUDITOR	28E	30,000	48,963
TAX COMMISSIONER	28E	30,000	48,963
ASST. WPC SUPT.	28E	30,000	48,963
SERVICE/SANITATION SUPT.	30E	35,000	55,000
DIRECTOR, SENIOR CENTER	30E	35,000	55,000
DIRECTOR OF AVIATION	31E	42,120	62,777
WPC SUPERINTENDENT	32E	44,000	64,900

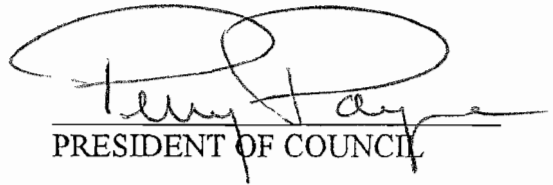
CITY ENGINEER

32E

44,000

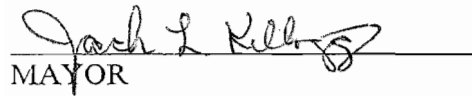
64,900"

**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 8, 1999

APPROVED November 9, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

## ORDINANCE NO. 1999-127

AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3537.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF COMMUNITY REINVESTMENT AREA #3 IN THE CITY OF MARION AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Marion (hereinafter "Council") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City of Marion that have not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, a survey of housing (see Exhibit A) as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared for the area to be included in the proposed Community Reinvestment Area; and

WHEREAS, the maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

WHEREAS, the remodeling of existing structures or the construction of new structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MARION, MARION COUNTY, OHIO, THAT:

Section 1: The area designated as the Community Reinvestment Area III constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged:

Section 2: Pursuant to ORC Section 3735.66, Marion Community Reinvestment Area III is hereby established in the following described area:

#### GENERAL DESCRIPTION OF COMMUNITY REINVESTMENT AREA #2

Marion City, Marion County, Ohio

##### Exhibit A

Starting at a point at the centerline intersection of Orchard Street and Church Street, and the place of beginning;

thence west along the centerline of Church Street and an extension of the street, approximately 1,850 feet to the right of way of the NS Railroad;

thence south along the east right of way of the NS to the centerline of West Columbia Street, 950 feet;

thence west 850 feet along West Columbia Street to the centerline of Davids Street;

thence north 1,550 feet along the centerline of Davids Street to West Center Street and continuing another 300 feet north on a line that would be the extension of Davids Street to the south line of the former Conrail, now CSX, tracks;

thence east 2,850 feet along the south right of way line of CSX to the centerline of Campbell Street;

thence south 500 feet along the centerline of Campbell Street to Center Street;

thence west 130 feet along West Center Street to the centerline of Orchard Street;

thence south 500 feet along the centerline of Orchard Street to the place of beginning.

For the purpose of general public information this zone contains approximately 83 acres more or less.

The Community Reinvestment Area is approximately depicted as the cross-hatched area on the map attached to this Ordinance, marked Exhibit B, and by this reference incorporated herein.

Only residential, commercial and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program.

Section 3: All properties identified in Exhibit A as being within the designated Community Reinvestment Area are eligible for this incentive (the city/village may determine that all or any combination of project types - residential, commercial and industrial as eligible. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the City of Marion intends to undertake supporting public improvements in the designated area.

Section 4: Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in the ORC Section 3765.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC Section 3735.671. For residential property, a tax exemption on the increase in the assessed valuation resulting from improvements as described in ORC Section 3735.67 shall be granted upon proper application by the property owner and certification thereof by the designated housing officer for the following periods. Residential applications must be filed with the Housing Officer no later than six months after construction completion.

- (a) No abatement for the remodeling of residential units.
- (b) 100% for ten (10) years for the construction of any new residential dwelling unit or units.
- (c) Twelve (12) years for existing industrial or commercial facilities, but the percentage of abatement shall be negotiated on a case-by-case basis in advance of the construction or remodeling occurring.
- (d) Fifteen (15) years for new industrial or commercial facilities, but the percentage of abatement shall be negotiated on a case-by-case basis in advance of the construction occurring.

If remodeling qualifies for an exemption, during the period of the exemption, the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

Section 5: All commercial and industrial projects are required to comply with the state application fee requirements of ORC Section 3735.672 © and the local annual monitoring fee.

Section 6: To administer and implement the provisions of this Ordinance; the Planning Director or acting officer is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

Section 7: That a "Community Reinvestment Area Housing Council" shall be created, consisting of two members appointed by the Mayor of Marion, two members appointed by the Council of the City of Marion, and one member appointed by the Planning Commission of Marion. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the Council shall be for three years. An unexpired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made.

A Tax Incentive Review Council shall be established pursuant to ORC Section 5709.85, and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of the municipal corporation, appointed by the Municipal CEO with Council concurrence, the county auditor or designee, and a representative of each effected board of education. At least two members must be residents of the City of Marion. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Section 3735.671, of the ORC and make written recommendations to the Council as to continuing, modifying or terminating said agreement based upon the performance of the agreement.

Section 8: The council reserves the right to re-evaluate the designation of the Marion Community Reinvestment Area after December 31, 2004, (ODOD suggests annual review) at which time the Council may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the ORC.


Section 9: The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The council shall also hear appeals under 3735.70, of the ORC.

Section 10: The Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the ORC.

Section 11: That this ordinance shall take effect and be in force from and after the earliest period allowed by law and upon confirmation by the Director of Development of the findings in this Resolution.

Section 12: The Mayor of the City of Marion is hereby directed and authorized to petition the Director of Development to confirm the findings contained within this Resolution.

Section 13: 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 Area application must be filed immediately in order for properties 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.

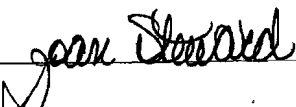
  
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PRESIDENT OF COUNCIL

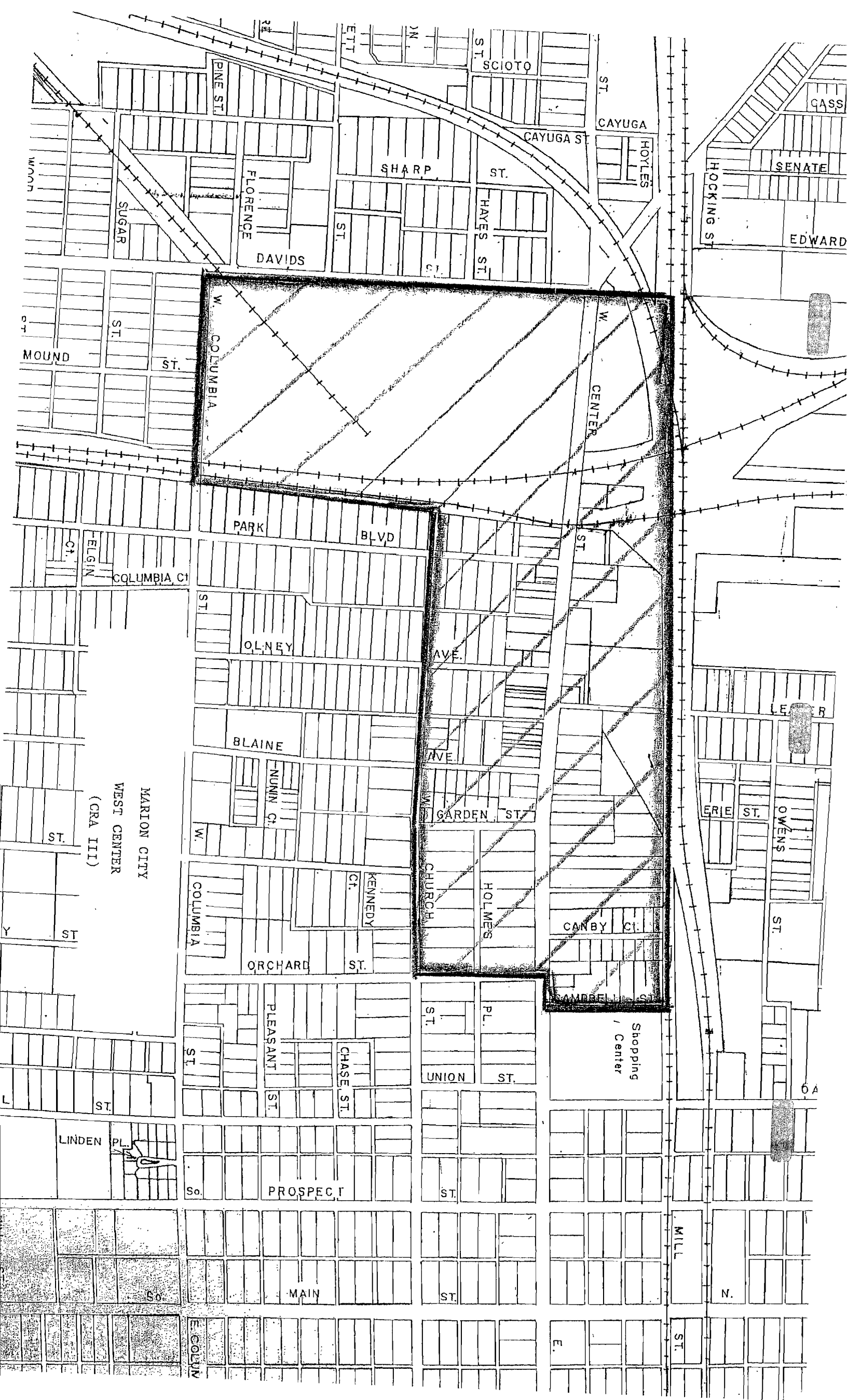
PASSED: *October 11, 1999*

APPROVED: *October 12, 1999*

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK



ORDINANCE NO. 1999 -128

ORDINANCE AMENDING VARIOUS SECTIONS OF MARION CODIFIED ORDINANCES SECTION 1330, AND DECLARING AN EMERGENCY.

WHEREAS, Marion Codified Ordinance 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 and amended earlier this year, 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. Section 1330.08 of the Marion Codified Ordinances now reading, in part, as follows:

“Residential Building Permit Fees

4. ALTERATION / REMODEL

Fees:            0 - 300 sq. ft.                                =\$175.00  
                     over 300 sq. ft.                            =\$175.00 plus \$.32 per sq. ft. over 300

5. ROOFS (\*)

Residential structures, porches, detached garages, and accessory buildings with *replacement roof area over 600 sq. ft. require a building permit.*

Fees:            Flat Rate                                        =\$90.00

6. DECKS (\*)

Decks or patio added to plans of a new structure or as a new addition to an existing structure. A deck over 200 sq. ft requires a building permit. A ground level patio does not require a building permit, but may require a zoning permit.

Fees:            Flat Rate                                        =\$90.00

8. EXISTING HOUSE RE-WIRING (\*) See Note 1

Fees:            0-10 devices                                        =\$35.00 (1 Inspections)  
                     over 10 devices                                =\$90.00 (2 Inspections)

(\*) *Permit Issued Same Day*

Note 1: If a licensed electrician installs a total of five or less devices (outlets, switches, lights, fans, etc.) in a dwelling in a given calendar year, no permit is required but work must be to code.)”

*is hereby amended to read as follows:*

“Residential Building Permit Fees

4. STRUCTURAL ALTERATION

**MAJOR ALTERATION:**  
**ANY STRUCTURAL CHANGE OF A LOAD BEARING CONDITION WOULD REQUIRE A PERMIT.**



**MINOR ALTERATION:**

**ANY STRUCTURAL CHANGE OF A NON-LOAD BEARING CONDITION WOULD NOT REQUIRE A PERMIT, BUT A VOLUNTARY CONSULTATION COULD BE MADE AVAILABLE TO THE CONTRACTOR/HOMEOWNER PER A SET FEE BY CONTACTING THE BUILDING DEPARTMENT.**

Fees:                    0 - 300 sq. ft.                    =\$175.00  
                              over 300 sq. ft.                    =\$175.00 plus \$.32 per sq. ft. over 300

**5. ROOFS**

**A.     OPTIONAL PERMIT AVAILABLE UPON REQUEST.**

**FEES:                    FLAT RATE                    =\$90.00**

**B.     SECTION 910.1 OF THE 1996 OBOA CODE IS DEEMED INAPPLICABLE.**

**6. DECKS (\*)**

A.     Decks or patio added to plans of a new structure or as a new addition to an existing structure. **A DECK THAT IS OVER 30 INCHES ABOVE THE GROUND, SHALL REQUIRE A PERMIT REGARDLESS OF SQUARE FOOTAGE. A GROUND LEVEL PATIO DOES NOT REQUIRE A BUILDING PERMIT, BUT MAY REQUIRE A ZONING PERMIT.**

Fees:                    Flat Rate                    =\$90.00

**B.     SECTION 403.4 OF THE 1996 OBOA CODE SHALL ONLY APPLY TO DECKS WHICH ARE AT LEAST 30 INCHES ABOVE THE GROUND.**

**8. EXISTING HOUSE RE-WIRING**

**PERMIT IS NOT NEEDED TO UPGRADE EXISTING WIRING IN THE STRUCTURE.**

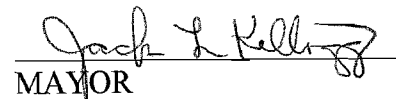
Fees:                    **0-5 devices                    =\$0**  
                              **6-10 devices                    =\$35.00 (1 Inspection)**  
                              **over 10 devices                    =\$90.00 (2 Inspections)**

*(\*) Permit Issued Same Day*


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 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:     October 11, 1999  
APPROVED:     October 12, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999- 129

ORDINANCE AMENDING THE EXISTING ZONING CODE , PART ELEVEN,  
TO INCLUDE COMMERCIAL BUILDING SITE PLAN DEVELOPMENT  
STANDARDS, CREATING AND ESTABLISHING CHAPTER 1112

WHEREAS, the Marion City Zoning Code currently does not require commercial building site plan development review, other than existing parking, set backs and height requirements, and

WHEREAS the current proposal would require certain commercial developments to submit site plans for review by City Planning to examine and control aesthetics and traffic impact, and

WHEREAS the Council finds the existing Zoning Code requires the addition of a Chapter devoted to aesthetics and traffic impact controls,

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

Section 1. There shall be created and established, within Part Eleven of the existing Marion City Code, Chapter 1112, titled Commercial Building Site Plan Development Standards. Exhibit A attached hereto and made a part hereof shall be adopted as the text of the newly adopted Chapter. All existing zoning requirements, including but not limited to penalties shall apply.

Section 2. Within six (6) months after the effective date of the adoption of this Ordinance, the Committee on Zoning and Annexation shall offer proposals as to actual standards and criteria to be applied by the City's Planning Commission. This in order to avoid vagueness as to what is required under the newly adopted section of law.

Section 3. This Ordinance shall become effective on the earliest date allowed by law.

\_\_\_\_\_  
President

Passed:  
Approved:

\_\_\_\_\_  
Mayor

DEFEATED - NOVEMBER 8, 1999

Attest;

\_\_\_\_\_  
Clerk of Council

Chapter 1112

COMMERCIAL BUILDING SITE PLAN DEVELOPMENT STANDARDS

1112.01

Purpose: The purpose of these standards is to insure functional and aesthetic compatibility between the construction of new commercial buildings and their surrounding environment. This is to include promotion of access and traffic circulation and parking and loading arrangements that will adequately serve new facilities with minimal impact on surrounding properties. A site plan shall be submitted and the Marion City Planning Commission shall be responsible for site plan review and approval of all new commercial building construction when any of the following apply:

1. A drive-thru facility is proposed (including full- and self-service gasoline stations).
2. The commercial use or a commercial building is required is required under Section 1153.032 to provide twenty (20) or more parking spaces.
3. If a parking area for twenty (20) or more parking spaces is proposed.
4. The commercial use or user is part of a subdivision or shopping center and is located in its own building.

1112.02 PREPARATION OF THE SITE PLAN:

- A. The site plan shall be prepared by a professional architect or engineer registered in the State of Ohio, but may include elements prepared by landscape architects or A.I.C.P. Planners.
- B. The site plan shall be drawn to a scale of not more than 100':1". Also, the plan shall include a scale (written & graphic) and a north point.
- C. Title Block shall include the following:
  1. Name of the development
  2. Type of business(es)
  3. Name(s) of owner or developer
  4. Names(s) of the Architect / Engineer / Landscape Architect / A.I.C.P. Planner
  5. Date plan was completed
- D. Zoning district boundaries transgressing or adjacent to the site.
- E. On-site and adjacent (to property) easements and right-of-ways; including name, location, dimension, and purpose.
- F. Parking area including number and size of parking spaces.
- G. Internal access flow.
- H. Driveway location and width.
- I. Building location, size, and distance to lot lines.
- J. Trees and other landscaping. All trees and landscaping shall be identified by common name.
- K. Location and type of outside lighting.
- L. Location and type of all signs.
- M. Provide building elevations identifying the type of material(s) used on the exterior of the building, including texture and color.
- N. Contours at 2 feet intervals.

# 1112.03 DEVELOPMENT STANDARDS

A. Parking, Driveway, Drive-thru, Drainage, Landscaping and Signage standards shall be as elsewhere regulated in this and other chapters.

B. Lighting:

1. General Requirements - All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties. Examples of ways in which this shall be accomplished are:

A. Use of fully shielded cut-off fixtures.

B. Directing light fixtures downward rather than upward.

C. Shielding the light in such a way that the light emitting portion of the fixture cannot be seen at a reasonable distance.

C. Landscaping:

All uses and improvements in the City should pay close attention to maintenance of proper landscaping as soon as possible after completion of construction of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees, removed during the land clearing, should be accomplished as soon as possible.

D. Building Design:

Buildings shall be designed with material that will be durable, easy to repair and not clash with any surrounding residential building design.

## 1112.04 PROCEDURE

C. Initial Determination:

It is recommended that a very initial plan be given to the City Engineer, City Planning Commission and Safety Director several weeks or more before the actual site plan is submitted. This is because the City Engineer may require a separate traffic study and/or drainage study for projects where because of high traffic volume, number of turning movements, or poor water run-off, impacts might occur.

D. Site Plan Submitted:

Four (4) copies of the site plan along with any required traffic or drainage studies shall be submitted ten (10) days before the City Planning Commission meeting. Notice shall be given by first-class mail to adjacent property owners.

E. Action by the City Planning Commission:

The City Planning Commission shall generally act according to the recommendations of its City Engineer and City Planning Director but may take different actions if any of the following apply:

1. The City Engineer's and City Planning Director's recommendation vary on a point of mutual concern.

2. The applicant, members of the Commission, or members of the public present factual information pertaining to the site which the Planning Commission's views is significant to reach a different conclusion. On drainage or traffic circulation matters, such information must be capable of being documented or illustrated and not be based on popular opinion or hearsay evidence.

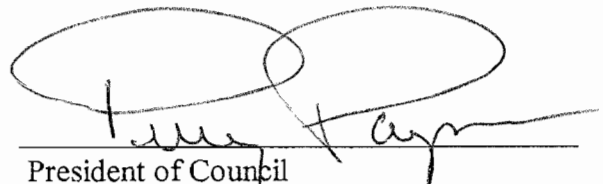
ORDINANCE NO. 1999-130**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE WEST CENTER STREET SANITARY SEWER REPLACEMENT PROJECT 99-1S, AND DECLARING AN EMERGENCY.**

**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 West Center Street Sanitary Sewer Replacement Project 99-1S.


**Section 2.** That the cost of such contract shall be payable from the Sewer Replacement Fund.

**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 this section of the sanitary sewer has nearly collapsed; 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 11, 1999*

Approved: *October 12, 1999*

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1999-131

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MILLER CABLE COMPANY FOR THE S.R. 4/423 AND MARION-WILLIAMSPORT ROAD TRAFFIC SIGNAL IMPROVEMENT, PROJECT 98-2M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance no. 1998-130 authorized the preparation of plans, specifications and advertising for bids for the SR 4/423 and Marion-Williamsport Road Traffic Signal Improvement, Project 98-2M for the City of Marion, Ohio, and

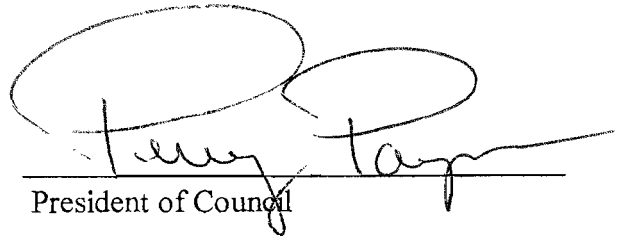
WHEREAS, Miller Cable Company, submitted the lowest and best bid of \$108,202.13,

**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 Miller Cable Company for the SR 4/423 and Marion-Williamsport Road Traffic Signal Improvement, Project 98-2M.

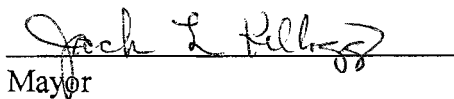
**Section 2.** That said contract shall be payable from the Tax Increment Financing (TIF) Fund and the State Highway Improvement Fund.

**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 increased traffic at this location has created a hazardous condition; 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 11, 1999

Approved: October 12, 1999

  
Mayor

Attest:

  
Clerk of Council

ORDINANCE NO. 1999-132

**ORDINANCE ACCEPTING THE PLAT OF MARION INDEPENDENT PHYSICIANS ASSOCIATION, FOR THE EXTENSION OF INDEPENDENCE AVENUE TO THE CITY OF MARION, OHIO, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 34, T-5-S, R-15-E, ALSO KNOWN AS PART OF OUTLOT 698 IN THE CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREET THEREIN SHOWN, AND DECLARING AN EMERGENCY.**

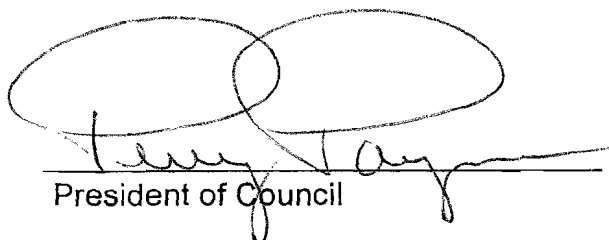
**WHEREAS**, Marion Independent Physicians Association, has hereunto submitted to the Planning Commission of the City of Marion, a plat for the extension of Independence Avenue, being a part of the northwest quarter of Section 34, T-5-S, R-15-E, also known as part of Outlot 698 in the City of Marion, County of Marion, State of Ohio, and being of the dimensions as shown on said Plat,

**WHEREAS**, on the 5th day of October 1999, 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 Marion Independent Physicians Association for the extension of Independence Avenue, being a part of the northwest quarter of Section 34, T-5-S, R-15-E, also known as part of Outlot 698 in the City of Marion, County of Marion, State of Ohio, dated September 20, 1999, and dedicated October 5, 1999, 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.

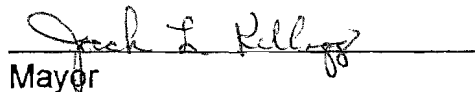
**Section 2.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that it is necessary for the daily operation of the City; and as such, 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: *October 11, 1999*

Approved: *October 11, 1999*



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1999-133

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH BBS CORPORATION TO PROVIDE ENGINEERING SERVICES FOR REPLACEMENT AND IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT,  
AND DECLARING AN EMERGENCY

WHEREAS, the Wastewater Treatment Plant is in need of design and construction services for the replacement and upgrade of major components of it's system, and

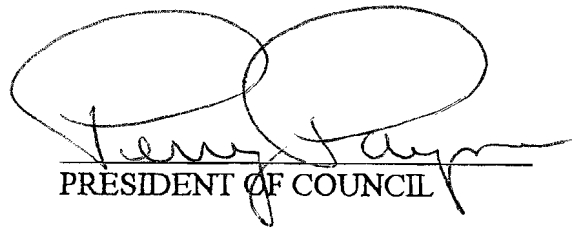
WHEREAS, the Ohio Environmental Protection Agency requires the City to maintain water quality to meet standards set in the National Pollution Discharge Elimination Permit,

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

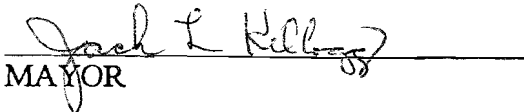
Section 1. That the Safety/Service Director is hereby authorized to enter into a professional service contract with BBS Corporation to provide engineering services for the design and construction of replacement and improvement projects at the Water Pollution Control Plant.

Section 2. That the cost of this service, estimated to be \$2,558,000 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 Design and Construction may be maintained in a timely manner for the benefit of the community and the environment; 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: October 11, 1999  
APPROVED: October 12, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



ORDINANCE NO. 1999-134

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH STEVENS CONSTRUCTION OF MARION, OHIO FOR THE ADA BATHROOM RESTORATION PROJECT, AND DECLARING AN EMERGENCY.**

*WHEREAS*, this Council authorized the Safety/Service Director to prepare specifications and advertise for bids for this ADA Bathroom Restoration Project, and;

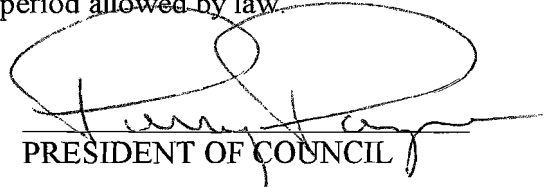
*WHEREAS*, Stevens Construction of Marion, Ohio submitted the lowest and best bid, and;

*WHEREAS*, the EEOC governing grants within the Health Department has required the City of Marion to complete this project in 1999, therefore;

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

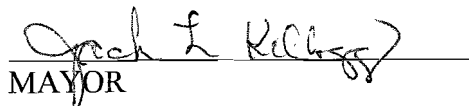
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Stevens Construction Co. for the ADA Bathroom Project for the contract price of \$14,997.

**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 further reason the EEOC has requested this work be completed in 1999; and as such, shall take 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 11, 1999*

APPROVED: *October 11, 1999*

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999- 135

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1999.

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 \$82,200.00 as follows:

**GENERAL FUND**

Auditor Travel	101-07-711-220-000-220	\$ 2,200.00
Income Tax Travel	101-07-712-220-000-220	900.00
City Hall Capital Impr.	101-07-741-250-000-520	16,500.00
Revenue Sharing	101-04-539-230-712-751	<u>32,000.00</u>
TOTAL GENERAL FUND		\$ 51,600.00

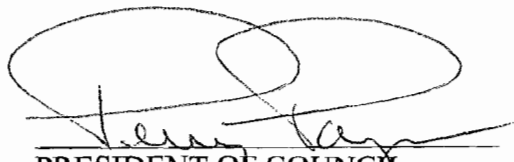
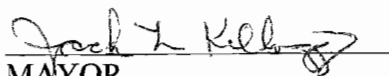
**UTILITY BILLING FUND**

Travel	612-05-571-220-000-220	\$ 600.00
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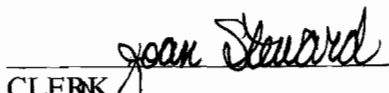
**STATE HIGHWAY FUND**

Capital Improvement	208-06-613-250-000-520	\$ 30,000.00
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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 COUNCILPASSED: *October 11, 1999*APPROVED: *October 12, 1999*  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999-136

**ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE TRAFFIC SIGNAL IMPROVEMENTS PROJECT, PHASE 4 (CENTER STREET/CHURCH 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

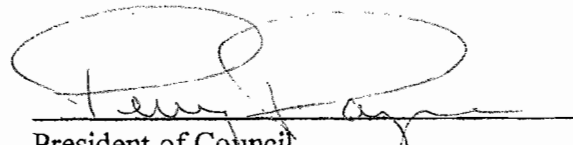
**WHEREAS**, Burgess and Niple, Limited submitted the best proposal to provide engineering services for the project,

**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 \$55,000 to provide engineering services for the design of the Traffic Signal Improvements Project, Phase 4 (Center Street and Church Street).

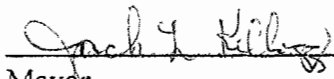
**Section 2.** That the \$55,000 cost to provide services for the project shall be payable from the State Highway Improvement Fund.

**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 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.

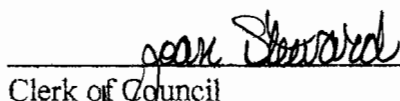
  
President of Council

Passed: *October 25, 1999*

Approved: *October 26, 1999*

  
Mayor

Attest:

  
Clerk of Council

ORDINANCE NO 1999 - 137ORDINANCE AMENDING MARION CODIFIED ORDINANCE CHAPTER  
1185, SECTION 1185.04, DESIGN DISTRICT BOUNDARIES.

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


Section 1. That Section 1185.04 now reading as follows:

“The Design District Boundaries are shown on the Zoning District Map and includes all properties within such boundary”.

is hereby amended to read as follows:

“The Design District boundaries are shown on the Zoning District Map as amended (see attached exhibit) and includes all properties within such boundary.

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 22, 1999

APPROVED: November 23, 1999

  
MAYOR

ATTEST:

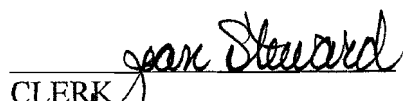
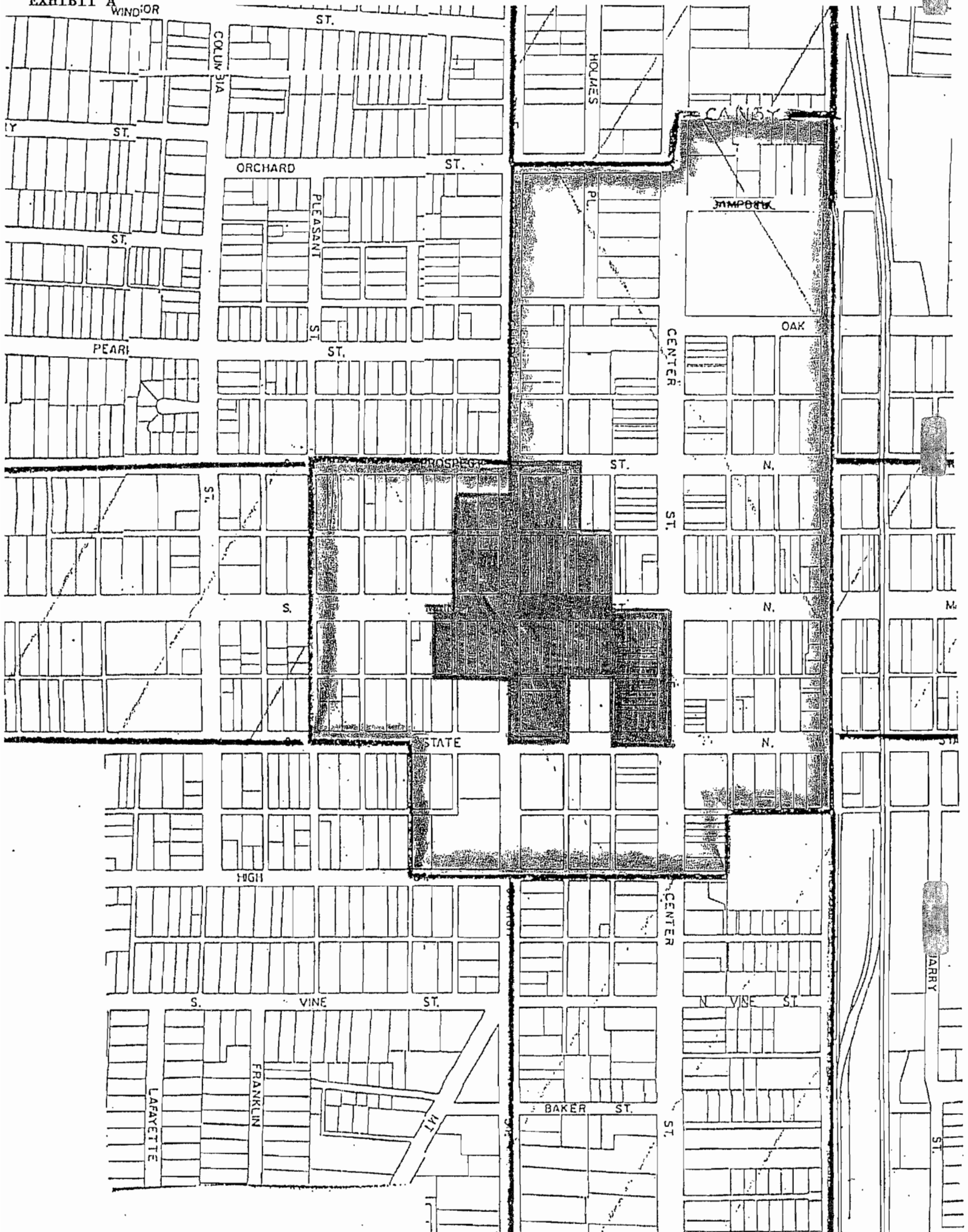
  
CLERK

EXHIBIT A



ORDINANCE No. 1999 - 138

ORDINANCE AMENDING MARION CODIFIED ORDINANCES  
129.01 AND 137.02 IN ORDER TO FURTHER PROVIDE FOR THE  
AVAILABILITY OF ALL PUBLIC RECORDS AT COST AND TO  
PROVIDE FOR EFFICIENT PROCEDURES AS TO THEIR RELEASE  
AND DECLARING AN EMERGENCY

WHEREAS, the Council for the City of Marion is ever vigilant in its' efforts to encourage the citizens involvement with their government, and

WHEREAS, the Council finds it advantageous to modify its' Codified Ordinances relating to records and the release thereof, and

WHEREAS, local governments throughout the State of Ohio are reacting to recent Court decisions and recent amendments to the relevant sections of the Ohio Revised Code,

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

SECTION 1. Chapter 129.01 of the City's Codified Ordinances, now reading in part as follows:

129.01 Photocopies, section (a) There is hereby established a fee of ten cents, tax included, per copy for both sides, for copies of public records maintained by the City of Marion.

is hereby amended to read as follows:

129.01 Photocopies/ Release of Public Records

(A) There is hereby established a fee of five cents per copy, tax included, for each copy provided to any person who requests more than 25 copies during any one day. A single copy shall be defined to include both sides of a two sided document. A person shall be entitled to only one copy of any one public record during any one day. Public Officers shall ensure O.R.C. 149.43 is fully complied with, including but not limited to requests made via U.S.Mail service and limits imposed upon commercial activities. O.R.C. 149.43 is hereby adopted as the City's policy and procedure relating to public record requests.

SECTION 2. Chapter 137.02 of the City Codified Ordinances, now reading in part as follows:

137.02 Fees for copies of accident report, police reports, arrest record checks and fingerprint cards.

(B) For the photostatic copies herein provided for, there shall be a charge of \$ .25 per page of report.

© For each arrest record check requested by any person other than a governmental body having legal access to the information or services, there shall be a charge of \$ 3 per report.

(E) Audio tapes reproductions at a cost of \$ 3.

(F) Fingerprint cards prepared at a cost of \$ 5.

is hereby amended to read as follows:

137.02 Fees for copies of accident report, police reports, arrest record checks and fingerprint cards.

(B) There is hereby established a fee of five cents per copy, tax included, for each copy provided to any person who requests more than 25 copies during any one day. A single copy shall be defined to include both sides of a two sided document. A person shall be entitled to only one copy of any one public record during any one day. Public Officers shall ensure O.R.C. 149.43 is fully complied with, including but not limited to requests made via U.S.Mail service and limits imposed upon commercial activities. O.R.C. 149.43 is hereby adopted as the City's policy and procedure relating to public record requests.

© For each arrest record check requested by any person other than a governmental body having legal access to the information or services, there is hereby established a fee of five cents per copy, tax included, for each copy provided to any person who requests more than 25 copies during any one day. A single copy shall be defined to include both sides of a two sided document. A person shall be entitled to only one copy of any one public record (defined as each individual for whom a check is performed) during any one day. Public Officers shall ensure O.R.C. 149.43 is fully complied with, including but not limited to requests made via U.S.Mail service and limits imposed upon commercial activities. O.R.C. 149.43 is hereby adopted as the City's policy and procedure relating to public record requests.

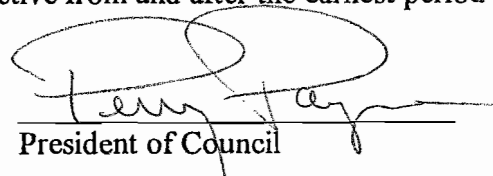
(E) Audio tapes reproductions are to be provided at cost.

(F) Fingerprint cards <sup>as</sup> prepared are to be provided at cost.

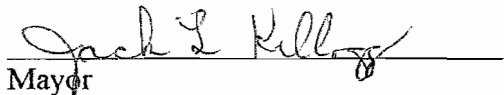
SECTION 3. All sections of the above Codified Ordinances not modified herein shall remain in full force and effect.

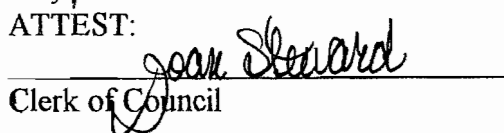
SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: to provide for the immediate need to share public records at cost; and as such shall take effect and be in force immediately upon its' passage and 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: October 25, 1999

  
President of Council

APPROVED: October 26, 1999

  
Mayor

ATTEST:   
Clerk of Council

ORDINANCE NO. 1999- 139*Amended  
11/22/99*

ORDINANCE REESTABLISHING THE SALARY AND BENEFITS  
FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, SPECIFICALLY  
COUNCILPERSONS, TO BE EFFECTIVE THE FIRST DAY OF EACH  
RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT  
SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND  
DECLARING AN EMERGENCY

WHEREAS, the City Council for the City of Marion, being prohibited by State law from granting in-term pay increases to its' statutory office holders and therefore has historically reviewed the compensation and benefits provided said office holders prior to the beginning of each respective office's next term, and

WHEREAS, the Council has thoroughly reviewed each statutory office, specifically the Council positions, and finds a real and present need, in order to provide fair and just compensation and in order to continue to attract competent and proficient persons to serve in the aforementioned offices, and

WHEREAS, the Council has approved annual pay adjustments for the City's respective bargaining units and by previous Ordinance has provided for annual pay adjustments for the City's non-bargaining positions, and

WHEREAS, the Council finds the following adjustments to be equitable and at an annual average rate less than that granted bargaining or non-bargaining employees during the previous four years,

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

SECTION 1. The Council herein provides for the following salary and benefits adjustments for statutory office holders within the within the City, each change to be effective the first day of each respective office's next term and amending the applicable sections of existing Ordinances as follows:

SECTION 2. Section 2 of Ordinance 1995-136 now reading as:

That commencing on the first day of 1996 the annual salary for the office of President of Council shall be \$ 5,780, payable semi-monthly.

and Section 3 of Ordinance 1995 -136 now reading as:

That commencing on the first day of 1996 the annual salary for each of the nine (9) members of the Council of the City of Marion shall be \$ 5,780, payable semi-monthly.

Shall be amended to:

Section 2. That commencing on the first day of 2000 the annual salary for the Office of President of Council shall be \$ 6,358, payable semi-monthly.

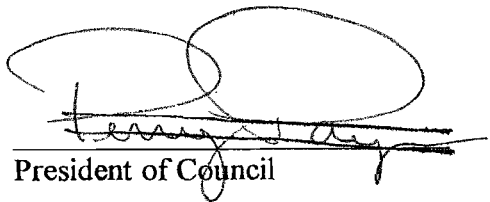
and

Section 3. That commencing on the first day of 2000 the annual salary for each of the nine (9) members of the Council of the City of Marion shall be \$ 6,358, payable semi-monthly.

SECTION 3. All provisions contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.



SECTION 4 . 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 prohibition against in-term pay increases contained in Ohio law and that the present time is the historic review period for adjustment and the need to conclude the review prior to the beginning of the next term; 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:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

AMENDED

ORDINANCE NO. 1999- 139

**ORDINANCE REESTABLISHING AND FIXING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, SPECIFICALLY COUNCILPERSONS, FOR THE NEXT TERM OF OFFICE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN EMERGENCY**

WHEREAS, the City Council for the City of Marion, being prohibited by State law from granting in-term pay increases to its' statutory office holders and therefore has historically reviewed the compensation and benefits provided said office holders prior to the beginning of each respective office's next term, and

WHEREAS, the Council has thoroughly reviewed each statutory office, specifically the Council positions, and finds a real and present need, in order to provide fair and just compensation and in order to continue to attract competent and proficient persons to serve in the aforementioned offices, and

WHEREAS, the Council finds the following Ordinance fixing the salaries and establishing a graduated adjustment, as opposed to a one-time adjustment which is not desired as same is not equitable with all other public servants, for each office to be in the best interests of its' citizens and thus each is fixed, specific and without uncertainty nor subject to any further change during each term, and

WHEREAS, the Council finds the following adjustments to be equitable and at an annual average rate less than that granted bargaining or non-bargaining employees during the previous four years,

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

SECTION 1. The Council herein provides for the following salary and benefits adjustments for statutory office holders within the within the City, each change to be effective the first day of each respective office's next term and amending the applicable sections of existing Ordinances as follows:

SECTION 2. Section 2 of Ordinance 1995-136 now reading as:

That commencing on the first day of 1996 the annual salary for the office of President of Council shall be \$ 5,780, payable semi-monthly.

and Section 3 of Ordinance 1995 -136 now reading as:

That commencing on the first day of 1996 the annual salary for each of the nine (9) members of the Council of the City of Marion shall be \$ 5,780, payable semi-monthly.

Shall be amended to:

Section 2. That commencing on the first day of 2000 and continuing through to the 31st day of December 2000, the first year of said term, the salary for the holder of the office of President of Council shall be \$5,925.00 payable semi-monthly; On the 1st day of 2001 through the 31st day of December 2001, the second year of said term, the salary for the holder of the office of President of Council shall be \$ 6,073.00; On the 1st day of 2002 through the 31st day of December, 2002, the third year of said term, the salary for the holder of the office of President of Council shall be \$ 6,225.00; On the 1st day of 2003 through the 31st day of December, 2003, the fourth year of said term, the salary for the holder of the office of President of Council shall be \$ 6,381.00 where it shall remain until further action of Council.

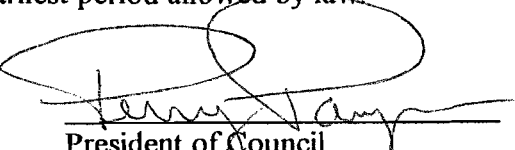
and

Section 3. That commencing on the first day of 2000 and continuing through to the 31st day of December 2000, the first year of said term, the salary for each of the nine (9) members of the Council of the City of Marion shall be \$5,925.00 payable semi-monthly; On the 1st day of 2001 through the 31st day of December 2001, the second year of said term, the salary for each of the nine (9) members of Council shall be \$ 6,073.00; On the 1st day of 2002 through the 31st day of December, 2002, the third year of said term, the salary for each of the nine (9) members of the Council for the City of Marion shall be \$ 6,225.00; On the 1st day of 2003 through the 31st day of December, 2003, the fourth year of said term, the salary for each of the nine (9) members of the Council for the City of Marion shall be \$ 6,381.00 where it shall remain until further action of Council.

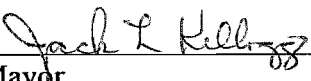
**SECTION 3.** All provisions contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.

**SECTION 4 .** 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 prohibition against in-term pay increases contained in Ohio law and that the present time is the historic review period for adjustment and the need to conclude the review prior to the beginning of the next term; 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: November 22, 1999

  
President of Council

APPROVED: November 23, 1999

  
Mayor

ATTEST:  
  
Clerk of Council

ORDINANCE NO. 1999-140ORDINANCE REESTABLISHING THE SALARY AND BENEFITS  
FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, OTHER THAN  
CITY COUNCIL, TO BE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE  
OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF  
EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN  
EMERGENCY

WHEREAS, the City Council for the City of Marion, being prohibited by State law from granting in-term pay increases to its' statutory office holders and therefore has historically reviewed the compensation and benefits provided said office holders prior to the beginning of each respective office's next term, and

WHEREAS, the Council has thoroughly reviewed each statutory office and finds a real and present need, in order to provide fair and just compensation and in order to continue to attract competent and proficient persons to serve in the aforementioned offices, and

WHEREAS, the Council has approved annual pay adjustments for the City's respective bargaining units and by previous Ordinance has provided for annual pay adjustments for the City's non-bargaining positions, and

WHEREAS, the Council finds the following adjustments to be equitable and at an annual average rate less than that granted bargaining or non-bargaining employees during the previous four years,

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

SECTION 1. The Council herein provides for the following salary and benefits adjustments for statutory office holders within the within the City, other than Council, each change to be effective the first day of each respective office's next term and amending the applicable sections of existing Ordinances as follows:

SECTION 2. Section 2. of Ordinance 1995-141 now reading as:

Section 2. That commencing on the first day of 1996 the annual salary for the holder of the office of Mayor shall be \$ 55,000, payable semi-monthly.

Shall be amended to:

Section 2. That commencing on the first day of 2000 the annual salary for the holder of the office of Mayor shall be \$ 60,500, payable semi-monthly.

SECTION 3. Section 1. of Ordinance 1995-140 now reading as:

Section 1. That commencing on the first day of January, 1996, the annual salary for the office City Auditor shall be \$ 45,000, payable semi-monthly.

Shall be amended to:

Section 1. That commencing on the first day of 2000 the annual salary for the office of City Auditor shall be \$ 49,500, payable semi-monthly.

SECTION 4. Section 2. of Ordinance 1997-142 now reading as:

Section 2. That commencing on the first day of 1998, the annual salary for the office of City Treasurer shall be \$ 5,780, payable semi-monthly.

Shall be amended to:

Section 2. That commencing on the first day of 2002, the annual salary for the office of City Treasurer shall be \$ 6,358, payable semi-monthly.

SECTION 5. Section 1. of Ordinance 1999-19 now reading as:

Section 1. That commencing on the first day of 2000 the existing position of City Director of Law shall be full time, further said position shall have a salary of \$ 72,500 per year, payable semi-monthly.

Shall be amended to:

Section 1. That commencing on the first day of 2000 the existing position of City Director of Law shall be full time, further said position shall have a salary of \$ 75,000 per year, payable semi-monthly.

SECTION 6. Section 2 of Ordinance 1995-138 now reading as:

That commencing on the first day of 1996 the salary of the First Assistant Law Director in charge of prosecution in the Marion Municipal Court shall be \$ 21,000 per year, payable semi-monthly.

and Section 3 of Ordinance 1995 -138 now reading as:

That commencing on the first day of 1996 the salary for the holder of the office of Second Assistant Law Director shall be \$ 19,000 per year, payable semi-monthly.

Shall be amended to:

Section 2. That commencing on the first day of 2000 the salary of the First Assistant Law Director in charge of prosecution in the Marion Municipal Court shall be \$ 23,100 per year, payable semi-monthly.

and

Section 3. That commencing on the first day of 2000 the salary for the holder of the office of Second Assistant Law Director shall be \$ 20,900 per year, payable semi-monthly.

SECTION 7. Section 1. of Ordinance 1999-118 now reading as:

Section 1. That commencing on the first day of 2000 the salary for the holder of the office of Assistant Law Director for Prosecution in the Marion Municipal Court (3<sup>rd</sup> Assistant) shall be \$ 19,000 per year, payable semi-monthly.

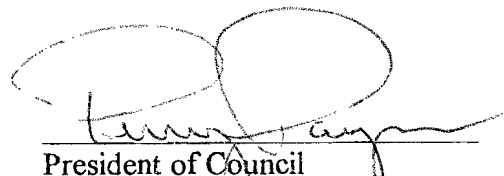
Shall be amended to:

Section 1. That commencing on the first day of 2000 the annual salary for the holder of the office of Assistant Law Director for Prosecution in the Marion Municipal Court (3<sup>rd</sup> Assistant) shall be \$ 20,900 per year, payable semi-monthly.

SECTION 8. All provisions contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.


SECTION 9 . 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 prohibition against in-term pay increases contained in Ohio law and that the present time is the historic review period for adjustment and the need to conclude the review prior to the beginning of the next term; 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: November 22, 1999  
APPROVED: November 23, 1999

  
President of Council

  
Mayor

ATTEST:

  
Clerk of Council

ORDINANCE NO. 1999-140

Amendment  
defeated  
11/22/99

ORDINANCE REESTABLISHING AND FIXING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, OTHER THAN CITY COUNCIL, FOR THE NEXT TERM OF OFFICE, EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AND EMERGENCY

WHEREAS, the City Council for the City of Marion, being prohibited by State law from granting in-term pay increases to its' statutory office holders and therefore has historically reviewed the compensation and benefits provided said office holders prior to the beginning of each respective office's next term, and

WHEREAS, the Council has thoroughly reviewed each statutory office and finds a real and present need, in order to provide fair and just compensation and in order to continue to attract competent and proficient persons to serve in the aforementioned offices, and

WHEREAS, the Council finds the following Ordinance fixing the salaries and establishing a graduated, as opposed to a one-time adjustment which is not desired as same is not equitable with all other public servants, for each office to be in the best interests of its' citizens and thereby avoiding statutory prohibitions by making said changes in advance of each office's term and thus each is fixed, specific and without uncertainty nor subject to any further change during each term, and

WHEREAS, the Council finds the following adjustments to be equitable and at a rate less than that granted bargaining or non-bargaining employees during the previous four years,

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

SECTION 1. The Council herein provides for the following salary and benefits adjustments for statutory office holders within the within the City, other than Council, each change to be effective the first day of each respective office's next term and amending the applicable sections of existing Ordinances as follows:

SECTION 2. Section 2. of Ordinance 1995-141 now reading as:

Section 2. That commencing on the first day of 1996 the annual salary for the holder of the office of Mayor shall be \$ 55,000, payable semi-monthly.

Shall be amended to:

Section 2. That commencing on the first day of 2000 and continuing through to the 31st day of December 2000, the first year of said term, the salary for the holder of the office of Mayor shall be \$ 56,375.00 payable semi-monthly; On the 1st day of 2001 through the 31st day of December 2001, the second year of said term, the salary for the holder of the office of Mayor shall be \$ 57,784.00; On the 1st day of 2002 through the 31st day of December, 2002, the third year of said term, the salary for the holder of the office of Mayor shall be \$ 59,229.00; On the 1st day of 2003 through the 31st day of December, 2003, the fourth year of said term, the salary for the holder of the office of Mayor shall be \$ 60,710.00 where it shall remain until further action of Council.

SECTION 3. Section 1. of Ordinance 1995-140 now reading as:

Section 1. That commencing on the first day of January, 1996, the annual salary for the office City Auditor shall be \$ 45,000, payable semi-monthly.

Shall be amended to:

Section 1. That commencing on the first day of 2000 and continuing through to the 31st day of December 2000, the first year of said term, the salary for the holder of the office of Auditor shall be \$ 46,125.00 payable semi-monthly; On the 1st day of 2001 through the 31st day of December 2001, the second year of said term, the salary for the holder of the office of Auditor shall be \$ 47,278.00; On the 1st day of 2002 through the 31st day of December, 2002, the third year of said term, the salary for the holder of the office of Auditor shall be \$ 48,460.00; On the 1st day of 2003 through the 31st day of December, 2003, the fourth year of said term, the salary for the holder of the office of Auditor shall be \$ 49,672.00 where it shall remain until further action of Council.

SECTION 4. Section 2. of Ordinance 1997-142 now reading as:

Section 2. That commencing on the first day of 1998, the annual salary for the office of City Treasurer shall be \$ 5,780, payable semi-monthly.

Shall be amended to:

Section 2. That commencing on the first day of 2002 and continuing through to the 31st day of December 2002, the first year of said term, the salary for the holder of the office of Treasurer shall be \$ 5,925.00 payable semi-monthly; On the 1st day of 2003 through the 31st day of December 2003, the second year of said term, the salary for the holder of the office of Treasurer shall be \$ 6,073.00; On the 1st day of 2004 through the 31st day of December, 2004, the third year of said term, the salary for the holder of the office of Treasurer shall be \$ 6,225.00; On the 1st day of 2005 through the 31st day of December, 2005, the fourth year of said term, the salary for the holder of the office of Treasurer shall be \$ 6,381.00 where it shall remain until further action of Council.

SECTION 5. Section 1. of Ordinance 1999-19 now reading as:

Section 1. That commencing on the first day of 2000 the existing position of City Director of Law shall be full time, further said position shall have a salary of \$ 72,500 per year, payable semi-monthly.

Shall be amended to:

Section 1. That commencing on the first day of 2000 and continuing through to the 31st day of December 2000, the first year of said term at the newly created full-time position recognizing six months to wind up private practice, the salary for the holder of the office of City Director of Law shall be \$ 74,313.00 payable semi-monthly; On the 1st day of 2001 through the 31st day of December 2001, the second year of said term, the salary for the holder of the office of City Director of Law shall be \$ 76,171.00; On the 1st day of 2002 through the 31st day of December, 2002, the third year of said term, the salary for the holder of the office of City Director of Law shall be \$ 78,075.00; On the 1st day of 2003 through the 31st day of December, 2003, the fourth year of said term, the salary for the holder of the office of City Director of Law shall be \$ 80,027.00 where it shall remain until further action of Council.

SECTION 6. Section 2 of Ordinance 1995-138 now reading as:

That commencing on the first day of 1996 the salary of the First Assistant Law Director in charge of prosecution in the Marion Municipal Court shall be \$ 21,000 per year, payable semi-monthly.

and Section 3 of Ordinance 1995 -138 now reading as:

That commencing on the first day of 1996 the salary for the holder of the office of Second Assistant Law Director shall be \$ 19,000 per year, payable semi-monthly.

Shall be amended to:

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Section 2. That commencing on the first day of 2000 and continuing through to the 31st day of December 2000, the salary for the holder of the office of First Assistant Law Director in charge of prosecution in the Marion Municipal Court shall be \$ 21,525.00 payable semi-monthly; On the 1st day of 2001 through the 31st day of December 2001, the salary for the holder of the office First Assistant Law Director shall be \$ 22,063; On the 1st day of 2002 through the 31st day of December, 2002, the salary for the holder of the office of First Assistant Law Director shall be \$ 22,615.00; On the 1st day of 2003 through the 31st day of December, 2003, the salary for the holder of the office of First Assistant Law Director shall be \$ 23,180.00 where it shall remain until further action of Council.

and

Section 3. That commencing on the first day of 2000 and continuing through to the 31st day of December 2000, the salary for the holder of the office of Second Assistant Law Director shall be \$ 19,475.00 payable semi-monthly; On the 1st day of 2001 through the 31st day of December 2001, the salary for the holder of the office of Second Assistant Law Director shall be \$ 19,962.00; On the 1st day of 2002 through the 31st day of December, 2002, the salary for the holder of the office of Second Assistant Law Director shall be \$ 20,461.00; On the 1st day of 2003 through the 31st day of December, 2003, the salary for the holder of the office of Second Assistant Law Director shall be \$ 20,973.00 where it shall remain until further action of Council.

SECTION 7. Section 1. of Ordinance 1999-118 now reading as:

Section 1. That commencing on the first day of 2000 the salary for the holder of the office of Assistant Law Director for Prosecution in the Marion Municipal Court (3<sup>rd</sup> Assistant) shall be \$ 19,000 per year, payable semi-monthly.

Shall be amended to:

Section 1. That commencing on the first day of 2000 and continuing through to the 31st day of December 2000, the salary for the holder of the office of Assistant Director of Law for Prosecution in the Marion Municipal Court (3rd Assistant) shall be \$19,475.00 payable semi-monthly; On the 1st day of 2001 through the 31st day of December 2001, the salary for the holder of the office of 3rd Assistant Director of Law shall be \$ 19,962.00; On the 1st day of 2002 through the 31st day of December, 2002, the salary for the holder of the office of 3rd Assistant Director of Law shall be \$ 20,461.00; On the 1st day of 2003 through the 31st day of December, 2003, the salary for the holder of the office of 3rd Assistant Director of Law shall be \$ 20,973.00 where it shall remain until further action of Council.

SECTION 8. All provisions contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.

SECTION 9 . 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 prohibition against in-term pay increases contained in Ohio law and that the present time is the historic review period for adjustment and the need to conclude the review prior to the beginning of the next term; 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:  
APPROVED:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council



## ORDINANCE NO. 1999- 141

**ORDINANCE TO COOPERATE WITH THE OHIO  
DEPARTMENT OF TRANSPORTATION TO STUDY  
RT. 423 FROM BARKSWOOD ROAD NORTH  
INTO THE CORPORATE LIMITS OF MARION TO  
EXECUTIVE DRIVE TO IMPROVE SAFETY, 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:

The purpose of this project is to improve the safety of SR423 by studying and evaluating accident patterns, operational characteristics, roadway geometry or other factors that impact the number and rate of accidents occurring in the corridor. Recommended improvements are to be cleared through the Preliminary Development Phase only.

**TERMINI:** SR423: The study area is proposed to extend from Barkswood Road then proceeding northerly into the corporate limits of the City of Marion to the intersection of Executive Drive (total length approximately 1.40 miles). Lateral limits will extend approximately 500 feet from the centerline of SR423.

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 Safety/Service Director 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 8, \_\_\_\_\_, 19 99

Approved November 9, 1999

Attest: \_\_\_\_\_

Joan Steward  
Clerk

Attest: \_\_\_\_\_

Joan Steward

Jack L. Kellogg  
Mayor

Timothy J. Jahn  
President of Council

**ORDINANCE TO COOPERATE WITH THE OHIO  
DEPARTMENT OF TRANSPORTATION TO STUDY  
RT. 95 FROM FOREST LAWN DRIVE EAST TO  
BLEVINS ROAD, 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:

The purpose of this project is to improve the safety of SR95 by studying and evaluating accident patterns, operational characteristics, roadway geometry or other factors that impact the number and rate of accidents occurring in the corridor. Recommended improvements are to be cleared through the Preliminary Development Phase only.

**TERMINI:** SR95: The study area is proposed to extend from Forest Lawn Drive then proceeding easterly through the corporate limits of the City of Marion to a point approximately 0.55 miles east of Blevins Road (total length approximately 2.20 miles). Lateral limits will extend approximately 500 feet from the centerline of SR95.

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 Safety/Service Director 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 8, \_\_\_\_\_, 19 99

Approved November 9, 1999

Attest: Joan Steward  
Clerk

Attest: Joan Steward

Jack L. Kellogg  
Mayor

Henry J. Ryan  
President of Council

**ORDINANCE TO COOPERATE WITH THE OHIO  
DEPARTMENT OF TRANSPORTATION TO PLANE,  
REPAIR, INSTALL CURB RAMPS, RESURFACE, AND  
PLACE PAVEMENT MARKINGS AND LOOP DETECTORS  
ON RT. 95 BEGINNING AT WEST CENTER ST. AND  
PROCEEDING TO COLUMBIA STREET, 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 pavement, place asphalt concrete surface course, perform partial depth pavement repairs, install curb ramps, pavement markings and loop detectors.

**TERMINI:**        **SR95:**    Beginning at the junction of SR309 (West Center Street) and proceeding southerly approximately 0.30 miles to the intersection of Columbia Street.

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, (Coöperation)**

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

The City will assume and bear one hundred percent (100%) of the cost of construction less the amount of Federal and State funds set aside by the Director of Transportation and the Federal Highway Administration. The City will assume and bear one hundred percent (100%) of the cost of curbs, gutters, utility relocations, partial and full-depth pavement repairs and other non-surface related items. The City will 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 Safety/Service Director 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 devises 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 8, , 19 99

Approved November 9, 1999

Attest: Joan Steward  
Clerk

Attest: Joan Steward

Jack L. Kelley  
Mayor  
Larry Taylor  
President of Council

ORDINANCE NO. 1999-144

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE WEST CENTER STREET SANITARY SEWER REPLACEMENT, PROJECT 99-1S FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 1999-130 authorized the preparation of plans, specifications and advertising for bids for the West Center Street Sanitary Sewer Replacement, Project 99-1S for the City of Marion, Ohio, and

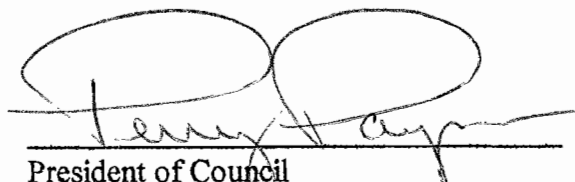
**WHEREAS**, Underground Utilities, Inc. submitted the lowest and best bid of \$240,839.00

**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 Underground Utilities, Inc. for the West Center Street Sanitary Sewer Replacement, Project 99-1S.

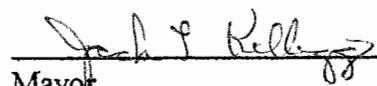
**Section 2.** That said contract shall be payable from the Sewer Replacement Fund.

**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 sanitary sewer is near collapse; 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.

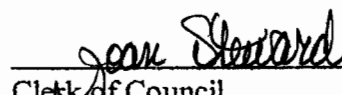
  
\_\_\_\_\_  
President of Council

Passed: November 8, 1999

Approved: November 9, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1999 - 145ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
THE FORMULA FUND FOR THE YEAR ENDING DECEMBER  
31, 1999.

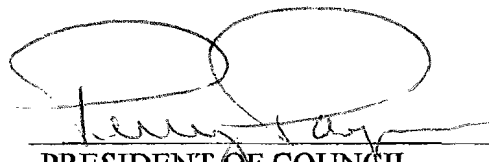
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in the Formula Fund in the amount of \$209,000.00 as follows:

**FY 99 FORMULA GRANT**

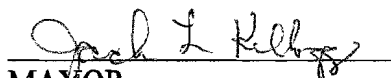
Park Facilities	275-04-549-230-000-341	\$ 43,500.00
Fair Housing	275-04-549-230-000-339	1,000.00
Curbs & Sidewalks	275-04-549-230-000-337	68,500.00
Street Improvements	275-04-549-230-000-325	59,000.00
Administration	275-04-549-230-000-324	30,000.00
Private Rehab	275-04-549-230-000-322	<u>7,000.00</u>
		\$209,000.00

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

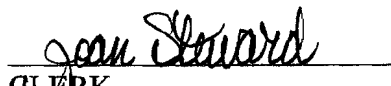
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: November 8, 1999

APPROVED: November 9, 1999

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK



ORDINANCE NO. 1999- 146

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$5,500,000 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, BARKS ROAD EAST AND THE QUQUA DITCH ENCLOSURE PROJECT, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1998-153 passed on November 23, 1998, notes in anticipation of bonds in the amount of \$3,567,000, dated December 15, 1998 were issued for the purpose stated in Section 1, to mature on December 15, 1999 (the Outstanding Notes);

WHEREAS, this Council finds and determines that the City should retire the principal of the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

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 December 15, 2018;

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 \$5,500,000 (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, Barks Road East and the QuQua Ditch Enclosure Project, between certain termini, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated approximately November 1, 2000, 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, 2001.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$5,500,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds, and to retire, together with other funds available to the City, the Outstanding Notes. The Notes shall be dated November 30, 1999 and shall mature on November 16, 2000. 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 awarding the Notes (the Certificate of Award) in accordance with Section 6.

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 City represents that the Outstanding Notes were designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Notes from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating \$3,567,000 principal amount of the Notes as "qualified tax-exempt obligations" and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. The City hereby designates the remaining \$1,933,000 principal amount of the Notes 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 issues on behalf, or on behalf of which it issues obligations, in or during the calendar year in which this portion of the Notes are issued, (i) have not issued and will not issue tax-exempt obligations for purposes of Section 265(b)(3) of the Code, including \$1,933,000 of the principal amount of 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 \$1,933,000 of the principal amount of 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 each 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.

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.

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.

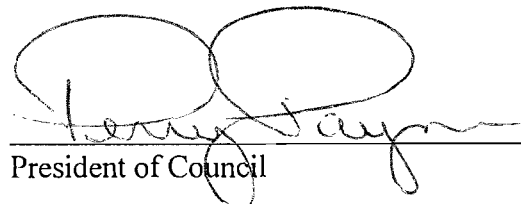
Section 11. The Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

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.

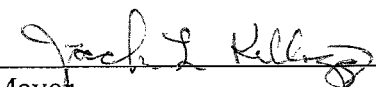
Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that 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 enable the City to timely retire the Outstanding Note and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: November 8, 1999

  
\_\_\_\_\_  
President of Council

Approved: November 9, 1999

  
\_\_\_\_\_  
Mayor

Attest:   
\_\_\_\_\_  
Clerk of Council

## ORDINANCE NO. 1999- 147

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,600,000 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, BARTRAM AVENUE, AVONDALE AVENUE, VERNON HEIGHTS BOULEVARD AND BARKS ROAD EAST, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1998-152 passed on November 23, 1998, notes in anticipation of bonds in the amount of \$1,383,000, dated December 15, 1998 were issued for the purpose stated in Section 1, to mature on December 15, 1999 (the Outstanding Notes);

WHEREAS, this Council finds and determines that the City should retire the principal of the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

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 \$1,600,000 (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, Bartram Avenue, Avondale Avenue, 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, 2000, 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, 2001.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,600,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds, and to retire, together with other funds available to the County, the Outstanding Notes. The Notes shall be dated November 30, 1999 and shall mature on November 16, 2000. 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 awarding the Notes (the Certificate of Award) in accordance with Section 6.

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 City represents that the Outstanding Notes were designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Notes from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating \$1,383,000 principal amount of the Notes as "qualified tax-exempt obligations" and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. The City hereby designates the remaining \$217,000 principal amount of the Notes 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 issues on behalf, or on behalf of which it issues obligations, in or during the calendar year in which this portion of the Notes are issued, (i) have not issued and will not issue tax-exempt obligations for purposes of Section 265(b)(3) of the

Code, including \$217,000 of the principal amount of 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 \$217,000 of the principal amount of 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 each 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.

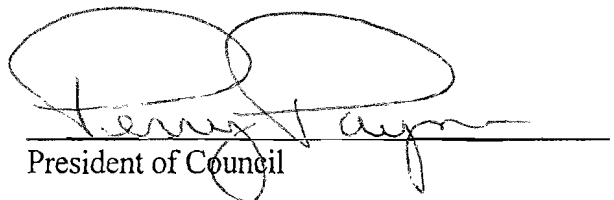
Section 11. The Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

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.

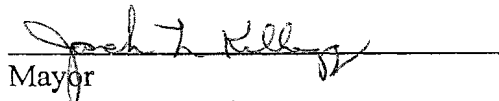
Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that 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 enable the City to timely retire the Outstanding Note and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: November 8, 1999

  
\_\_\_\_\_  
President of Council

Approved: November 9, 1999

  
\_\_\_\_\_  
Mayor

Attest:   
\_\_\_\_\_  
Clerk of Council



ORDINANCE AUTHORIZING THE EXERCISING OF AN OPTION TO PURCHASE REAL ESTATE AT 137 SOUTH STATE STREET (TRANSPORTATION CENTER BUILDING) 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, the Mayor is authorized to execute grant agreements on behalf of the City of Marion with the Ohio Department of Transportation for capital assistance projects, and

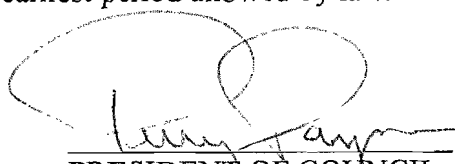
WHEREAS, Resolution No. 1999-23 authorized the filing of an application with the Ohio Department of Transportation (ODOT) for grants through the US DOT Federal Transit Administration, as authorized under Federal Transit Laws, as codified, 49 USC Section 5311, Financial assistance for other than urbanized areas and funds available from the Ohio Public Transportation Grant Program and Ohio Elderly and Disabled transit fare assistance program and executing a contract with the Ohio Department of Transportation upon grant application approval for the purchase of a Transportation Center Building for \$100,000.00, including \$5,000.00 deposited as option to purchase.

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

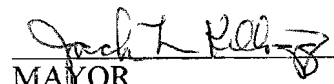
Section 1. That the Mayor is hereby authorized to exercise an option to purchase real estate at 137 South State Street (Transportation Center Building), through a ODOT Capital Grant under 49 USC Section 5311 (formally Federal Transit Act), the Ohio Public Transportation Grant Program, and the Ohio Elderly and Disabled Transit Fare Assistance Program, and the local share of project costs.

Section 2. That the cost of purchasing said real estate, \$100,000.00 be appropriated to Marion Area Transit Capital Grant Items Account (502-06-549-250-000-520) to cover purchase of Transportation Center Building at 137 South State Street.

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 said City, and the option to purchase must be exercised by November 30, 1999, with Bank One, N.A., 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: November 22 1999  
APPROVED: November 23, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-149

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE  
DIRECTOR TO ENTER INTO CONTRACT WITH THE STATE  
PURCHASE CONTRACTOR, WINKLE CHEVROLET,  
FOR THE PURCHASE OF ONE FULL SIZE VAN FOR  
USE IN THE WATER POLLUTION CONTROL DIVISION.**

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

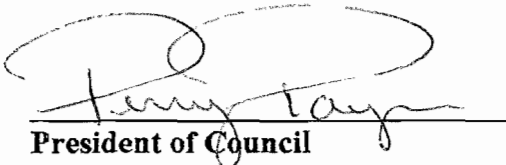
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to utilize the State of Ohio Department of Administrative Service Bid Contract Number OT906700-E (9/30/00) for the purchase of One Full Size Van in the Water Pollution Control Division.

State Purchase Contractor  
Winkle Chevrolet  
211 East Perry Street  
Paulding, OH 45879

One Full Size Van  
\$18,019.50


**Section 2.** That the cost of said contract shall be payable from the Sewer Replacement Capital Equipment Fund Account 504-05-553-250-000-450.

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

  
President of Council

**PASSED:** November 22, 1999

**APPROVED:** November 23, 1999

  
Mayor

**ATTEST:**

  
Clerk of Council

ORDINANCE NO. 1999 - 150

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION  
BY REZONING THE PROPERTY LOCATED IN SECTIONS 34 AND 35 ON  
BARKS ROAD EAST FROM R-1A (SINGLE FAMILY DISTRICT) TO  
C-2 (COMMUNITY SHOPPING DISTRICT), R-2 (GENERAL  
DWELLING DISTRICT), AND R-3 (MULTI-FAMILY DISTRICT)  
(BLANK'S HILLCREST FARMS)

WHEREAS, Council finds that the parcel of land described in Section 9 below should be rezoned from R-1A (Single Family District) to C-2 (Community Shopping District); that the parcel of land described in Section 10 below should be rezoned from R-1A (Single Family District) to R-2 (General Dwelling District); and that the parcel of land described in Section 11 below should be rezoned from R-1A (Single Family District) to R-3 (Multi-Family District), and

WHEREAS, the City of Marion Planning Commission has considered and approved the rezoning from R-1A to C-2, R-2, and R-3 as described herein, and

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

WHEREAS, restrictions and conditions on the future use and conveyance of the parcels of land have been proposed by the Applicants Blanks Hillcrest Farms, Inc. and James A. Blank, Richard D. Blank, and F. Riley Hall, Trustees U/A Robert D. Blank, deceased, (hereinafter the "Applicant-Landowners") and approved by the City of Marion Planning Commission, as set forth herein.

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

Section 1. That the parcels of land described herein are now hereby rezoned from R-1A (Single Family District) to R-2 (General Dwelling District) and R-3 (Multi-family District), both as provided for in Chapter 1137, Use Regulations in Residential Districts; and to C-2 (Community Shopping District), as provided for in Section 1143.012 of Chapter 1143, Use Regulations in Commercial Districts, all of which are contained in the Zoning Code of The City of Marion, Ohio (the "Zoning Code"). These parcels of land shall be subject to the provisions of the Zoning Code in effect as of the date of the passage of this Ordinance. The conditions and restrictions contained in this Ordinance, as established and created by the Blanks Hillcrest Farms, Inc. and James A. Blank, Richard D. Blank, and F. Riley Hall, Trustees U/A Robert D. Blank, deceased, (hereinafter the "Applicant-Landowners") shall simultaneously become effective with the passage of this Ordinance. These conditions and restrictions shall be binding on the Applicant-Landowners, their heirs, successors, assigns, and any other party taking title to the parcels of land, unless subsequently waived or released in whole or in part by the City of Marion.

Section 2. That the Applicant-Landowners of those parcels of land described herein as R-2, R-3 and C-2 shall, prior to the initial conveyance of title or ground lease to any third party, furnish an overall "preliminary sketch plan" of all the described acreage in this Ordinance to be reviewed and approved by the Sub-division Review Committee of the Marion County Regional Planning Commission and Marion City Planning Commission. The preliminary sketch plan shall be reviewed within thirty (30) calendar days of submission, or at the next regularly scheduled meetings of the respective commissions. Any subsequent changes to the preliminary sketch plan shall require the same review process before the initial conveyance of parcels or remaining parcels of land. Additionally, all parcels of land described as C-2 shall be subject to any ordinances in effect at the time of any conveyance of title or ground lease requiring commercial site and design review by a governmental entity empowered with such authority by the City of Marion.

Section 3. That all parcels of land contained in C-2 zoning areas, as defined in Section 1143.012, Community Shopping District, of Chapter 1143 of the Zoning Code of the City of Marion, shall specifically prohibit and exclude the following uses:

1. Any business that has a primary purpose of selling, via vehicular "drive-thru" traffic, alcoholic beverages.
2. Any food service establishment that does not provide interior seating for customer use. This exclusion shall not affect all other permitted uses in section 1143.012 and specifically those uses permitted in Section 1143.012 (A)(5).
3. Radio and television studios. This exclusion shall not affect all other permitted uses in section 1143.012, and specifically those uses permitted in Section 1143.012 (A)(6).
4. Any business that primarily engages in the sale of pornographic adult books, adult magazines, adult electronic media, or adult entertainment devices.
5. Gasoline service stations. This exclusion hereby deletes Section 1143.011 (2)(b) as a permitted C-2 zoning use as applies to this Ordinance.
6. Automatic conveyor type, manual, and self service car washes. This exclusion hereby deletes Section 1143.011 (2)(d) as a permitted C-2 zoning use as applies to this Ordinance.

Section 4. That prior to the conveyance of a deed or ground lease from the Applicant-Landowners to any initial transferee (hereinafter "Initial Deeds and Ground Leases") for land contained in the C-2 zoning classification, there shall be incorporated as deed restrictions the above stated six (6) restrictions. The conveyances by Initial Deeds and Ground Leases of C-2 parcels shall likewise contain the following statement: "The Grantor hereby reserves the right for itself, its heirs, successors and assigns, and hereby grants to the City of Marion, Ohio, the same rights, to enforce the enumerated restrictions, reservations, and limitations contained herein. These restrictions shall be deemed to run with the land, and shall bind the grantee, its heirs, successors and assigns continuously thereafter, unless and until such time as the City of Marion, Ohio grants a waiver to any or all of the six (6) excluded uses. The grantor for itself, its heirs and assigns hereby reserves for itself, and hereby grants to the City of Marion, Ohio the right to enforce these restrictions, and also the right to pursue all legal and equitable remedies, including but not limited to injunctive relief, for any perceived violation of these deed restrictions."

Section 5. That the owners of land parcels that are contiguous to Barks Road East shall be required to provide, at no cost to the City of Marion, roadway right-of-way sufficient for future municipal pavement and curb improvements, after taking into full consideration any roadway right-of-way presently available or that which could be obtained by the City of Marion on the north side of the roadway by reasonable means. These right-of-way areas shall be determined and reserved as a part of the legal description in the initial deed of conveyance for the benefit of the City of Marion, or shown on a recorded plat as dedicated road right-of-way.

Section 6. That the Initial Deeds and Ground Leases shall be required to be reviewed by the Marion City Planning Commission for compliance with this Ordinance. The City of Marion appoints the Planning Commission as its agent for this purpose. Upon approval of any Initial Deeds or Ground Leases, the Marion City Planning Commission shall pass a resolution, signed by the Chairman, approving the Initial Deeds and Ground Leases. A certified copy of this resolution shall be recorded in the records of the Office of the Marion County Recorder. This resolution shall constitute irrefutable evidence that the Grantor has complied with all provisions of this Ordinance as relates to the parcel being conveyed.

Section 7. That any newly created roadway ingress and egress points adjoining the Blanks Hillcrest Farms, Inc., parcel shall be limited to: 1) one public roadway located immediately adjacent to the west property line now owned by The Young Men's Christian Association, and known as Marion County Auditor's Parcel Number 144510004001, also being the east property line of Blanks Hillcrest Farms, Inc., which shall align with the future roadway, to be located to the north on a parcel of land presently owned by Hensel-Zachman Development, Inc., and known as Parcel Number 144100008103; 2) one public roadway located, at the parcel owner's election, not nearer than two hundred (200) feet from the western property line of what is presently Blanks Hillcrest Farms, Inc., and no farther east than eight hundred (800) feet east of the western property line of Blanks Hillcrest Farms, Inc., and 3) within the same area described

in section 2 of this paragraph, the owner may locate one right turn in and right turn out private or public roadway.

Section 8. That the Applicant-Landowners, through their successors and assigns, shall provide for and pay the cost to construct, at each ingress and egress point, one ingress deceleration lane up to a maximum length of fifty (50) feet in distance, but subject to final determination of actual lane distance based upon anticipated traffic volume entering into a particular parcel of land.

Section 9. That the portion of the parcel of land owned by Blanks Hillcrest Farms Inc., and the entire parcel of land owned by James A. Blank, Richard D. Blank, and F. Riley Hall, Trustees U/A Robert D. Blank, deceased, being more particularly described as:

Being located in the City of Marion, County of Marion, and State of Ohio, and being described as the Northwest Quarter of the Southwest Quarter of Section 35, ALSO the East 313.5 feet of the Northeast Quarter of the Southeast Quarter of Section 34.

heretofore zoned R-1A (Single Family District) is hereby zoned C-2 (Community Shopping District).

Section 10. That the parcel of land owned by Blanks Hillcrest Farms Inc., being more particularly described as:

Being the North 811 feet of the East 1000 Feet of the Southwest Quarter of the Southwest Quarter of Section 35.

heretofore zoned R-1A (Single Family District) is hereby zoned R-2 (General Dwelling District).

Section 11. That the parcel of land owned by Blanks Hillcrest Farms, Inc., being more particularly described as:

Being parts of Sections 34 and 35 in Township Number 5, South Range 15 East and beginning at the northeast corner of the West half of the Southwest Quarter of said Section 35, Township and range aforesaid which point is the northeast corner of a certain tract of land conveyed to Laura E. Bender by Myrtie Bender by deed dated October 15 A.D. 1903, recorded in Volume 102, Page 327 of the Deed Records of Marion County, Ohio; thence west along the center of an East and West road, 99.69 rods to the Northeast corner of a certain tract of land conveyed by George L. Bender and Laura E. Bender to J.C. Walters by deed dated December 28, A.D. 1909 recorded in Volume 119, Page 40, Deed Records of Marion County, Ohio; thence South along the East line of said Walters tract 81.24 rods to the southeast corner of said Walters tract; thence East 15.05 rods; thence South 31 rods; thence southeasterly about 20 rods, along the northeast line of a certain half acre triangular tract conveyed to the County of Marion by said George L. Bender and Laura E. Bender, by deed dated April 9, A.D. 1908, recorded in Volume 115, Page 152 of the Deed Records of Marion County, Ohio, to the southeast corner of said half acre tract and a point in the south line of said tract conveyed as aforesaid by said Myrtie Bender to said Laura E. Bender; thence along the South line of said tract East so conveyed by said Myrtie Bender as aforesaid 74.64 rods to the southeast corner of said Myrtie Bender Tract; thence North along the East Line of said Myrtie Bender tract 129.24 rods to the place of beginning, containing and there is hereby conveyed seventy five (75) acres of land more or less and all the land of said Grantors in said Sections 34 and 35 aforesaid, there being in Section 34 approximately 10.50 acres and in Section 35 approximately 64.50 acres, subject to all legal highways, **EXCEPTING FROM SAID TRACT II THE FOLLOWING DESCRIBED REAL ESTATE:**

Being the east 313.5 feet of the Northeast Quarter of the Southeast Quarter of Section 34, the Northwest Quarter of the Southwest Quarter of Section 35 and


the North 811 feet of the East 1000 feet of the Southwest Quarter of the Southwest Quarter of Section 35.

heretofore zoned R-1A (Single Family District) is hereby zoned R-3 (Multi-Family District).

Section 12. 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.

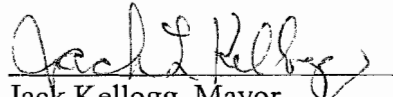
Section 13. That the Clerk of Council is directed to deliver a certified copy of this Ordinance to the office of the Marion County Regional Planning Commission and committee of the Marion City Planning Commission, and is further directed to deliver a certified copy of this ordinance to the office of the Marion County Recorder for recording, with instructions to the Recorder to index this Ordinance in the Official Records for Marion County, Ohio, under the following names: 1. City of Marion, Ohio, 2. Blanks Hillcrest Farms, Inc., and 3. James A. Blank, Richard D. Blank, and F. Riley Hall, Trustees U/A Robert D. Blank, deceased.

Section 14. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

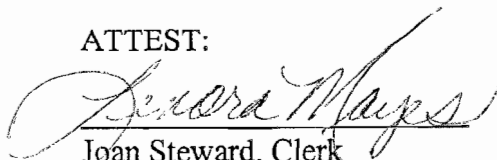
  
Perry Payne  
President of Council

PASSED: December 27, 1999

APPROVED: December 27, 1999

  
Jack Kellogg, Mayor

ATTEST:

  
Joan Steward, Clerk  
Clerk Pro-Tempore

ORDINANCE AMENDING VARIOUS SECTIONS OF ORDINANCE 1997-153,  
AS AMENDED BY 1998-169 AND 1999-128, COMMONLY KNOWN AS MARION CITY  
CODE SECTION 1330, TO REVISE AND EXCLUDE CERTAIN ITEMS AND TO  
FURTHER REVISE AND AMEND THE SCHEDULE OF PERMIT FEES AND  
DECLARING AN EMERGENCY

245

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 and amended by 1998-169 and 1999-128 is in need of further refinement and updating as to certain sections, and

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

Section 1. Marion City Code Section 1330.08 now reading as follows:

"Residential Building Permit Fees

4. STRUCTURAL ALTERATION

MAJOR ALTERATION:

ANY STRUCTURAL CHANGE OF A LOAD BEARING CONDITION WOULD  
REQUIRE A PERMIT.

MINOR ALTERATION:

ANY STRUCTURAL CHANGE OF A NON-LOAD BEARING CONDITION WOULD  
NOT REQUIRE A PERMIT, BUT A VOLUNTARY CONSULTATION COULD BE  
MADE AVAILABLE TO THE CONTRACTOR/HOMEOWNER PER A SET FEE BY  
CONTACTING THE BUILDING DEPARTMENT.

Fees:	0 - 300 sq. ft.	=\$175.00
	over 300 sq. ft.	=\$175.00 plus \$.32 per sq. ft. over 300

5. ROOFS

A. OPTIONAL PERMIT AVAILABLE UPON REQUEST.

FEES:	FLAT RATE	=\$90.00
-------	-----------	----------

B. SECTION 910.1 OF THE 1996 OBOA CODE IS DEEMED INAPPLICABLE.

6. DECKS (\*)

A. Decks or patio added to plans of a new structure or as a new addition to an existing structure. A DECK THAT IS OVER 30 INCHES ABOVE THE GROUND, SHALL REQUIRE A PERMIT REGARDLESS OF SQUARE FOOTAGE. A GROUND LEVEL PATIO DOES NOT REQUIRE A BUILDING PERMIT, BUT MAY REQUIRE A ZONING PERMIT.

Fees:	Flat Rate	=\$90.00
-------	-----------	----------

B. SECTION 403.4 OF THE 1996 OBOA CODE SHALL ONLY APPLY TO DECKS WHICH ARE AT LEAST 30 INCHES ABOVE THE GROUND.

8. EXISTING HOUSE RE-WIRING

**PERMIT IS NOT NEEDED TO UPGRADE EXISTING WIRING IN THE STRUCTURE.**

Fees:	0-5 devices	=\$0
	6-10 devices	=\$35.00 (1 Inspection)
	over 10 devices	=\$90.00 (2 Inspections)

(\*) *Permit Issued Same Day*

SHALL BE AMENDED TO READ AS FOLLOWS:

Marion City Code Section 1330.08:

**PERMITS REQUIRED**

These costs include plan examination and inspections.

- 1. One, Two and Three Family Dwellings  
\$ 200.00 plus \$ 0.12 per square foot including basement and garage.  
Manufactured homes an industrialized units 80% of the above calculation.
- 2. Room Additions and Garages  
\$ 150.00 plus \$ 0.12 per square foot including any basement constructed
- 3. Decks/Patios Fees: Flat rate \$90.00  
Decks or patios added to plans of a new structure or as a new addition to an existing structure.  
A deck that is more than 30 inches above the ground, shall require a permit regardless of square footage. A ground level patio does not require a building permit, but may require a zoning permit.
- 4. Electrical Service: \$ 40.00
- 5. HVAC: \$40.00  
Furnace replacement, upgrades or changing the fuel type of furnace. Permit or registration as determined by Building Advisory Committee.
- 6. New In-Ground Pools: \$ 100.00

NO PERMITS REQUIRED for:

- 1. Structural Alterations:
  - a: Major Alteration  
Any structure change of a load bearing condition DOES NOT require a permit BUT AN OPTIONAL PERMIT IS ADVISED
  - b: Minor Alteration  
Any structural change of a non-load condition DOES NOT require a permit, BUT a voluntary consultation could be made available to the contractor/homeowner per a set fee by contacting the Building Department.

OPTIONAL PERMIT \$ 50.00 plan review, if required  
\$ 40.00 per inspection

- 2. Roofs \$90.00 (typo- corrected 11/22/99)  
Optional permit available upon request ~~\$ 50.00~~
- 3. Existing House Additional Wiring  
Permit is not needed to upgrade existing wiring in the structure  
Optional Permit \$ 40.00 per trip

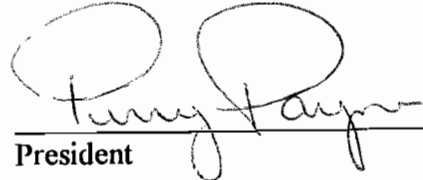


4. Porches: As commonly defined, a structure immediately before the home's entrance ways utilized and constructed for cover and protection from the elements, but not for habitation and less than 200 square feet.
- Optional Permits \$ 50.00 plan review  
\$ 40.00 inspection


#### OTHER FEES

1. Re-inspections \$ 40.00
2. Fees for work stated without a required permit will double for repeat offenders.  
(On any project where work was started without a required permit, it shall count as an offense against both the homeowner and the contractor. For the purpose of determining whether or not it is a first or repeat offense, the homeowner's or contractor's record shall be annotated base on any on or multiple properties in Marion County, Ohio)

Section 2. Due to the immediate need to put in place the above changes already adopted by the County and to ensure uniformity, the above 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 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

Passed: November 22, 1999  
Approved: November 23, 1999

  
\_\_\_\_\_  
Mayor

Attest;  
  
\_\_\_\_\_  
Clerk of Council

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1999.

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 \$102,000.00 as follows:

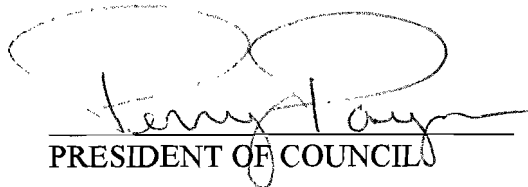
**GENERAL FUND**

Recreation Salaries	101-03-422-210-000-110	\$ 16,000.00
Recreation Benefits	101-03-422-210-000-120	6,000.00
Income Tax Refunds	101-07-744-270-712-720	<u>25,000.00</u>
TOTAL GENERAL FUND		\$ 47,000.00

**COPS FAST FUND**

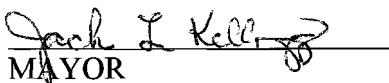
Salaries	211-01-111-210-000-111	\$ 49,000.00
Benefits	210-01-111-210-000-120	<u>6,000.00</u>
TOTAL COPS FAST FUND		\$ 55,000.00

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

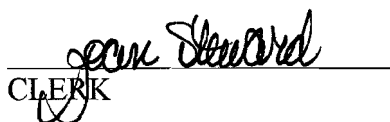
  
PRESIDENT OF COUNCIL

PASSED: *November 22, 1999*

APPROVED: *November 23, 1999*

  
MAYOR

ATTEST:

  
CLERK

## ORDINANCE NO. 1999- 153

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR  
TO ENTER INTO AN AMENDED AND RESTATED LEASE  
WITH MARION GENERAL HOSPITAL, INC. INCLUDING THOSE  
MODIFICATIONS AS CONTAINED IN THE NOVEMBER  
2, 1999 FINAL REVISED VERSION

WHEREAS, the Council has for approximately two years been in discussion with Marion General Hospital, Inc. regarding the existing lease of the City's Hospital Facilities, and

WHEREAS, there have been numerous public meetings which have included the County of Marion, and

WHEREAS, the result of the aforementioned discussions and meetings have resulted in an Amended and Restated Lease Agreement which has been exhaustively reviewed and amended, including amendments suggested by the County of Marion, Ohio, and

WHEREAS, the first proposed amended and restated lease was passed by Council, but then vetoed by the Mayor and thereafter the concerns regarding local control, keeping revenue generated here in the community, insuring indigent care regardless of ability to pay, insuring long term operation of our hospital facility and maintaining hospital services were each reviewed and enhanced.

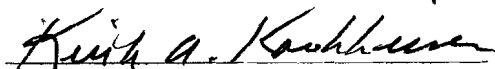
WHEREAS, the Council finds the 11/2/99 final revised Amended and Restated Lease Agreement to be in the best interests of the citizens of Marion, Ohio and further that the refinements and clarifications contained therein of the existing terms and conditions as contained in the 1983 provide benefit and certainty to the citizens of Marion, Ohio,

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

Section 1. The Mayor is hereby authorized and directed to enter into the Amended and Restated Lease Agreement with Marion General Hospital, Inc.,

Section 2. The Council finds it necessary to refine, clarify and enhance the existing 1983 lease agreement with Marion General Hospital, Inc. in order, in part, to remove unnecessary language having to do with bond re-payment, ensure continued provision and enhanced service to those unable to pay or are considered indigent, provide clarification on the relationship between the Board of Governors of Marion General Hospital, Inc. and its' sole member Ohio Health, ensuring that the Board appointments are consistent with the original lease and going further to enhance local control of the Board of Trustees, ensure that no further transfer of the entity occur without approval of the City's legislature, ensure that the proceeds generated from the local hospital remain in the community for the benefit of patient care or that which is related to the health care needs of the residents of the City and County of Marion, Ohio, and to further ensure that the burden of costs associated with the operation of the facility, including but not limited to, the provision of indigent care is provided for by Marion General Hospital, Inc. and its' sole member,

Section 3. That this Ordinance shall take effect on the earliest date allowed by law.

  
President

Passed:

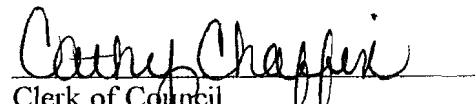
Approved:

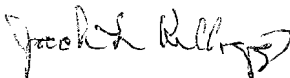
On January 6, 2000 pursuant to Council

Rule 60, I hereby VETO this Ordinance.

Mayor

Attest;

  
Clerk of Council



Healthcare Organizations and such uniform code of rules and regulations, and Lessee shall not provide any incentive to such physicians and surgeons, dentists and podiatrists to withhold necessary care from patients. Lessee shall maintain an open medical staff, and no rule or regulation shall be adopted which shall prohibit a physician, dentist or surgeon from engaging in any group practice as a condition of admission to or continuing as a member of Lessee's medical staff.

(e) Provide for an emergency room, and patients shall not be refused emergency care upon the basis of a lack of ability to pay.

(f) Provide care to all patients regardless of ability to pay, and follow its Charity Care Policy, a copy of which is attached hereto as Exhibit C, for determining its collection policy. Lessee may, in its sole discretion, modify the existing Charity Care Policy from time to time as necessary for financial reasons. Lessee shall consult with Lessor before making a change in the Charity Care Policy.

(g) Provide space in the Leased Premises (described in Exhibit D attached hereto) to Marion County for the operation of a County Health Wing as presently used and operated.

Section 4.11. Name. Lessor and Lessee agrees that the name of the Hospital Facilities shall be the "Marion General Hospital."

Section 4.12. Reports. Lessee shall, on or before December 31 of each year during the Lease Term, provide a written report to Lessor on the operations of the Hospital Facilities for the prior fiscal year, including information on the financial performance of the operations and charity care provided through the Hospital Facilities. Lessee shall also provide to Lessor with such report copies of Lessor's most recently filed Internal Revenue Service Form 990, Medicare Cost Reports and audited financial statements. Lessee may extend the date for providing the written report and other information required to be provided to Lessor under this section for 30 days upon written notification of Lessor prior to December 31 of the need for an extension.

Section 4.13. Records. Lessor and Lessee shall each make available, upon written request of the Secretary of Health and Human Services or the Comptroller General, or any of their duly authorized representatives, any contracts, books, documents, and records as required by law, and that this obligation shall continue notwithstanding the rescission or termination of this Lease to the extent required by law.

Section 4.14. Mailing Lists. Lessor agrees to place the Mayor of Marion, the each member of the Legislative Authority, the Law Director of the City of Marion, the Auditor of the City of Marion, and each of the Marion County Commissioners on Lessee's routine mailing list.

Section 4.15. Communication. Lessee agrees to work with Lessor to develop a reasonable means for individuals and Lessor to communicate problems and concerns regarding the Lessee's operation of the Leased Premises to Lessee.

During the Lease Term, at least 75% of the members of the Board of Trustees of Lessee shall be residents of Marion County, Ohio for at least one year. During the Lease Term, Lessee further agrees that, in an effort to identify suitable candidates to fill six seats on Lessee's Board of Trustees as community trustees, Lessee will solicit nominations from the following community organizations in Marion County, Ohio: Manufacturer's Council, Chamber of Commerce/Small Business, AFL-CIO, United Way of Marion, Farm Bureau, and Marion Ministerial Association. If any of the above listed organizations changes its name, ceases to exist or fails to make a nomination when solicited, the successor organization or another local organization which can speak to the interests of the same constituency shall be solicited for nominations in lieu of the organization named above. If a nominee of one of the above community organizations is not accepted and appointed to the Board of Trustees as a community trustee, Lessee shall solicit additional nominations from that community organization.

In order to identify candidates for other seats on the board of Trustees, Lessee shall form a nominating committee which shall be comprised of nine members, six of whom shall be those members serving from the above listed community organizations. No nomination or appointment shall be valid unless same is made from the nominating committee comprised as set forth above and where at the time of the nomination a majority of those community organization representatives were present. Any member whose term is up for re-appointment or is being considered for election as an Officer shall not participate in the discussion or vote for said position. Any nomination made not in accordance with the terms herein shall be void. The nominating committee shall nominate candidates to fill all vacancies on the Board, except those six reserved for the community organizations and one additional seat which shall be filled by direct appointment by the sole member of the Lessee without nomination. If a nominee of the nominating committee is not accepted and appointed to the Board of Trustees to fill a seat on the Board of Trustees which is subject to nomination by the nominating committee, Lessee shall solicit additional nominations from the nominating committee until such time as a suitable candidate is identified. Any nomination or appointment, other than the one seat reserved for the sole member, made from other than the nominating committee as set forth herein shall be void.

Section 4.4. Books and Records; Annual Audit Report. Lessee shall have an annual audit made by Lessee's auditors of the operations and revenue of the Lessee, and shall furnish to the Lessor a copy of all such audit reports and financial statements, including management letters and audit opinion letters, promptly upon their completion. The Lessee will keep proper books of record and account in accordance with generally accepted principles of accounting and will furnish to the Lessor such information respecting the business affairs, operations and financial condition of the Lessee as may be reasonably requested, and without any request will furnish to the Lessor, promptly upon its completion but not later than one hundred twenty (120) days following the end of Lessee's fiscal year, a copy of the annual audit made by Lessee's auditors, along with a certificate of such auditor's which shall identify the Net Income of the Lessee for such fiscal year. All financial books and records of the Lessee relating to the Leased Premises shall be made available for inspection and photocopying at no charge at any time at the Facilities, to the duly elected Mayor, City Auditor, Law Director, a member of the Legislative Authority of the Lessor, a member of the Marion County Board of County Commissioners, the Marion County Auditor or the Marion County Prosecutor, upon reasonable written notice to the President of Lessee.

December 13, 1999

To: Michael Gire, Attorney

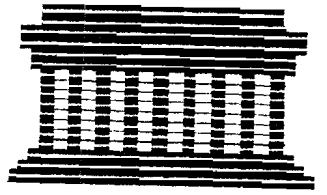
From: Aimee Davis, Council, 4<sup>th</sup> Ward  
Chairwoman, Hospital Select Committee

In the eyes of the law, there seems to be a fine line between legalities and realities, which are creating the confusion for the citizenry of Marion County. The group of intelligent, well-meaning men and women who comprise the board of MGH are under the direction of Mr. Swinehart, an Ohio Health employee. He advises them, persuades them and, at times, insists on the direction MGH needs to go, assuring at all costs, its benefits Ohio Health. If medical care in our community benefits from these decisions, it is by accident, not by design. However, the actions taken since May of 1997 have thrown the medical into an uproar. Health care is a community concern only as each citizen makes use of the service. Until that time, it is perceived as a group of already rich physicians arguing over whom will receive the most dollars for those services. Since most individuals have little or no understanding how their bodies work, illness creates fear of the unknown. This fact has nothing to do with the intelligence level of the individual, but rather the lack of opportunity to have

the opportunity of choice for the Marion Community and attracted multiple levels of medical care for our County. The insistence by some physicians that other physicians, within a specialty, become contractual employees or they won't work at all, seems like coercion to us. Although this has been determined to be legal, reality says it is wrong. The Attorney General was satisfied with this arrangement because MGH bought the business of Medcenter for 9.4 million or the business that Medcenter would have generated had it not ceased to exist. Thus, no 9.4 million was ever transferred into the now named Marion Community Foundation.

The ongoing re-construction of the operating room and other hospital outpatient areas is not an acceptable situation. The air exchange systems in an OR should be exclusive of other areas, yet the dust that is being created is passing through this system and serious infections can result. The ICU and ER are in constant states of flux due to reconstruction. The newly opened outpatient facility had patients bypassing admissions and wrong bed placements the week of Nov. 29<sup>th</sup>. There are multiple staffing and supply problems in both facilities.

You might say this has nothing to do with a lease extension, yet it has everything to do with it! We are being asked to grant an extension to continue with the current management that has created the existing



JACK L. KELLOGG  
Mayor (740) 387-3591

DALE R. OSBORN  
Safety/Service Director (740) 387-5865

SHERRI L. SPITZER  
Human Resources Director (740) 387-4705

News Release

FOR IMMEDIATE RELEASE

January 6, 2000

WMRN/WDIF  
THE MARION STAR  
MARION ONLINE

**MAYOR JACK L. KELLOGG ON THIS DATE VETOED ORDINANCE 1999-153 UNDER  
COUNCIL RULE 60 AS THERE HAS BEEN PROGRESS IN THE ON-GOING  
NEGOTIATIONS BETWEEN THE PARTIES**

I hereby veto Ordinance 1999-153 which was approved by Marion City Council on  
December 27, 1999.

As late as this morning I have been informed that a complete agreement, which may include all parties signing off, may be imminent. I have also been advised, by both the Hospital and the County, that gains have been achieved in the terms of the proposed lease agreement. These terms, favorable to the citizens of Marion, are not now contained in the version which existed at the time Ordinance 1999-153 was passed. The citizens of Marion would best be served by my not signing the existing version, but rather bringing forth a new Ordinance containing those provisions now compromised between the County and Hospital, with the additional hope that with the time period between now and the next Council meeting, a complete compromise can be achieved and a lease version which has all parties acknowledging their agreement with its terms can be achieved.

The lease as passed by City Council does not provide adequate local control of Marion General Hospital. OhioHealth would be given the authority to remove any Marion General Hospital Board Members at any time for any reason; the authority to refuse to appoint locally nominated Board members; and the ability to reduce the Board's authority, all without the approval of any local persons. This does not provide the public with adequate protection for the next 34 years.

*Jack L. Kellogg*  
1-6-00



233 West Center Street • Marion, Ohio 43301-1822  
Fax (740) 387-0962



**ORDINANCE NO. 1999- 154****ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
A UNIFORM SERVICE.**

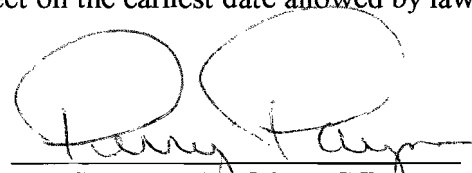
*WHEREAS*, the current contract with our Uniform Company expires in March of 2000,  
and;

*WHEREAS*, many of our union contracts require the City to provide work uniforms.

*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 uniform service.

**Section 2.** That this ordinance shall take effect on the earliest date allowed by law.

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: December 13, 1999

APPROVED: December 14, 1999

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

ORDINANCE NO. 1999- 155

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE  
DIRECTOR TO ENTER INTO CONTRACT WITH THE STATE  
PURCHASE CONTRACTOR VALLEY FORD FOR THE  
PURCHASE OF ONE ONE TON PICKUP FOR THE USE  
IN THE WATER POLLUTION CONTROL DIVISION.**

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

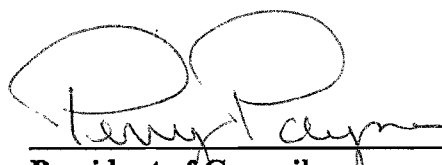
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to utilize the State of Ohio Department of Administrative Service Bid Contract Number OT906700-E (9/30/00) for the purchase of One One Ton Pickup for use in the Water Pollution Control Division.

State Purchase Contractor  
Valley Ford  
5715 Canal Rd.  
Cleveland, OH 44125-3494

One One Ton Pickup  
\$18,897.00

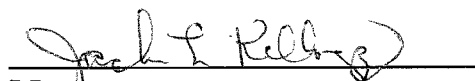
**Section 2.** That the cost of said contract shall be payable from the Sewer Replacement Capital Equipment Fund Account 504-05-553-250-000-450.

**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:** December 13, 1999

**APPROVED:** December 14, 1999

  
Mayor

**ATTEST:**



## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1999.

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 \$5,139,642.69 as follows:

**GENERAL FUND**

City Hall Utilities	101-07-741-230-000-310	\$	7,062.00
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**FORMULA FUND**

FY98 Admin	275-04-548-230-000-324	\$	96.50
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**STORM SEWER IMPROVEMENT FUND**

G.O. Note Interest	460-08-913-260-000-609	\$	125,915.10
G.O. Note Principal	460-08-913-260-000-610		<u>3,567,000.00</u>
	TOTAL		\$3,692,915.10

**SANITARY SEWER IMPROVEMENT FUND**

G.O. Note Interest	550-08-913-260-000-609	\$	48,819.90
G.O. Note Principal	550-08-913-260-000-610		<u>1,383,000.00</u>
	TOTAL		\$1,431,819.90

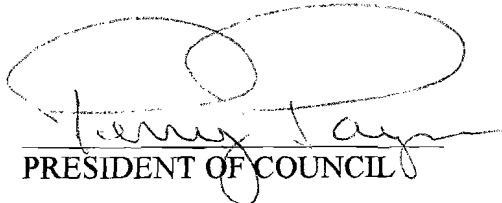
**NW INTERCEPTOR SEWER FUND**

OPWC Loan CP18A	552-05-533-260-000-651	\$	5,238.95
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**POLICE & FIREMENS PENSION FUND**

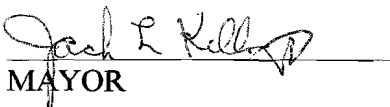
Benefits	235-01-111-210-000-120	\$	1,255.12
Benefits	235-01-131-210-000-120		<u>1,255.12</u>
	TOTAL	\$	2,510.24

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

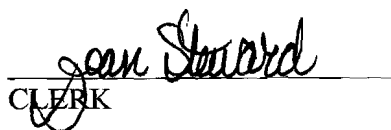
  
PRESIDENT OF COUNCIL

PASSED: December 13, 1999

APPROVED: December 14, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF  
MARION TO EXECUTE A CONSENT TO THE SUBLEASING  
BY MARION GENERAL HOSPITAL, INC. OF CERTAIN  
PROPERTY, AND DECLARING AN EMERGENCY.

WHEREAS, on December 31, 1983, the City of Marion, Ohio (the "City") entered into a Lease and on October 26, 1992 the City supplemented and amended that Lease (the "Lease"), pursuant to which it leased the Marion General Hospital real estate and facilities to Marion General Hospital, Inc. (the "Hospital"), an Ohio corporation not for profit; and

WHEREAS, Section 6.1 of the Lease contains the following provision:

"This Lease may not be assigned in whole or in part and, except for subleases for Hospital Specialty Services or Convenience Activities, the Leased Premises may not be subleased as a whole or in part, by Lessee without the prior written consent of Lessor, which consent will not be unreasonably withheld."

; and

WHEREAS, the Hospital is desirous of using a portion of the proceeds of the Variable Rate Demand Hospital Revenue Bonds, Series 1999 (Ohio Hospital Capital, Inc. Pooled Financing Program) (the "Bonds") previously issued by the County of Clinton, Ohio (the "County"), for the benefit of various Ohio nonprofit health care organizations, including OhioHealth Corporation and its subsidiaries (the "Corporation"), to finance or refinance the costs of certain fixtures, equipment, renovations and improvements heretofore completed; and

WHEREAS, in connection with the Hospital's participation in the pooled financing program (the "Program") for which the Bonds were issued, the Hospital proposes to lease to the Corporation the real property (the "Leased Real Property") described in Exhibit A hereto; and

WHEREAS, the Corporation proposes to acquire such leasehold interest in the Leased Real Property and proposes to sublease the Leased Real Property to the County; and

WHEREAS, the County proposes to acquire such leasehold interest in the Leased Real Property and proposes to sublease the Leased Real Property to the Corporation for a rental which will at least equal the bond service charges to be paid on the Bonds (the "Basic Rent"); and

WHEREAS, the Corporation proposes to acquire such leasehold interest in the Leased Real Property and proposes to sublease the Leased Real Property to the Hospital for a rental in the amount of the percentage of Basic Rent payable by the Corporation approximately equal to the percentage of the proceeds of the Bonds allocable to the Corporation paid to or for the benefit of the Hospital; and

WHEREAS, there is an urgency in this matter, in that the above described lease agreements must be entered into in connection with the Hospital's participation in the Program, which participation is scheduled to occur by mid-December, and Council therefore determines that said facts constitute a good and sufficient reason for said Ordinance to be passed as an emergency measure.

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

Section 1. In order to facilitate the Hospital's participation in the Program, the Mayor of the City shall sign and deliver, in the name and on behalf of the City, the Consent, in substantially the form as is now on file with the Clerk of this Council. That Consent is approved, together with any changes or amendments that are not inconsistent with this Ordinance, that are not substantially adverse to the City and that are approved by the Mayor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Consent. The Mayor is also authorized to undertake all additional actions necessary so as to consent to the subleasing of the Leased Real Property as herein described.

Section 2. It is hereby 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 all legal requirements including Section 121.22, Ohio Revised Code.

Section 3. Council determines that this Ordinance is an emergency measure for the reason that the actions herein authorized must occur shortly; and for the further reason that it provides for the immediate preservation of the public peace, health and safety of the City; and as such shall be effective immediately upon its passage by an affirmative vote of two-thirds of the members elected to Council and the signature of the Mayor; otherwise to become effective from and after the earliest period allowed by law.

*Kevin A. Kerkman*  
PRESIDENT OF COUNCIL

PASSED: January 4, 2000

APPROVED: January 4, 2000

*Carol L. Kelley*  
MAYOR

ATTEST:

*Cathy A. Chapin*  
CLERK

CONSENT

WHEREAS, the Council of the City of Marion (the "City") by Ordinance No. 1999-157 authorized and directed the Mayor of the City to execute a Consent to the subleasing of certain property by Marion General Hospital, Inc. as described in Ordinance No. 1999-157; and

WHEREAS, Ordinance No. 1999-157 provides for said subleasing to cover the real property (the "Leased Real Property") described on Exhibit A hereto;

NOW, THEREFORE, I, MAYOR of the CITY OF MARION, OHIO, pursuant to Ordinance No. 1999-157 of the Council of the City, do hereby execute this Consent consenting to MARION GENERAL HOSPITAL, INC. subleasing the Leased Real Property described on Exhibit A hereto.

IN WITNESS WHEREOF, Jack L. Kellogg, Mayor of the City of Marion, Ohio, has hereunto set his hand this 4th day of January, 2000.

Signed in the presence of:

CITY OF MARION, OHIO

*Jenora Hayes*  
*Cathy A. Chaffin*

By *Jack L. Kellogg*  
Mayor

State of Ohio           )  
                                  ) SS.  
County of Marion     )

BE IT REMEMBERED, that on this 4th day of January, 2000, before me, the subscriber, a Notary Public in and for said County, personally came the above named, Jack L. Kellogg, MAYOR OF THE CITY OF MARION, OHIO, who acknowledged the signing of the foregoing Consent to be his voluntary act and deed, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

*Cathy A. Chaffin*  
Notary Public

CATHY A. CHAFFIN, NOTARY PUBLIC  
STATE OF OHIO, COUNTY OF MARION  
MY COMMISSION EXPIRES JUNE 5th, 2000

## EXHIBIT A

LEASED REAL PROPERTY

A. The real property described as follows:

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

TRACT NO. 1

Being in the southwest corner of Section 27 and the northwest corner of Section 34, Township 5 South, Range 15 East, and being more particularly described as follows:

Beginning at an old corner stone, said stone being the common corner of Sections 27, 28, 33 and 34 of the said Township, and being also the South Corporation Line of the City of Marion, Ohio: thence North 1 - 39' East along the line between Sections 27 and 28, 361.6 feet to an iron pipe, at the southwest corner of McKinley Park; thence South 89 - 14' East, 1084.03 feet to an iron pipe: thence South 0 - 46' West, 761.6 feet to an iron pipe, thence North 89 - 14' West, 1094.8 feet to an iron pipe, said pipe being on the line between Sections 33 and 34 of said Township; thence North 1 - 37' East on the line between said Sections 33 and 34, 400.00 feet to the aforesaid old corner stone, and the place of beginning and containing 19.05 Acres more or less, according to survey by Tozzer & Associates, Civil Engineers and Surveyors, Marion, Ohio 1952.

TRACT NO. 2

Being a part of the Northwest Quarter of Section 34, Township 5 South, Range 15 East, and being more particularly described as follows:

Commencing at the point where the center line of Executive Drive intersects the West line of Executive Center Addition, said Executive Center Addition being recorded in Plat Book 5 at Pages 97 through 102 in the Marion County Recorder's Office; thence North 0 46' East along the West line of the aforesaid Executive Center Addition for a distance of Eighty-three and Forty-one Hundredths (83.41) feet to the Southeast corner of the Marion General Hospital property; thence, North 89' 14' West along the South line of said Marion General Hospital property for a distance of Five Hundred Ninety-two and Eight Tenths (592.8) feet to the place of beginning; thence, continuing North 69' 14' West along the South line of said Marion General Hospital property for a distance of sixty (60) feet, to a point; thence South 0 46' West for a distance of Two Hundred (200) feet, to a point; thence, South 89' 14' East for a distance of Sixty (60) feet, to a point, said point being located at the Southwest corner of a certain One acre tract of land conveyed by Warranty Deed recorded in Volume 415 at Page 509 of the Deed Records of Marion County, Ohio by Naomi Uncapher Fisher and Irl L. Fisher, her husband, to Frank V. Murphy, Jr.;

thence, North 0 46' East for a distance of Two Hundred (200) feet to the place of beginning.

TRACT NO. 3

Being part of the Southwest Quarter of Section 27, Township 5 South, Range 15 East and being more particularly described as follows:

Beginning at an iron pipe in the south line of Harding Memorial Association lands, said iron pipe being the NW corner of Executive Center Addition as shown on plat of said addition in Plat Book 5, pages 97-102 inclusive; thence N 69' - 14' W along the south line of Harding Memorial Association lands for a distance of 330 feet; thence N 0 - 46' E along the east line of a 70 foot easement used as a drive to the Marion General Hospital for a distance of 548 feet to a point in the south line of McKinley Park Boulevard; thence S 89' - 14' E along the south line of McKinley Park Boulevard for a distance of 580.83 feet to an iron pipe in the west line of Harding Memorial Parkway; thence along the west line of Harding Memorial Parkway, the following five (5) measurements; 5 0 - 46' W for a distance of 98.89 feet to a point of curvature; thence curving to the right 84.86 feet on an arc with a radius of 128 feet and whose chord bears 5 19' - 43' W for a distance of 83.14 feet to a point of tangency; thence 5 38' - 40' W for a distance of 316.25 feet to a point of curvature; thence curving to the left 92.61 feet on an arc with a radius of 140 feet and whose chord bears 5 19' - 43' W for a distance of 90.92 feet to a point of tangency; thence 5 0 - 46' W for a distance of 34.95 feet to the place of beginning; containing 5.86 acres of land, more or less.

Also the West Half of that part of Harding Memorial Parkway lying adjacent to above described tract, said Harding Memorial Parkway being described in a certain deed of easement from Harding Memorial Association to General Telephone Company and others and recorded in Deed Volume 382 at Page 551 in the Marion County Recorder's Office.

TRACT NO. 4

Being seventy (70) feet off of the west side of the following described premises and containing 0.8806 acres, more or less:

Being a part of the south half of the Southwest Quarter of Section 27. Township 5 South, Range 15 East, bounded and described as follows:

Beginning at a railroad spike in the center of the Inter-County Highway No. 104, The Marion-Delaware Road and the south line of the McKinley Park in said City of Marion, Ohio; thence west on the south line of the McKinley Park thirteen hundred and ten and five tenths feet to a pipe; thence south along the east line of the McKinley Park five hundred and forty-eight feet to a pipe at the southeast corner of said McKinley Park; thence east fourteen hundred and eighty-eight and six tenths feet to a railroad spike in the center of said Inter-County Highway No.

104, the Marion-Delaware Road; thence in a northwesterly direction in the center of said road five hundred and seventy-two and five tenths feet to the place of beginning, containing seventeen and sixty-one hundredths acres of land.

together with all the other properties hereafter acquired by the Lessor which at any time constitute the Leased Real Property, and which may be made subject to this Lease by amendment or otherwise; and

B. All and singular the easements, rights of way or use, licenses, privileges, franchises, servitudes, tenements, hereditaments and all appurtenances now or hereafter belonging to or anywise appertaining to any of the foregoing, including without limitation all right, title and interest in any street, open or proposed.

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**ORDINANCE NO. 1999-158**

**AN ORDINANCE TO RENEW THE EXISTING STREET LIGHTING  
CONTRACT WITH OHIO EDISON COMPANY FOR THE CITY OF MARION AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, the Council of the City of Marion entered into a contract, duly executed on December 29, 1989 ("Contract"), for the lighting by electricity of certain streets, ways, and public places pursuant to Ordinance No. 1989-120; and,

**WHEREAS**, the Contract will expire on December 31, 1999 if not renewed by the City of Marion, before that date, for a five (5) year period commencing January 1, 2000, pursuant to the terms of the Contract;

**BE IT RESOLVED** by the Council of the City of Marion, Ohio:

**Section 1.** The Council hereby finds and determines that the public safety and welfare continues to require the lighting of electricity of certain streets, ways and public places of certain unincorporated areas in the City of Marion, Ohio and that the same remains necessary.

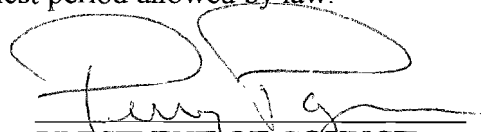
**Section 2.** The Safety/Service Director is authorized and directed to renew, on the behalf of the City, the Contract with Ohio Edison Company for the lighting by electricity certain streets, ways, and public places of certain unincorporated areas in the City for a new period of five (5) years commencing on January 1, 2000, pursuant to the terms of the Contract. The Contract shall remain identical to and contain the terms and conditions set forth in the original Contract.

**Section 3.** The cost of lighting described in Section 2, above, shall be assessed by the same method by which assessment for lighting was made in Ordinance No. 1989-120.

**Section 4.** No petition seeking discontinuance of the artificial lighting has been filed as specified by R.C. 515.081.

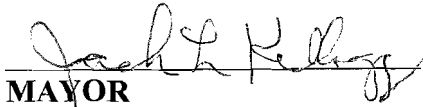
**Section 5.** All other Ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

**Section 6.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate protection of welfare and safety related concerns for the citizens of the City of Marion and the inhabitants thereof, and for further reason the current contract expires December 31, 1999, and as such shall take effect and be in force upon passage and approval by the Mayor, provided that 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 27, 1999

**APPROVED:** December 27, 1999

  
**MAYOR**

**ATTEST:**

  
**CLERK OF COUNCIL PRO-TEMPORE**



ORDINANCE TO VACATE A CERTAIN 15 FOOT WIDE EAST-  
WEST ALLEY NORTH OF 202 NORTH GRAND AVENUE IN  
THE CITY OF MARION.

Whereas, in the opinion of this Council, there is good cause for vacating part of a certain 15 foot wide east-west alley north of 202 North Grand Avenue in the City of Marion, and

Whereas, the petition to vacate this alley was approved by the Marion City Planning Commission at its meeting of November 2, 1999, and

Whereas, notice to all abutting landowners was given in accordance with Marion Codified Ordinances 903.08, and

Whereas, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and ought to be made;

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

Section 1. That the following described alley, to wit:

**0.052 ACRE  
15 FT. PUBLIC ALLEY TO BE VACATED**

Being part of a 15 ft. public alley located between Lot Numbers 1384 and 1385 in True's First Addition (Plat Book 2, page 47) to the City of Marion, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing stone located at the intersection of the North R/W Line of Wilson Avenue (50 ft. wide) with the East R/W Line of Grand Avenue (50 ft. wide);

Thence along the East R/W Line of Grand Avenue North 00 deg. 00 min. 00 sec. East for a distance of 251.40 feet to an iron pin set at the Northwest corner of Lot 1385, the Southwest corner of hereinafter described 0.052 acre tract, and the place of beginning.

Thence continuing along said East R/W Line North 00 deg. 00 min. 00 sec. East for a distance of 15.08 feet to an iron pin set in the Southwest corner of Lot 1384;

Thence along the South Line of Lot 1384 North 87 deg. 11 min. 05 sec. East for a distance of 150.00 feet to an iron pin set in the Southeast corner of Lot 1384 and in the West Line of a 15 ft. public alley;

Thence along the West Line of a 15 ft. public alley South 00 deg. 00 min. 00 sec. West for a distance of 15.08 feet to an iron pin set in the Northeast corner of Lot 1385;

Thence along the North Line of Lot 1385 South 87 deg. 11 min. 05 sec. West for a distance of 150.00 feet to an iron pin set in the East R/W Line of Grand Avenue and the place of beginning.

Containing 0.052 acre, (2259.27 Sq. Ft.), more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated Oct. 23, 1999. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000".

Basis of bearings, Assumed, East R/W Line of Grand Avenue, North 00 deg. 00 min. 00 sec. East

be and is hereby vacated.

Section 2. That title to the real estate comprising said alley shall revert to the abutting property owners in accordance with the laws of Ohio.

Section 3. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned alley for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation of said alley herein is specifically made subject to the continued existence of any such existing right-of-way or easement, unless the abutting property owners renegotiate with the utility another right-of-way or easement.

Section 4. That the Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

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

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PRESIDENT OF COUNCIL

PASSED:

APPROVED:

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MAYOR

ATTEST:

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CLERK

\*\* On January 24, 2000, the majority of council members present Voted NO on adoption of this ordinance.

*Cathy A. Chappin*  
CLERK OF COUNCIL

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1999.

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 \$73,715.00 as follows:

**SCMR FUND**

Salaries	207-06-612-210-000-110	\$ 20,000.00
Benefits	207-06-612-210-000-120	<u>40,165.00</u>
TOTAL SCMR FUND		\$ 60,165.00

**WIC FUND**

Salaries	215-02-540-210-000-110	\$ 1,000.00
Benefits	215-02-540-210-000-120	<u>2,500.00</u>
TOTAL WIC FUND		\$ 3,500.00

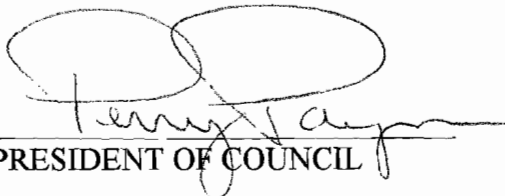
**D.A.R.E. FUND**

Benefits	216-01-111-210-000-120	\$ 1,050.00
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**RECYCLING FUND**

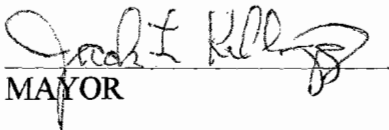
Salaries	508-05-564-210-000-110	\$ 2,000.00
Benefits	508-05-564-210-000-120	4,500.00
UB Reimbursement	508-05-564-270-000-717	<u>2,500.00</u>
TOTAL RECYCLING FUND		\$ 9,000.00

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

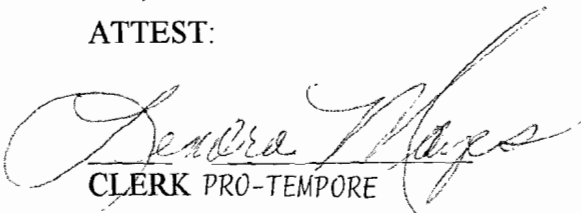
  
PRESIDENT OF COUNCIL

PASSED: December 27, 1999

APPROVED: December 27, 1999

  
MAYOR

ATTEST:

  
CLERK PRO-TEMPORE

ORDINANCE NO. 1999 - 161

ORDINANCE APPROVING THE PURCHASE OF AN FTR-GOLD  
DIGITAL COURT RECORDING SYSTEM AND APPROPRIATING  
THE NECESSARY FUNDS.

WHEREAS, the current digital court recording system utilizes DAT tape technology, and  
WHEREAS, CD Technology is more cost effective and more user friendly, and

WHEREAS, a proposal from Business Information Systems (BIS) will give the City a  
savings of \$26,784.00 in maintenance costs over the next (5) five years,

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

Section 1. That the purchase of an FTR-Gold Digital Court Recording System from  
BIS is hereby approved.

Section 2. That there be additional appropriations made as follows:

General Fund

City Council

Equipment	101-07-721-250-000-450	\$5,609.50
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Court Computerization Fund

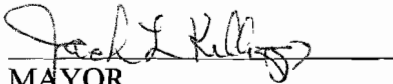
Supplies	210-07-731-240-000-420	400.00
Equipment	210-07-731-250-000-420	<u>5,609.50</u>
		\$6,009.50

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: December 27, 1999

APPROVED: December 27, 1999

  
MAYOR

ATTEST:

  
CLERK PRO-TEMPORE

**ORDINANCE NO. 1999 - 162**


**ORDINANCE RATIFYING AND APPROVING THE BARGAINING  
AGREEMENT BETWEEN THE CITY OF MARION AND THE OHIO COUNCIL 8,  
AFSCME LOCAL 1158 AND DECLARING AN EMERGENCY.**

*WHEREAS*, an agreement with the Ohio Council 8, AFSCME Local 1158 has been reached on behalf of said Union and the City of Marion and ratified by the bargaining unit members, to be effective January 1, 2000.

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

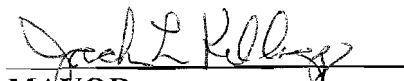
**Section 1.** That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the Ohio Council 8, AFSCME Local 1158 for the above specified bargaining unit.

**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, and for the further reason that the current contract expires December 31, 1999; 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.

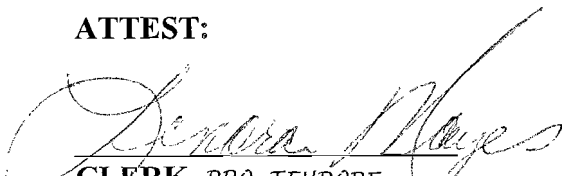
  
**PRESIDENT OF COUNCIL**

**PASSED:** December 27, 1999

**APPROVED:** December 27, 1999

  
**MAYOR**

**ATTEST:**

  
**CLERK PRO-TEMPORE**

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ORDINANCE NO. 1999 - 163

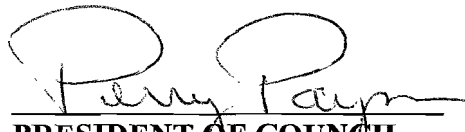
**ORDINANCE RATIFYING AND APPROVING THE BARGAINING  
AGREEMENT BETWEEN THE CITY OF MARION AND THE UNITED  
STEELWORKERS OF AMERICA, LOCAL 1949 UNIT 2A, AND DECLARING AN  
EMERGENCY.**

*WHEREAS*, an agreement with the United Steelworkers of America has been reached on behalf of said Union and the City of Marion and ratified by the bargaining unit members, to be effective January 1, 2000.

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


**Section 1.** That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the United Steelworkers of America, Local 1949 Unit 2A, for the above specified bargaining unit.

**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, and for the further reason that the current contract expires December 31, 1999; 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 27, 1999*

**APPROVED:** *December 27, 1999*

  
**MAYOR**

**ATTEST:**

  
**CLERK PRO-TEMPORE**

## ORDINANCE NO. 1999 - 164

ORDINANCE AMENDING MARION CODIFIED ORDINANCE CHAPTER  
1360, DANGEROUS BUILDINGS.

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

Section 1. That Chapter 1360 now reading as follows:

## CHAPTER 1360: DANGEROUS BUILDINGS

## Section

- 1360.01 Definition
- 1360.02 Declaration of nuisance
- 1360.03 Inspection of buildings
- 1360.04 Standards for repair, vacation or demolition
- 1360.05 Notice to vacate, repair or demolish
- 1360.06 Appeal
- 1360.07 Time for compliance
- 1360.08 Action by municipality
- 1360.09 Fire damaged structures; insurance proceeds
- 1360.99 Penalty

**§ 1360.01 DEFINITION.**

The following buildings shall be deemed **DANGEROUS BUILDINGS**:

(A) Those whose walls, floors, foundations or other structural parts are so out of plumb, level or original position as to be unable to satisfactorily perform their intended structural function;

(B) Those which are so dilapidated, decayed or overloaded as to be unable to provide the basic elements of shelter or safety required for human habitation;

(C) Those which constitute a fire hazard because of their construction, exposure or lack of maintenance;

(D) Those which are so unsanitary as to constitute a health hazard to their occupants or to the public; and

(E) Those which have been damaged to an extent of 50% or more of their fair market value.  
(’70 Code, § 1360.01) (Ord. 68-86, passed 7-8-68)

**§ 1360.02 DECLARATION OF NUISANCE.**

All dangerous buildings are hereby declared to be public nuisances and shall be vacated, repaired or demolished as provided in this chapter.  
(’70 Code, § 1360.02) (Ord. 68-86, passed 7-8-68)

**§ 1360.03 INSPECTION OF BUILDINGS.**

The Safety/Service Director or his/her assistants are hereby authorized and directed to make inspection of any building within the municipality to determine whether it is a dangerous building within the terms of § 1360.01. For the purpose of making such inspection and upon showing appropriate identification, the Safety/Service Director or his/her assistants are authorized to enter, examine and survey at any reasonable hour all buildings existing in the municipality. The owner, occupant or person in charge of any building, upon being shown proper identification, shall give the Safety/Service Director or his/her assistants free access to such building at any reasonable hour for the purpose of such inspection.  
(’70 Code, § 1360.03) (Ord. 68-86, passed 7-8-68)

**§ 1360.04 STANDARDS FOR REPAIR, VACATION OR DEMOLITION.**

The following standards shall be followed in substance by the Safety/Service Director in ordering repair, vacation or demolition of a dangerous building:

(A) If it is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered to be immediately vacated.

(B) If it can reasonably be repaired so that it will no longer violate the terms of this chapter, it shall be ordered repaired.

(C) It shall be demolished if:

(1) It is 50% or more damaged or decayed or deteriorated from its original structure, or

(2) It cannot be repaired so that it no longer violates the terms of this chapter or any other chapter in this code, or

(3) It is a fire hazard existing or erected in violation of the terms of this chapter or any other chapter of these codified ordinances.

('70 Code, § 1360.04) (Ord. 68-86, passed 7-8-68)

#### **§ 1360.05 NOTICE TO VACATE, REPAIR OR DEMOLISH.**

When a building is found to be dangerous building, the Safety/Service Director shall notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the property, as shown by the records of Marion County, Ohio, as to what action is required to be taken under the provisions of § 1360.04. The notice shall set forth a description of the building, a statement of the particulars which make it a dangerous building and, if to be repaired, what repairs are required to render it for occupancy.

('70 Code, § 1360.05) (Ord. 68-86, passed 7-8-68)

#### **§ 1360.06 APPEAL.**

Any person upon whom notice has been served as provided in this chapter may appeal to the Board of Building Appeals pursuant to Chapter 160.

('70 Code, § 1360.06) (Ord. 68-86, passed 7-8-68)

#### **§ 1360.07 TIME FOR COMPLIANCE.**

(A) If the notice provided in § 1360.05 requires the building to be vacated, such vacation shall occur within ten days after service of the notice is completed, unless there is immediate danger of failure or collapse, in which case the building shall be vacated forthwith. If the notice requires repair or demolition, the same shall be accomplished within 60 days after service of notice is completed.

(B) The Safety/Service Director is authorized to take immediate action for demolitions.

('70 Code, § 1360.07) (Ord. 68-86, passed 7-8-68)

#### **§ 1360.08 ACTION BY MUNICIPALITY.**

(A) If the owner or occupant of a dangerous building fails or refuses to vacate it after notice is served and within the time for compliance, the Safety/Service Director shall institute proceedings in the Marion Municipal Court under § 1360.99(A).

(B) If the owner fails or refuses to repair a dangerous building after notice and within the time for compliance, the Safety/Service Director shall post a notice at conspicuous places on and in the building stating that the building is a dangerous building and shall not be occupied or used for any purpose until it has been repaired and approved by the Safety/Service Director. Such notice may not thereafter be removed by anyone other than the Safety/Service Director or his/her authorized agent.

(C) If the owner of a dangerous building fails or refuses to demolish it after notice and within the time for compliance, the Safety/Service Director is authorized to take the necessary measures for accomplishing its demolition and removal. He/she shall advertise for bids for a contract for such demolition for a period of two weeks in a newspaper of general circulation within the municipality and shall present such bids to Council for its acceptance or rejection. Only the lowest and best bid may be accepted by the municipality.

(1) The costs incurred by the municipality in accomplishing the demolition and removal shall be paid from the City Treasury out of the proper fund as designated by the ordinance or resolution authorizing the contract for demolition. The municipality may appropriate to its own use any materials obtained in demolishing the building to compensate it for any part of the cost of demolition.

(2) The total costs of such demolition, whether such costs are incurred due to the use of employees, materials and equipment of the municipality or by contract for labor, materials and equipment, or both, including the cost of service or publication of notice, together with a proper description of the premises, shall be certified by the Clerk of Council to the Marion County Auditor to be placed by him/her on the tax duplicate as a lien upon such premises, to be collected as other taxes and returned to the municipality, all as provided in R.C. § 715.261.

('70 Code, § 1360.08) (Ord. 68-86, passed 7-8-68)

#### **§ 1360.09 FIRE DAMAGED STRUCTURES; INSURANCE PROCEEDS.**

(A) No insurance company doing business in the state shall pay a claim of the named insured for fire damage to a structure located within the municipality where the amount recoverable for the fire loss to the structure under all insurance policies exceeds \$5,000 and is greater than or equal to 60% of all fire insurance policy monetary limitations unless there is compliance with the following procedures:

(1) When the loss agreed to between the named insured or insureds and the insurance or insurance companies equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the insurance



company or companies in accordance with R.C. § 715.26(F) shall transfer from the insurance proceeds to the City Auditor in the aggregate amount of \$2,000 for each \$15,000 and each fraction of that amount, of a claim or, if at time of a proof of loss agreed to between the named insured and insureds and the insurance company or insurance companies, the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

(2) Such transfer of proceeds shall be on a pro-rata basis by all companies insuring the building or structure. Policy proceeds remaining after the transfer to the municipality shall be disbursed in accordance with the policy terms.

(3) The named insured or insureds may submit a contractor's signed estimate of the costs of removing or repairing or securing the building or other structure after the transfer, and the City Auditor, after notifying the Safety/Service Director, shall return the amount of the fund in excess of the estimate to the named insured or insureds, providing that the municipality has not commenced to remove, repair or secure the building or other structure.

(4) Upon receipt of proceeds by the municipality as authorized by this section, the City Auditor shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the municipality pursuant to R.C. § 715.261.

(5) When transferring the fund as required by this section, an insurance company shall provide the municipality with the name and address of the named insured or insureds whereupon the municipality shall contact the named insured or insureds, certify that the proceeds have been received by the municipality, and notify them that the following procedures will be followed: The fund shall be returned by the City Auditor to the named insured or insureds when repairs, or removal, or securing of the building or other structure have been completed, approved by the Fire Chief or his/her designee, and the required proof is received by the

Safety/Service Director, provided that the municipality has not incurred any costs for such repairs, removal, or securing. If the municipality has incurred any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the municipality shall transfer the remaining funds to the named insured or insureds after repair, rebuilding or removal has been completed. Nothing in this section shall be construed to limit the ability of the municipality to recover any deficiency under R.C. § 715.261 or under any other municipal ordinance or state statute.

(B) The City Auditor is hereby designated as the officer authorized to carry out the duties of this section, provided that no funds so held under this section shall be released without notification of such intent to the Safety/Service Director.

(C) Nothing in this section shall be construed to prohibit the municipality and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.  
(R.C. § 3929.86 (C),(D))

(D) Any building or structure damaged by fire which becomes unusable or uninhabitable shall be secured, as approved by the Fire Chief or his/her designee, within 48 hours, or other time limit specified by the local Fire Chief, or his/her designee, of the fire.  
(’70 Code, § 1360.09) (Ord. 1982-141, passed 11-22-82; Am. Ord. 1989-122, passed 12-11-89)

**§ 1360.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense which is punishable by a fine of not more than \$100. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree which is punishable by not more than 30 days in jail and/or \$250. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree which is punishable by not more than 60 days in jail and/or \$500.  
(’70 Code, § 1360.99) (Ord. 68-86, passed 7-8-68; Am. Ord. 1989-122, passed 12-12-89)

is hereby amended to read as follows:

CHAPTER 1360: DANGEROUS (buildings) STRUCTURES and ABATEMENT OF NUISANCES

Section	
1360.01	Definition
1360.02	Declaration of nuisance
1360.03	Inspection of (buildings)STRUCTURES
1360.04	Standards for repair, vacation or demolition
1360.05	Notice to vacate, repair or demolish
1360.06	Appeal
1360.07	Time for compliance
1360.08	Action by municipality
1360.09	Fire damaged structures; insurance Proceeds
1360.99	Penalty

§ 1360.01 DEFINITION.

The following buildings shall be deemed DANGEROUS STRUCTURES AND PUBLIC NUISANCES:

1. ANY FENCE, WALL, GARAGE, SHED, HOUSE, BUILDING, STRUCTURE, TREE, POLE, SMOKE STACK, OR ANY EXCAVATION, BASEMENT, CELLAR, WALL, CISTERN OR SIDEWALK OR PART THEREOF FOR WHICH ANY ONE OF THE FOLLOWING PARTICULARS IS PRESENT:

(A) IS so out of plumb, level or original position as to be unable to satisfactorily perform their intended structural function OR IS LIABLE TO CAUSE INJURY OR DAMAGE BY COLLAPSING ;

(B) IS so dilapidated, decayed or overloaded as to be unable to provide the basic elements of shelter or safety required for human habitation OR IS AVAILABLE TO OR IS FREQUENTED BY MALEFACTORS OR DISORDERLY PERSONS WHO ARE NOT LAWFUL OCCUPANTS ;

(C) Constitutes a fire hazard OR IS LIABLE TO FIRE OR BURN;  
( because of their construction, exposure or lack of maintenance;)

(D) Is so unsanitary as to constitute a health hazard to their occupants or to the public;

(E) Which has been damaged to an extent of 50% or more of their fair market value.

(F) WHICH IS VACANT RESULTING IN LACK OF REASONABLE OR ADEQUATE MAINTENANCE OF STRUCTURES AND GROUNDS AND CAUSING DETERIORATION AND BLIGHTING INFLUENCE ON NEARBY PROPERTIES AND DEPRECIATING THE ENJOYMENT AND USE OF THE PROPERTY IN THE IMMEDIATE VICINITY TO SUCH AND EXTENT THAT IT IS HARMFUL TO THE COMMUNITY IN WHICH SUCH STRUCTURE IS SITUATED ('70 Code, § 1360.01) (Ord. 68-86, passed 7-8-68)

§ 1360.02 DECLARATION OF NUISANCE.

All dangerous STRUCTURES (buildings) are hereby declared to be public nuisances and shall be vacated, repaired or demolished as provided in this chapter. ('70 Code, § 1360.02) (Ord. 68-86, passed 7-8-68)

§ 1360.03 INSPECTION AND DETERMINATION OF DANGEROUS STRUCTURES AND/OR PUBLIC NUISANCES.

The Safety/Service Director or his/her assistants are hereby authorized and directed to make inspection of any STRUCTURE within the municipality to determine whether it is a dangerous STRUCTURE within the terms of § 1360.01. For the purpose of making such inspection and upon showing appropriate identification, the Safety/Service Director or his/her assistants are authorized to enter, examine and survey at any reasonable hour all STRUCTURES in the municipality. The owner, occupant or person in charge of any STRUCTURES, upon being shown proper identification, shall give the Safety/Service Director or his/her assistants free access to such building at any reasonable hour for the purpose of such inspection. ('70 Code, § 1360.03) (Ord. 68-86, passed 7-8-68)

§ 1360.04 STANDARDS FOR REPAIR, VACATION OR DEMOLITION.

The following standards shall be followed in substance by the Safety/Service Director in ordering repair, vacation or demolition of a dangerous STRUCTURE:

(A) If it is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered to be immediately vacated.

(B) If it can reasonably be repaired so that it will no longer violate the terms of this chapter, it shall be ordered repaired.

(C) It shall be demolished if:

(1) It is 50% or more damaged or decayed or deteriorated from its original structure, or

(2) It cannot be repaired so that it no longer violates the terms of this chapter or any other chapter in this code, or

(3) IT IS VACANT AND HAS BEEN INADEQUATELY MAINTAINED CAUSING DETERIORATION AND BLIGHTING INFLUENCE ON NEARBY PROPERTIES AND DEPRECIATING THE ENJOYMENT AND USE OF THE PROPERTY IN THE IMMEDIATE VICINITY TO SUCH AND EXTENT THAT IT IS HARMFUL TO THE COMMUNITY IN WHICH SUCH STRUCTURE IS SITUATED.

(4) It is a fire hazard existing or erected in violation of the terms of this chapter or any other chapter of these codified ordinances.  
(70 Code, § 1360.04) (Ord. 68-86, passed 7-8-68)

#### **§ 1360.05 NOTICE TO VACATE, REPAIR OR DEMOLISH.**

When a STRUCTURE is found to be dangerous STRUCTURE, the Safety/Service Director shall notify in writing, OR AS PROVIDED BELOW, the owner AND occupant AND UPON THE HOLDER OF ANY ENCUMBRANCES OF RECORD, as shown by the records of Marion County, Ohio, as to what action is required to be taken under the provisions of § 1360.04. The notice shall set forth a description of the STRUCTURE, a statement of the particulars which make it a dangerous STRUCTURE and, if to be repaired, what repairs are required to render it for occupancy.

THE REQUIRED NOTICE SHALL BE SERVED EITHER PERSONALLY OR BY MAILING A COPY TO SUCH OWNER AT HIS/HER PLACE OF RESIDENCE BY CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED. HOWEVER IF NEITHER OF THE ABOVE METHODS CAN BE ACHOMPLISHED BY REASONABLE ATTEMPTS, THEN SAID NOTICE SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS.

#### **A NOTICE SHALL ALSO BE POSTED UPON THE STRUCTURE.**

(70 Code, § 1360.05) (Ord. 68-86, passed 7-8-68)

#### **§ 1360.06 APPEAL.**

Any person upon whom notice has been served as provided in this chapter may appeal to the Board of Building Appeals pursuant to Chapter 160. SAID OWNER SHALL, WITHIN TEN DAYS AFTER COMPLETION OF SERVICE OF SUCH NOTICE, MAKE A DEMAND IN WRITING TO THE OFFICE OF THE SAFETY/SERVICE DIRECTOR, REQUESTING A HEARING ON THE QUESTION OR WHETHER IN FACT A PUBLIC NUISANCE EXISTS. UPON RECEIPT THE SAFETY/SERVICE DIRECTOR SHALL INFORM THE BOARD OF BUILDING APPEALS AND ENSURE A HEARING IS HELD WITHIN TEN DAYS FOLLOWING RECEIPT OF THE DEMAND BY OWNER.

(70 Code, § 1360.06) (Ord. 68-86, passed 7-8-68)

#### **§ 1360.07 TIME FOR COMPLIANCE.**

(A) If the notice provided in § 1360.05 requires the STRUCTURE to be vacated, such vacation shall occur within ten days after service of the notice is completed, unless there is immediate danger of failure or collapse, in which case the STRUCTURE shall be vacated forthwith. If the notice requires repair the same shall be accomplished within 60 days after service of notice is completed. IF THE NOTICE REQUIRES DEMOLITION THE SAME SHALL BE ACCOMPLISHED WITHIN 90 DAYS AFTER SERVICE OF NOTICE IS COMPLETE.

(B) The Safety/Service Director is authorized to take immediate action for EMERGENCY demolitions. WHENEVER THE SAFETY/SERVICE DIRECTOR FINDS A STRUCTURE WHICH THE CONDITION OF WHICH POSES AN IMMINENT THREAT, REQUIRING IMMEDIATE RESPONSE TO PROTECT THE PUBLIC'S HEALTH AND SAFETY, OR TO PROTECT THE OCCUPANT THEREOF FROM COLLAPSE, CONTAMINATION OR CONFLAGRATION, THE DIRECTOR SHALL ISSUE AND ORDER RECITING THE EXISTENCE OF THE EMERGENCY CONDITIONS AND REQUIRING IMMEDIATE VACATION OF THE PREMISES AND ABATEMENT OF THE HAZARDOUS

CONDITIONS. THE DIRECTOR SHALL ATTEMPT TO NOTIFY THE OWNER OF THE PROPERTY OF THE SPECIFICS OF THE EMERGENCY ORDER THROUGH REASONABLE MEANS. IF THE OWNER FAILS TO ACT IMMEDIATELY TO ABATE THE IMMINENT HAZARD, THE CITY SHALL HAVE THE AUTHORITY TO HAVE THE HAZARD ABATED THROUGH ANY AVAILABLE PUBLIC AGENCY OR CONTRACT OR ARRANGEMENT OF PRIVATE PERSONS, AND THE COST THEREOF, IF NOT PAID BY THE OWNER, SHALL BE CHARGED AGAINST THE REAL ESTATE UPON WHICH THE STRUCTURE IS LOCATED AND SHALL BE A LIEN UPON SUCH REAL ESTATE.

('70 Code, § 1360.07) (Ord. 68-86, passed 7-8-68)

#### § 1360.08 ACTION BY MUNICIPALITY.

(A) If the owner or occupant of a dangerous STRUCTURE fails or refuses to vacate it after notice is served and within the time for compliance, the Safety/Service Director shall institute proceedings in the Marion Municipal Court under § 1360.99(A).

(B) If the owner fails or refuses to repair a dangerous STRUCTURE after notice and within the time for compliance, the Safety/Service Director shall post a notice at conspicuous places on and in the STRUCTURE stating that the STRUCTURE is a dangerous building AND PUBLIC NUISANCE and shall not be occupied or used for any purpose until it has been repaired and approved by the Safety/Service Director. Such notice may not thereafter be removed by anyone other than the Safety/Service Director or his/her authorized agent.

(C) If the owner of a dangerous STRUCTURE OR PUBLIC NUISANCE fails or refuses to demolish it after notice and within the time for compliance, the Safety/Service Director is authorized to take the necessary measures for accomplishing its demolition and removal. He/she shall advertise for bids for a contract for such demolition for a period of two weeks in a newspaper of general circulation within the municipality and shall present such bids to Council for its acceptance or rejection. Only the lowest and best bid may be accepted by the municipality.

(1) The costs incurred by the municipality in accomplishing the demolition and removal shall be paid from the City Treasury out of the proper fund as designated by the ordinance or

resolution authorizing the contract for demolition. The municipality may appropriate to its own use any materials obtained in demolishing the building to compensate it for any part of the cost of demolition.

(2) The total costs of such demolition, whether such costs are incurred due to the use of employees, materials and equipment of the municipality or by contract for labor, material and equipment, or both, including the cost of service or publication of notice, together with a proper description of the premises, shall be certified by the Clerk of Council to the Marion County Auditor to be placed by him/her on the tax duplicate as a lien upon such premises, to be collected as other taxes and returned to the municipality, all as provided in R.C. § 715.261.

('70 Code, § 1360.08) (Ord. 68-86, passed 7-8-68)

#### § 1360.09 FIRE DAMAGED STRUCTURES; INSURANCE PROCEEDS.

(A) No insurance company doing business in the state shall pay a claim of the named insured for fire damage to a structure located within the municipality where the amount recoverable for the fire loss to the structure under all insurance policies exceeds \$5,000 and is greater than or equal to 60% of all fire insurance policy monetary limitations unless there is compliance with the following procedures:

(1) When the loss agreed to between the named insured or insureds and the insurance or insurance companies equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with R.C. § 715.26(F) shall transfer from the insurance proceeds to the City Auditor in the aggregate amount of \$2,000 for each \$15,000 and each fraction of that amount, of a claim or, if at time of a proof of loss agreed to between the named insured and insureds and the insurance company or insurance companies, the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

(2) Such transfer of proceeds shall be on a pro-rata basis by all companies insuring the building or structure. Policy proceeds remaining after the transfer to the municipality shall be disbursed in accordance with the policy terms.

(3) The named insured or insureds may submit a contractor's signed estimate of the costs of removing or repairing or securing the building or other structure after the transfer, and the City Auditor, after notifying the Safety/Service Director, shall return the amount of the fund in excess of the estimate to the named insured or insureds, providing that the municipality has not commenced to remove, repair or secure the building or other structure.

(4) Upon receipt of proceeds by the municipality as authorized by this section, the City Auditor shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the municipality pursuant to R.C. § 715.261.

(5) When transferring the fund as required by this section, an insurance company shall provide the municipality with the name and address of the named insured or insureds whereupon the municipality shall contact the named insured or insureds, certify that the proceeds have been received by the municipality, and notify them that the following procedures will be followed: The fund shall be returned by the City Auditor to the named insured or insureds when repairs, or removal, or securing of the building or other structure have been completed, approved by the Fire Chief or his/her designee, and the required proof is received by the Safety/Service Director, provided that the municipality has not incurred any costs for such repairs, removal, or securing. If the municipality has incurred any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the municipality shall transfer the remaining funds to the named insured or insureds after repair, rebuilding or removal has been completed. Nothing in this section shall be construed to limit the ability of the municipality to recover any deficiency under R.C. § 715.261 or under any other municipal ordinance or state statute.

(B) The City Auditor is hereby designated as the officer authorized to carry out the duties of this section, provided that no funds so held under this section shall be released without notification of such intent to the Safety/Service Director.

(C) Nothing in this section shall be construed to prohibit the municipality and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

(R.C. § 3929.86 (C),(D))

(D) Any building or structure damaged by fire which becomes unusable or uninhabitable shall be secured, as approved by the Fire Chief or his/her designee, within 48 hours, or other time limit specified by the local Fire Chief, or his/her designee, of the fire.

(E) ALL FIRE DAMAGED STRUCTURES SHALL BE REMEDIATED WITHIN ONE YEAR OF THE FIRE, UNLESS THE SAFETY/SERVICE DIRECTOR HAS INITIATED AN ACTION PURSUANT TO THE PRECEDING SECTIONS, ANY STRUCTURE NOT REMEDIATED WITHIN SAID ONE YEAR PERIOD OR A SOONER PERIOD AS ORDERED BY THE SAFETY/SERVICE DIRECTOR SHALL BE A PUBLIC NUISANCE AND SHALL BE ABATED PURSUANT TO THE POWERS CONFERRED IN 1360.08 HEREIN.

(F) THIS SECTION SHALL BE LIBERALLY CONSTRUED TO ACCOMPLISH ITS PURPOSE TO DETER THE COMMISSION OF ARSON AND RELATED CRIMES, TO DISCOURAGE THE ABANDONMENT OF PROPERTY AND TO PREVENT URBAN BLIGHT AND DETERIORATION.

('70 Code, § 1360.09) (Ord. 1982-141, passed 11-22-82; Am. Ord. 1989-122, passed 12-11-89)

#### § 1360.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense which is punishable by a fine of not more than \$100. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree which is punishable by not more than 30 days in jail and/or \$250. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree which is punishable by not more than 60 days in jail and/or \$500. A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES.

('70 Code, § 1360.99) (Ord. 68-86, passed 7-8-68; Am. Ord. 1989-122, passed 12-12-89)

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

\* By a majority vote of the members, this legislation was referred back to committee on January 4, 2000.

Cathy Chappin  
Clerk of Council

ORDINANCE NO. 1999 - 165

**ORDINANCE AUTHORIZING THE MARION CITY/COUNTY BUILDING DEPARTMENT TO GENERATE REFUNDS TO PROPERTY OWNERS IN THE CITY OF MARION WHO HAD PAID FOR ROOF PERMITS, CERTAIN ALTERATION PERMITS, HOME REWIRING PERMITS, DECKS PERMITS (UNDER 30" HIGH), AND PORCH PERMITS AS REQUIRED PRIOR TO THE PASSAGE OF CITY ORDINANCE 1999-151 PASSED NOVEMBER 22, 1999.**

*WHEREAS*, City Council passed City Ordinance 1997-153, which after considerable hearings and debate found it necessary to enact and adopt certain building codes, including provisions for the administration and enforcement of the newly created Chapter 1330 of the Marion Codified Ordinances, and;

*WHEREAS*, Ordinance 1999-151 passed on November 22, 1999 eliminated the need for permits to be required for roofs, certain alterations, home rewiring, decks (under 30" high), and porches in the City of Marion, and;

*WHEREAS*, City Council has determined the permits obtained by property owners that are no longer required and have paid permit fees to the Building Department prior to the passage of Ordinance 1999-151 shall be refunded.

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

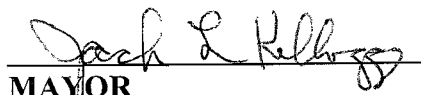
**Section 1.** The City/County Building Code Department is hereby authorized to refund permit fees paid by property owners in the City of Marion between March 29, 1999 and November 22, 1999 for permits issued on roofs, certain alterations, home rewiring, decks under 30", and porches.

**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 24, 2000

**APPROVED:** January 24, 2000

  
MAYOR

**ATTEST:**

  
CLERK OF COUNCIL

## ORDINANCE NO. 1999- 166

## ORDINANCE AMENDING VARIOUS SECTIONS OF THE MARION CITY CODE, TO WIT: 351.01, 351.03 AND 351.04 REVISING AND MODIFYING SAID SECTIONS OF LAW, INCLUDING THE PENALTIES RELATING THERETO

WHEREAS, Marion City Code Sections 351.01, 351.03 and 351.04, previously enacted, prohibit specific acts related to the parking or standing or the manner of parking and or standing, and

WHEREAS the State of Ohio, through its' legislature, revised the applicable sections of the Ohio Revised Code related to specific acts of parking or standing, and

WHEREAS this change took effect some months ago, however the State Legislature did not provide for a system of reasonable notification, such as written notification to the Council's Clerk or Law Office, and

WHEREAS the Council is ever vigilant in its' efforts to adopt and incorporate changes in State Law within the City's Code, and

WHEREAS the Council finds it of utmost importance to adopt standards which provide for handicapped citizens or persons with disabilities to have easy access to public and private locations,

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

Section 1. Marion City Code Section § 351.01 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE, now reading in part as:

(A) Whenever any police officer finds a vehicle standing upon a street or highway in violation of § 351.12, the officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such street or highway.

(B) Whenever any police officer finds a vehicle unattended upon any street, highway, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. (RC § 4511.67) ('70 Code, § 351.01)

*Cross-reference: Impounding of vehicles; redemption, see § 303.08*

SHALL BE AMENDED TO READ, IN PART:

Marion City Code Section § 351.01 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE

(A) Whenever any police officer finds a vehicle standing upon a street or highway in violation of § 351.12, the officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such street or highway.

(B) Whenever any police officer finds a vehicle unattended upon any street, highway, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.

(C) ANY MOTOR VEHICLE THAT IS PARKED IN A SPECIAL MARKED PARKING LOCATION IN VIOLATION OF DIVISION (F)(1) OR (F)(2) OF SECTION 351.04 MAY BE TOWED OR OTHERWISE REMOVED FROM THE PARKING LOCATION BY THE LAW ENFORCEMENT AGENCY OF THE POLITICAL SUBDIVISION IN WHICH



THE PARKING LOCATION IS LOCATED. A MOTOR VEHICLE THAT IS SO TOWED OR REMOVED SHALL NOT BE RELEASED TO ITS OWNER UNTIL THE OWNER PRESENTS PROOF OF OWNERSHIP OF THE MOTOR VEHICLE AND PAYS ALL TOWING AND STORAGE FEES NORMALLY IMPOSED BY THAT POLITICAL SUBDIVISION FOR TOWING AND STORING MOTOR VEHICLES. IF THE MOTOR VEHICLE IS A LEASED VEHICLE, IT SHALL NOT BE RELEASED TO THE LESSEE UNTIL THE LESSEE PRESENTS PROOF THAT PERSON IS THE LESSEE OF THE MOTOR VEHICLE AND PAYS ALL TOWING AND STORAGE FEES NORMALLY IMPOSED BY THAT POLITICAL SUBDIVISION FOR TOWING AND STORING MOTOR VEHICLES.

(RC § 4511.67) ('70 Code, § 351.01) *Cross-reference: Impounding of vehicles; redemption, see § 303.08*

## Section 2.

Marion City Code Section § 351.03 PROHIBITED STANDING OR PARKING PLACES now reading in part,

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:

(R) In any special parking location provided for disabled person, unless the person is disabled or is operating a motor vehicle to transport a disabled person. (Ord. 1978-27, passed 3-13-78)

SHALL BE AMENDED TO READ IN PART:

Marion City Code Section § 351.03 PROHIBITED STANDING OR PARKING PLACES, reading in part,

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:

(R) In any special parking location provided for disabled person, unless the person is disabled or is operating a motor vehicle to transport a disabled person. IT IS AN AFFIRMATIVE DEFENSE TO THE CHARGE THAT THE PERSON SUFFERED AN INJURY NOT MORE THAN SEVENTY-TWO HOURS PRIOR TO THE TIME THE PERSON WAS ISSUED THE TICKET OR CITATION AND THAT, BECAUSE OF THE INJURY, THE PERSON MEETS AT LEAST ONE OF THE CRITERIA CONTAINED IN DIVISION (A)(1) OF SECTION 4503.44 OF THE REVISED CODE.  
(Ord. 1978-27, passed 3-13-78)

351.03-99 WHOEVER VIOLATES DIVISION (R) HEREIN IS GUILTY OF A MISDEMEANOR AND SHALL BE FINED NOT LESS THAN TWO HUNDRED FIFTY NOR MORE THAN FIVE HUNDRED DOLLARS, BUT IN NO CASE SHALL AN OFFENDER BE SENTENCED TO ANY TERM OF IMPRISONMENT.

ARREST OR CONVICTION FOR A VIOLATION OF DIVISION (R) ABOVE DOES NOT CONSTITUTE A CRIMINAL RECORD AND NEED NOT BE REPORTED BY THE PERSON SO ARRESTED OR CONVICTED IN RESPONSE TO ANY INQUIRIES CONTAINED IN ANY APPLICATION FOR EMPLOYMENT, LICENSE, OR OTHER RIGHT OR PRIVILEGE, OR MADE IN CONNECTION WITH THE PERSON'S APPEARANCE AS A WITNESS.

EVERY FINE COLLECTED UNDER THIS DIVISION SHALL BE PAID BY THE CLERK OF THE COURT TO THE POLITICAL SUBDIVISION IN WHICH THE VIOLATION OCCURRED. EXCEPT AS PROVIDED IN THIS DIVISION, THE POLITICAL SUBDIVISION SHALL USE THE FINE MONEYS IT RECEIVES UNDER THIS DIVISION TO PAY THE EXPENSES IT INCURS IN

COMPLYING WITH THE SIGNAGE AND NOTICE REQUIREMENTS CONTAINED IN DIVISION (E) OF SECTION 351.04. THE POLITICAL SUBDIVISION MAY USE UP TO FIFTY PER CENT OF EACH FINE IT RECEIVES UNDER THIS DIVISION TO PAY THE COSTS OF EDUCATIONAL, ADVOCACY, SUPPORT, AND ASSISTIVE TECHNOLOGY PROGRAMS FOR PERSONS WITH DISABILITIES, AND FOR PUBLIC IMPROVEMENTS WITHIN THE POLITICAL SUBDIVISION THAT BENEFIT OR ASSIST PERSONS WITH DISABILITIES, IF GOVERNMENTAL AGENCIES OR NONPROFIT ORGANIZATIONS OFFER THE PROGRAMS.

Section 3. Marion City Code Section § 351.04 MANNER OF PARALLEL PARKING; DISABLED PERSONS, now reading in part,

(E) Special parking locations and privileges for disabled persons shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of accessibility and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and RC § 3781.111(B) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet.

(F) No person shall stop, stand, or park any motor vehicle at special parking locations provided for disabled persons under this section, or at special parking locations provided for disabled persons in or on privately-owned parking lots, parking garages, or other parking areas and designated in accordance with division (E) of this section, unless the motor vehicle is being operated by or for the transport of a disabled person and is displaying a parking card or special disabled license plates.

(G) When a motor vehicle is being operated by or for the transport of a disabled person, and is displaying a parking card or special disabled license plates, the motor vehicle shall be permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(H) No owner of an office, facility, or parking garage where special parking locations for the disabled must be designated in accordance with division (E) of this section shall fail to properly mark the special parking locations as required by that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(I) As used in this section:

(1) *DISABLED PERSON* has the same meaning as *HANDICAPPED PERSON* in RC § 4503.44.

(2) *SPECIAL DISABLED LICENSE PLATES* and *PARKING CARD* mean any license plates or parking card issued under RC § 4503.44, and also mean any substantially similar license plates or parking card issued by a state, district, country, or sovereignty with which the director of highway safety has entered into a reciprocity agreement as authorized by RC § 5502.03, during the time the agreement is in effect. (RC § 4511.69)

(J) Whoever violates division (A), (C), or (F) of this section is guilty of a minor misdemeanor. (RC § 4511.99(F))

(K) Whoever violates division (H) of this section shall be issued a warning for a first offense; on each subsequent offense the person shall be fined \$25 for each parking location that is not properly marked or whose markings are not properly maintained. (RC § 4511.99(M))

('70 Code, § 351.04) Penalty, see §§ 309.01 and 309.02

SHALL BE AMENDED TO READ IN PART:

Marion City Code Section § 351.04 MANNER OF PARALLEL PARKING;  
DISABLED PERSONS, reading in part,

(E) Special parking locations and privileges for disabled persons shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of accessibility and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and RC § 3781.111(B) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet. IF A NEW SIGN OR A REPLACEMENT SIGN DESIGNATING A SPECIAL PARKING LOCATION IS POSTED ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, THERE ALSO SHALL BE AFFIXED UPON THE SURFACE OF THAT SIGN OR AFFIXED NEXT TO THE DESIGNATING SIGN A NOTICE THAT STATES THE FINE APPLICABLE FOR THE OFFENSE OF PARKING A MOTOR VEHICLE IN THE SPECIAL DESIGNATED PARKING LOCATION IF THE MOTOR VEHICLE IS NOT LEGALLY ENTITLED TO BE PARKED IN THAT LOCATION.

(F) No person shall stop, stand, or park any motor vehicle at special parking locations provided for disabled persons under this section, or at special parking locations provided for disabled persons in or on privately-owned parking lots, parking garages, or other parking areas and designated in accordance with division (E) of this section, unless ONE OF THE FOLLOWING APPLIES:

- (1) The motor vehicle is being operated by or for the transport of a person WITH A DISABILITY THAT LIMITS OR IMPAIRS THE ABILITY TO WALK AND is displaying a VALID REMOVABLE WINDSHIELD PLACARD or special license plates.
- (2) THE MOTOR VEHICLE IS BEING OPERATED BY OR FOR THE TRANSPORT OF A HANDICAPPED PERSON AND IS DISPLAYING A PARKING CARD OR SPECIAL HANDICAPPED LICENSE PLATES.

(G) IT IS AN AFFIRMATIVE DEFENSE TO A PERSON CHARGED WITH A VIOLATION OF (F)(1) OR (F)(2) THAT THE PERSON SUFFERED AN INJURY NOT MORE THAN SEVENTY-TWO HOURS PRIOR TO THE TIME THE PERSON WAS ISSUED THE TICKET OR CITATION AND THAT, BECAUSE OF THE INJURY, THE PERSON MEETS AT LEAST ONE OF THE CRITERIA CONTAINED IN DIVISION (A)(1) OF SECTION 4503.44 OF THE REVISED CODE.

(H) When a motor vehicle is being operated by or for the transport of a disabled person, and is displaying a parking card or special disabled license plates, the motor vehicle shall be permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(I) No owner of an office, facility, or parking garage where special parking locations for the disabled must be designated in accordance with division (E) of this section shall fail to properly mark the special parking locations as required by that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(J) As used in this section:

(1) *DISABLED PERSON* has the same meaning as *HANDICAPPED PERSON* in RC § 4503.44.

(2) *SPECIAL DISABLED LICENSE PLATES* and *PARKING CARD* mean any license plates or parking card issued under RC § 4503.44, and also mean any substantially similar license plates or parking card issued by a state, district, country, or sovereignty with which the director of highway safety has entered into a reciprocity agreement as authorized by RC § 5502.03, during the time the agreement is in effect. (RC § 4511.69)

(K) Whoever violates division (A) or (C) of this section is guilty of a minor misdemeanor. (RC § 4511.99(F))

(L) Whoever violates division (H) of this section shall be issued a warning for a first offense; on each subsequent offense the person shall be fined \$25 for each parking location that is not properly marked or whose markings are not properly maintained. (RC § 4511.99(M))  
(70 Code, § 351.04) Penalty, see §§ 309.01 and 309.02

(M) WHOEVER VIOLATES DIVISION (F)(1) OR (F)(2) HEREIN IS GUILTY OF A MISDEMEANOR AND SHALL BE FINED NOT LESS THAN TWO HUNDRED FIFTY NOR MORE THAN FIVE HUNDRED DOLLARS, BUT IN NO CASE SHALL AN OFFENDER BE SENTENCED TO ANY TERM OF IMPRISONMENT.

ARREST OR CONVICTION FOR A VIOLATION OF DIVISION (F)(1) OR (F)(2) HEREIN DOES NOT CONSTITUTE A CRIMINAL RECORD AND NEED NOT BE REPORTED BY THE PERSON SO ARRESTED OR CONVICTED IN RESPONSE TO ANY INQUIRIES CONTAINED IN ANY APPLICATION FOR EMPLOYMENT, LICENSE, OR OTHER RIGHT OR PRIVILEGE, OR MADE IN CONNECTION WITH THE PERSON'S APPEARANCE AS A WITNESS.

EVERY FINE COLLECTED UNDER THIS DIVISION SHALL BE PAID BY THE CLERK OF THE COURT TO THE POLITICAL SUBDIVISION IN WHICH THE VIOLATION OCCURRED. EXCEPT AS PROVIDED IN THIS DIVISION, THE POLITICAL SUBDIVISION SHALL USE THE FINE MONEYS IT RECEIVES UNDER THIS DIVISION TO PAY THE EXPENSES IT INCURS IN COMPLYING WITH THE SIGNAGE AND NOTICE REQUIREMENTS CONTAINED IN DIVISION (E) HEREIN. THE POLITICAL SUBDIVISION MAY USE UP TO FIFTY PER CENT OF EACH FINE IT RECEIVES UNDER THIS DIVISION TO PAY THE COSTS OF EDUCATIONAL, ADVOCACY, SUPPORT, AND ASSISTIVE TECHNOLOGY PROGRAMS FOR PERSONS WITH DISABILITIES, AND FOR PUBLIC IMPROVEMENTS WITHIN THE POLITICAL SUBDIVISION THAT BENEFIT OR ASSIST PERSONS WITH DISABILITIES, IF GOVERNMENTAL AGENCIES OR NONPROFIT ORGANIZATIONS OFFER THE PROGRAMS.

Section 4. 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 State of Ohio has already amended the State law and the City is in need of bringing its' Code into compliance; 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.

PASSED: January 4, 2000

Kirk A. Koehnecker  
President of Council

APPROVED: January 4, 2000

Paul L. Kelly  
Mayor

ATTEST:

Cathy A. Chappin  
Clerk of Council

ORDINANCE NO. 1999-21

ORDINANCE ACCEPTING THE PLAT OF THE DUAL RAIL INDUSTRIAL PARK TO THE CITY OF MARION, OHIO AND CONFIRMING THE DEDICATION OF THE STREET THEREIN SHOWN, AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion, owner, has hereunto submitted to the Planning Commission of the City of Marion, a plat of the Dual Rail Industrial Park for the City of Marion, being a part of Section 16 and part of the East half of Section 17, Township 5 South, Range 15 East, City of Marion, County of Marion, State of Ohio, and being a 383.309 acre tract with the dimensions as shown on said plat, and one street known as Kellogg Parkway; and

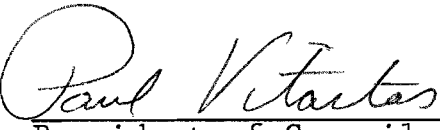
WHEREAS, on the 2nd day of February 1999, the Planning Commission of the City of Marion approved said plat.

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

Section 1. That the plat of the City of Marion, owner, of the Dual Rail Industrial Park for the City of Marion, being a part of Section 16 and part of the East half of Section 17, Township 5 South, Range 15 East, City of Marion, County of Marion, State of Ohio, dedicated on the 2nd day of February 1999, be and the same is hereby approved and accepted, and the dedication to the public use of the street shown therein be and the same is hereby accepted and confirmed, and ratifying any prior approval thereto. \*

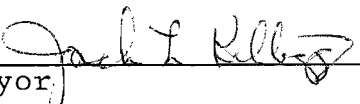
Section 2. That the acceptance of this plat of the Dual Rail Industrial Park to the City of Marion shall be subject to the provisions of Ordinance No. 1973-108 pertaining to the underground facilities.

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare of the City of Marion, and 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: February 8, 1999

Approved: February 9, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

\*Amended on Council floor Feb. 8, 1999

ORDINANCE NO. 1999- 22ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS  
FUNDS FOR THE YEAR ENDING DECEMBER 31, 1999.

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 \$49,465.00, as follows:

GENERAL FUND

EMS Grant	101-01-131-230-149-223	\$11,200.00
Airport Taxes	101-06-621-240-000-381	460.00
DRIP Taxes	101-07-741-240-000-381	<u>17,805.00</u>
	TOTAL GENERAL FUND	\$29,465.00

SCMR FUND


Capital Improvements	207-06-612-250-000-520	\$20,000
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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.

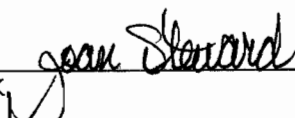
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: February 8, 1999

APPROVED: February 9, 1999

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1999-23

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."

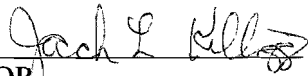
General Fund	\$1,150.00
Sanitation Fund	\$2,292.65

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.

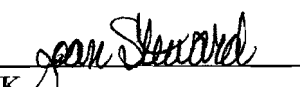
  
PRESIDENT OF COUNCIL

PASSED: February 8, 1999

APPROVED: February 9, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999-24

**ORDINANCE AUTHORIZING THE MARION AREA  
COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT  
ON BEHALF OF THE CITY OF MARION TO CONSENT AND  
ACCEPT THE ASSIGNMENT OF A LEASE PURCHASE OPTION  
AGREEMENT, FROM MID OHIO PACKAGING COMPANY  
TO SINGLE SOURCE PACKAGING OF INDIANA AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, the Mid Ohio Packaging Company has a lease purchase option agreement with the City of Marion and C.I.C. for property in the Marion Airport Industrial Park, said agreement dated November 13, 1995 and authorized by Ordinance 1995-72 and

**WHEREAS**, Mid Ohio Packaging Company is selling the business assets and facilities and assigning said lease agreement to Single Source Packaging of Indiana L.L. and

**WHEREAS**, the Marion Airport Commission has authorized it's consent to assignment of the lease agreement.

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

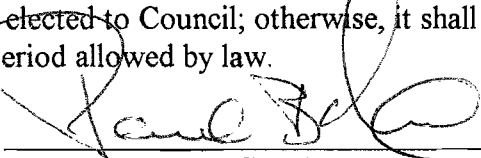
**Section 1.** That the City of Marion, by and through its Mayor and Safety/Service Director, is hereby authorized to enter into a written agreement with CIC as provided in Section 1724.10(B) of the Ohio Revised Code.

**Section 2.** That CIC is hereby authorized to consent to assignment of a lease/purchase agreement with Single Source Packaging, on behalf of the City of Marion, for a certain parcel of property and described as follows:

Lot # 17809 of the Marion Airport Industrial Park consisting of 15.37 acres more or less. Original lease purchase option agreement dated November 13, 1995.


**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 PRO-TEMPORE

PASSED: February 22, 1999

APPROVED: February 23, 1999

  
\_\_\_\_\_  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
CLERK PRO-TEMPORE



ORDINANCE NO. 1999- 25ORDINANCE APPROVING THE PURCHASE OF ONE (1) BUS 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. 1998-18 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 one (1) 12-2 LTV Vehicle (Bus) through the ODOT Cooperative Purchasing Program for Marion Area Transit.

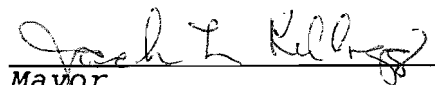
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City, and bus is seven years old, has in excess of 250,000 miles and has been out of service numerous times for repair 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: February 22, 1999

APPROVED: February 23, 1999

  
Mayor

Attest:

  
Clerk Pro-Tempore

ORDINANCE NO. 1999 - 26

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH  
SUPERTRONIC SYSTEMS FOR THE Y2K COMPLIANT COMPUTER-  
IZATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion's main computer system is not Y2K compliant, and

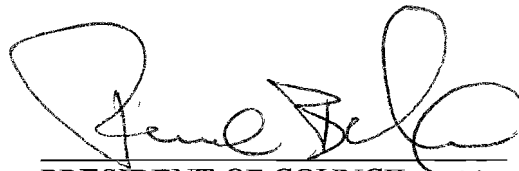
WHEREAS, it is recognized that it is necessary to engage a professional service firm to review, recommend and oversee the computerization project.

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 enter into a professional services contract with Supertronic Systems to review, recommend and oversee the Y2K Compliant Computerization Project.

Section 2. That said contract shall be for not more than 500 hours at \$80.00 per hour payable from 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 its' inhabitants thereof and for the further reason that it is necessary to have the project completed by December 31, 1999; 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

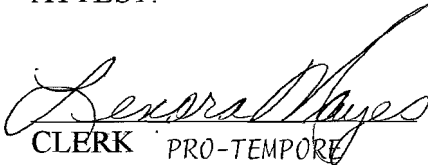
PASSED: February 22, 1999

APPROVED: February 23, 1999



MAYOR

ATTEST:



CLERK PRO-TEMPORE

\*AS AMENDED ON COUNCIL FLOOR

ORDINANCE NO. 1999- 27

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD, INC., MARION, OHIO, FOR THE PURCHASE OF A ONE TON TRUCK WITH UTILITY BODY FOR USE IN THE PARKS DEPT, 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, Mathews Kennedy Ford, Inc., submitted the 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 Mathews Kennedy Ford, Inc., for the purchase of a one ton truck with a utility body for the Parks Department.

**Section 2.** That the cost of \$26,611.55 shall be payable from the Parks Fund Account No. 221-03-421-250-000-450.

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

  
PRESIDENT OF COUNCIL PRO-TEMPORE

PASSED: February 22, 1999

APPROVED: February 23, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL PRO-TEMPORE

\* That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its inhabitants there of, 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.

ORDINANCE NO. 1999- 28

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE LOWEST AND MOST RESPONSIVE BIDDER FOR ONE FIRE ANDTHREE POLICE VEHICLES, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Marion has been notified by Ford Motor Company that no orders for these type vehicles will be accepted after March 13, 1999; and,

**WHEREAS**, the bid opening has been set for March 12, 1999 and therefore, if Ford Motor Company or a vendor thereof Ford Motor Company was the lowest and most responsive bidder the City of Marion would be unable to meet the March 13, 1999 deadline set by Ford Motor Company; and

**WHEREAS**, Ford Motor Company or Vendor thereof Ford has been the only bidder for the past three (3) years due to limited manufactures selling these type vehicles; and

**WHEREAS**, no contract will be entered into unless the lowest and most responsive bidder is competitive with State pricing.

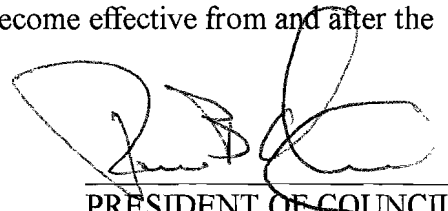
**BE IT ORDAINED** by the Council of Marion, Marion County, Ohio.

**Section 1.** That the Safety/Service Director be directed and authorized to enter into contract with the lowest and most responsive bidder for three police vehicles and one fire vehicle if it is competitive with state pricing.

**Section 2.** That if the deadline for Ford Motor Company is not a factor in the City of Marion decision, the recommendation will be referred to City Council at a later date.

**Section 3.** That the contract shall be payable from the General Fund.

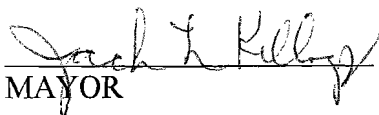
**Section 4.** That this ordinance is hereby declared to be an emergency measure necessary for the welfare or the City of Marion, and the inhabitants thereof, and for further reasons as stated above; and as such , shall take effect and be in force immediately upon passage and approval be the Mayor, provided 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

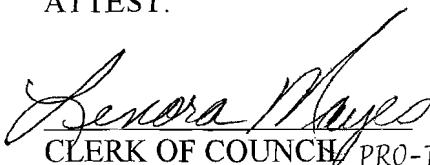
PASSED: February 22, 1999

APPROVED: February 23, 1999



MAYOR

ATTEST:



CLERK OF COUNCIL PRO-TEMPORE

ORDINANCE NO. 1999-29**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BAKER MAINTENANCE FOR JANITORIAL SERVICES AT CITY HALL AND MARION CITY YOUTH CENTER.**

**WHEREAS**, Ordinance No. 1999-2 passed January 4, 1999 authorized the Safety/Service Director to prepare specification and advertise for bids for Janitorial Services at City Hall and the Marion City Youth Center, and;

**WHEREAS**, Baker Maintenance submitted the only, lowest, and best bid.

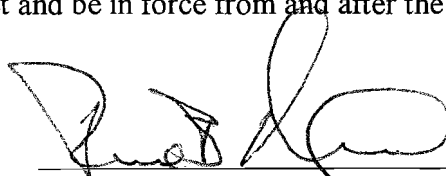
**BE IT ORDAINED** by the Council of Marion, Marion County, Ohio.

**Section 1.** That the Safety/Service Director be authorized and directed to enter into contract with Baker Maintenance for Janitorial Services at City Hall and the Marion City Youth Center.

**Section 2.** That the contract price of \$16,970 shall be payable from the following funds as shown:

Recreation Fund	Janitorial Services	101-07-422-230-000-424	\$ 3,800
City Hall Fund	Janitorial Services	101-07-741-230-000-424	\$13,170

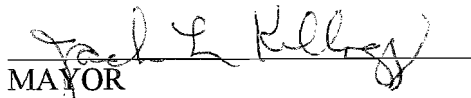
**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



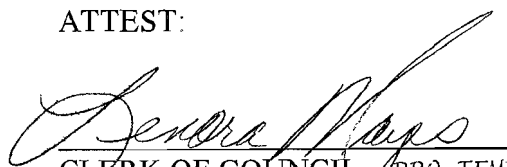
PRESIDENT OF COUNCIL PRO-TEMPORE

PASSED: February 22, 1999

APPROVED: February 23, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL PRO-TEMPORE

**ORDINANCE 1999-30**

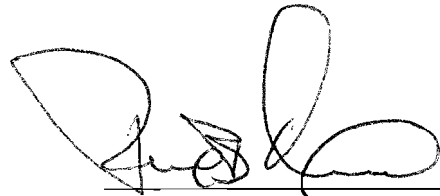
**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A COPIER TO BE USED IN THE MARION CITY POLICE DEPARTMENT.**

*WHEREAS*, the current copier contract with Savin Corporation has been discontinued due to the copier not performing within the terms of 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 prepare specifications and advertise for bids for a copier to be used in the Marion City Police Department.

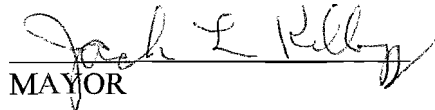
**Section 2.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL PRO-TEMPORE

PASSED: February 22, 1999

APPROVED: February 23, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL PRO-TEMPORE

ORDINANCE NO. 1999 - 31ORDINANCE AMENDING MARION CODIFIED ORDINANCE  
CHAPTER 678, RELATING TO WEEDS.

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

Section 1. That Chapter 678 of the Codified Ordinances, now reading in part as follows:

**“§ 678.01 DUTY OF SAFETY/SERVICE DIRECTOR OR HEALTH DEPARTMENT.**

The Safety/Service Director or the Health Department is hereby authorized and directed to proceed as set forth in this section, upon receiving a complaint of the existence of noxious weeds. Upon the receipt of written information or a complaint that noxious weeds are being allowed to grow upon any land in the municipality and that such weeds are mature or about to mature or spread seeds or that such weeds otherwise constitute a nuisance, the Director or the Health Department shall prepare and cause a written notice to be served upon the owner, lessee, agent, tenant or other person having charge of such land that such noxious weeds are growing upon such land and that such weeds must be cut, destroyed and removed within five days after the date of service of such notice. ('70 Code, § 678.01) (Ord. 1986-40, passed 6-23-86)

**§ 678.02 SERVICE OF NOTICE; FEES.**

(A) The notice provided for in § 678.01 shall be served by any police officer of the municipality or by the Clerk of Council. The fees for such service shall be the same as are allowed for service and return of summons in civil cases before the Marion Municipal Court.

(B) If the owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to such owner or other person by registered or certified mail, return receipt requested; if such owner's or other person's address is unknown, publication of such notice shall be made one time in a newspaper of general circulation within the county and such publication of such notice shall be sufficient notice. ('70 Code, § 678.02) (Ord. 66-110, passed 8-8-66).

**§ 678.03 NONCOMPLIANCE; REMEDY OF CITY.**

If the owner, lessee, agent, tenant or other person having charge of such land or lands mentioned in § 678.01 fails to comply with such notice within the time set forth in § 678.01, the Safety/Service Director or the Health Department shall cause such noxious weeds to be cut, destroyed and removed and shall employ such labor and equipment as is necessary to carry out the provisions of this chapter. ('70 Code, § 678.03) (Ord. 1979-28, passed 3-12-79)

**§ 678.04 COLLECTION OF COSTS.**

The Safety/Service Director or the Health Department shall, upon completion of the cutting, destruction and removal of such noxious weeds, make a written return of his/her or its proceedings hereunder and shall certify such return to the County Auditor, together with a statement of the costs and expenses incurred for such cutting, destruction and removal of such noxious weeds, including costs of labor and equipment used for such purpose, the costs and fees for the service of notice and return of such service or the costs of publication of notice as herein provided and other costs and expenses, if any, together with the costs and expenses hereinbefore set forth, shall, upon receipt and acceptance by the County Auditor, be entered upon the tax duplicate and become a lien upon such land or lands from and after the date of such entry upon the tax duplicate and be collected as are other taxes and returned to the municipality, as provided by law. ('70 Code, § 678.04) (Ord. 1979-28, passed 3-12-79)

**§ 678.99 PENALTY.**

Whoever fails to comply with such written notice within the time set forth in § 678.01 is guilty of a minor misdemeanor. This penalty is in addition to any other remedy of the municipality contained in this chapter. ('70 Code, § 678.99) (Ord. 1986-40, passed 6-23-86) Penalty, see § 698.02"

is hereby amended to read as follows:

**"§ 678.01 CUTTING REQUIRED; DUTY OF SAFETY/SERVICE DIRECTOR OR HEALTH DEPARTMENT.**

NO OWNER, OCCUPANT, OR PERSON IN CHARGE OF ANY LOT OR LAND WITHIN THE MUNICIPALITY SHALL ALLOW GRASS, WEEDS, OR OTHER NOXIOUS OR HARMFUL VEGETATION TO GROW TO AN EXCESSIVE HEIGHT, CREATE, OR CONSTITUTE A NUISANCE. EXCESSIVE HEIGHT SHALL BE DEEMED AT TWELVE (12) INCHES.

UPON THE RECEIPT OF WRITTEN INFORMATION OR COMPLAINT, THE SAFETY/SERVICE DIRECTOR OR THE HEALTH DEPARTMENT SHALL PREPARE AND CAUSE A WRITTEN NOTICE TO BE SERVED UPON THE OWNERS, LESSEE, AGENT, TENANT OR OTHER PERSON HAVING CHARGE OF SUCH LAND THAT SUCH NOXIOUS WEEDS ARE GROWING UPON SUCH LAND, THAT SUCH WEEDS, GRASS OR OTHER VEGETATION MUST BE CUT, DESTROYED AND REMOVED WITHIN FIVE DAYS AFTER THE DATE OF SERVICE SUCH NOTICE. ('70 Code, § 678.01) (Ord. 1986-40, passed 6-23-86)

**§ 678.02 SERVICE OF NOTICE; FEES.**

(A) The notice provided for in § 678.01 shall be served by any police officer of the municipality or by the Clerk of Council. The fees for such service shall be the same as are allowed for service and return of summons in civil cases before the Marion Municipal Court.

(B) If the owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to such owner or other person by registered or certified mail, return receipt requested; if such owner's or other person's address is unknown, publication of such notice shall be made one time in a newspaper of general circulation within the county and such publication of such notice shall be sufficient notice. ('70 Code, § 678.02) (Ord. 66-110, passed 8-8-66).

**§ 678.03 NONCOMPLIANCE; REMEDY OF CITY.**

If the owner, lessee, agent, tenant or other person having charge of such land or lands mentioned in § 678.01 fails to comply with such notice within the time set forth in § 678.01, the Safety/Service Director or the Health Department shall cause **THE** weeds, **GRASS OR OTHER VEGETATION** to be cut, destroyed and removed and shall employ such labor and equipment as is necessary to carry out the provisions of this chapter. **ANY ACCUMULATION OF LITTER AND/OR REFUSE PRESENT PRIOR TO THE CUTTING OF THE PROPERTY SHALL BE REMOVED. ALL EXPENSES INVOLVED SHALL BE ADDED TO THE COST OF THE CUTTING.** ('70 Code, § 678.03) (Ord. 1979-28, passed 3-12-79)

**§ 678.04 COLLECTION OF COSTS.**

The Safety/Service Director or the Health Department shall, upon completion of the cutting, destruction and removal of such weeds, **GRASS OR OTHER VEGETATION, AND REMOVAL OF LITTER AND/OR REFUSE**, make a written return of his/her or its proceedings hereunder and shall certify such return to the County Auditor, together with a statement of the costs and expenses incurred for such cutting, destruction and removal of such weeds, **GRASS AND OTHER VEGETATION, AND REMOVAL OF LITTER AND/OR REFUSE**, including costs of labor and equipment used for such purpose, the costs and fees for the service of notice and return of such service or the costs of publication of notice as herein provided and other costs and expenses, if any, together with the costs and expenses hereinbefore set forth, shall, upon receipt and acceptance by the



County Auditor, be entered upon the tax duplicate and become a lien upon such land or lands from and after the date of such entry upon the tax duplicate and be collected as are other taxes and returned to the municipality, as provided by law. ('70 Code, § 678.04) (Ord. 1979-28, passed 3-12-79)

**§ 678.99 PENALTY.**

Whoever fails to comply with such written notice within the time set forth in § 678.01 is guilty of a minor misdemeanor. This penalty is in addition to any other remedy of the municipality contained in this chapter. ('70 Code, § 678.99) (Ord. 1986-40, passed 6-23-86) Penalty, see § 698.02"

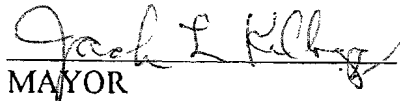
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL PRO-TEMPORE

PASSED: February 22, 1999

APPROVED: February 23, 1999



MAYOR

ATTEST:



CLERK OF COUNCIL PRO-TEMPORE

ORDINANCE NO. 1999 - 32ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1999.

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 \$4,372,188.66 as follows:

**Welcome Home Fund**

Reimbursements	250-02-221-270-000-721	\$ 10,350.00
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**General Fund**

Transfer to Health Fund	101-09-745-270-000-711	\$ 9,425.00
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**Health Fund**

Salaries	214-02-222-210-000-110	\$ 10,560.00
Benefits	214-02-222-210-000-120	2,555.00
Travel	214-02-222-220-000-220	600.00
Schooling	214-02-222-230-000-221	<u>100.00</u>
TOTAL HEALTH FUND		\$ 13,815.00

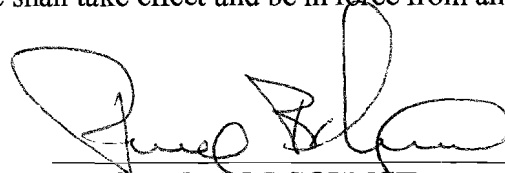
**Harding Centre Construction Fund**

Transfer to Bond Fund	444-04-444-270-000-710	\$2,167,491.67
Professional Services	444-04-444-230-000-320	<u>3,615.32</u>
TOTAL		\$2,171,106.99

**G.O. Bond Retirement Fund**

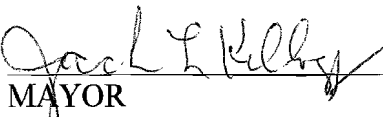
Note Interest	343-08-911-260-000-609	\$ 67,491.67
Note Principal	343-08-911-260-000-610	<u>2,100,000.00</u>
TOTAL G.O. BOND RETIREMENT		\$2,167,491.67

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

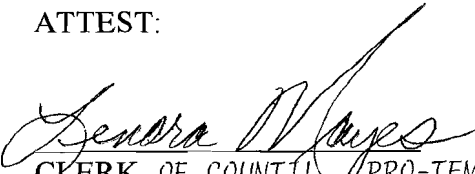
  
PRESIDENT OF COUNCIL PRO-TEMPORE

PASSED: February 22, 1999

APPROVED: February 23, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL PRO-TEMPORE

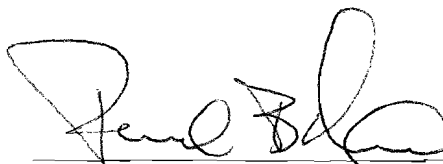
ORDINANCE NO. 1999- 33ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY  
BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT TO  
OHIO REVISED CODE §5705.41(D), AND DECLARING AN  
EMERGENCY.

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."

CHIP Fund	\$ 4,368.95
Formula Fund	<u>1,532.98</u>
TOTAL	5,901.93

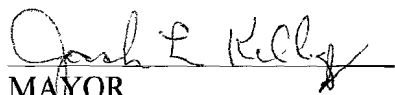
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of the City; and as such, shall take effect and be in force immediately upon its 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 PRO-TEMPORE

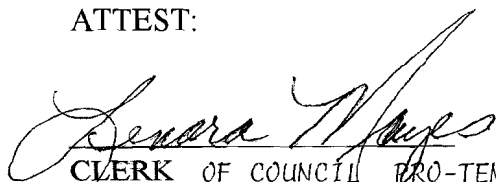
PASSED: February 22, 1999

APPROVED: February 23, 1999



MAYOR

ATTEST:



CLERK OF COUNCIL PRO-TEMPORE

ORDINANCE NO. 1999-34ORDINANCE APPROVING THE PURCHASE OF A NEW RADIO SYSTEM 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, Radio Communications of Ohio submitted the lowest, most responsive proposal,

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 Radio Communications of Ohio for the purchase of a new Radio System for Marion Area Transit.


Section 2. That \$4,928.00 cost of said contract shall be payable from the Transit Fund Account No. 502.06.549.250.000.450 under the Capital Project No. RPT-0051-018-992

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 said City, and the new radio system needs to be in place at the new transportation center 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: MARCH 8, 1999

APPROVED: MARCH 9, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk

ORDINANCE NO. 1999-35

**ORDINANCE APPROVING THE PURCHASE OF A CAB & CHASSIS THROUGH THE  
ODOT COOPERATIVE PURCHASING PROGRAM 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

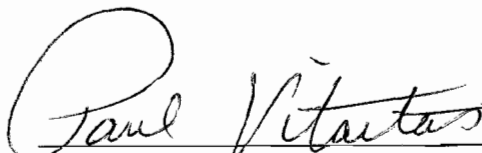
**WHEREAS**, Resolution no. 1998-18 authorizing the City to participate in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program,

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

**Section 1.** That the Safety/Service Director be authorized to enter into contract for the purchase of a Cab & Chassis through the ODOT Cooperative Purchasing Program for the Marion Streets Department.


**Section 2.** That the cost of \$47,400 shall be payable from the S.C.M.R. Fund # 207-06-612-250-000-450

**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 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 8, 1999

APPROVED: MARCH 9, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-36

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A DUMP BODY, SNOW PLOW, SALT SPREADER AND RELATED HYDRAULICS WHICH ARE TO BE MOUNTED ON THE CAB & CHASSIS PURCHASED THROUGH THE ODOT COOPERATIVE PURCHASING PROGRAM.**

WHEREAS, these pieces of equipment will be added to our fleet, as an additional equipment and;

WHEREAS, this equipment will be purchased from the S.C.M.R. Fund

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

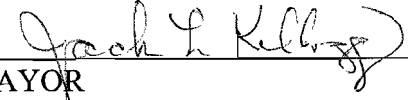
**Section 1.** That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of a Dump Body, Snow Plow, Salt Spreader and related hydraulics which are to be mounted on a cab & chassis.

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

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: MARCH 8, 1999

APPROVED: MARCH 9, 1999

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

ORDINANCE NO. 1999-37

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO  
CONTRACT WITH CRANE & TRACTOR, FOR THE PURCHASE OF (1) SKID  
LOADER WITH PLANER ATTACHMENTS FOR USE IN THE STREETS  
DEPARTMENT**

**WHEREAS**, Ordinance No. 1999-9 authorized the Safety/Service Director to prepare specifications and and advertise for bids for a Skid Loader with Planer Attachment for use in the Marion Streets Department.

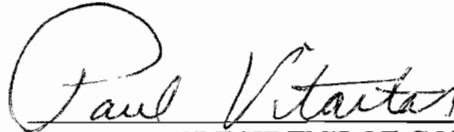
**WHEREAS**, Crane & Tractor, submitted the lowest bid, therefore

**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 Crane & Tractor, to purchase one Skid Loader with Planer Attachment for use in the Streets Department.

**Section 2.** That the \$30,800.00 cost of said contract shall be payable from the S.C.M.R. Fund # 207-06-612-250-000-450


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



PRESIDENT OF COUNCIL

PASSED: MARCH 8, 1999

APPROVED: MARCH 9, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999- 38

**ORDINANCE AUTHORIZING THE MAYOR AND AUDITOR  
TO ENTER AGREEMENT TO PROVIDE FOR THE DELAYED  
REPAYMENT OF THE ED CDBG LOAN IN RELATION TO  
THE HARDING CENTRE FINANCING AND DECLARING  
AN EMERGENCY**

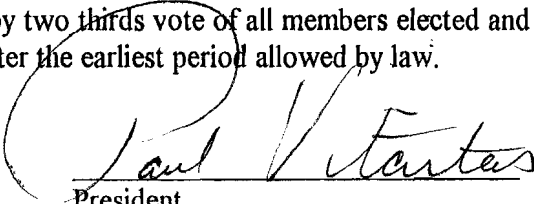
WHEREAS, the Council finds it advantageous to authorize the Mayor and Auditor to enter into agreement providing for the delayed repayment of the ED CDBG loan in relation to the Harding Centre loan, and

WHEREAS, the Council has continued to support the project referred to in paragraph one above and whereas the delay of repayment will enable the project the best chance at meeting its' obligations,

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

Section 1. The Mayor and Auditor are hereby authorized to enter into agreement providing for the delayed repayment of the ED CDBG loan in relation to the Harding Centre Project, this in order to, in part, reduce the City's current outstanding liability on the construction lending,

Section 2. Due to the nearing closing deadline and real need to complete the closing, the above 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 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.

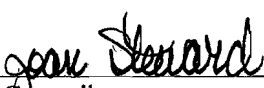
  
\_\_\_\_\_  
President

Passed: March 22, 1999

Approved: March 23, 1999

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council



## ORDINANCE No. 1999--39

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND, AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT TO PROVIDE FOR SAME, AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42, and 5709.43 provide that this Council may describe public infrastructure improvements to be made which benefit certain parcels, declare improvements (as defined in O.R.C., Section 5709.40) with respect to such parcels of real property located in the City to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, in connection with the development of the CanDo Inc., lands within located at the Dual Rail Industrial Park Project, and with expected future development with commercial and manufacturing facilities, to be located on the individual parcels to be subdivided and developed within the approximately 274.891 acre area described in Exhibit A (the total 279.891 acre area being herein referred to as the "Property"), the City intends to make the public infrastructure improvements described in Exhibit B attached hereto (which public infrastructure improvements are herein referred to as the "Dual Rail Industrial Park Road Project") that once made will benefit the Property and each individual parcel within the Property; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code, and to authorize the Mayor to enter into an agreement to provide for same with U.S. Yachio, Inc and all additional owners now or in the future upon any lands described within Exhibit A

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

SECTION 1. The Dual Rail Industrial Park Infrastructure Project Improvements described in exhibit B hereto and to be made by the City are hereby designated as those public infrastructure improvements that benefit, or that once made will benefit, the Property and each individual parcel within the Property.

SECTION 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, this Council hereby finds and determines that 100% of the increase in the assessed value of the Property and each individual parcel within the Property, that would first appear on the tax list and duplicate of real and public utility property subsequent to the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" as defined in said Section 5709.40) is a public purpose and 100% of said Improvement is hereby declared to be a public purpose and exempt from real property taxation, which exemption period shall commence on the effective date of this Ordinance and said exemption period shall extend thereafter for a period of 20 years, or until all projects listed on Exhibit B are completed and all loans and/or obligations have been paid for in full, including all other projects to be developed on the lands described on Exhibit B and other projects to be developed on the Property in an amount sufficient to pay the City's costs of the Dual Rail Industrial Park Infrastructure Improvements, including without limitation the payment of principal and interest on all loans made by the State of Ohio to the City for the purpose of financing costs of the Dual Rail Industrial Park Infrastructure Project Improvements, the payment of principal and interest on the City's notes, bonds, or other obligations and any refunding obligations, issued to finance costs of The Dual Rail Industrial Park Infrastructure Project Improvements, and including reimbursement to the City for any funds temporarily advanced by the City to pay such Project Improvements costs, or to make such State loan repayments or such principal or interest payments, prior to receipt of said payments in lieu of taxes..

SECTION 3. As provided in Section 5709.42 of the Revised Code, the owners of the Improvements are hereby required to, and shall make, service payments in lieu of taxes to the County Treasurer on or before the final dates for payment of real property taxes, which service payments when distributed to the City by the County Treasurer shall be deposited in the Dual Rail Industrial Park Infrastructure Project Tax Increment Equivalent Fund established by section 4 hereof. The Mayor shall be authorized to execute on behalf of the City of Marion, Ohio the the Tax Increment Financing Agreement between the City and U.S. Yachio, Inc. and all future owners, occupants, or developers (the agreement) providing for among other things, the construction of the building improvements

on the property or related to the property and payment of such service payments, in substantially the form as exists on the date of this Ordinance, together

with such changes as are consistent with this Ordinance and that are approved by the Mayor, Auditor and Director of Law. This Council further hereby authorizes and directs the Mayor, the Director of Law, the Auditor, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to carrying out the Agreement, and to make such arrangements as are necessary and proper for payment by the owners of said service payments in lieu of taxes.

SECTION 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Dual Rail Industrial Park Infrastructure Project Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the service payments in lieu of taxes distributed to the City with respect to the Improvements on the Property and each individual parcel of the Property, by or on behalf of the County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the monies deposited in the Fund shall be used solely for the following purposes:

(I) To pay costs of the Dual Rail industrial Park Infrastructure Project, and

(ii) To pay the principal and interest on all loans made by the State of Ohio to the City, and to pay the interest on and principal of bonds or notes, including refunding bonds or notes, issued by the City, in order to finance the Dual Rail Industrial Park Infrastructure Project, until such State loans, notes or bonds are paid in full, and including reimbursement to the City for any funds temporarily advanced by the City to pay such costs, interest, or principal, prior to receipt of said service payments,

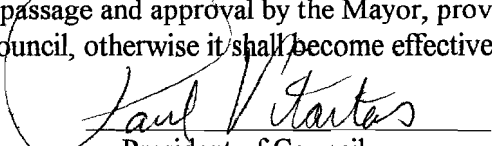
The Fund shall remain in existence so long as such service payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43; provided, however, that at the time of such dissolution any monies remaining in said Fund resulting from the collection of service payments in lieu of taxes from owners of the Improvements with respect to the Property shall be divided among the City, the Ridgedale or City (which ever applies) School System in amounts which are in the same proportion as the City's and School Districts' total real property tax levies for the tax year proceeding the year of dissolution of such fund, and such City amount shall be retained by the City and transferred to the General Fund of the City and the Schools funds transferred to the School System.

Section 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of this Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after of passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Auditor shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

Section 6. This Council finds and determines that all formal actions of this Council 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 that resulted in those formal action were in meetings open to the public in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to provide for the Funding of the above improvements so that such improvements may be constructed as quickly as possible, in order to provide necessary jobs and employment opportunities and improve the economic welfare of the people and generate vitally needed Taxes, and payments in lieu of tax revenues; wherefore this Ordinance shall be in full force and 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.

PASSED: March 22, 1999

  
President of Council

APPROVED: March 23, 1999

  
Mayor

ATTEST:


  
Clerk of Council

Exhibit A

Being those lands as are described as follows:

Recorded on the Official Record of the Marion County Recorder, Book 436, Page 87, further described as: Located withing the City of Marion, County of Marion, State of Ohio, being all of Lot # 18052 containing approximately 25.231 acres; all of Lot # 18051 containing approximately 47.907 acres; all of Lot # 18053 containing approximately 40.745 acres; those lands lying within the Ridgedale School district on Lot # 18054 which has a total acreage of approximately 133.130 and those lands lying within the Ridgedale School district on Lot # 18050 which has a total acreage of approximately 27.878.

Exhibit B

## TIF PROJECTS

1. Sanitary Sewer to U. S. Yachiyo
  2. Railroad Loop in Park
  3. Improvement in Marion-Williamsport Road from Kellogg Parkway to Hillman-Ford Rd.
  4. Extension west of Marion-Williamsport Rd. to:
    - A. To S. R. 309
    - B. To S. R. 95 \*
  5. Bridge on Marion-Williamsport Rd. over Route 4 and N & S Railroad
  6. Bridge on Marion- Williamsport Rd. over CSX Railroad or relocate Hillman-Ford Rd.\*
- Not highly likely without another TIF on another industrial property outside of this park.

ORDINANCE NO. 1999 - 40

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 409 DAVID STREET, 661 WOOD STREET AND 669 WOOD STREET IN THE CITY OF MARION, OHIO FROM R-1C (SINGLE-FAMILY DISTRICT, HIGH DENSITY) TO C-1A (NEIGHBORHOOD SHOPPING DISTRICT).

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from R-1C (Single-Family District, High Density) to C-1A (Neighborhood Shopping District), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from R-1C to C-1A, 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 409 David Street, 661 Wood Street and 669 Wood Street 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:

669 Wood Street

Being Lot Number 3026 in Eden Park Addition to the City of Marion, Ohio. Lot size 50' x 150'.

Subject to easements and restrictions of record, if any:

Premises more commonly known as :669 Wood Street, Marion, Ohio 43302

Permanent Parcel No. 12-31000.6200

Prior Instrument Reference: Volume 219, Page 125

409 Davids Street

Being the north 65 feet of Lot No. 3028 in Eden Park Addition to the City of Marion. Deed reference Vol. 318, page 470; Vol. 318, page 316. Lot size 65' x 50'.

661 Wood Street

Being Lot No. 3027 in Eden Park Addition to the City of Marion. Deed reference Vol. 334, page 164; Vol. 324, page 267. Lot size 50' x 150'.

heretofore zoned R-1C (Single-Family District, High Density) is hereby zoned C-1A (Neighborhood Shopping 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.

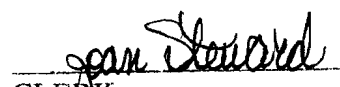
  
PRESIDENT OF COUNCIL

PASSED: March 22, 1999

APPROVED: March 23, 1999

ATTEST:

  
MAYOR

  
CLERK

ORDINANCE NO. 1999-41**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) 1999 FORD TAURUS AND RELATED EQUIPMENT TO BE USED IN THE MARION CITY POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

*WHEREAS*, Ordinance number 1999-10 authorized the Safety/Service Director to prepare specifications and advertise for bids for one unmarked car for the Marion City Police Department, and;

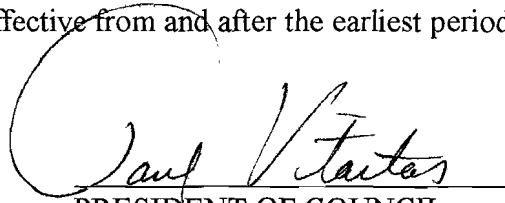
*WHEREAS*, Mathews Kennedy Ford was the only bidder, and;

*WHEREAS*, related equipment is also needed to be purchased from various vendors.

**BE IT ORDAINED** by the Council of Marion, Marion, County Ohio.

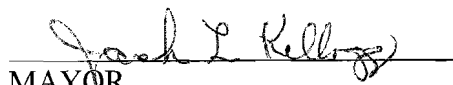
**Section 1.** That the cost of the 1999 Ford Taurus of \$16,339.00, plus the cost of the related equipment shall be payable from General Fund Number 101-01-111-250-000-450.

**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 anticipated that Ford Motor Company may issue a build out date; 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: March 22, 1999

APPROVED: March 23, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

**ORDINANCE NO. 1999-42**

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO  
TO ENTER INTO CONTRACT WITH QUANTERRA INCORPORATED  
FOR ANALYTICAL SERVICES AT THE MARION CITY LANDFILL  
FOR A PERIOD OF ONE (1) YEAR WITH AN OPTION YEAR, AND  
DECLARING AN EMERGENCY.**

*WHEREAS*, Ordinance 1999-7 authorized the Safety/Service Director to advertise for bids for analytical services at the Marion City Landfill as required by the OEPA for a period of one (1) year with an option year, and

*WHEREAS*, Quanterra Incorporated submitted the only bid.


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

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Quanterra Incorporated for analytical services at the Marion city Landfill.

**Section 2.** That maximum estimated cost based on the following bid prices should not exceed \$18,600.00 unless further tests are required by the OEPA and that said contract shall be payable from the Landfill Monitoring Fund Account 507-05-563-230-000-320.

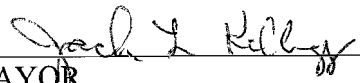
Appendix I	Parameters (1-66)	\$279.00
Appendix I	Parameters (63-66)	\$ 80.00
Appendix I	Parameters (1-79)	\$384.00
Appendix II	Parameters (1-212)	\$878.00

**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 due to the first sampling must take place in early April 1999; 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 shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: March 22, 1999

APPROVED: March 23, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-43

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH GTE NORTH, INC. FOR THE  
PURCHASE AND INSTALLATION OF AN ENHANCED 9-1-1 SYSTEM TO BE  
USED AT THE CITY OF MARION COMBINED DISPATCH CENTER  
AND DECLARING AN EMERGENCY.

WHEREAS, GTE, Inc. submitted the best bid of \$64,301.04;

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 GTE NORTH, INC. for the Purchase and Installation of an Enhanced 9-1-1 System at the City of Marion Combined Dispatch Center.

Section 2. That the contract shall be payable from 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 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: March 22, 1999

APPROVED: March 23, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999 - 44ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1999.

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 \$5,405.39 as follows:

**Preventive Health Fund**

Advertising	254-02-549-230-000-389	\$ 500.00
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**Senior Citizens IIIB**


Administration	203-03-424-240-000-324	\$ 4,905.39
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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: March 22, 1999

APPROVED: March 23, 1999

  
MAYOR

ATTEST:

  
CLERK



ORDINANCE NO. 1999- 45

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."


CHIP Fund                      \$ 5,319.10

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.

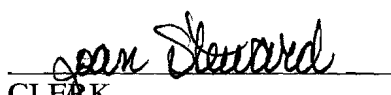
  
PRESIDENT OF COUNCIL

PASSED:    March 22, 1999

APPROVED: March 23, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999 -46

ORDINANCE TO AMEND SECTION 636.155 OF THE MARION CODIFIED ORDINANCES TITLED "TRICK OR TREAT NIGHT".

Section 1. That Chapter 636.155 of the Codified Ordinances, now reading in part as follows:

"636.155 TRICK OR TREAT NIGHT

The municipality shall observe the historic tradition of "Trick or Treat Night," on the eve of Halloween, between the hours of 6:00 p.m. and 8:00 p.m."

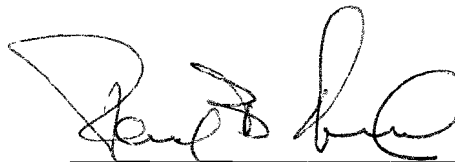
is hereby amended to read as follows:

"636.155 TRICK OR TREAT NIGHT

Section 1. The municipality shall observe the historic tradition of "Trick or Treat Night" on October 31 of each year, between the hours of 5:30 p.m. and 7:30 p.m., unless that day falls on a Sunday in which event, the tradition shall be observed on the previous Saturday."

Section 2. Resolution No. 1987-22 is hereby repealed.

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: April 12, 1999

APPROVED: April 13, 1999

Jack L. Kell  
MAYOR

ATTEST:

Jean Steward  
CLERK

*Regally Advertiser  
The Marion Star  
April 29 & May 3, 1999  
Jean Steward  
Clerk of Council*

ORDINANCE NO. 1999 - 47

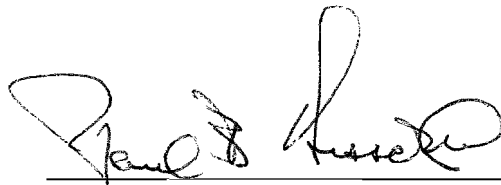
AN ORDINANCE CONSENTING TO THE SUBORDINATION OF  
A SPECIFIC ADDITIONAL OBLIGATION OWED BY OHIO  
GALVANIZING, INC. TO WEBSTER BANK, AND DECLARING  
AN EMERGENCY.

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 Webster Bank to Ohio Galvanizing, Inc.

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

Section 1. Council herein authorizes the Mayor to execute a subordination agreement to Webster Bank for a specific parcel of land for economic development.

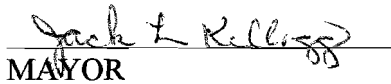
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon 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.



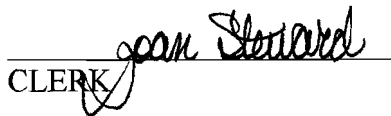
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: April 12, 1999

APPROVED: April 13, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999-48

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) FORD F-150 PICKUP TRUCK TO BE USED IN THE CITY ENGINEERING DEPARTMENT, AND DECLARING AN EMERGENCY.**

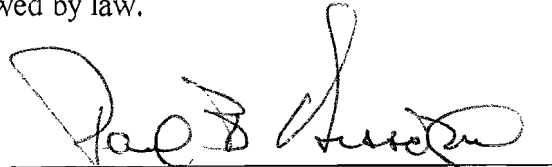
**WHEREAS**, Ordinance number 1999-17 authorized the Safety/Service Director to prepare specifications and advertise for bids for one pickup truck for the City Engineering Department, and

**WHEREAS**, Mathews Kennedy Ford was the only bidder.

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

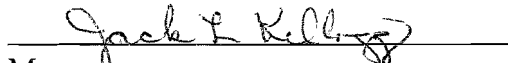
**Section 1.** That the cost of the 1999 Ford F-150 pickup truck, being \$18,656.25, shall be payable from General Fund Number 101-07-743-250-000-450.

**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 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.

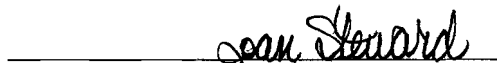
  
\_\_\_\_\_  
President of Council Pro Tempore

Passed: April 12, 1999

Approved: April 13, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

**ORDINANCE NO. 1999-49**

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A COST PER COPY AGREEMENT WITH PERRY CORP. FOR A NEW COPIER TO BE USED IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

*WHEREAS*, Ordinance 1999-30 authorized the Safety/Service Director to prepare specifications and advertise for bids for a copier to be used in the Police Department, and;

*WHEREAS*, the current copier in the Police Department has failed to meet the requirements of its performance contract, and;

*WHEREAS*, Perry Corporation was the lowest and best bidder.

**BE IT ORDAINED** by the Council of Marion, Marion County Ohio.


**Section 1.** The cost per copy of \$.0215 per copy will be paid from General Fund Numer 101-01-111-230-000-361.

**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 the current copier in the department is beyond its useful life; 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 PRO TEMPORE

PASSED: April 12, 1999

APPROVED: April 13, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999 - 50ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1999.

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

<sup>162</sup>Section 1. That there be additional appropriations made in various funds in the amount of \$~~144~~<sup>162</sup>,489.02 as follows:

**General Fund**

Airport Land & Bldg. Maint.	101-06-621-230-000-370	\$ 1,500.00
Trans. to Violence Against Women Fund	101-09-745-270-000-695	\$ 18,000.00*

**State Block Grant Fund**

Administration	205-03-424-210-000-324	\$ 624.87
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**Preventive Health Fund**

Promotional Advertising	254-02-549-230-000-389	\$ 260.00
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**Capital Improvement Fund**

FY 98 Contingency	401-09-548-270-000-624	\$ 4,693.89
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**Softball Field Improvement Fund**

Capital Improvements	420-03-421-250-000-520	\$ 7,760.26
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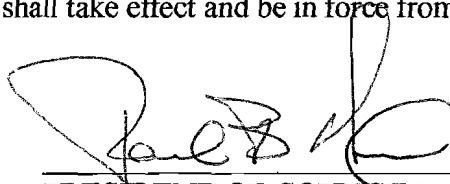
**Storm Sewer Improvement Fund**

Phase 5	460-05-170-250-000-520	\$ 35,000.00
Phase 6	460-05-005-250-000-520	<u>25,000.00</u>
Total Storm Sewer Improvement Fund		\$ 60,000.00

**Violence Against Women**

Salaries	212-01-548-210-000-110	\$ 43,000.00
Benefits	212-01-548-210-000-120	17,500.00
Travel	212-01-548-220-000-220	4,400.00
Schooling	212-01-548-230-000-221	4,000.00
Supplies	212-01-548-240-000-420	<u>750.00</u>
Total Violence Against Women Fund		\$ 69,650.00


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



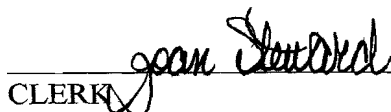
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: April 12, 1999

APPROVED: April 13, 1999

  
MAYOR

ATTEST:

  
CLERK

\*Added on Council floor 4/12/99

ORDINANCE NO. 1999- 51

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	\$ 1,500.00
CHIP Fund	<u>3,800.00</u>
TOTAL	\$ 5,300.00

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 PRO TEMPORE

PASSED: April 12, 1999

APPROVED: April 13, 1999

Jack L. Kilgus  
MAYOR

ATTEST:

Jean Steward  
CLERK

ORDINANCE NO. 1999-52

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS THAT WOULD  
BRING VARIOUS RESTROOMS INTO ADA COMPLIANCE, AND  
DECLARING AN EMERGENCY.**

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

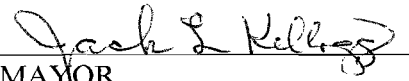
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids that would bring various restrooms into ADA compliance.

**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 it is necessary to have these renovations done within 6 months; 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 possible period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: April 26, 1999

APPROVED: April 27, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



**ORDINANCE NO. 1999-53**

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH S. E. PARK ENTERPRISES & FOR DEMOLITION OF 484  
TOLEDO AVE., AND DECLARING AN EMERGENCY.**

*WHEREAS*, the Safety/Service Director has declared 484 Toledo Ave. to be a dangerous building according to Chapter 1360 of the Marion Codified Ordinances and,

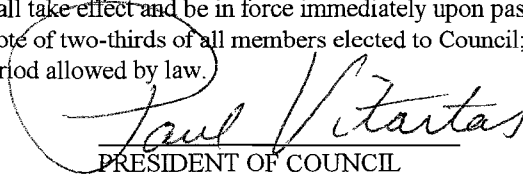
*WHEREAS*, S. E. Park Enterprises submitted the lowest and best bid, and therefore;

**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 S. E. Park Enterprises for the demolition of 484 Toledo Avenue.

**Section 2.** That the \$3,000 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 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.

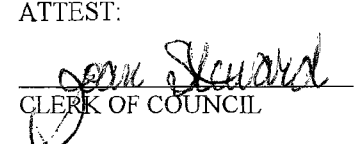
  
PRESIDENT OF COUNCIL

PASSED: April 26, 1999

APPROVED: April 27, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-54

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A DUMP BODY, SNOW PLOW, SALT SPREADER AND RELATED HYDRAULICS WHICH ARE TO BE MOUNTED ON THE CAB & CHASSIS PURCHASED THROUGH THE ODOT COOPERATIVE PURCHASING PROGRAM.**

**WHEREAS**, these pieces of equipment will be added to our fleet, as an additional equipment and;

**WHEREAS**, this equipment will be purchased from the S.C.M.R. Fund

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

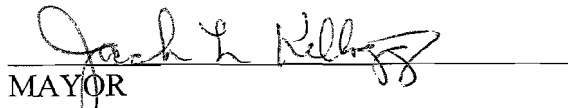
**Section 1.** That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of a Dump Body, Snow Plow, Salt Spreader and related hydraulics which are to be mounted on a cab & chassis.

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

  
PRESIDENT OF COUNCIL

PASSED: April 26, 1999

APPROVED: April 27, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999 - 55

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO TRADE-IN A 1990 FORD ESCORT ON THE PURCHASE OF A 1999 1/2 TON PICK-UP TRUCK FROM MATHEWS-KENNEDY FORD L-M, INC.

WHEREAS, the Finance Committee of this Council previously approved the trade-in with the purchase of the pick-up truck, and

WHEREAS, the trade-in language was omitted in error from Ordinance No. 1999-48.

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

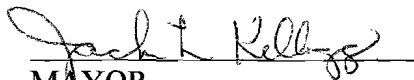
Section 1. That the Safety/Service Director be authorized and is hereby directed to trade-in a 1990 Ford Escort bearing S/N 1FAPP9198LT133352 on the purchase of (1) 1999 F150 Ford Pick-Up Truck from Mathews-Kennedy Ford L-M, Inc.

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 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: April 26, 1999

APPROVED: April 27, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999 - 56

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/  
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH  
CREATIVE MICROSYSTEMS, INC. (CMI) FOR THE PURCHASE  
AND INSTALLATION OF COMPUTER SOFTWARE AND  
HARDWARE, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the request of the Information Systems Committee, CMI on April 8, 1999 submitted a revised proposal in the amount of \$117,943.00 for computer software and hardware to be installed at the Marion City Hall, and

WHEREAS, the hardware contained in the proposal is to be furnished through the Ohio Cooperative Purchasing Program, and

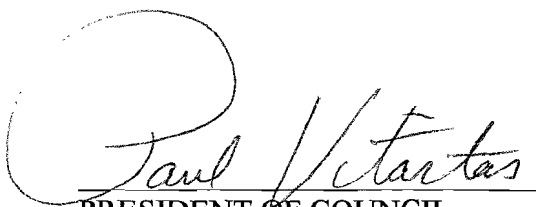
WHEREAS, the time required to purchase, install and train employees to operate the Y2K compliant computer system is minimal and therefore necessitates an emergency declaration.

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

Section 1. That the Safety/Service Director be authorized and he is hereby directed to enter into contract with CMI for the purchase and installation of and training on the computer software and hardware to be provided as per their proposal dated April 8, 1999 and in the amount of \$117,943.00.


Section 2. That said contract shall be payable from 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 for the further reason that the time required to purchase, install and train employees to operate the Y2K compliant computer system is minimal and therefore necessitates an emergency declaration; 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.

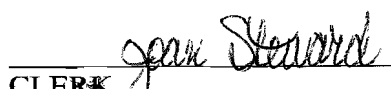
  
PRESIDENT OF COUNCIL

PASSED: April 26, 1999

APPROVED: April 27, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999 - 57


ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN  
THE SANITARY SEWER IMPROVEMENT FUND FOR THE  
YEAR ENDING DECEMBER 31, 1999.

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 Sanitary Sewer Improvement Fund in the amount of \$10,000.00 as follows:

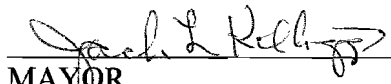
Professional Services	550-05-983-230-000-320	\$10,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


  
PRESIDENT OF COUNCIL

PASSED: April 26, 1999

APPROVED: April 27, 1999

  
MAYOR

ATTEST:

  
CLERK

**ORDINANCE NO. 1 999- 58****ORDINANCE CREATING THE MARION PORT AUTHORITY  
AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT  
WITH THE COUNTY OF MARION AND DECLARING AN  
EMERGENCY.**

**WHEREAS:** the Council desires and determines it is necessary to create a port Authority in combination with the County of Marion as provided by Sections 4582.21 et. seq. Of the Ohio Revised Code,

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

**Section 1.** A port authority to be known as the "Marion Port Authority" is hereby created in combination with the County of Marion, Ohio and the Council does hereby authorize the Mayor to enter agreement substantially in the form of the agreement attached hereto as Exhibit A,

**Section 2.** The agreement attached hereto as Exhibit A, made a part hereof, is hereby approved and the Mayor is authorized and directed to execute same on behalf of the City with such changes as are necessary and consistent with the intent of this Council which shall be approved by the Law Director, the Mayor's execution of same being conclusive evidence of the approval of said agreement,

**Section 3.** All formal actions of this Council related to the adoption of this Ordinance were adopted in an open meeting and all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with applicable law.

**Section 4.** This Ordinance is declared to be an emergency due to the immediate need for the Port Authority to proceed with a program for the enhancement of economic commercial and industrial opportunities and further for the welfare of the City of Marion and the inhabitants thereof and 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 effective from and after the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED:

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK OF COUNCIL

*defeated 5/24/99*

WHEREAS, under authority of Sections 4582.21 et seq. of the Revised Code, a municipal corporation, a county or a municipal corporation and a county jointly may create a port authority which shall have the territorial limits co-terminus with the limits of the political subdivision or subdivisions creating the port authority;

WHEREAS, the City of Marion, Ohio (hereinafter referred to as "City") by ordinance and the County of Marion, Ohio (hereinafter referred to as "County") by resolution have each determined that it is desirable and necessary that a port authority be created pursuant to the provisions of Sections 4582.21 et seq. of the Revised Code by the combined action of the City and the County **with certain terms and conditions as setforth herein;**

WHEREAS, the City has authorized the execution of this Agreement by Ordinance No. \_\_\_\_\_ passed by its Council on \_\_\_\_\_, 1999. and the County has authorized the execution of this Agreement by a Resolution adopted by the Board Of County Commissioners of the County on \_\_\_\_\_, 1999; and

WHEREAS, this Agreement is entered into for the purpose of creating a port authority under the authority of Sections 4582.21 et seq. of the Revised Code:

NOW THEREFORE it is hereby agreed between the City and the County as follows:

1. The City and the County, by their combined action evidenced by the execution of this Agreement, hereby create a port authority under the authority of Section 4582.21 et seq. of the Revised Code which shall have territorial limits co-terminus with the boundaries of the County as they now or hereafter exist.

The port authority created by this Agreement, **except as limited herein**, shall be a body corporate and politic which may sue and be sued, plead and be impleaded and has the powers and jurisdiction now or hereafter given to it by statute. The exercise of those powers and jurisdiction by the port authority shall be deemed to be essential governmental functions of the State of Ohio. The port authority created by this Agreement is designated and shall be known as "Marion Port Authority" (sometimes hereinafter referred to herein as the "Port Authority").

2. The Port Authority shall be governed by a five member Board of Directors each of whom shall serve for a term of four years, provided that such Board initially shall be composed of members having terms of office commencing the date of the first organization meeting of the Port Authority and expiring as follows: two members shall have terms of office expiring \_\_\_\_\_, 2000, one member shall have a term of office expiring \_\_\_\_\_, 2001, one member shall have a term of office expiring \_\_\_\_\_, 2002 and one member shall have a term expiring \_\_\_\_\_, 2003. The Board of County Commissioners of the County shall appoint two members of the Board of Directors for one of the terms expiring on \_\_\_\_\_, 2000 and the term expiring on \_\_\_\_\_, 2002, respectively. The Mayor of the City, with the advice and consent of a majority of the members of the City Council shall appoint two members of the Board of Directors for one of the terms expiring on \_\_\_\_\_, 2000 and for the term expiring on \_\_\_\_\_, 2001, respectively. **The Board Of County Commissioners and the Mayor of the City, with the advice and consent of a majority of the members of the City Council shall reach an agreement as to who the fifth member shall be, with the only requirement for this member being that he/she be an elector of the City, this third member of the Board of Directors term expiring \_\_\_\_\_, 2003. If the City and County are unable to reach agreement as to the appointment of this fifth member within 60 days of the position being vacant, the members of the Port Authority shall recommend a person to the position and the City and County shall either accept or reject said recommendation until the position is filled.**

Upon the resignation or removal of a member of the Board of Directors or the expiration of such members' terms of office, a new member of the Board of Directors shall be appointed in the manner provided for herein by the subdivision or subdivisions which appointed the member who resigned, was removed or whose term expired.

3. No member appointed to the Board of Directors of the Port Authority by the City or the County shall hold any elected public office.

No member of the Board shall receive any compensation, unless this agreement is amended by formal legislation of both City and County. Nominal expense reimbursement shall be allowed by vote of the majority of the Board.

Any member of the Board of Directors may be removed by the member's appointing subdivision for misfeasance, nonfeasance or malfeasance in office, including the member's absence from five regular meetings of the Board of Directors during a calendar year. No member of the Board of Directors shall have an interest in the profits or emoluments of any contract, job, work or service of the Port Authority or any of its projects. Any member who has such an interest shall be subject to the removal by the member's appointing subdivision.

4. By June 1, of each year the Board shall present to both the City and the County an annual report detailing the past and anticipated operations of the authority by June 1 of each year.

The members of the Board of Directors shall establish the time and place of meetings of the Board of Directors and shall give notice of the time, place and purpose of meetings of the Board of Directors to news media in accordance with O.R.C. 121.22.

5. The territorial limits of the Port Authority may be expanded from time to time in the manner provided by statute only with the formal consent of both City and County.

6. The Port Authority shall levy no tax nor any ballot initiative without the formal consent through legislation of both City and County. Further, the Port Authority shall not incur debt, excepting non-recourse debt, in its' name without the formal consent by way of legislation of both City and County.

7. The Port Authority shall not exercise powers of eminent domain without the formal consent by way of legislation of the City if the subject property is located wholly or partially within the City or of the County if the subject property is located wholly or partially within the County.

8. The Port Authority shall not exercise nor possess police powers.

9. Notwithstanding O.R.C. 4582.30, the parties hereto, including the Port Authority, agree to allow the formation of a City Airport Authority under section 4582 or 308, now or in the future, if same is permissible under the law of the State of Ohio.

10. The Port Authority may be dissolved at any time upon enactment of an ordinance by the City Council of Marion or a resolution by the Board of County Commissioners of the County; provided that upon dissolution, any real or personal property or combination thereof which has been received from or made available by the City or the County shall be returned to the subdivision from which it was received or by which it was made available. In the event of the dissolution, and after paying all expenses, debts and costs of the Port Authority, any balance remaining in the Port Authority's funds and any remaining real or personal property belonging to the Port Authority shall be distributed to the City and the County equally.

11. The President of the Board of County Commissioners of the County, after consultation with the Mayor of Marion, shall give written notice of the time and place of the organization meeting of the Board of Directors to the initial members of the Board of Directors at least five days prior to the meeting. The President of the Board of County Commissioners shall also give public notice of the time, place and purpose of the organization meeting of the Board of Directors to the news media at least twenty-four hours prior to the meeting. At the organization meeting of the Board of Directors, and prior to the adoption of any rules and regulations, the initial members of the Board of Directors shall present certified copies of the resolutions appointing them to the Board of Directors.

12. In case any paragraph of this Agreement or any part thereof is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof which shall be construed and enforced as if the illegal or invalid portion were not contained therein, nor shall such illegal or invalid application thereof affect any legal or valid application thereof, and each paragraph or part thereof shall be deemed effective and valid in the manner and to the full extent permitted by law.

13. The Port Authority shall not adopt any by-law or regulation which is contrary to this enabling document, if at such time the Authority violates the restrictions set forth herein, the Authority shall be subject to dissolution or the appointing sub-division may remove those members who participated in the act which is determined by the creating authority to have violated this agreement, unless each of the creating sub-divisions adopts legislation confirming the violative act.

IN WITNESS WHEREOF, the City of Marion and the County of Marion have each caused this Agreement to be executed as of this \_\_\_\_\_ day of \_\_\_\_\_, 1999 by their duly authorized officers.

CITY OF MARION, OHIO

By \_\_\_\_\_  
Mayor

COUNTY OF MARION, OHIO

By \_\_\_\_\_  
County Commissioner

By \_\_\_\_\_  
County Commissioner

By \_\_\_\_\_  
County Commissioner



## ORDINANCE NO. 1999- 59

**ORDINANCE AUTHORIZING THE SAFETY SERVICE  
DIRECTOR TO ENTER INTO CONTRACT WITH JESS  
HOWARD ELECTRIC, INC. FOR LIGHTING AND ELECTRICAL  
IMPROVEMENTS AND MANSFIELD ASPHALT PAVING CO.  
FOR TAXIWAY REHABILITATION AT THE MARION  
MUNICIPAL AIRPORT.**

**WHEREAS**, Council on December 28, 1998, by passage of Ordinance 1998-163, authorized the Safety/Service Director to prepare specifications and advertise for bid for lighting and electrical improvements and taxiway rehabilitation for the Marion Municipal Airport.

**WHEREAS**, The City of Marion has been tentatively allocated \$155,023.00 ODOT Grant, toward an estimated cost of \$176,236.00.

**WHEREAS**, Based upon bid opening held April 19, 1999.

**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 ODOT to accept and administer grant.

**Section 2.** That the Safety/Service Director is hereby authorized and directed to enter into contract with Jess Howard Electric, Blacklick, Ohio for lighting and electrical improvements to taxiway F for \$31,693.90 and with Mansfield Asphalt Paving Co., Mansfield, Ohio for taxiway rehabilitation for \$129,443.03. 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 shall take effect and be in force from and after the earliest period allowed by law.



**PRESIDENT OF COUNCIL**

**PASSED:** May 10, 1999

**APPROVED:** May 11, 1999



**MAYOR**

**ATTEST:**



**CLERK**

ORDINANCE NO. 1999-60

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE  
DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE  
FOR BIDS FOR THE MERCHANT AVENUE AREA SANITARY AND STORM  
SEWER 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 Merchant Avenue Area Sanitary and Storm Sewer Improvement Project.


**Section 2.** That the cost of such contract shall be payable from the Sanitary Sewer Improvement Fund and 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 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 10, 1999

Approved: May 11, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1999-61**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE BARTRAM AVENUE ROADWAY IMPROVEMENT PROJECT.**

**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 Bartram Avenue Roadway Improvement Project.


**Section 2.** That the cost of such contract shall be payable from the Ohio Public Works Commission, State Issue 2 Fund and the Storm Water Utility Fund.

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


  
\_\_\_\_\_  
President of Council

Passed: May 10, 1999

Approved: May 11, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1999-62

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE  
DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE  
FOR BIDS FOR THE CRESCENT HEIGHTS ROAD AND COMMUNITY  
DRIVE ROADWAY IMPROVEMENT PROJECT.**

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

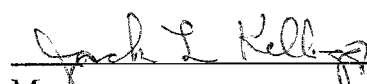
**Section 1.** That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the Crescent Heights Road and Community Drive Roadway Improvement Project.

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


  
\_\_\_\_\_  
President of Council

Passed: May 10, 1999

Approved: May 11, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1999-63

ORDINANCE APPROVING THE PURCHASE OF COMPUTER EQUIPMENT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1991-136 Council restricted capital expenditures to \$2,500.00 without prior legislative authority approval, and

WHEREAS, Ordinance No. 1990-8 authorizes participation in Ohio's Cooperative Purchasing Program, and

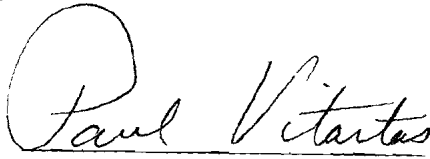
WHEREAS, competitive pricing from numerous vendors has been received, summarized and submitted to this Council.

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 purchase (7) seven IBM 300GL PC's with tape backup and MS Office pro from Creative Microsystems, Inc. (CMI) for \$16,926.00, (2) two Printronix P5205B printers from Lowry Computer Products, Inc. for \$7,896.70 and (1) one Optra S1625N laser printer from CMI for \$1,837.00

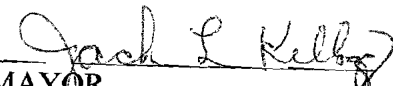
Section 2. That said purchases shall be payable from the Capital Improvement Fund.

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 for the further reason that there may be price increases and we want to ensure timely product delivery; 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 10, 1999

APPROVED: May 11, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999- 64

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1999.

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 \$36,848.96 as follows:

**SCMR Fund**

Permissive Auto Tax	207-06-612-230-000-530	\$ 1,912.03
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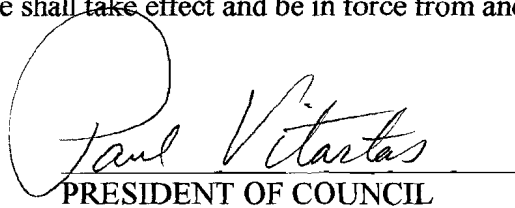
**Recycling Fund**

Advertising	508-05-564-230-000-389	\$ 2,100.00
Recycling Bins	508-05-564-240-000-420	2,500.00
Lift Gate	508-05-564-250-000-450	<u>3,000.00</u>
	TOTAL	\$ 7,600.00

**Airport Improvement Fund**

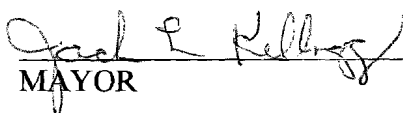
Project 09	446-06-449-230-000-320	\$ 6,100.00
NW Taxiway	446-06-441-250-000-520	<u>21,236.93</u>
	TOTAL	\$ 27,336.93

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

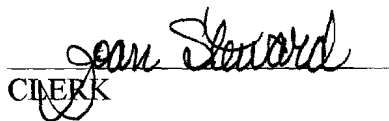
  
PRESIDENT OF COUNCIL

PASSED: May 10, 1999

APPROVED: May 11, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999 - 65ORDINANCE AMENDING MARION CODIFIED ORDINANCE  
CHAPTER 770 RELATING TO LATE NIGHT SALES AND  
ESTABLISHMENTS.

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

Section 1. That Chapter 770 of the Codified Ordinances, now reading in part as follows:

## “CHAPTER 770: LATE NIGHT SALES AND ESTABLISHMENTS

## § 770.01 DEFINITIONS

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LATE NIGHT GAS STATION. Any person, partnership, corporation or other entity which sells gasoline or other petroleum fuel to the public between the hours of midnight and 6:00 a.m.

LATE NIGHT RETAIL ESTABLISHMENT. Any person, partnership, corporation or other entity which:

(1) Derives 50% or more of its gross income from the sale of goods, merchandise or other articles of value; and

(2) Sells goods, merchandise or other articles of value in their original containers between the hours of midnight and 6:00 a.m.

(B) Specifically excluded from these definitions are establishments whose owners are the sole operators and/or clerks present during the subject hours of operation.

## § 770.02 REQUIREMENTS FOR LATE NIGHT SALES.

(A) All late night retail establishments and late night gas stations shall:

(1) Post a sign in the window which is conspicuous and states that there is a safe on the premises and it is not accessible to the employees on the premises.

(2) Post a sign in the window which is conspicuous and states that the cash register has \$50 or less in it.

(3) So arrange the signs posted in the windows so as to provide a clear and unobstructed view of the interior of the store. In no case, shall signs obstruct the view of the register from the street.

(4) Have a dropsafe on the premises which is bolted to the floor or weighs at least 500 pounds.

(5) Position their registers so that those in close proximity to the registers are visible from the street.

(6) The area of the parking lots of late night retail establishments and gas stations commonly utilized by customers and employees shall be lighted and maintained at a minimum of five footcandles per square foot. The level of lighting shall be measured at a height of three feet above pavement level.

(7) Have an enclosed, secured area for employees, or maintain more than one employee during the hours set forth above or acceptable alarms or any systems that are designed to directly or indirectly provide immediate notification to the Marion Police Department of a robbery or other life threatening situation.

(B) All establishments or stations which are covered by this chapter shall have thirty days from the effective date of this section to comply with subsections (B)(1), (2) and (3) of this section.

(C) All establishments or stations which are covered by this chapter shall have until March 1, 1986 to comply with subsections (B)(4) and (7) of this section.

(D) All establishments or stations which are covered by this chapter shall have until September 1, 1986 to comply with subsections (B)(5) and (6) of this section.

#### § 770.99 PENALTY

Any person, partnership, corporation or entity which violates any provision of this chapter is guilty of a misdemeanor of the third degree; on each subsequent offense such person, partnership, corporation or other entity is guilty of a misdemeanor of the first degree. It is not the intent of this section that any person be imprisoned for a violation of this chapter."

is hereby amended to read as follows:

### "CHAPTER 770: LATE NIGHT SALES AND ESTABLISHMENTS

#### § 770.01 DEFINITIONS

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LATE NIGHT GAS STATION.** Any person, partnership, corporation or other entity which sells gasoline or other petroleum fuel to the public between the hours of midnight and 6:00 a.m.

**LATE NIGHT RETAIL ESTABLISHMENT.** Any person, partnership, corporation or other entity which:

(1) Derives 50% or more of its gross income from the sale of goods, merchandise or other articles of value; and

**(2) SELLS GOODS, MERCHANDISE OR OTHER ARTICLES OF VALUE IN THEIR CONTAINERS BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M.**

(B) Specifically excluded from these definitions are establishments whose owners are the sole operators and/or clerks present during the subject hours of operation.

#### § 770.02 REQUIREMENTS FOR LATE NIGHT SALES.

(A) All late night retail establishments and late night gas stations shall:

(1) Post a sign in the window which is conspicuous and states that there is a safe on the premises and it is not accessible to the employees on the premises.

(2) Post a sign in the window which is conspicuous and states that the cash register has \$50 or less in it.

(3) So arrange the signs posted in the windows so as to provide a clear and unobstructed view of the interior of the store. In no case, shall signs obstruct the view of the register from the street.

(4) Have a dropsafe on the premises which is bolted to the floor or weighs at least 500 pounds.



(5) Position their registers so that those in close proximity to the registers are visible from the street.

(6) The area of the parking lots of late night retail establishments and gas stations commonly utilized by customers and employees shall be lighted and maintained at a minimum of five footcandles per square foot. The level of lighting shall be measured at a height of three feet above pavement level.

(7) HAVE AN ENCLOSED, SECURED AREA FOR EMPLOYEES, OR MAINTAIN MORE THAN ONE EMPLOYEE DURING THE HOURS SET FORTH ABOVE AND ACCEPTABLE ALARMS OR SYSTEMS THAT ARE DESIGNED TO DIRECTLY PROVIDE IMMEDIATE NOTIFICATION TO THE MARION POLICE DEPARTMENT OF A ROBBERY OR OTHER LIFE THREATENING SITUATION.

~~(B) All establishments or stations which are covered by this chapter shall have thirty days from the effective date of this section to comply with subsections (B)(1), (2) and (3) of this section.~~

~~(C) All establishments or stations which are covered by this chapter shall have until March 1, 1986 to comply with subsections (B)(4) and (7) of this section.~~

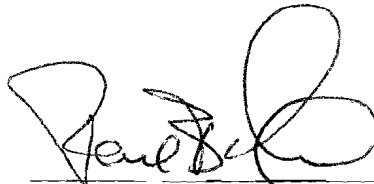
~~(D) All establishments or stations which are covered by this chapter shall have until September 1, 1986 to comply with subsections (B)(5) and (6) of this section.~~

(B) ALL ORDINANCES PREVIOUSLY ENACTED REMAIN IN EFFECT, EXCEPT CHANGES MADE TO SECTIONS 770.01 (A)(2) AND 770.02 (A)(7) WHICH SHALL BE EFFECTIVE SEPTEMBER 1, 1999.

§ 770.99 PENALTY

Any person, partnership, corporation or entity which violates any provision of this chapter is guilty of a misdemeanor of the third degree; on each subsequent offense such person, partnership, corporation or other entity is guilty of a misdemeanor of the first degree. ~~It is not the intent of this section that any person be imprisoned for a violation of this chapter.~~


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



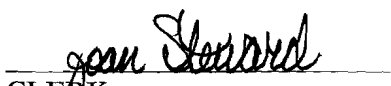
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: May 24, 1999

APPROVED: May 25, 1999

  
MAYOR

ATTEST:

  
CLERK

*Legally Advertised:*  
*The Marion Star*  
*June 21, 1999*  
*&*  
*June 28, 1999*  
*Joan Steward*  
*Clerk of Council*

ORDINANCE NO. 1999 - 66

ORDINANCE AMENDING RESOLUTION NO. 1994-10  
(AGREEMENT BETWEEN THE MARION COUNTY BOARD OF  
COMMISSIONERS AND MARION SENIOR HOUSING L.P. FOR  
THE PURPOSE OF ABATEMENT OF A PORTION OF REAL  
ESTATE TAX ON NEW INVESTMENT AT 267 W. CENTER  
STREET, MARION, OHIO) BY AMENDING SECTION 1, AND  
DECLARING AN EMERGENCY.

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

Section 1. That Section 1 of Resolution No. 1994-10 now reading:

"Section 1. That Council hereby recommends that the Marion County Board of Commissioners enter into an agreement with the Marion Senior Housing L.P., pursuant to Section 5709.63(A) ORC, for the abatement of the real estate tax at 267 W. Center Street at a rate of 100% abatement for ten (10) years."

is hereby amended to read:


"Section 1. That Council hereby recommends that the Marion County Board of Commissioners enter into an agreement with the Marion Senior Housing L.P., pursuant to Section 5709.63(A) ORC, for the abatement of the real estate tax at 267 W. Center Street at a rate of 100% abatement for ten (10) years. SAID EXEMPTION SHALL BE EFFECTIVE THE FIRST YEAR FOR WHICH THE REAL ESTATE PROPERTY IMPROVEMENTS WOULD FIRST BE TAXABLE WERE THE PROPERTY IMPROVEMENTS NOT EXEMPT FROM TAXATION."

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.

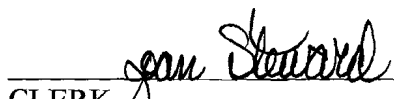
  
PRESIDENT OF COUNCIL

PASSED: May 10, 1999

APPROVED: May 11, 1999

  
MAYOR

ATTEST:

  
CLERK

## ORDINANCE NO. 1999- 67

ORDINANCE IMPOSING A 90-DAY MORATORIUM ON THE ACCEPTANCE  
OF APPLICATIONS FOR DEMOLITION WITHIN THE CITY OF MARION, AND  
DECLARING AN EMERGENCY.

WHEREAS, the Council finds development for which the current development standards do not adequately require that new or redeveloped buildings be compatible with established land use patterns, and

WHEREAS, the City has not been consistent in development standards resulting in sporadic development that does not fit into the original architecture of older areas, and

WHEREAS, the character of many areas has already been altered and irretrievably lost, and

WHEREAS, the Council finds it necessary to act in order to preserve and enhance the buildings and streetscapes, and

WHEREAS, the Council further finds it necessary to undertake a review of the existing zoning code and during such time wants to ensure that demolition of existing structures complies with the intent of preservation and enhancement,

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

Section 1. No person shall make application for a demolition permit nor be granted a permit for demolition unless application for same pre-dates the effective date of this Ordinance, this prohibition shall be effective for a period of 90 days after the effective date of this Ordinance. Any person claiming hardship as the result of this Ordinance may make application to this Council, exceptions to this Ordinance may only be granted by Council and after a finding that this Ordinance has rendered an owner's use of a property economically infeasible.

Section 2. Any person who violates this Ordinance shall be subject to those penalties contained in M.C.C. 1185.15.

Section 3. The Council shall during said 90 day period refer to the Zoning and Annexation Committee the task of re-evaluating and possibly amending the existing Code to provide for preservation and development standards consistent with the intent of Council as set forth above.

Section 4. Due to immediate need to ensure the preservation of Marion's historic past 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 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.

Paul V. Staitas  
President

Passed: MAY 12, 1999

Approved: MAY 14, 1999

Jack L. Kelley  
Mayor  
Attest: Joan Steward  
Clerk of Council

*Legally advertised:*  
*The Marion Star*  
*May 24, 1999*  
*May 31, 1999*  
*Joan Steward*  
*Clerk of Council*

## ORDINANCE NO. 1999- 68

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING  
THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND  
THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR  
THE GOLD BARGAINING UNIT, AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., for the Gold Bargaining Unit, and

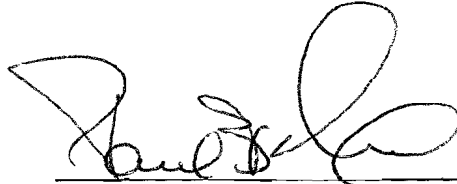
WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., has been reached on behalf of said F.O.P. and the City of Marion and ratified by the bargaining unit, to be effective July 1, 1999.

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

Section 1. That Council hereby appropriates the funds necessary to implement the C.B.A. effective July 1, 1999 as provided to Council in writing, by the City Auditor on May 18, 1999.

Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the Fraternal Order of Police, Ohio Labor Council, Inc., for the above specified bargaining unit.


Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' 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 PRO TEMPORE

PASSED: May 24, 1999

APPROVED: May 25, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999- 69

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING  
THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND  
THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR  
THE BLUE BARGAINING UNIT, AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., for the Blue Bargaining Unit, and

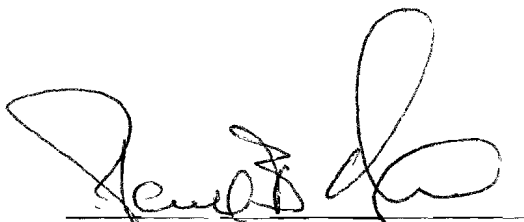
WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., has been reached on behalf of said F.O.P. and the City of Marion and ratified by the bargaining unit, to be effective July 1, 1999.

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

Section 1. That Council hereby appropriates the funds necessary to implement the C.B.A. effective July 1, 1999 as provided to Council in writing, by the City Auditor on May 18, 1999.

Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the Fraternal Order of Police, Ohio Labor Council, Inc., for the above specified bargaining unit.


Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' 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.



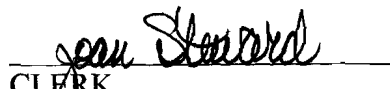
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: May 24, 1999

APPROVED: May 25, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999- 70

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE COMMUNICATIONS OFFICERS AND CORECTIONS OFFICERS BARGAINING UNIT, AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., for the Communications Officers and Corrections Officers Bargaining Unit, and

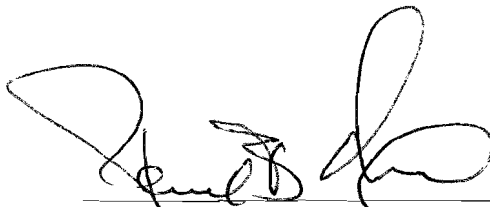
WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., has been reached on behalf of said F.O.P. and the City of Marion and ratified by the bargaining unit, to be effective July 1, 1999.

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

Section 1. That Council hereby appropriates the funds necessary to implement the C.B.A. effective July 1, 1999 as provided to Council in writing, by the City Auditor on May 18, 1999.

Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the Fraternal Order of Police, Ohio Labor Council, Inc., for the above specified bargaining unit.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' 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 PRO TEMPORE

PASSED: May 24, 1999

APPROVED: May 25, 1999

  
MAYOR

ATTEST:

  
CLERK

Amended-1997-153

## Amended ORDINANCE NO. 1999-71

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 BUILDING DEPARTMENT ADVISORY BOARD AND DECLARING AN EMERGENCY

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 and amended earlier this year, 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 1330.02 (N) 3) now reading, in part, as follows:

...to appeal to the Building Department Advisory Board in writing by filing a written notice of appeal with the Clerk of the Advisory Board. The Advisory Board shall consist of at least six (6) members each serving staggered three (3) year terms, each appointed by the Mayor for the City of Marion, Ohio and confirmed by the Council. The Advisory Board shall consist, if sufficient individuals are available to serve in the sole discretion of the appointing Mayor, person performing the following professions: plumber, electrician, general contractor, homeowner, real estate agent, landlord.

Said Clerk shall....

SHALL BE AMENDED TO READ AS FOLLOWS:

...to appeal to the Building Department Advisory Board in writing by filing a written notice of appeal with the Clerk of the Advisory Board. The Advisory Board shall consist of a total of six (6) members, serving staggered three (3) year terms, three (3) of which shall be appointed by the Mayor for the City of Marion, Ohio and confirmed by the Council. As the Advisory Board will serve as a County wide hearing Board, the County Commissioners shall appoint the remaining three (3) members. The Advisory Board shall consist, if sufficient individuals are available to serve in the sole discretion of the appointing Mayor, person performing the following professions: plumber, electrician, general contractor, homeowner, real estate agent, landlord.

Said Clerk shall....

Section 2. Marion City Code Section 1330.08 now reading as follows:

1330.08

RESIDENTIAL BUILDING PERMIT COST

SINGLE TWO & THREE FAMILY DWELLINGS

Residential package includes Structure Permit,  
Electrical Permit, HVAC Permit, Patio or Deck  
Permit (if called for on plans), Roofing, gross floor area.  
Siding, Windows and Exterior Door Permits and Concrete Permit

0 - 1,000 sq ft = \$400  
1,001 - 1,500 sq ft = \$650  
1,501 - 2,000 sq ft = \$850  
2,0001 sq ft + .32/sq ft

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.

DETACHED GARAGES & ACCESSORY BUILDINGS

ELECTRICAL SERVICE (NEW)  
INTERIOR ELECTRICAL

0 sq ft - 300 sq ft = \$100  
301 sq ft + + \$100 + .32/sq  
\$50  
\$50

ROOM ADDITION

Room Addition - anything being attached to the  
existing structure or enclosing an attachment  
that is habitable must have a building permit.

0 sq ft - 300 sq ft = \$200  
301 sq ft + = \$200 + .32/sq ft

### DECKS AND ROOFS

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.

### ALTERATION / REMODEL

0 sq ft - 300 sq ft = \$175  
301 sq ft + \$175 + .32/sq ft

### ELECTRICAL SERVICE (UPGRADE)

\$35

### HVAC PERMIT (HEATING & COOLING)

\$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

SHALL BE AMENDED TO READ AS FOLLOWS:

"Marion City Code Section 1330.08.

## Residential Building Permit Fees

### 1. SINGLE, TWO, & THREE FAMILY DWELLINGS

Residential permit package includes structure, electrical, HVAC, patio or deck, roofing, and gross floor area. Also included are siding, windows, exterior door, and concrete permits.

Permits for new construction will be sold as a package to either the property owner or general contractor.

Fees:	0 - 1,000 sq. ft.	= \$400.00
	1,001 - 1,500 sq. ft.	= \$650.00
	1,501 - 2,000 sq. ft.	= \$850.00
	over 2,000 sq. ft.	+ \$850.00 plus \$.32 per sq. ft over 2000

\*Cost for manufactured homes will be reduced by 20%.

### 2. DETACHED GARAGES & ACCESSORY BUILDINGS

(Greater than 170 sq.ft.)

Fees:	170 - 300 sq. ft.	= \$100.00
	over 300 sq. ft.	= \$100.00 plus \$.22 per sq. ft. over 300
	New Electrical Service	= \$35.00

### 3. ROOM ADDITIONS

Room Addition - anything being attached to an existing structure or enclosing an attachment that is habitable must have a building permit.

Fees:	0 - 300 sq. ft.	= \$200.00
	over 300 sq. ft.	= \$200.00 plus \$.32 per sq. ft. over 300

### 4. ALTERATION / REMODEL

Fees:	0 - 300 sq. ft.	= \$175.00
	over 300 sq. ft.	= \$175.00 plus \$.32 per sq. ft. over 300

\*AMENDED ON COUNCIL FLOOR - 5/24/99



**5. ROOFS (\*)**

Residential structures, porches, detached garages, and accessory buildings with *replacement roof area over 600sq. ft. require a building permit.*

Fees: Flat Rate =\$90.00

**6. DECKS (\*)**

Decks or patio added to plans of a new structure or as a new addition to an existing structure. A deck over 200 sq. ft requires a building permit. A ground level patio does not require a building permit, but may require a zoning permit.

Fees: Flat Rate =\$90.00

(\*) *Permit Issued Same Day*

**7. ELECTRICAL SERVICE (\*)**

Fees: Upgrade =\$35.00  
Temporary Service =\$35.00  
(included in dwelling permit)

**8. EXISTING HOUSE RE-WIRING (\*)** See Note 1

Fees: 0-10 devices =\$35.00 ( 1 Inspection)  
over 10 devices =\$90.00 ( 2 Inspections)

**9. HVAC PERMIT -HEATING & COOLING (\*)**

A HVAC permit is required for converting from one heating method to another (exp. gas to electric), upgrading BTU capacity, or upgrading to a more efficient unit.  
A window mounted AC unit does not require a permit.

Fees: Flat Rate =\$25.00

**10. IN-GROUND POOLS (\*)**

Fees: Flat Rate =100.00

**11. ADDITIONAL FEES**

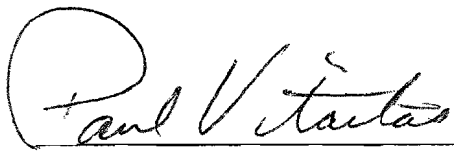
*Plan Review Fee* =\$50.00 (Non-refundable fee deducted from permit fee if approved)  
*Lost or damaged permits* =\$25.00  
*Plan Re-review* =\$50.00  
*Re-Inspections* =\$50.00 per re-inspection  
*Hot Tubs on new decks (\*)* =\$35.00  
*Windows/Doors* =\$35.00  
*(only if increase in size)*  
*No Permit Fee* Amount equal to the appropriate permit fee.  
=\$50.00 minimum to \$500.00 maximum  
plus \$100.00/day (starting the following day after being cited). Permit application fee is separate.  
*Returned check fee* =\$15.00

Marion Ordinance Number:


(\*) *Permit Issued Same Day*


Note 1: *If a licensed electrician installs a total of five or less devices ( outlets, switches, lights, fans, etc.) in a dwelling in a given calendar year, no permit is required but work must be to code.*

Section 3. Due to the immediate need to put in place the nearing board as the Code is currently being enforced and the real need to revise the fees, the above 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 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

Passed: June 28, 1999  
Approved: June 29, 1999

  
Mayor

Attest;  
  
Clerk of Council

legally advertised:  
The Marion Star  
July 8, 1999  
July 10, 1999  
Joan Steward  
Clerk of Council

## ORDINANCE NO. 1999- 72

ORDINANCE CREATING AND ADOPTING MARION CITY CODE SECTION 137.19  
 ENTITLED AUTHORIZATION FOR PROVISION OF POLICE PROTECTION TO  
 OTHER JURISDICTIONS UPON THE AUTHORIZATION OF THE POLICE  
 CHIEF AND DECLARING AN EMERGENCY

WHEREAS, In the past two months the City of Marion, Department of Police, has received requests from other neighboring jurisdiction for assistance by way of additional Police Officers, and

WHEREAS the Council for the City of Marion, Ohio has found on two recent occasions said requests were appropriate and thereafter passed appropriate legislation pursuant to O.R.C. 737.041, and

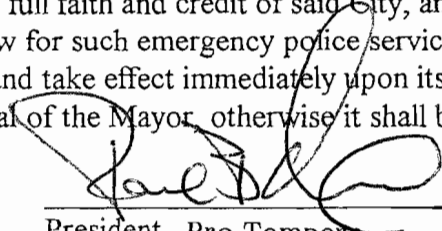
WHEREAS the Council finds it in the best interests of the City of Marion, Ohio to pass the following legislation, which has been adopted by neighboring jurisdictions, in order to provide authority to the Chief of Police to enter agreement with other Ohio jurisdictions to provide police protection to deal with special circumstances, with the understanding that the City of Marion may at some point in the future request reciprocity from those jurisdiction whom we have assisted,

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

Section 1. Marion City Code Chapter 137 is hereby amended to add a new Section which shall be delineated as Section 137.19 AUTHORIZATION FOR PROVISION OF POLICE PROTECTION TO OTHER JURISDICTIONS UPON THE AUTHORIZATION OF THE POLICE CHIEF

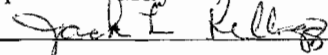
- (A) The City of Marion Chief of Police is authorized to enter agreement to send Police Officers outside the City of Marion, Ohio to render emergency Police services to any political subdivision of the State of Ohio that may be in emergency need of such services and that do not have a mutual aid police protection agreement with the City of Marion, Ohio.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary to protect the health, safety and welfare of said City, and to maintain the full faith and credit of said City, and to provide for its continuous uninterrupted services and to allow for such emergency police services at the earliest possible time; and it shall, therefore, be in force and take effect immediately upon its 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 Pro Tempore

Passed: May 24, 1999

Approved: May 25, 1999

  
 Mayor

Attest;  
  
 Clerk of Council

*Legally advertised:*  
*The Marion Star*  
*June 22, 1999*  
*June 28, 1999*  
*Joan Steward*  
*Clerk of Council*

AMENDED ORDINANCE NO. 1999 - 73

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH 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. Lincoln Park Parking Lot Improvements | \$ 43,500                     |
| 2. Install Sidewalks on Adams St.        | <del>\$/53,500</del> \$48,500 |
| 3. Street Improvements for Sugar St.     | <del>\$/81,000</del> \$79,000 |

Or

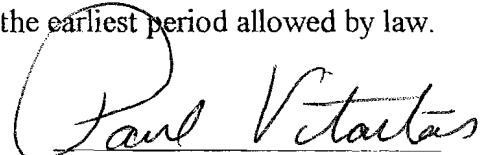
3A. Downtown Rehabilitation consisting of facade improvements to one ~~of the~~ of the following buildings: ~~Elks Club~~, Heritage Hall and ~~N/Main Street~~ ~~Businesses~~.

~~\$/81,000~~ \$7,000

- |   |                  |
|---|------------------|
| 4. Fair Housing                             | \$ 1,000         |
| <u>5. Environmental Review/Audit/Admin.</u> | <u>\$ 30,000</u> |
| TOTAL                                       | \$209,000        |

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 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; it shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: June 28, 1999  
APPROVED: June 29, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999- 74

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND AUDITOR TO EXECUTE ALL DOCUMENTS NECESSARY TO PROVIDE FOR THE PERMANENT FINANCING TO MARION SENIOR HOUSING LIMITED PARTNERSHIP FOR THE HARDING CENTRE PROJECT, SUBJECT TO APPROVED TERMS AND CONDITIONS, AND DECLARING AN EMERGENCY

WHEREAS, the Council has consistently supported the renovation of the former Harding Hotel, and  
WHEREAS, there have been numerous meetings regarding the project and various legislation both considered and passed, and  
WHEREAS, the Council finds it necessary to ratify passed legislation and again set forth its' participation as permanent financier in regards to the Harding Centre Project,

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

Section 1. The Mayor and Auditor are hereby authorized and directed to execute all documents necessary, including subordination agreements, in order to provide for the permanent financing at the rate of 5.34 to Marion Senior Housing Limited Partnership, whose general partners are: Marion HAND Development Inc., and Marion Housing Partners, Inc.,

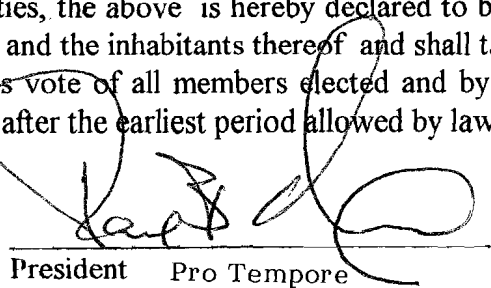
Section 2. In order to accomplish the above the Council ratifies and includes herein in as if fully rewritten, the following Ordinances all ready enacted into law: 1994-41; 1996-46; 1996-82; 1997-97; 1998-6; 1998-7; 1999-13 and 1999-14;


All of the above provide for the following: The City participation will include \$ 600,000 which may in the future be procured through the issuance of taxable revenue bonds with a thirty year term. This loan being made concurrent with the County of Marion's participation by a \$ 300,000 loan, both of which shall be secured by a joint first mortgage secured pro-rata.

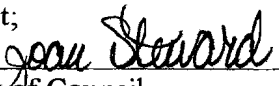
The Participation summary as follows: Joint Loan from City and County total of \$ 900,000 (\$600,000 and \$ 300,000) 1st Mortgage; City of Marion UDAG loan of \$ 100,000 2nd Mortgage; City/County CDBG Loan \$ 100,000 (existing) 3rd Mortgage; Economic Development Loan \$ 400,000 (existing) 4th Mortgage to City; City CDBG discretionary loan \$ 237,000 5th Mortgage to City; ODOD Direct Loan \$ 340,889 6th Mortgage; Equity Bridge loan \$ 2,000,000 7th mortgage to OHFA; Existing Direct Loan \$ 2,000,000 8th mortgage to ODOD which shall either be retired by funds from 7th mortgage or remain; Marion HAND \$ 500,000 9th mortgage.

Section 3. The following Ordinances which had contingencies which did not materialize are hereby repealed: 1998-38 and 1999-12;

Section 4. Due to the nearing deadline and the real need to close the permanent financing in regards to the project in order to further limited the existing liabilities, the above 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 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 Pro Tempore

Passed: May 24, 1999  
Approved: May 25, 1999  
  
Mayor

Attest;  
  
Clerk of Council

## ORDINANCE NO. 1999-75

VETOEDORDINANCE AUTHORIZING AND DIRECTING THE MAYOR  
TO ENTER INTO AN AMENDED AND RESTATED LEASE  
WITH MARION GENERAL HOSPITAL, INC.

WHEREAS, the Council has for approximately two years been in discussion with Marion General Hospital, Inc. regarding the existing lease of the City's Hospital Facilities, and

WHEREAS, there have been numerous public meetings which have included the County of Marion, and

WHEREAS, the result of the aforementioned discussions and meetings have resulted in an Amended and Restated Lease Agreement which has been exhaustively reviewed and amended, including amendments suggested by the County of Marion, Ohio, and

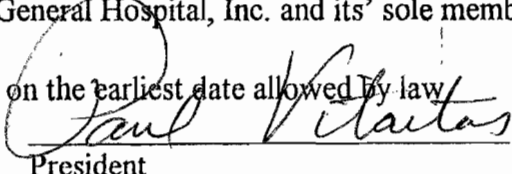
WHEREAS, the Council finds the final Amended and Restated Lease Agreement to be in the best interests of the citizens of Marion, Ohio and further that the refinements and clarifications contained therein of the existing terms and conditions as contained in the 1983 provide benefit and certainty to the citizens of Marion, Ohio,

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

Section 1. The Mayor is hereby authorized and directed to enter into the Amended and Restated Lease Agreement with Marion General Hospital, Inc.,

Section 2. The Council finds it necessary to refine, clarify and enhance the existing 1983 lease agreement with Marion General Hospital, Inc. in order, in part, to remove unnecessary language having to do with bond repayment, ensure continued provision and enhanced service to those unable to pay or are considered indigent, provide clarification on the relationship between the Board of Governors of Marion General Hospital, Inc. and its' sole member Ohio Health, ensuring that the Board appointments are consistent with the original lease, ensure that no further transfer of the entity occur without approval of the City's legislature, ensure that the proceeds generated from the local hospital remain in the community for the benefit of patient care or that which is related to the health care needs of the residents of the City and County of Marion, Ohio, and to further ensure that the burden of costs associated with the operation of the facility, including but not limited to, the provision of indigent care is provided for by Marion General Hospital, Inc. and its' sole member,

Section 3. That this Ordinance shall take effect on the earliest date allowed by law

  
President

Passed:

Approved:

\_\_\_\_\_  
Mayor

Attest;

\_\_\_\_\_  
Clerk of Council

MAYOR VETOED JULY 1, 1999. Vote to override - JULY 12, 1999 - resulted in a 4 to 4 Council vote. VETO STANDS.

Amended ORDINANCE NO. 1999 - 76

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
THE AIRPORT IMPROVEMENT FUND FOR THE YEAR  
ENDING DECEMBER 31, 1999.

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

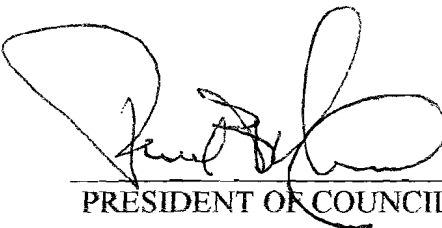
Section 1. That there be an additional appropriations made in the Airport Improvement Fund in the amount of \$2,400.00 as follows:

**AIRPORT IMPROVEMENT FUND**

Professional Services	446-06-440-230-000-320	<del>\$1,200.00</del>	\$1,135.00 *
Capital Improvements	446-06-440-250-000-520	<del>\$1,200.00</del>	\$1,265.00

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

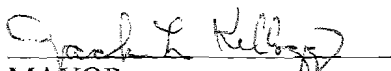
\*Amended on Council Floor 5/24/99




PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: May 24, 1999

APPROVED: May 25, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE AUTHORIZING AN AGREEMENT TO REHABILITATE  
THE STATE STREET OVERPASS, AND DECLARING AN EMERGENCY.

NAME OF STREET: **State Street**

ROUTE NUMBER: **SR4**

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 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 rehabilitate the existing bridge by removal and replacement of deck and box beams; installation of deflector parapets; replacement of approach pavement and approach parapets at rear and forward ends of bridge; repair of abutments and piers at specified locations; repair of bridge drainage, and reuse of the existing lighting, at the State's costs.

TERMINI: SR4: SR4 (State Street) northbound structure over Conrail and N&W railroads.

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, at the state's costs.

**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 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: JUNE 14, 19 99

Attest:

Joan Steward  
Clerk

Attest:

Joan Steward

Jack L. Roby  
Mayor

Paul Vitartas  
President of Council

\*\*\*\*\*

## State of Ohio

City of Marion ss

County of Marion

I, JOAN STEWARD, as Clerk of the City of Marion, Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said City on the 14th day of JUNE, 19 99, that the publications of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in Ordinance Record No. 41, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 15th day of JUNE, 19 99.

(seal)

*Don Steward*  
Clerk

**City of Marion, Ohio.**

\*\*\*\*\*

The foregoing is accepted as a basis for proceeding with the improvement herein described.

**For the City of Marion, Ohio.**

**Attest:** \_\_\_\_\_

\_\_\_\_\_, Date \_\_\_\_\_  
Contractual Officer

**For the State of Ohio**

**Attest:**

\_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation

84. 1. - Macdonald  
Spring 2000

ORDINANCE NO. 1999-78

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS,  
AND ENTER INTO CONTRACT FOR THE 1999 STREET RESURFACING  
PROGRAM, PROJECT 99-1R, IN THE CITY OF MARION, OHIO AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Marion, Ohio has been awarded a \$124,000 resurfacing grant from the Ohio Public Works Commission to finance a portion of the 1999 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 1999 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: **June 14, 1999**

Approved: **June 15, 1999**

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1999 - 79ORDINANCE TO AMEND CHAPTER 373.05(A) RELATING TO  
LIGHTS, SIGNAL DEVICES, AND BRAKES ON BICYCLES.

Section 1. That Chapter 373.05 of the Codified Ordinances, now reading in part as follows:

“373.05 LIGHTS, SIGNAL DEVICES, BRAKES ON BICYCLES

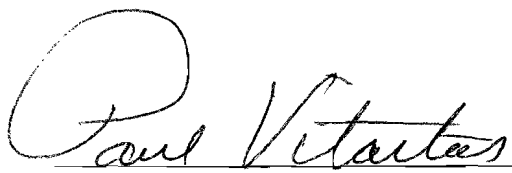
(A) Every bicycle when in use at the times specified in § 337.01, shall be equipped with the following:”

is hereby amended to read as follows:

“373.05 LIGHTS, SIGNAL DEVICES, BRAKES ON BICYCLES

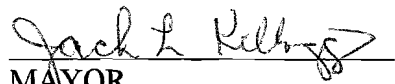
(A) Every bicycle when in use at the times specified in § **337.02**, shall be equipped with the following:”

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

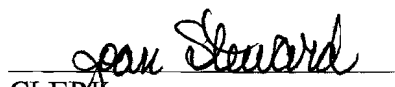
  
PRESIDENT OF COUNCIL

PASSED: June 28, 1999

APPROVED: June 29, 1999

  
MAYOR

ATTEST:

  
CLERK

*Regally advertised:*  
*Sue Makien Slack*  
*July 8, 1999*  
*July 15, 1999*  
*Joan Steward*  
*Clerk of Council*

ORDINANCE NO. 1999 - 80

ORDINANCE AUTHORIZING THE MAYOR TO RE-CONVEY CERTAIN MUNICIPAL REAL PROPERTY LOCATED WITHIN THE CITY OF MARION BY QUIT - CLAIM DEED TO CENTRAL SOYA COMPANY, AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO THE TRANSFER.

WHEREAS, the City of Marion acquired the premises commonly referred to as 751 East Farming Street, Marion, Ohio from Central Soya, and

WHEREAS, the aforementioned property is currently unable to be used for any public purpose, and

WHEREAS, said Central Soya Company has requested that the City transfer its' interests in said property back to it,

WHEREAS, the land is no longer necessary for a public purpose and said transfer is compliant with the conditions associated with the authority afforded the City's designated agent Community Improvement Corporation, herein after referred to as "C.I.C." as it furthers civic development, and

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

Section 1. The Council finds the property owned by the City of Marion, Ohio located at 751 East Farming Street, Marion, Ohio and further described in Exhibit A on the reverse hereof, is no longer necessary for public use.

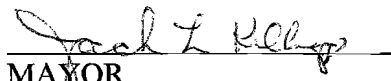
Section 2. The Council further authorizes the transfer of the aforementioned property with the accompanying conditions as set forth above, and does herein further authorize the Mayor to complete all documents necessary to complete said transfer and is compliant with the conditions associated with the authority afforded the C.I.C.

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

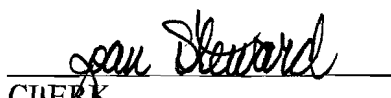
  
PRESIDENT OF COUNCIL

PASSED: JUNE 14, 1999

APPROVED: JUNE 15, 1999

  
MAYOR

ATTEST:

  
CLERK

WITNESS its hand this 15th day of JUNE, 1999

Signed in the presence of:

THE CITY OF MARION, OHIO

Joan Steward  
Printed Name: Joan Steward as to 1

1)By Jack L Kellogg  
Jack L. Kellogg, its Mayor

Lenora Mayes  
Printed Name: Lenora Mayes as to 1

MARION AREA COMMUNITY  
IMPROVEMENT CORPORATION

\_\_\_\_\_  
Printed Name: \_\_\_\_\_ as to 2

2)By \_\_\_\_\_  
Jack O. Bull, its President

\_\_\_\_\_  
Printed Name: \_\_\_\_\_ as to 2

STATE OF OHIO  
SS:  
MARION COUNTY

The foregoing instrument was acknowledged before me this 15th day of June, 1999 by Jack L. Kellogg, Mayor, of THE CITY OF MARION, OHIO, on behalf of The City of Marion, Ohio.

Lenora Mayes  
Notary Public

LEN. MAYES, NOTARY PUBLIC  
STATE OF OHIO  
COMMISSION EXPIRES 9-04-2000

STATE OF OHIO  
SS:  
MARION COUNTY

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1999 Jack O. Bull, President, of MARION AREA COMMUNITY IMPROVEMENT CORPORATION, an Ohio corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

This instrument prepared by Ronald D. Cramer, Attorney at Law.

ORDINANCE NO. 1999-81

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HILL EQUIPMENT, FOR THE PURCHASE OF A SKID LOADER TRAILER FOR USE IN THE STREETS 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, Hill Equipment submitted the best proposal for the purchase of a Skid Loader Trailer, therefore

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

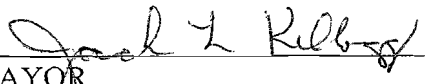
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Hill Equipment, to purchase one Skid Loader Trailer for use in the Streets Department.

**Section 2.** This ordinance shall take effect and be enforced from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: JUNE 14, 1999

APPROVED: JUNE 15, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-82

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DEXTER COMPANY, FOR THE PURCHASE OF A DUMP BODY, SNOW PLOW, SALT SPREADER AND RELATED HYDRAULICS FOR USE IN THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 1999-54 authorized the Safety/Service Director to prepare specifications and advertise for bids for Dump Body, Snow Plow, Salt Spreader and related hydraulics for use in the Marion Streets Department.

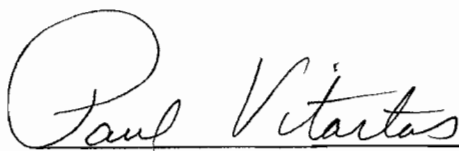
**WHEREAS**, Dexter Company, submitted the lowest bid, therefore

**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 Dexter Company, to purchase Dump Body, Snow Plow, Salt Spreader and related hydraulics for use in the Streets Department.

**Section 2.** That the \$22,200.00 cost of said contract shall be payable from the S.C.M.R. Fund # 207-06-612-250-000-450

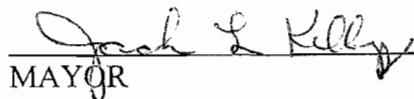
**Section 3.** That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon 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: June 14, 1999

APPROVED: June 15, 1999



MAYOR

ATTEST:



CLERK OF COUNCIL



ORDINANCE NO. 1999 - 83

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE REQUEST FOR PROPOSALS FOR SELECTION OF AIRPORT APPRAISERS FOR THE PURPOSE OF PROPERTY ACQUISITION AT THE MARION MUNICIPAL AIRPORT, ENTER INTO AGREEMENT FOR PROFESSIONAL SERVICES WITH YAGER AND ASSOCIATES SUBSEQUENT TO GRANT OFFER.

WHEREAS, The City of Marion has been tentatively allocated \$207,000.00 FAA Grant, known as Project 10, toward project estimate of \$230,000.00

WHEREAS, The final grant award offer is expected within 30 days.

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

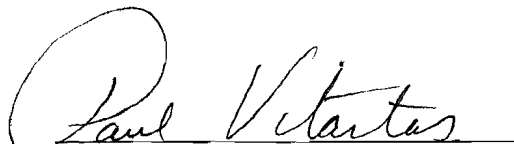
Section 1. That the Safety/Service Director is hereby authorized and directed to prepare request for proposals for Airport Appraisers for the purpose of property acquisition at Marion Municipal Airport.

Section 2. Authorize the Mayor to enter into agreement with the FAA to accept and administer Project 10 grant when offered.

Section 3. 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 4. Enter into agreement with Yager and Associates for preparation and administration of Project 10 subsequent to FAA grant offer.

Section 5. 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.


  
PRESIDENT OF COUNCIL

PASSED: June 14, 1999

APPROVED: June 15, 1999

  
MAYOR

ATTEST:

  
CLERK

**ORDINANCE NO. 1999-84****ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A  
ONE TON CAB AND CHASSIS TRUCK WITH A STAKE BED AND HOIST.**

**WHEREAS**, The 1987 Ford F-350 currently being used in a traffic accident on April 30, 1999 causing it to be beyond repair.

**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 one tone cab and chassis with a stake bed and hoist.

**Section 2.** That this ordinance shall take effect on the earliest date allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: June 14, 1999

APPROVED: June 15, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

**ORDINANCE NO. 1999-85**

**ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT  
MODIFYING THE OHIO INFRASTRUCTURE BANK LOAN AGREEMENT  
AND ALLOWING THE CITY TO USE THE BALANCE FOR NECESSARY  
IMPROVEMENTS TO MARION-WILLIAMSPORT ROAD EAST OF STATE  
ROUTE 4, AND DECLARING AN EMERGENCY.**

*WHEREAS*, the City of Marion has identified the need to make necessary improvements to Marion-Williamsport Road east of State Route 4 for approximately 5,000 feet, and;

*WHEREAS*, The Ohio Department of Transportation has approved the use of approximately \$250,000 from the Ohio Infrastructure Bank Loan for this project, and;

*WHEREAS*, by authorizing the Mayor to sign this agreement the City agrees to pay this amount back through all terms and conditions of the previously signed loan agreement.

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

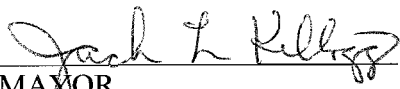
**Section 1.** That the Mayor is hereby authorized to enter into agreement with the Ohio Department of Transportation amending the previous loan agreement allowing the City to make necessary improvements to Marion-Williamsport Road East of State Route 4.

**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 this improvement project must be designed and completed during this paving 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 all members elected to council; otherwise, it shall become effective from and after the earliest period allowed by law.

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: June 14, 1999

APPROVED: June 15, 1999

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

ORDINANCE NO. 1999 - 86ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
TRANSIT FUND FOR THE YEAR ENDING DECEMBER 31, 1999.

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 Transit Fund in the amount of \$5,000.00 as follows:

Building Lease	502-06-549-230-000-371	\$5,000.00
----------------	------------------------	------------

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: June 14, 1999

APPROVED: June 15, 1999

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1999- 87.

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                      \$ 1,655.00

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.

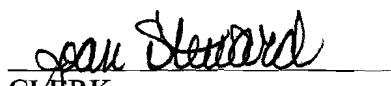
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: June 14, 1999

APPROVED: June 15, 1999

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1999-88

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE MERCHANT AVENUE AREA STORM AND SANITARY SEWER PROJECT, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 1999-60 authorized the preparation of plans and specifications, and advertising for bids for the Merchant Avenue Area Storm and Sanitary Sewer Project in the City of Marion, Ohio, and

**WHEREAS**, Underground Utilities, Inc., Monroeville, Ohio, submitted the lowest and best bid of \$2,111,065.50, including Alternate No. 1 (brick pavement replacement),

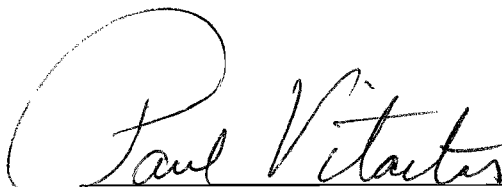
**BE IT ORDAINED** by the Council of the City of Marion, Marion County, Ohio:

**Section 1.** That the Safety/Service Director be directed to enter into contract with Underground Utilities, Inc. for the Merchant Avenue Area Storm and Sanitary Sewer Project in the amount of \$2,111,065.50.

**Section 2.** That the necessary funds for the project be appropriated as follows:


Storm Sewer Improvement Fund \$1,074,341.68  
Sanitary Sewer Improvement Fund \$1,247,830.38

**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 Environmental Protection Agency (OEPA) requirements; 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 28, 1999

Approved: June 29, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

**ORDINANCE NO. 1999- 89****ORDINANCE CREATING THE MARION PORT AUTHORITY  
AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT  
WITH THE COUNTY OF MARION AND DECLARING AN  
EMERGENCY.**

**WHEREAS:** the Council desires and determines it is necessary to create a port Authority in combination with the County of Marion as provided by Sections 4582.21 et. seq. Of the Ohio Revised Code,

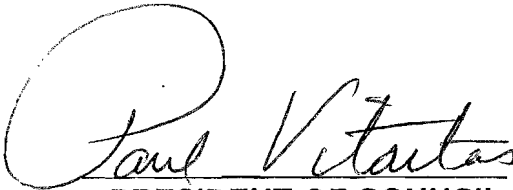
**BE IT ORDAINED:** BY THE City of Marion, Marion County, Ohio:

**Section 1.** A port authority to be known as the "Marion Port Authority" is hereby created in combination with the County of Marion, Ohio and the Council does hereby authorize the Mayor to enter agreement substantially in the form of the agreement attached hereto as Exhibit A,

**Section 2.** The agreement attached hereto as Exhibit A, made a part hereof, is hereby approved and the Mayor is authorized and directed to execute same on behalf of the City with such changes as are necessary and consistent with the intent of this Council which shall be approved by the Law Director, the Mayor's execution of same being conclusive evidence of the approval of said agreement,

**Section 3.** All formal actions of this Council related to the adoption of this Ordinance were adopted in an open meeting and all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with applicable law.

**Section 4.** This Ordinance is declared to be an emergency due to the immediate need for the Port Authority to proceed with a program for the enhancement of economic commercial and industrial opportunities and further for the welfare of the City of Marion and the inhabitants thereof and 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 effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: June 28, 1999

APPROVED: June 29, 1999

ATTEST:

  
CLERK OF COUNCIL

  
MAYOR

WHEREAS, under authority of Sections 4582.21 et seq. of the Revised Code, a municipal corporation, a county or a municipal corporation and a county jointly may create a port authority which shall have the territorial limits co-terminus with the limits of the political subdivision or subdivisions creating the port authority;

WHEREAS, the City of Marion, Ohio (hereinafter referred to as "City") by ordinance and the County of Marion, Ohio (hereinafter referred to as "County") by resolution have each determined that it is desirable and necessary that a port authority be created pursuant to the provisions of Sections 4582.21 et seq. of the Revised Code by the combined action of the City and the County with certain terms and conditions as set forth herein;

WHEREAS, the City has authorized the execution of this Agreement by Ordinance No. \_\_\_\_\_ passed by its Council on \_\_\_\_\_, 1999, and the County has authorized the execution of this Agreement by a Resolution adopted by the Board Of County Commissioners of the County on \_\_\_\_\_, 1999; and

WHEREAS, this Agreement is entered into for the purpose of creating a port authority under the authority of Sections 4582.21 et seq. of the Revised Code:

NOW THEREFORE it is hereby agreed between the City and the County as follows:

1. The City and the County, by their combined action evidenced by the execution of this Agreement, hereby create a port authority under the authority of Section 4582.21 et seq. of the Revised Code which shall have territorial limits co-terminus with the boundaries of the County as they now or hereafter exist.

The port authority created by this Agreement, except as limited herein, shall be a body corporate and politic which may sue and be sued, plead and be impleaded and has the powers and jurisdiction now or hereafter given to it by statute. The exercise of those powers and jurisdiction by the port authority shall be deemed to be essential governmental functions of the State of Ohio. The port authority created by this Agreement is designated and shall be known as "Marion Port Authority" (sometimes hereinafter referred to herein as the "Port Authority").

2. The Port Authority shall be governed by a five member Board of Directors each of whom shall serve for a term of four years, provided that such Board initially shall be composed of members having terms of office commencing the date of the first organization meeting of the Port Authority and expiring as follows: two members shall have terms of office expiring \_\_\_\_\_, 2000, one member shall have a term of office expiring \_\_\_\_\_, 2001, one member shall have a term of office expiring \_\_\_\_\_, 2002 and one member shall have a term expiring \_\_\_\_\_, 2003. The Board of County Commissioners of the County shall appoint two members of the Board of Directors for one of the terms expiring on \_\_\_\_\_, 2000 and the term expiring on \_\_\_\_\_, 2002, respectively. The Mayor of the City, with the advice and consent of a majority of the members of the City Council shall appoint two members of the Board of Directors for one of the terms expiring on \_\_\_\_\_, 2000 and for the term expiring on \_\_\_\_\_, 2001, respectively. The Board Of County Commissioners and the Mayor of the City, with the advice and consent of a majority of the members of the City Council shall reach an agreement as to who the fifth member shall be, with the only requirement for this member being that he/she be an elector of the City, this third member of the Board of Directors term expiring \_\_\_\_\_, 2003. If the City and County are unable to reach agreement as to the appointment of this fifth member within 60 days of the position being vacant, the members of the Port Authority shall recommend a person to the position and the City and County shall either accept or reject said recommendation until the position is filled.

Upon the resignation or removal of a member of the Board of Directors or the expiration of such members' terms of office, a new member of the Board of Directors shall be appointed in the manner provided for herein by the subdivision or subdivisions which appointed the member who resigned, was removed or whose term expired.

3. No member appointed to the Board of Directors of the Port Authority by the City or the County shall hold any elected public office.

No member of the Board shall receive any compensation, unless this agreement is amended by formal legislation of both City and County. Nominal expense reimbursement shall be allowed by vote of the majority of the Board.

Any member of the Board of Directors may be removed by the member's appointing subdivision for misfeasance, nonfeasance or malfeasance in office, including the member's absence from five regular meetings of the Board of Directors during a calendar year. No member of the Board of Directors shall have an interest in the profits or emoluments of any contract, job, work or service of the Port Authority or any of its projects. Any member who has such an interest shall be subject to the removal by the member's appointing subdivision.



4. By June 1, of each year the Board shall present to both the City and the County an annual report detailing the past and anticipated operations of the authority by June 1 of each year.

The members of the Board of Directors shall establish the time and place of meetings of the Board of Directors and shall give notice of the time, place and purpose of meetings of the Board of Directors to news media in accordance with O.R.C. 121.22.

5. The territorial limits of the Port Authority may be expanded from time to time in the manner provided by statute only with the formal consent of both City and County.

6. The Port Authority shall levy no tax nor any ballot initiative without the formal consent through legislation of both City and County. Further, the Port Authority shall not incur debt, excepting non-recourse debt, in its' name without the formal consent by way of legislation of both City and County.

7. The Port Authority shall not exercise powers of eminent domain without the formal consent by way of legislation of the City if the subject property is located wholly or partially within the City or of the County if the subject property is located wholly or partially within the County.

8. The Port Authority shall not exercise nor possess police powers.

9. Notwithstanding O.R.C. 4582.30, the parties hereto, including the Port Authority, agree to allow the formation of a City Airport Authority under section 4582 or 308, now or in the future, if same is permissible under the law of the State of Ohio.

10. The Port Authority may be dissolved at any time upon enactment of an ordinance by the City Council of Marion or a resolution by the Board of County Commissioners of the County; provided that upon dissolution, any real or personal property or combination thereof which has been received from or made available by the City or the County shall be returned to the subdivision from which it was received or by which it was made available. In the event of the dissolution, and after paying all expenses, debts and costs of the Port Authority, any balance remaining in the Port Authority's funds and any remaining real or personal property belonging to the Port Authority shall be distributed to the City and the County equally.

11. The President of the Board of County Commissioners of the County, after consultation with the Mayor of Marion, shall give written notice of the time and place of the organization meeting of the Board of Directors to the initial members of the Board of Directors at least five days prior to the meeting. The President of the Board of County Commissioners shall also give public notice of the time, place and purpose of the organization meeting of the Board of Directors to the news media at least twenty-four hours prior to the meeting. At the organization meeting of the Board of Directors, and prior to the adoption of any rules and regulations, the initial members of the Board of Directors shall present certified copies of the resolutions appointing them to the Board of Directors.

12. In case any paragraph of this Agreement or any part thereof is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof which shall be construed and enforced as if the illegal or invalid portion were not contained therein, nor shall such illegal or invalid application thereof affect any legal or valid application thereof, and each paragraph or part thereof shall be deemed effective and valid in the manner and to the full extent permitted by law.

13. The Port Authority shall not adopt any by-law or regulation which is contrary to this enabling document, if at such time the Authority violates the restrictions set forth herein, the Authority shall be subject to dissolution or the appointing sub-division may remove those members who participated in the act which is determined by the creating authority to have violated this agreement, unless each of the creating sub-divisions adopts legislation confirming the violative act.

IN WITNESS WHEREOF, the City of Marion and the County of Marion have each caused this Agreement to be executed as of this \_\_\_\_\_ day of \_\_\_\_\_, 1999 by their duly authorized officers.

CITY OF MARION, OHIO

By Jack L. Kellogg  
Mayor

COUNTY OF MARION, OHIO

By Kathy Sykes  
County Commissioner

By M. Kirk Moulton  
County Commissioner

By John W. Matthews  
County Commissioner

## ORDINANCE No. 1999--90

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND, AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT TO PROVIDE FOR SAME, AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42, and 5709.43 provide that this Council may describe public infrastructure improvements to be made which benefit certain parcels, declare improvements (as defined in O.R.C., Section 5709.40) with respect to such parcels of real property located in the City to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, in connection with the development of the CanDo Inc., lands within located at the Dual Rail Industrial Park Project, and with expected future development with commercial and manufacturing facilities, to be located on the individual parcels to be subdivided and developed within the approximately 64.921 acre area described in Exhibit A (the total 64.921 acre area being herein referred to as the "Property"), the City intends to make the public infrastructure improvements described in Exhibit B attached hereto (which public infrastructure improvements are herein referred to as the "Dual Rail Industrial Park Project") that once made will benefit the Property and each individual parcel within the Property; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code, and to authorize the Mayor to enter into an agreement to provide for same with all developers at the aforementioned Industrial Park, including all additional owners now or in the future upon any lands described within Exhibit A

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

SECTION 1. The Dual Rail Industrial Park Infrastructure Project Improvements described in exhibit B hereto and to be made by the City are hereby designated as those public infrastructure improvements that benefit, or that once made will benefit, the Property and each individual parcel within the Property.

SECTION 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, this Council hereby finds and determines that 100% of the increase in the assessed value of the Property, or any ratio approved in the related tax abatement agreements passed hereafter, and each individual parcel within the Property, that would first appear on the tax list and duplicate of real and public utility property subsequent to the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" as defined in said Section 5709.40) is a public purpose and 100% or any ratio approved in the related tax abatement agreements passed hereafter of said Improvement is hereby declared to be a public purpose and exempt from real property taxation, which exemption period shall commence on the effective date of this Ordinance and said exemption period shall extend thereafter for a period of 20 years, or until all projects listed on Exhibit B are completed and all loans and/or obligations have been paid for in full, including all other projects to be developed on the lands described on Exhibit B and other projects to be developed on the Property in an amount sufficient to pay the City's costs of the Dual Rail Industrial Park Infrastructure Improvements, including without limitation the payment of principal and interest on all loans made by the State of Ohio to the City for the purpose of financing costs of the Dual Rail Industrial Park Infrastructure Project Improvements, the payment of principal and interest on the City's notes, bonds, or other obligations and any refunding obligations, issued to finance costs of The Dual Rail Industrial Park Infrastructure Project Improvements, and including reimbursement to the City for any funds temporarily advanced by the City to pay such Project Improvements costs, or to make such State loan repayments or such principal or interest payments, prior to receipt of said payments in lieu of taxes..

SECTION 3. As provided in Section 5709.42 of the Revised Code, the owners of the Improvements are hereby required to, and shall make, service payments in lieu of taxes to the County Treasurer on or before the final dates for payment of real property taxes, which service payments when distributed to the City by the County

Treasurer shall be deposited in the Dual Rail Industrial Park Infrastructure Project Tax Increment Equivalent Fund established by section 4 hereof. The Mayor shall be authorized to execute on behalf of the City of Marion, Ohio

the Tax Increment Financing Agreement between the City and all future owners, occupants, or developers (the agreement) providing for among other things, the construction of the building improvements on the property or related to the property and payment of such service payments, in substantially the form as exists on the date of this Ordinance, together

with such changes as are consistent with this Ordinance and that are approved by the Mayor, Auditor and Director of Law. This Council further hereby authorizes and directs the Mayor, the Director of Law, the Auditor, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to carrying out the Agreement, and to make such arrangements as are necessary and proper for payment by the owners of said service payments in lieu of taxes.

SECTION 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Dual Rail Industrial Park Infrastructure Project Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the service payments in lieu of taxes distributed to the City with respect to the Improvements on the Property and each individual parcel of the Property, by or on behalf of the County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the monies deposited in the Fund shall be used solely for the following purposes:

(I) To pay costs of the Dual Rail industrial Park Infrastructure Project, and

(ii) To pay the principal and interest on all loans made by the State of Ohio to the City, and to pay the interest on and principal of bonds or notes, including refunding bonds or notes, issued by the City, in order to finance the Dual Rail Industrial Park Infrastructure Project, until such State loans, notes or bonds are paid in full, and including reimbursement to the City for any funds temporarily advanced by the City to pay such costs, interest, or principal, prior to receipt of said service payments,

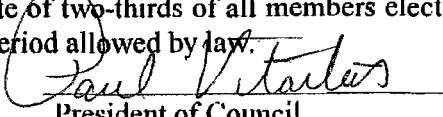
The Fund shall remain in existence so long as such service payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43; provided, however, that at the time of such dissolution any monies remaining in said Fund resulting from the collection of service payments in lieu of taxes from owners of the Improvements with respect to the Property shall be divided among the City, the Ridgedale or City (which ever applies) School System in amounts which are in the same proportion as the City's and School Districts' total real property tax levies for the tax year proceeding the year of dissolution of such fund, and such City amount shall be retained by the City and transferred to the General Fund of the City and the Schools funds transferred to the School System.

Section 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of this Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after of passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Auditor shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

Section 6. This Council finds and determines that all formal actions of this Council 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 that resulted in those formal action were in meetings open to the public in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to provide for the Funding of the above improvements so that such improvements may be constructed as quickly as possible, in order to provide necessary jobs and employment opportunities and improve the economic welfare of the people and generate vitally needed Taxes. and payments in lieu of tax revenues; wherefore this Ordinance shall be in full force and 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.


PASSED: June 28, 1999

  
President of Council

APPROVED: June 29, 1999

  
Mayor

ATTEST:

  
Clerk of Council

Being those lands as are described as follows:

Recorded on the Official Record of the Marion County Recorder, Volume 11, Pages 56, 57, 58, 59, 60, and 61, further described as:

Located within the City of Marion, County of Marion, State of Ohio, being all of Lot 18049 containing approximately 36.012 acres;

the portion of Lot 18050 south of the east / west half section line of Section 16 containing approximately 13.939 acres;

the portion of Lot 18054 south of the east / west half section line of Section 16 containing approximately 14.970 acres;

containing an approximate total acreage of 64.921 acres.

Exhibit B  
TIF PROJECTS

1. Sanitary Sewer to U. S. Yachiyo
2. Railroad Loop in Park
3. Improvement in Marion-Williamsport Road from Kellogg Parkway to Hillman-Ford Rd.
4. Extension west of Marion-Williamsport Rd. to:
  - A. To S. R. 309
  - B. To S. R. 95 \*
5. Bridge on Marion-Williamsport Rd. over Route 4 and N & S Railroad
6. Bridge on Marion- Williamsport Rd. over CSX Railroad or relocate Hillman-Ford Rd.\*
- Not highly likely without another TIF on another industrial property outside of this park.

ORDINANCE NO. 1999 - 91

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE BARTRAM AVENUE ROADWAY IMPROVEMENTS, PROJECT 98-2S, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 1999-61 authorized the preparation of plans and specifications, and advertising for bids for the Bartram Avenue Roadway Improvements Project 98-2S in the City of Marion Ohio, and

**WHEREAS**, Underground Utilities, Inc., Monroeville, Ohio, submitted the lowest and best bid of \$838,991.10,

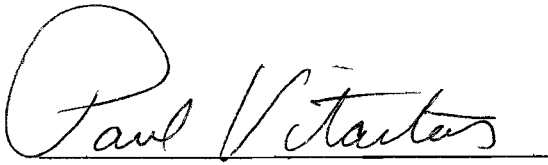
**BE IT ORDAINED** by the Council of the City of Marion, Marion County, Ohio:

**Section 1.** That the Safety/Service Director be directed to enter into contract with Underground Utilities, Inc. for the Bartram Avenue Roadway Improvements Project in the amount of \$838,991.10,

**Section 2.** That the necessary funds for the project be appropriated as follows:

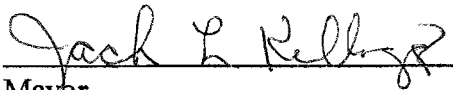
Storm Sewer Improvement Fund	\$784,119.69
Sanitary Sewer Improvement Fund	\$138,770.52

**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.

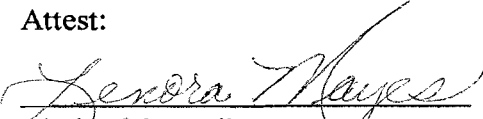
  
President of Council

Passed: *July 12, 1999*

Approved: *July 13, 1999*

  
Mayor

Attest:

  
Clerk of Council - *Pro Tempore*

defeated

ORDINANCE NO. 1999 - 92

ORDINANCE TO AMEND SECTION 1161.022(C-1) OF THE  
MARION CITY ZONING CODE RELATING TO MAXIMUM  
AREA OF IDENTIFICATION SIGNS IN COMMERCIAL  
DISTRICTS.

Section 1. That Section 1161.022(C-1) of the Marion City Zoning Code, now reading  
in part as follows:

§ 1161.022(C-1) MAXIMUM AREA OF IDENTIFICATION SIGNS IN COMMERCIAL  
DISTRICTS.

Except for service stations, the total sign area for any separate establishment, located within or outside of a shopping center, and the total sign area for a shopping center itself, shall be no more on all faces than four square feet per linear foot of frontage on all abutting streets, but not more facing each abutting street for each establishment or shopping center than listed hereunder for each district. For the purpose of sign location and area calculation, any property line abutting an alley or an offstreet parking facility shall be included as frontage, provided the abutting property is in a commercial or industrial district. For each establishment in a shopping center, the length of the abutting access roadway shall represent the frontage for such establishment.

USE OR TYPE OF ESTABLISHMENT	Maximum Square Feet of Sign Area in Commercial Districts				
	C-1	C-2	C-3	C-4	C-5
Commercial and Noncommercial Uses Except Service Stations:					
(1) Separate establishments fronting on street	200	600	600	600	200

USE OR TYPE OF ESTABLISHMENT	Maximum Square Feet of Sign Area in Commercial Districts				
	C-1	C-2	C-3	C-4	C-5
(2) Planned shopping centers with two or more establishments:					
(a) Signs identifying	400	800	800	800	400
(b) Signs identifying each establishment within a shopping center not fronting on a street, but visible from a residential district and within 500 feet thereof	200	600	600	600	200
Service Stations	See Schedule 1161.022(C)(2)				

is hereby amended to read as follows:

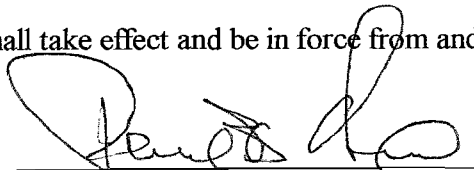
§ 1161.022(C-1) MAXIMUM AREA OF IDENTIFICATION SIGNS IN COMMERCIAL DISTRICTS.

Except for service stations, the total sign area for any separate establishment, located within or outside of a shopping center, and the total sign area for a shopping center itself, shall be no more on all faces than four square feet per linear foot of frontage on all abutting streets, but not more facing each abutting street for each establishment or shopping center than listed hereunder for each district. For the purpose of sign location and area calculation, any property line abutting an alley or an offstreet parking facility shall be included as frontage, provided the abutting property is in a commercial or industrial district. For each establishment in a shopping center, the length of the abutting access roadway shall represent the frontage for such establishment.

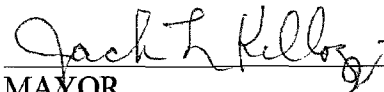
USE OR TYPE OF ESTABLISHMENT	Maximum Square Feet of Sign Area in Commercial Districts				
	C-1	C-2	C-3	C-4	C-5
Commercial and Noncommercial Uses Except Service Stations:					
(1) Separate establishments fronting on street	200	600	600	600	600

USE OR TYPE OF ESTABLISHMENT	Maximum Square Feet of Sign Area in Commercial Districts				
	C-1	C-2	C-3	C-4	C-5
(2) Planned shopping centers with two or more establishments:					
(a) Signs identifying	400	800	800	800	800
(b) Signs identifying each establishment within a shopping center not fronting on a street, but visible from a residential district and within 500 feet thereof	200	600	600	600	600
Service Stations	See Schedule 1161.022(C)(2)				

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

 signed by mistake  
PRESIDENT OF COUNCIL Pro Tempore

PASSED: DEFEATED 8/9/99  
APPROVED:

 - signed by mistake  
MAYOR

ATTEST:

CLERK Pro Tempore

ORDINANCE NO. 1999 - 93

ORDINANCE AMENDING THE ZONING MAP OF THE CITY  
OF MARION BY REZONING THE LAND ONE ACRE WEST OF  
MCDANIEL MOTORS ON MOUNT VERNON AVENUE IN THE  
CITY OF MARION, OHIO FROM R-1A (SINGLE FAMILY, LOW  
DENSITY) TO C-5 (GENERAL BUSINESS DISTRICT).

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from R-1A (Single Family, Low Density) to C-5 (General Business District), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from R-1A to C-5, 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 being owned by the Catholic Diocese of Columbus and being one acre west of McDaniel Motors on Mt. Vernon Avenue and being more particularly described as follows:

**Description of 0.977 Acres**

Being part of Outlot 606 and part of the North Half of Section 26, Township 5 South, Range 15 East, to the City of Marion, and being part of an original 13.349 acre tract of land, now or formerly owned by Church Diocese of Col., Most Rev. James Griffin, Deed Vol. 347, page 150, and being all of a 0.013 acre tract of land, now or formerly owned by James A. Griffin, Bishop, O.R. 455, page 152, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing survey nail located at the intersection of the centerline of State Route 529 (Richland Road) with the centerline of State Route 95 (Mt. Vernon Avenue);

Thence along the centerline of State Route 95 South 88 deg. 04 min. 48 sec. West for a distance of 489.61 feet to a railroad spike found;

Thence South 00 deg. 48 min. 11 sec. West for a distance of 39.04 feet to a 5/8 inch dia. iron pin found on the South Right-of-Way line of State Route 95, at the Northeast corner of hereinafter described 0.977 acre tract, and the place of beginning.

Thence South 00 deg. 48 min. 11 sec. West for a distance of 215.96 feet to a 5/8 inch dia. iron pin found;

Thence South 63 deg. 40 min. 21 sec. East for a distance of 340.65 feet to a point on a tract line, said point being referenced by a 3/4 inch dia. iron pipe found South 89 deg. 20 min. 37 sec. East for a distance of 0.14 feet;

Thence North 89 deg. 20 min. 37 sec. West for a distance of 165.00 feet to an iron pin set;

Thence North 79 deg. 45 min. 28 sec. West for a distance of 210.18 feet to an iron pin set;

Thence North 00 deg. 48 min. 11 sec. East for a distance of 325.61 feet to an iron pin set on the South Right-of-Way line of State Route 95;

Thence along the South Right-of-Way line of State Route 95 North 88 deg. 04 min. 48 sec. East for a distance of 65.00 feet to a 5/8 inch dia. iron pin found at the place of beginning.



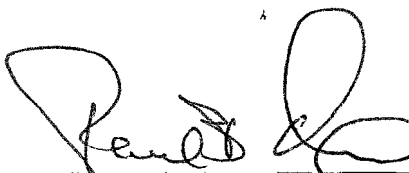
Containing 0.977 acre, (42561.74 Sq. Ft.), more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated June 17, 1999. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

Prior deed, Deed Vol. 347, page 150 and O.R. 455, page 152  
Basis of bearings, Survey by S. Fox, dated 2/21/98, centerline S.R. 95 North 88 deg. 04 min. 48 sec. East

heretofore zoned R-1A (Single Family District, Low Density ) is hereby zoned C-5 (General Business District).

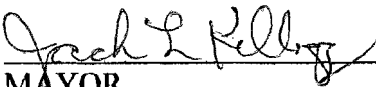
Section 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion on file in the office of the Clerk of Marion City Council and on the copy thereof on file in the office of the Safety/Service Director.

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

  
PRESIDENT OF COUNCIL *Pro Tempore*

PASSED: August 9, 1999

APPROVED: August 9, 1999

  
MAYOR

ATTEST:

  
CLERK *Pro Tempore*

ORDINANCE NO. 1999- 94

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1999.

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 \$13,636.00 as follows:

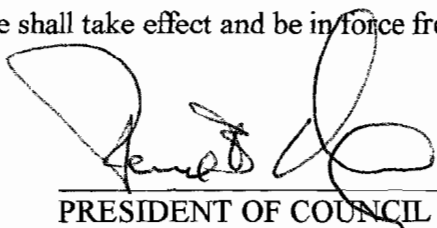

**Health Fund**

Tobacco Compliance                      214-02-221-240-000-437                      \$    1,500.00

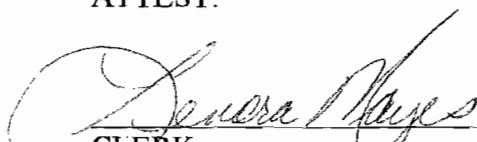
**General Fund**

EMS Grant                                      101-01-131-230-140-223                      \$   12,136.00

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

  
\_\_\_\_\_  
PRESIDENT OF COUNCILPASSED: *August 9, 1999*APPROVED: *August 10, 1999*  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK *Pro Tempore*

ORDINANCE NO. 1999-95

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1999.

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 \$352,085.00 as follows:

**General Fund**

Capital Improvements	101-07-741-250-000-520	\$ 33,215.00
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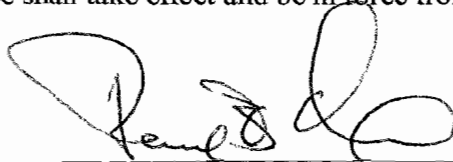
**SCMR Fund**

Resurfacing Projects	207-06-612-230-000-531	\$ 176,975.00
Capital Improvements	207-06-612-250-000-520	17,895.00

**Street Improvement Fund**

LTIP Project CPK06	461-06-106-230-000-531	\$ 124,000.00
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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.

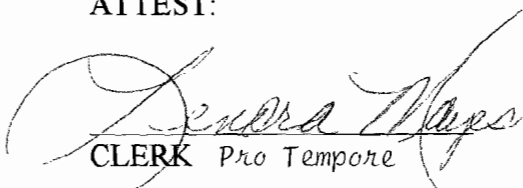
PRESIDENT OF COUNCIL *Pro Tempore*

PASSED: August 9, 1999

APPROVED: August 10, 1999

  
MAYOR

ATTEST:

  
CLERK *Pro Tempore*

ORDINANCE NO. 1999- 96

ORDINANCE TO VACATE A CERTAIN 16.5 FOOT WIDE  
EAST-WEST ALLEY OFF NORTH MAIN STREET JUST TO THE  
NORTH OF FAHEY BANK IN THE ORIGINAL TOWN OF  
MARION IN THE CITY OF MARION.

Whereas, in the opinion of this Council, there is good cause for vacating part of a certain 16.5 foot wide alley off North Main Street just to the north of Fahey Bank in the Original Town of Marion in the City of Marion, and

Whereas, the petition to vacate this alley was approved by the Marion City Planning Commission at its meeting of June 1, 1999, and

Whereas, notice to all abutting landowners was given in accordance with Marion Codified Ordinances 903.08, and

Whereas, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and ought to be made;

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

Section 1. That the following described alley, to wit:

**Description of 0.0625 Acre**

Being part of a 16.5 ft. Public Alley in The Original Town of Marion (Plat Book 1, page 3), City of Marion, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at a small railroad spike found in the Southeast corner of Lot 87 in The Original Town Plat, in the West line of Main Street (82.50 ft. wide), and the Northeast corner of hereinafter described 0.0625 acre tract.

Thence along the West line of Main Street **South 00 deg. 00 min. 00 sec. West** for a distance of **16.50 feet** to a railroad spike found in the Northeast corner of Lot 86 in said Addition;

Thence along the North line of Lot 86 in said Addition **North 89 deg. 52 min. 30 sec. West** for a distance of **165.00 feet** to a railroad spike found in the Northwest corner of Lot 86 in said Addition and in the East line of a 16.5 ft. Public Alley;

Thence along the East line of a 16.5 ft. Public Alley **North 00 deg. 00 min. 00 sec. East** for a distance of **16.50 feet** to a railroad spike found in the Southwest corner of Lot 87 in said Addition;

Thence along the South line of Lot 87 in said Addition **South 89 deg. 52 min. 30 sec. East** for a distance of **165.00 feet** to a small railroad spike found in the Southeast corner of Lot 87 in said Addition, in the West line of Main Street, and the place of beginning.

Containing **0.0625 acre** (2722.49 Sq. Ft.), more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated July 15, 1999. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

Prior deed, P.B. 1, page 3

Basis of bearings, Assumed, West Line of Main Street, North 00 deg. 00 min. 00 sec. East

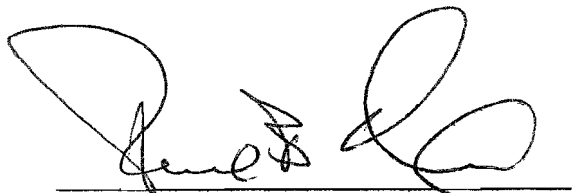
be and is hereby vacated.

Section 2. That title to the real estate comprising said alley shall revert to the abutting property owners in accordance with the laws of Ohio.

Section 3. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned alley for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation of said alley herein is specifically made subject to the continued existence of any such existing right-of-way or easement, unless the abutting property owners renegotiate with the utility another right-of-way or easement.

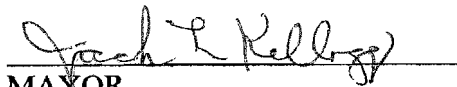
Section 4. That the Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

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

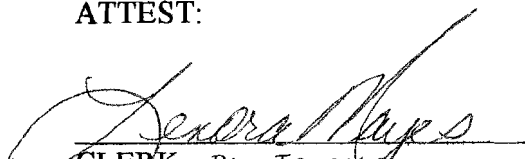
  
PRESIDENT OF COUNCIL *Pro Tempore*

PASSED: *August 9, 1999*

APPROVED: *August 10, 1999*

  
MAYOR

ATTEST:

  
CLERK *Pro Tempore*

## ORDINANCE NO. 1999-97

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A \$600,000 BOND TO PROVIDE 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. 1999-13, passed February 8, 1999, a note in anticipation of bonds in the amount of \$2,020,000, dated February 11, 1999 (the Outstanding Note) was issued for the purpose stated in Section 1, to mature on August 11, 1999; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Note with the proceeds of the Bond described in Section 1 and other funds available to the City; 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 Bond described in Section 1 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 a bond of this City in the aggregate principal amount of \$600,000 (the Bond) to provide a loan to Marion Senior Housing Limited Partnership for costs of remodeling, rehabilitating and equipping the former Harding Hotel as housing.

Section 2. The Bond shall be issued as a single fully registered bond representing the entire principal amount. The Bond shall be dated August 11, 1999.

The Bond shall bear interest at the rate of 5.25% per year (computed on a 360-day per year basis), payable on June 1 and December 1 of each year (the Interest Payment Dates), commencing December 1, 1999, until the principal amount has been paid or provided for. All maturities of the Bond shall bear the same rate of interest. The Bond shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from August 11, 1999.

The Bond shall mature as follows:

<u>Maturity Date</u>	<u>Principal Amount</u>
June 1, 2000	\$18,000
June 1, 2001	19,000
June 1, 2002	20,000
June 1, 2003	20,000
June 1, 2004	22,000
June 1, 2005	23,000
June 1, 2006	24,000
June 1, 2007	25,000
June 1, 2008	27,000
June 1, 2009	28,000
June 1, 2010	29,000
June 1, 2011	31,000
June 1, 2012	33,000
June 1, 2013	34,000
June 1, 2014	36,000
June 1, 2015	38,000
June 1, 2016	40,000
June 1, 2017	42,000
June 1, 2018	44,000
June 1, 2019	47,000

Those maturities are determined to be such that the total principal and interest payments on the Bond in any fiscal year in which principal is payable are substantially equal.

The Bond shall be subject to redemption prior to stated maturity as follows:

(a) Optional Redemption. The Bond shall be subject to redemption by and at the option of the City, in whole or in part, at any time in integral multiples of \$1,000 at 100% of the principal amount redeemed plus accrued interest to the redemption date.

Principal amounts of the bond to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the City to the Bond Registrar (as defined in Section 4), given upon the direction of the Council by adoption of a resolution or ordinance. That notice shall specify the redemption date and the principal amount of each maturity of the Bond to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owner as hereinafter provided, there shall be deposited with the Bond Registrar on or prior to the redemption date, funds that, in addition to any other money available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable portion of the Bond for which notice of redemption has been given.

(b) Partial Redemption. If less than all of the outstanding Bond is called for redemption at one time, the registered owner of the Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$1,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(c) Notice of Redemption. The notice of the call for redemption of Bond shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bond or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(d) Payment of Redeemed Bond. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bond and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of the Bond or portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date the Bond or portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, the Bond or portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular maturities of the Bond shall be held in trust for the account of the registered owner thereof and shall be paid to that owner, respectively, upon presentation and surrender of those maturities of the Bond.

Section 3. The Bond shall be signed by the Mayor and the Auditor, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bond shall be numbered as determined by the Auditor, and shall express upon its face the purpose, in summary terms, for which it is issued and that it is issued pursuant to this ordinance. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under

this ordinance unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Auditor on behalf of the City.

Section 4. (a) The Auditor of the City is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bond (the Bond Registrar). The Auditor may resign as Bond Registrar, or may be removed as Bond Registrar by this Council, at any time after this Council has appointed a banking institution to succeed the Auditor as authenticating agent, bond registrar, transfer agent and paying agent for the Bond, which banking institution shall then be the Bond Registrar for all purposes of this ordinance and the Bond.

(b) The Bond Registrar will complete the Bond to be originally delivered to the original purchaser of the Bond by inserting the appropriate information into the Bond form and will record the names and addresses of the owner of the Bond in the Bond Register (as defined below).

(c) The Bond Registrar will sign the Certificate of Authentication on the Bond to be originally delivered to the original purchaser of the Bond.

(d) The Bond Registrar shall hold in safekeeping any Bond forms not originally delivered to the original purchaser of the Bond, and shall notify the City of any need for additional Bond forms in sufficient time to permit an adequate supply to be available for exchange or transfer.

(e) So long as any portion of the Bond remains outstanding, the Bond Registrar will maintain and keep at its office all books and records necessary for the authentication, registration, exchange and transfer of the Bond as provided in this Section 4 (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the principal of and interest on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 4. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(f) The Bond may be exchanged for a Bond upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register and only upon presentation and surrender of the Bond at the office of the Bond Registrar together with an assignment signed by the owner of the Bond or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon such exchange or transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same dates.

(g) If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of the Bond only after the new Bond is signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver a Bond in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, costs and expenses, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

(h) The Bond Registrar shall complete, authenticate, deliver and register a new Bond to replace any Bond lost, stolen, destroyed or mutilated upon receiving written instructions to do so from the Auditor of the City together with evidence of indemnification, from the owner of the Bond, of the City and the Bond Registrar in a form satisfactory to the City and the Bond Registrar.



(i) The Bond Registrar shall cancel any Bond surrendered to it pursuant to this ordinance for payment or retirement or for exchange, replacement or transfer. Written reports of surrender and cancellation of the Bond shall be made to the Auditor by the Bond Registrar at least once each calendar year. Unless otherwise directed by the City or other lawful authority, canceled Bonds shall be retained and stored by the Bond Registrar for a period of seven years. After that time, or at any earlier time as authorized by the City, the canceled Bonds may, at the direction of the Auditor, be either returned to the City or destroyed by the Bond Registrar by shredding or cremation, and certificates of that destruction (describing the manner of that destruction) shall be provided by the Bond Registrar to the Auditor.

(j) The Bond Registrar shall retain and store the Bond Register for seven years after payment of all of the Bonds. At any time and upon request by the City, the Bond Registrar shall permit the City to inspect the Bond Register and will provide the City with a copy of the Bond Register. Pursuant to Section 9.96 of the Revised Code the Bond Register is not a "public record" under Ohio law. In the event of a request to the Bond Registrar by any person other than the City for inspection of the Bond Register, the Bond Registrar shall notify the Auditor and will not permit that inspection unless it is approved by the Auditor, except that the Bond Registrar may permit an inspection pursuant to an order of a court of competent jurisdiction.

(k) The Bond Registrar shall pay the principal of and interest on the Bond in accordance with this ordinance, but only from money deposited with the Bond Registrar by the City for that purpose. The City shall cause funds to be on deposit with the Bond Registrar in an amount sufficient and available to pay the interest, or principal and interest, then to be due no later than 10:00 a.m. (Ohio time) on the day on which that payment is to be made.

Section 5. The debt charges on the Bond shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar. The Bond Registrar shall evidence payments of principal on the payment schedule attached to the Bond. Interest on the Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date (the Record Date).

Notwithstanding any provision of this ordinance or of the Bond to the contrary, the Bond Registrar may enter into an agreement with the registered owner of the Bond providing for making to that owner of any payment of principal of and interest on the Bond (other than any payment of the entire principal amount thereof) at a place and in a manner other than as provided in the ordinance and the Bond, without presentation of the Bond, upon any condition which shall be satisfactory to the Bond Registrar and, if not acting as the Bond Registrar, the Auditor, provided that in any event, payment shall be made to the person or entity registered as the owner on the Bond Register, (i) as to principal on the date on which the principal is due, and (ii) as to interest as of the applicable Record Date or any date fixed for redemption as the case may be.

Section 6. The Bond is hereby offered at par plus accrued interest, if any, to the Treasury Investment Board of the City. If the Bond is not purchased by the Treasury Investment Board, it shall be sold at par plus accrued interest, if any, and awarded by the Auditor in a certificate of award in accordance with law and the provisions of this ordinance. The Auditor shall cause the Bond to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bond, 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 Bond, 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 Bond is being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bond is outstanding in an amount sufficient to pay the debt charges on the Bond when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 Bond when and as the same fall due.

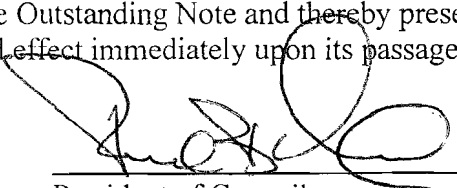
Section 9. The Clerk of Council is directed to deliver a certified copy of this ordinance and of any certificate of award to the County Auditor.

Section 10. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bond in order to make it a legal, valid and binding general obligation of the City have been performed and have been met, or will at the time of delivery of the Bond 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 8) of the City are pledged for the timely payment of the debt charges on the Bond; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bond.

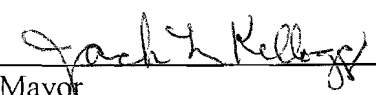
Section 11. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 12. 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 Bond, which is necessary to enable the City to timely retire the Outstanding Note and thereby preserve its credit; wherefore, this ordinance shall be in full force and effect immediately upon its passage.

Passed: August 9, 1999

  
President of Council Pro Tempore

Approved: August 10, 1999

  
Mayor

Attest:   
Clerk of Council Pro Tempore

ORDINANCE No. 1999-98ORDINANCE REPEALING ORDINANCE No. 1999-91 AND  
DECLARING AN EMERGENCY

WHEREAS, Ordinance 1999-61 authorized the preparation of plans, specifications, and advertising for bids for the Bartram Avenue Roadway Improvements Project 98-2S in the City of Marion, Ohio, and

WHEREAS, at the bid opening the apparent low bidder was Underground Utilities, Inc with an aggregate low bid price of \$ 826,109.20, and

WHEREAS, during a subsequent review there was discovered a mathematical error in the apparent low bidder's bid and the error was corrected rather than providing Underground the opportunity to exercise their rights under O.R.C. 9.31, and

WHEREAS, the local bidder credit as provided for in M.C.C. 109.01 was applied which resulted in Underground continuing to be the lowest and best bidder, and

WHEREAS, the contracting authority possess authority and the discretion to correct the procedural errors, as there existed no procedure, policy or condition providing for the correcting of an errant mathematical mistake and the contract price should have read \$ 826,109.20 as opposed to \$ 834,680.40,

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

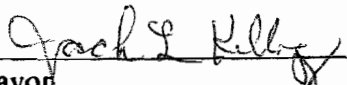
Section 1. Ordinance 1999-91 which contained an error in the contract amount is hereby repealed and replaced with the correction Ordinance past on this same date.


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 the City of Marion must adhere to 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 Pro Tempore

Passed: August 9, 1999

Approved: August 10, 1999

  
Mayor

Attest:  
  
Clerk of Council Pro Tempore

\* AS AMENDED ON COUNCIL FLOOR 8/9/99

ORDINANCE No. 1999-99

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE BARTRAM AVENUE ROADWAY IMPROVEMENTS, PROJECT 98-2S AND APPROPRIATING THE NECESSARY FUNDS, HAVING FOUND A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SERVICE PURSUANT TO O.R.C. 735.051 AND DECLARING SAME AN EMERGENCY.

WHEREAS, Ordinance 1999-61 authorized the preparation of plans, specifications, and advertising for bids for the Bartram Avenue Roadway Improvements Project 98-2S in the City of Marion, Ohio and at the bid opening the apparent low bidder was Underground Utilities, Inc with an aggregate low bid price of \$ 826,109.20 and thereafter during a review there was discovered a mathematical error in the apparent low bidder's bid and the error was corrected rather than providing Underground the opportunity to exercise their rights under O.R.C. 9.31, and

WHEREAS, the local bidder credit as provided for in M.C.C. 109.01 was then correctly applied to the higher gross aggregate bid, which had been corrected in error, which resulted in Underground continuing to be the lowest and best bidder and thereafter a protest was filed by the second low bidder Ropper Construction of Willard, Ohio. The City having considered said protest and finding same to be without merit overrules same, and

WHEREAS, the contracting authority possess authority and the discretion to correct the procedural errors, as there existed no procedure, policy or condition providing for the correcting of an errant mathematical mistake and the contract price should have read \$ 826,109.20 as opposed to \$ 834,680.40, and

WHEREAS, Project 98-2S was on a very tight schedule from the beginning in order to complete all necessary improvements prior to the coming winter season and there now being an even greater and real possibility that the asphalt production will end prior to the completion of the Roadway improvement causing significant hardship upon the health, welfare and safety of the City residents,

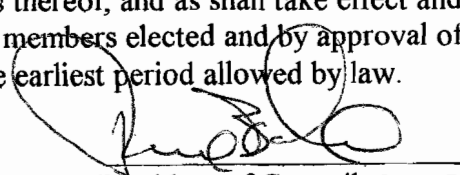
BE IT ORDAINED by the Council for the City of Marion, Ohio:

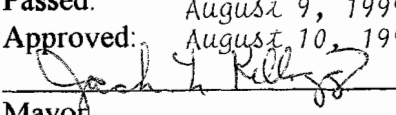
Section 1. Ordinance 1999-91 having been repealed on this same date is hereby replaced with this Ordinance and the Council herein authorizes and directs the Safety/Service Director to enter into contract with Underground Utilities, Inc. for the Bartram Avenue Roadway Improvements Project in the amount of \$ 826,109.20.


Section 2. That the necessary funds for the project be appropriated as follows:

Storm Sewer Improvement Fund	<del>\$701,891.17</del>	\$772,080.29	*
Sanitary Sewer Improvement Fund	<del>\$124,218.03</del>	\$136,639.83	*

Section 3. That due to the real likelihood that the coming winter season will impact the availability of asphalt and will interfere with the completion of the Roadway improvement resulting in significant hardship upon the health, welfare and safety of the City residents as the Roadway will go unfinished creating a hazard and in a state of disrepair after the winter season, 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 Pro Tempore

Passed: August 9, 1999  
Approved: August 10, 1999  
  
Mayor

Attest:   
Clerk of Council Pro Tempore

ORDINANCE NO. 1999 - 100

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO EXECUTE A GRANT OF EASEMENT FOR AND ON BEHALF OF THE CITY OF MARION, GRANTING TO BADERTSCHER COMMUNICATION, INC. THE RIGHT TO USE CERTAIN CITY-OWNED PROPERTY SITUATED IN THE CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND BEING ADJACENT TO LOT 127 IN ORIGINAL TOWN PLAT OF 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 and hereby is authorized to sign, on behalf of the City of Marion, a grant of an easement granting to Badertscher Communication, Inc., an Ohio Corporation, its successors and assigns, certain rights as more fully set forth in Section 2 hereof.

Section 2. The grant of an easement referred to in Section 1 hereof shall be in the following form and shall contain the following terms and conditions:

"KNOW ALL MEN BY THESE PRESENTS, That the CITY OF MARION, an Ohio municipality, the GRANTOR, by virtue of Ordinance No. 1999-100, and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant unto BADERTSCHER COMMUNICATION, INC. an Ohio corporation, the GRANTEE, its successors and assigns, an easement and right of way with the rights and privileges hereinafter set forth, upon, over, under and across the following described premises:

DESCRIPTION  
0.002 ACRE

Being Adjacent to Lot 127 in the Original Town Plat of the City of Marion, Marion County, State of Ohio; Being part of a tract now or formerly owned by the City of Marion; and being more particularly described as follows;

Beginning at the intersection of the North Right-of-Way Line of a 16.5-foot wide public alley with the West Right-of-Way Line of South Prospect Street (now 66 feet wide) (also being the Southeast Corner of Lot 127); thence along said West Right-of-Way Line (also being the East Line of Lot 127) N 0° 01' 00" E for a distance of 66 feet to the North Line of Lot 127; thence S 90° 00' 00" E for a distance of 1 foot to a point; thence S 0° 08' 55" E for a distance of 67.34 feet to a point; thence N 90° 00' 00" W for a distance of 9.34 feet to a point; thence N 0° 01' 00" E for a distance of 1.34 feet to a point on the North Right-of-Way Line of said 16.5-foot wide public alley (also being the South Line of Lot 127); thence along said North Right-of-Way Line S 90° 00' 00" E for a distance of 8.15 feet to the intersection of the West Right-of-Way Line of South Prospect Street and the point of beginning.

Containing 0.002 acre more or less and being subject to legal highways, easements, restrictions, and agreements of record. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated June 24, 1999.

"The easement and rights herein granted shall include the right to erect, inspect, operate, replace, relocate, repair, patrol and permanently maintain upon, over, under and along the above-described right of way across said premises all necessary structures and other usual fixtures and

appurtenances, and the right of reasonable ingress and egress upon, over and across said premises for access to and from said right of way, and the right to trim, cut, remove or control by any other means at any and all times such trees, limbs and underbrush within or adjacent to said right of way as may interfere with or endanger said structures or appurtenances or their operation.

"The Grantor reserves the right to use the ground between said structures and beneath, provided that such use does not interfere with or obstruct the rights herein granted; and the Grantor agrees that no building, obstruction or impediment of any kind shall be placed within said right of way or between said structures or beneath without prior written approval of the Grantee.

"The Grantee will repair or replace all fences, gates, lanes, driveways, drains and ditches damaged or destroyed by it on said premises or pay Grantor for all damages to fences, gates, lanes, driveways, drains and ditches on said premises caused by the construction or maintenance.

"TO HAVE AND TO HOLD the said easement, rights and right of way and its appurtenances to said Grantee, and to its successors and assigns, forever, and the Grantor represents that it is the owner of the above-mentioned premises herein described.

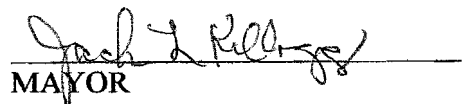
"IT WITNESS WHEREOF, the City of Marion has hereunto set its hand this 10 day of August, 1999."

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

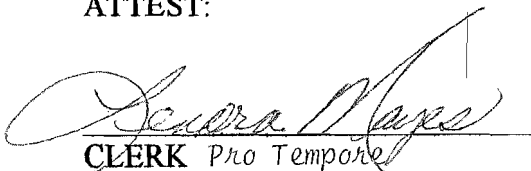
  
PRESIDENT OF COUNCIL Pro Tempore

PASSED: August 9, 1999

APPROVED: August 10, 1999

  
MAYOR

ATTEST:

  
CLERK Pro Tempore

ORDINANCE NO. 1999 - 101

## ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM 14 LAPTOP COMPUTERS FOR THE POLICE DEPARTMENT, 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 purchase through the State of Ohio Cooperative Purchasing Program 14 laptop computers from Dell Computer Corporation for use in the Police Department.

Section 2. That the cost of said contract shall be payable from the Law Enforcement Block Grant Fund.

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 for the further reason that the FY 97 funds must be expended by September 30, 1999; 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, shall become effective from and after the earliest period allowed by law.



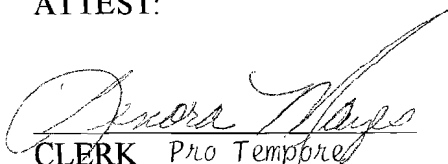
PRESIDENT OF COUNCIL *Pro Tempore*

PASSED: *August 9, 1999*

APPROVED: *August 10, 1999*

  
MAYOR

ATTEST:

  
CLERK *Pro Tempore*

ORDINANCE No. 1999-102

ORDINANCE DECLARING A SPECIFIC PARCEL OF  
REAL PROPERTY OWNED BY THE CITY OF MARION  
TO BE NO LONGER NECESSARY FOR ANY PUBLIC  
PURPOSE AUTHORIZING THE MAYOR TO SELL SAID  
PARCEL PURSUANT TO O.R.C. 721 AND DECLARING  
AN EMERGENCY

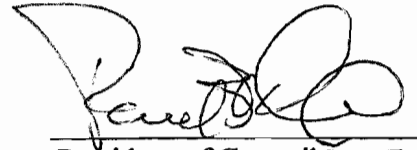
WHEREAS, On December 31, 1985 Partial Lot # 5330 was given to the City of Marion, Ohio, and

WHEREAS, said partial lot is of no use to the City of Marion, Ohio, nor does it serve any public purpose,

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

Section 1. The Mayor is hereby authorized and directed to dispose of partial lot # 5330 located within the City of Marion, also known as 661 Marshal St., pursuant to the authority contained in O.R.C. 721 et. al. and further finding the partial lot to be of no public purpose or use and not necessary for the welfare or benefit of the Citizens of the City of Marion and therefore the Mayor is authorized and directed to sell said land to the highest bidder upon such terms as set forth by law and in his discretion as also provided by law.

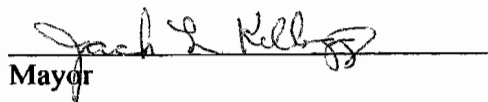
Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that the City of Marion has no use of said land and continues to incur liability related thereto; and as such, shall take 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

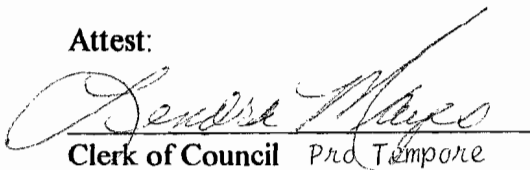
Passed: August 9, 1999

Approved: August 10, 1999



Mayor

Attest:



Clerk of Council Pro Tempore



ORDINANCE NO. 1999-103

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1999.

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 \$79,723.90 as follows:

**GENERAL FUND**

TSF to Law Enforcement Block Grant	101-07-745-270-000-698	\$	3,312.00
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**LAW ENFORCEMENT BLOCK GRANT**

FY 97 Equipment	213-01-547-250-000-450	\$	600.00
FY 98 Equipment	213-01-548-250-000-450		16,817.00
FY 99 Equipment	213-01-549-250-000-450		16,296.00
	TOTAL	\$	33,713.00

**WIC FUND**

FY 99 Salaries	215-02-549-210-000-110	\$	260.94
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**EARLY INTERVENTION FUND**

FY 2K SALARIES	249-02-540-210-000-110	\$	2,187.96
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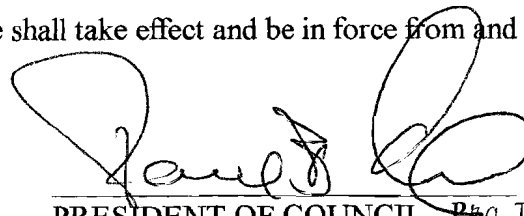
**AIRPORT IMPROVEMENT FUND**

Capital Improvement	446-06-441-250-000-520	\$	5,000.00
	446-06-440-250-000-520		5,000.00
	TOTAL	\$	10,000.00

**LANDFILL MONITORING FUND**

Professional Services	507-05-563-230-000-320	\$	30,250.00
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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: August 9, 1999  
 APPROVED: August 10, 1999

  
 MAYOR

ATTEST:

  
 CLERK *Pro Tempore*

ORDINANCE NO. 1999-104

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH S. E. PARK ENTERPRISES & FOR  
DEMOLITION OF 419 BLAINE AVE.(REAR), AND DECLARING AN EMERGENCY.**

*WHEREAS*, the Safety/Service Director has declared 419 Blaine Ave (rear). to be a dangerous building according to Chapter 1360 of the Marion Codified Ordinances and,

*WHEREAS*, S. E. Park Enterprises 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 S. E. Park Enterprises for the demolition of 419 Blaine Avenue (rear).

\$5,950.00

**Section 2.** That the ~~\$3,000~~ 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 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.

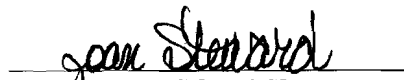
  
PRESIDENT OF COUNCIL

PASSED: August 23, 1999

APPROVED: August 24, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1999-105

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE  
DIRECTOR TO ENTER INTO CONTRACT WITH FLEMING CONSTRUCTION  
COMPANY FOR THE CRESCENT HEIGHTS ROAD AND COMMUNITY  
DRIVE ROADWAY IMPROVEMENT, PROJECT 99-1P FOR THE CITY OF  
MARION, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 1999-62 authorized the preparation of plans, specifications and advertising for bids for the Crescent Heights Road and Community Drive Roadway Improvement, Project 99-1P for the City of Marion, Ohio, and

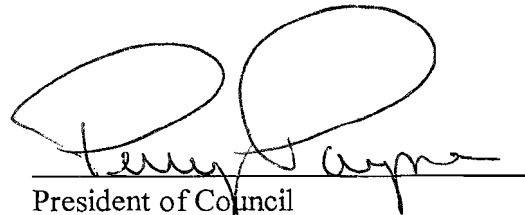
**WHEREAS**, Fleming Construction Company, submitted the lowest and best bid of \$76,142.90,

**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 Fleming Construction Company for the Crescent Heights Road and Community Drive Roadway Improvement, Project 99-1P.


**Section 2.** That said contract shall be payable from 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 for the further reason that construction must be completed in 1999; 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 23, 1999

Approved August 24, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

AMENDED ORDINANCE NO. 1999 - 106

ORDINANCE DESIGNATING DEPOSITORIES OF PUBLIC  
MONEYS OF THE CITY OF MARION, AND DECLARING AN  
EMERGENCY.

WHEREAS, applications have been received from eligible institutions to serve as depositories of the public moneys of the City of Marion, which applications are presently on file with this City and in the office of the City Treasurer thereof and which are hereby incorporated herein by reference, and it is therefore essential that action be taken on such applications as in this ordinance provided:

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

Section 1. That the applications to serve as depositories of the active moneys of this City which have been received from the financial institutions referred to below, all of which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including Chapter 135 of the Ohio Revised Code, and the following financial institutions are hereby designated as public depositories of the active moneys under the control of this City for the period from September 14, 1999, to and including September 13, 2001, provided, however, that none of such institutions shall be permitted to receive and have on deposit at any one time a greater amount of active deposits of moneys of this City than that specified in its application for the same. That, on the basis of the operating needs of this City, the first \$25,000.00 of such moneys subject to the control of this City shall, in accordance with Section 135.04 of the Ohio Revised Code, be deposited in the FAHEY BANKING CO. and that the active moneys of this City in excess of such sum of \$25,000.00 shall be deposited in such institutions in proportion to their respective award quotas as determined pursuant to such Section 135.04. Said institutions and the amount of deposit in each are as follows:

<u>DEPOSITORY OF ACTIVE MONEYS</u>	<u>PERCENT TO BE DEPOSITED</u>
National City Bank of Columbus	23.742%
Bank One, NA	9.419%
The Fahey Banking Company	18.374%
The Commercial Savings Bank	7.230%
The Marion Bank	27.511%
The Ohio Bank	13.724%

Section 2. That the applications to serve as depositories of the interim funds of this City which have been received from the finance institutions referred to below, all of which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including Chapter 135, Ohio Revised Code, and the financial institutions referred to below are hereby designated as public depositories of the interim moneys under the control of this City for the period from September 14, 1999 to and including September 13, 2001:

NAME OF INSTITUTION

The Commercial Savings Bank  
The Fahey Banking Company  
Bank One, NA  
National City Bank of Columbus  
Fifth Third Bank  
The Marion Bank  
The Ohio Bank

Section 3. That the City Treasurer is hereby authorized to determine from time to time the amount of funds available for investment or deposit as interim moneys, to select the date or dates for investment or deposit of such interim moneys, and to select the classifications of obligations for the investment or deposit of such moneys as provided in Section 135.14, Ohio Revised Code, provided that if such moneys are determined to be deposited as interim deposits (evidenced by a certificate of deposit), in accordance with Division (C) of Section 135.14, the same shall be deposited with the financial institution specified above which offered to pay the highest permissible interest as nearly as practicable in proportion to the respective capital funds as defined in Section 135.01(C), Ohio Revised Code, taking into account, however, the amount of funds from time to time to be deposited, the amount required to be deposited to obtain the highest permissible interest rate, and the maturity dates and rights of redemption with respect to the respective deposits; and provided further that the Treasurer shall, within thirty days after classifying any public moneys as interim moneys, notify this Council of such classification and of the investment or deposits made pursuant to this Section.

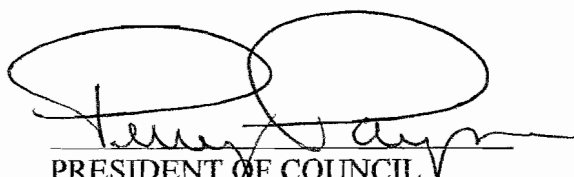
Section 4. That the award of public moneys herein made is subject to the provisions of Chapter 135 of the Ohio Revised Code, including the limitation imposed by, and the variations permitted by, Sections 135.03 and 135.20 thereof, respectively; and, subject to the provisions of such Chapters, deposits of moneys shall be made pursuant to this ordinance from time to time in accordance with the financial requirements of this City.

Section 5. That the City Treasurer is hereby directed to keep all such applications on file in her office.

Section 6. That the City Treasurer is hereby directed to forward certified copies of this ordinance to the financial institutions herein designated as public depositories of this City and the Mayor and the City Treasurer are hereby authorized and directed to execute on behalf of this City such memorandum agreements relating to the designation of such institutions as public depositories and the securing of deposits therein as are required, authorized or permitted by law.


Section 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 8. 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 23, 1999

APPROVED: August 24, 1999

  
MAYOR

ATTEST:

  
CLERK

AMENDED ON COUNCIL FLOOR 8/23/99

ORDINANCE NO. 1999 - 107ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,  
1999.

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 \$2,301,303.75 as follows:General Fund

Court Security	101-07-731-250-000-452	\$ 23,000.00
Income Tax Refunds	101-07-744-270-712-720	<u>25,000.00</u>
	TOTAL	\$ 48,000.00

Harding Centre Fund

Permanent Loan	444-04-444-230-000-315	\$ 600,000.00
Note Interest	444-04-444-260-000-609	35,594.45
Note Principal	444-04-444-260-000-610	2,020,000.00
Bond Interest	444-04-444-260-000-619	<u>10,500.00</u>
	TOTAL	\$2,666,094.45

Health License Fund

Trailer Park	247-02-224-230-000-723	\$ 1,907.31
Food Service	247-02-224-230-000-724	1,887.39
Vending Machines	247-02-224-230-000-725	1,441.77
Swimming Pool	247-02-224-230-000-727	414.84
Infectious Waste	247-02-224-230-000-728	814.17
Solid Waste	247-02-224-230-000-729	<u>1,400.00</u>
	TOTAL	\$ 7,865.48

Youth Center Fund

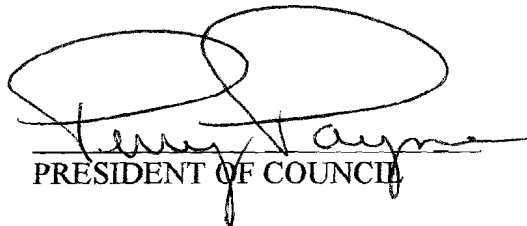
Capital Improvements	442-03-422-250-000-520	\$ (4,669.14)
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Storm Sewer Improvement Fund

Capital Improvement	460-05-005-250-000-520	\$ (3,858.80)
Capital Improvement	460-05-170-250-000-520	<u>(28,750.15)</u>
	TOTAL	\$ (32,608.95)

Industrial Depot Sanitary Sewer Fund

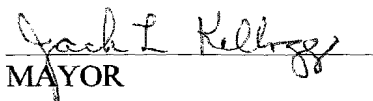
Professional Services	464-05-180-230-000-320	\$ (227.54)
Capital Improvements	464-05-180-250-000-520	<u>(383,150.55)</u>
	TOTAL	\$ (383,378.09)

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: August 23, 1999

APPROVED: August 24, 1999



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1999 - 108

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 1182 DELAWARE AVENUE IN THE CITY OF MARION, OHIO FROM C-2 (COMMUNITY SHOPPING DISTRICT) TO C-4 (CENTRAL FRAME BUSINESS DISTRICT). (applicant, Capital Equity Ltd.)

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, 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 1182 Delaware Avenue and being more particularly described as follows:


Part of Lot Number 45 in Professional Park Addition to the City of Marion, Marion Township, Marion County, State of Ohio, Being in the Northeast Quarter of Section 34, Township 5 South, Range 15 East, described as follows:

Beginning at a point on the centerline of U.S. Highway #23, now known as S.R. 423, said point being North 20 degrees 40 minutes West 230 feet from the South line of said Lot #45; thence North 69 degrees 20 minutes East 255 feet; thence North 20 degrees 40 minutes West 190 feet; thence South 69 degrees 20 minutes West 255 feet to the centerline of said Highway; thence South 20 degrees 40 minutes East 190 feet to the point of beginning, containing 1.1122 acres, and being subject to the right of way of U.S. Highway #23, now known as S.R. 423.

heretofore zoned C-2 (Community Shopping District) is hereby zoned C-4 (Central Frame Business District).

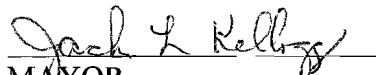
Section 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion on file in the office of the Clerk of Marion City Council and on the copy thereof on file in the office of the Safety/Service Director.

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: September 13, 1999

APPROVED: September 14, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999-109

**ORDINANCE TO AMEND ORDINANCE 1969-29, AS AMENDED, TO REESTABLISH THE COMPOSITION OF PERSONNEL TO BE EMPLOYED IN THE POLICE DEPARTMENT OF THE CITY OF MARION, AND DECLARING AN EMERGENCY.**

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

**Section 1.** That regulation III, Section 5, of Ordinance No. 1969-29, as amended, and now reading as follows:

**"Section 5.** That from and after July 1, 1997, the personnel of the Police department shall consist of one (1) Chief, four (4) Majors, twelve (12) Lieutenants. In addition, there shall be a maximum of forty-one (41) Patrol Officers through December 31, 1997, which shall increase to a maximum of forty-four (44) Patrol Officers on January 1, 1998, and shall again increase to a maximum of forty-eight (48) Patrol Officers on January 1, 1999. However, these maximum numbers of patrol officers shall be entirely dependent upon proper appropriations made by the Council of the City of Marion and said positions may be reduced if funding is not available."

**is hereby amended to read as follows:**

**"Section 5.** That from and after September 25, 1999 the personnel of the police department shall consist of one (1) Chief, three (3) Majors, twelve (12) Lieutenants. In addition there shall be a maximum of forty-nine (49) Patrol Officers. However, these maximum number of Patrol Officers is entirely dependent upon the necessary and proper appropriations made by the Council of the City of Marion and said positions may be reduced if funding is not available."

**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 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

PASSED:

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

DEFEATED - SEPTEMBER 27, 1999



ORDINANCE NO. 1999 - 110

ORDINANCE TO AMEND ORDINANCE 1985-28 AWARDING A CREDIT TO LOCAL BIDDERS OF 3% IN CONTRACTS FOR NOT LESS THAN \$5,000.00 NOR MORE THAN \$25,000.00; 2% FOR CONTRACTS OF NOT LESS THAN \$25,000.00 NOR MORE THAN \$100,000.00; AND 1% FOR CONTRACTS EXCEEDING \$100,000.00.

WHEREAS, Ordinance No. 1985-28 defined the term "local bidder" in regard to City of Marion, Ohio contracts, and

WHEREAS, the said ordinance awarded a credit to local bidders on City of Marion contracts, and

WHEREAS, the Council of the City of Marion, Marion County, Ohio desires to amend the definition of the term "local bidder".

WHEREAS, this Ordinance passed in order to further clarify the wishes of the Council as Ordinance 1993-136 was inadvertently left out of the re-codified code.

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

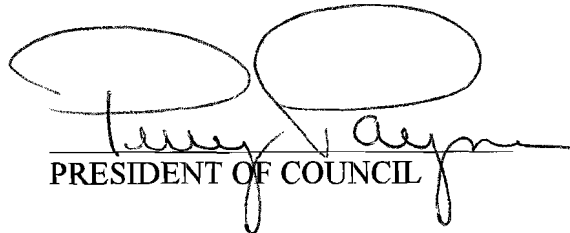
Section 1. That Section 1 of Ordinance No. 1985-28 now reading as follows:

"Section 1. A local bidder is defined as a person, corporation or business entity which has listed in official documents filed with the Secretary of State, State of Ohio, or Marion County Recorder's Office, its principal place of business within the County of Marion or maintains a city income tax account number for business profits and withholding taxes with the Department of Income Tax of the City of Marion."

is hereby amended to read as follows:

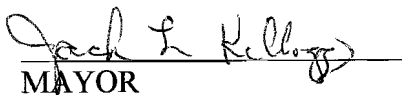
"Section 1. A local bidder is defined as, if a person or an unincorporated business entity, as an individual domiciled within the County of Marion, Ohio or as maintaining a permanent place of abode or principal place of business within the County of Marion, Ohio in the aggregate for more than three hundred thirty-five days of the taxable year or if a corporation as having listed in its Articles of Incorporation, filed with the Ohio Secretary of State, its principal place of business address of the corporation within the County of Marion, Ohio."

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 13, 1999

APPROVED: September 14, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

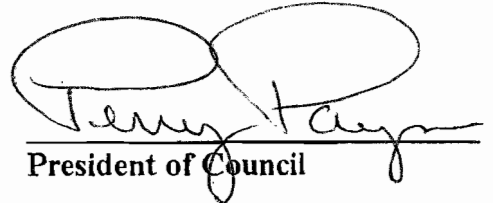
ORDINANCE NO. 1999-111

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
A ONE (1) TON TRUCK CAB & CHASSIS & ONE (1) FULL SIZE VAN  
TO BE USED BY THE DIVISION OF WATER POLLUTION CONTROL

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

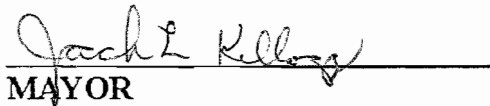
Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for One (1) Ton Truck Cab & Chassis and One (1) Full Size Van.

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 13, 1999

APPROVED: September 14, 1999

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

ORDINANCE NO. 1999-112

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH FLEX ROD SEWER EQUIPMENT  
FOR THE PURCHASE OF ONE (1) SEWER FLUSHING TRUCK  
TO BE USED AT THE WATER POLLUTION CONTROL PLANT

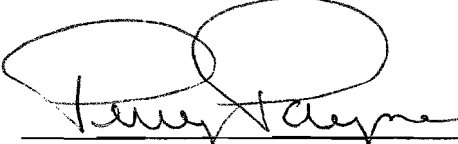
WHEREAS, Flex Rod Sewer Equipment submitted the best bid of  
\$90,995.00.

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 Flex Rod Sewer Equipment for the purchase of One (1)  
Sewer Flushing Truck 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 shall take effect and be in force from and after  
the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: September 13, 1999

APPROVED: September 14, 1999

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

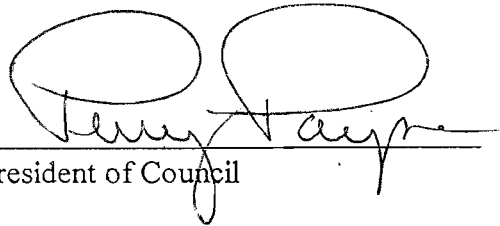
ORDINANCE NO. 1999-113**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE QUQUA DITCH ENCLOSURE PROJECT.**

**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 QuQua Ditch Enclosure Project.


**Section 2.** That the cost of such contract shall be payable from the Storm Water Utility Fund.

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

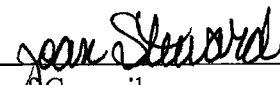
  
\_\_\_\_\_  
President of Council

Passed: September 13, 1999

Approved: September 14, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

**ORDINANCE NO. 1999 - 114**

**ORDINANCE ENACTED BY THE COUNCIL OF  
THE CITY OF MARION, MARION COUNTY, OHIO  
IN THE MATTER OF PLANING AND RESURFAC-  
ING IN THE CITY OF SOUTH PROSPECT ST.  
AND EAST AND WEST CENTER STREETS,  
AND REQUEST COOPERATION BY THE  
OHIO DEPARTMENT OF TRANSPORTATION,  
AND DECLARING AN EMERGENCY.**

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 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 plane and resurface the existing roadway and install pavement markings.

Project limits: South Prospect Street (SR4): Marion south corporate limit to Edgewood Drive.  
Center Street (SR95/95DA/309/309DA): Marion west corp limit to east corp limit.

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:

The City will assume and bear one hundred percent (100%) of the total cost of preliminary engineering. Further, the City will assume and bear one hundred percent (100%) of the cost of construction less the amount of Federal and State funds set aside by the Director of Transportation and the Federal Highway Administration. The City will assume and bear one hundred percent (100%) of the cost of curbs, gutters, utility relocations, partial and full-depth pavement repairs and other non-surface related items. The City will 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 Safety/Service Director 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 devises installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.



ORDINANCE NO. 1999 - 115

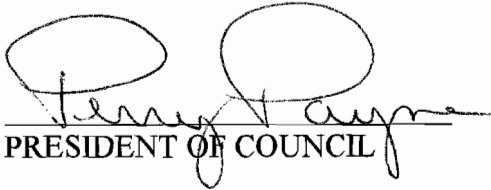
ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,  
1999.

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 \$(19,883.14) as follows:

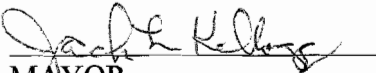
<u>UDAG Loan Repayment Fund</u>		
Revolving Loan	276-04-539-230-000-333	\$ (2,500.00)
<u>Sewer Replacement Fund</u>		
Land & Bldg Maintenance	504-05-553-230-000-370	\$ (24,000.00)
<u>School Watch Program Fund</u>		
Salaries	218-01-548-210-000-111	\$ 3,616.86
Capital Equipment	218-01-548-250-000-450	<u>3,000.00</u>
	TOTAL	\$ 6,616.86

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 13, 1999

APPROVED: September 14, 1999

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1999-116

**ORDINANCE ACCEPTING THE PLAT OF G&G HOMES, INC., OF 18 LOTS, NUMBERED 1 THROUGH 18 OF FAIR PARK 19TH ADDITION TO THE CITY OF MARION, OHIO, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 14, AND NORTHEAST QUARTER OF SECTION 15, T-5-S, R-15-E, CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN, AND DECLARING AN EMERGENCY.**

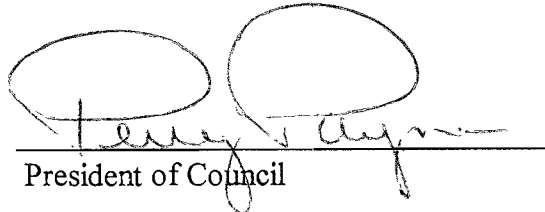
**WHEREAS**, G & G Homes, Inc., has hereunto submitted to the Planning Commission of the City of Marion, a Plat of 18 lots, numbered 1 through 18 in Fair Park 19th Addition, being a part of the northwest quarter of Section 14, and northeast quarter of Section 15, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, and being of the dimensions as shown on said Plat, and part of three streets completed known as Bermuda Drive, Grenada Drive and Montego Drive,

**WHEREAS**, on the 7th day of September 1999, said Commission approved said Plat.

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

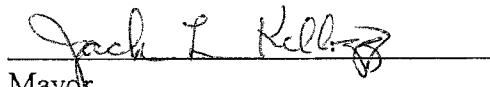
**Section 1.** That the Plat of G & G Homes, Inc., of 18 lots, numbered 1 through 18 in Fair Park 19th Addition, being a part of the northwest quarter of Section 14, and northeast quarter of Section 15, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, dated July 19, 1999, and dedicated September 7, 1999, be and the same is hereby approved and accepted and dedicated to the public use of the streets shown therein be and the same is hereby accepted and confirmed.

**Section 2.** This Ordinance is hereby declared to 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 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.

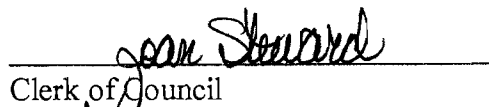
  
\_\_\_\_\_  
President of Council

Passed: Sept. 27, 1999

Approved: Sept. 28, 1999

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council



## ORDINANCE NO. 1999-117

ORDINANCE AMENDING ORDINANCE 1983-83, IN PART, PROVIDING  
FOR THE RE-COMPOSITION OF THE TREASURY INVESTMENT BOARD  
AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 1983-83 established the Treasury Investment Account, and

WHEREAS, Ordinance 1983-83 established the Treasury Investment Board and provided for authority, pursuant to state law, to invest monies in the Treasury of the City in certain types of approved investment accounts, and

WHEREAS, the Council now finds it necessary and beneficial to re-configure the Treasury Investment Board in order to provide a better cross-section of City officials and enable the Board to continue to function efficiently,

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

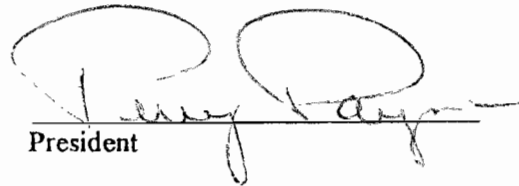
SECTION 1. Marion City Ordinance 1983-83 now reading, in part, as follows:

Section 2. The Mayor, Auditor and Director of Law of the City shall constitute the Treasury Investment Board provided that the Chairman of the Finance Committee of the Council of the City of Marion shall act as an ex-officio, but non-voting, member of the Treasury Investment Board and shall be entitled to attendance at all meetings, to notice of meetings, and to participate in the discussions of the Board with respect to investments to be made by the Board.

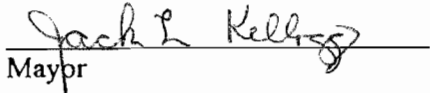
SHALL BE AMENDED TO READ AS FOLLOWS:

Section 2. The Mayor, Auditor, Director of Law, Treasurer and Chairman of the Finance Committee shall constitute the Treasury Investment Board. Each member shall be entitled to actively participate and vote. The rules for procedure shall be as set forth in the Rules for the Council of the City of Marion.

SECTION 2. Due to the immediate need to put in place the re-composed board as the City is desirous of proceeding expeditiously with its' revised investment policy, the above 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 enforce immediately upon its 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

Passed: Sept. 27, 1999  
Approved: Sept. 28, 1999

  
Mayor

Attest;  
  
Clerk of Council

## ORDINANCE 1999 - 118

ORDINANCE TO AMEND SECTION 1 OF ORDINANCE 1995 -139, AS  
AMENDED AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 1995-139 last adjusted the salary for the Assistant Law Director for Prosecution (3rd Assistant), and

WHEREAS, said salary is not commensurate with the duties assigned said position, nor balanced in regards to the other Assistant Directors of Law,

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

Section 1. That Section 1 of Ordinance 1995-139 which amended Ordinance 1979-3, as amended, now reading as follows:

That commencing the first day of 1996 the salary for the holder of the office of Assistant Law Director for Prosecution in the Marion Municipal Court (3rd Assistant) shall be \$ 18,000 per year, payable bi-weekly."

IS HEREBY AMENDED TO READ AS FOLLOWS:

That commencing the first day of 2000 the salary for the holder of the office of Assistant Law Director for Prosecution in the Marion Municipal Court (3rd Assistant) shall be \$ 19,000 per year, payable semi-monthly."


Section 2. All other benefits afforded the position shall remain in effect as if the previous granting Ordinance was rewritten fully herein, including but not limited to: longevity benefits, 68-41 and P.E.R.S. 85-99 benefits and medical/dental and life coverage availability.

Section 3. That is 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 in order that it becomes effective prior to the beginning of the next term 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

Passed: Sept. 27, 1999

Approved: Sept. 28, 1999

  
Mayor

Attest;  
  
Clerk of Council

AMENDED ORDINANCE NO. 1999 - 119

ORDINANCE TO AMEND THE TRAFFIC CONTROL MAP BY  
INSTALLING STOP SIGNS AT THE INTERSECTION OF VIRGINIA  
AVENUE AND FOREST LAWN DRIVE, AND DECLARING AN EMERGENCY

**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 four corners of *Virginia Avenue* at its intersection with *Forest Lawn Drive*, so as to stop traffic approaching Forest Lawn Drive and continuing to stop traffic on Virginia Avenue.

**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 intersection 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~~ is hereby declared to be an emergency measure for the traffic welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operations 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.~~

*[Signature]*  
PRESIDENT OF COUNCIL

PASSED: SEPTEMBER 27, 1999

APPROVED: SEPTEMBER 28, 1999

*[Signature]*  
MAYOR

ATTEST:

*[Signature]*  
CLERK