

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, 2000.

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, 2000, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 271,060
Salaries - Uniformed	2,258,443
Benefits	934,892
Accrued Pension	35,461
Quartermaster	54,000
Travel	14,500
Schooling	35,000
Service Contracts	15,500
Equipment Lease	10,000
Equipment Maintenance	16,000
Insurance	65,000
Supplies	66,000
Fuel & Lubricants	38,000
Professional Service	19,000
Special Training	2,500
Membership Dues	1,500
Subscriptions/Publications	3,000
Equipment	8,000
Third Grade Seat Belt Program	1,400
Legal Ads	2,000
Unclaimed Vehicles	<u>200</u>

Total Police Department. \$3,851,456

Jail Facility

Salaries	\$ 126,000
Benefits	41,500
Quartermaster	1,500
Travel	250
Schooling	1,500
Prisoner Housing	2,500
Prisoner Sustenance	27,000
Equipment Maintenance	2,500
Prisoner Medical Expense	5,000
Supplies	4,000
Subscriptions/Publications	300
Equipment	2,700
Equipment Lease	<u>1,800</u>

Total Jail Facility. \$ 216,550

Dispatch Department

Salaries	\$ 323,800
Benefits	103,400
Quartermaster	2,500
Travel	750
Schooling	7,500
Service Contracts	26,000
Equipment Maintenance	5,000
Supplies	2,000
Membership Dues	100
Subscriptions/Publications	200
Equipment	<u>1,500</u>

Total Dispatch Department. \$ 472,750

Fire Department

Salaries - Civilian	\$ 29,485
Salaries - Uniformed	2,699,298
Benefits	1,318,996
Accrued Pension	50,275
Quartermaster	37,750
Travel	2,000
Schooling	12,500
Utilities	46,307
Service Contracts	6,200
Equipment Maintenance	20,000
Building Maintenance	14,000
Insurance	30,000
Supplies	40,425
Fuel & Lubricants	9,000
Professional Service	10,000
Membership Dues	1,018
Subscriptions/Publications	2,000
Equipment	30,450
Capital Improvements	10,000
EMS (ODPS) Grant	<u>10,632</u>

Total Fire Department. \$4,380,336

Disaster Services

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

Recreation Department

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Salaries	\$ 102,861
Benefits	40,910
Travel	1,100
Professional Service	43,000
Insurance	3,300
Supplies	26,250
Utilities	25,500
Equipment Maintenance	3,500
Fuel	450
Equipment	1,500
Postage	2,000
Membership Dues	150
Subscriptions/Publications	200
Schooling	1,500
Capital Improvements	2,000
Service Contracts	800
Building Lease	13,000
Land & Bldg Maintenance	2,000
Janitorial Service	3,800
Promotional Advertising	<u>1,250</u>

Total Recreation Department. \$ 275,071

Senior Citizens Department

Salaries	\$ 97,089
Benefits	49,706
Utilities	20,175
Building Maintenance	12,000
Insurance	5,000
Professional Service	1,000
Equipment Maintenance	500
Membership Dues	<u>325</u>

Total Senior Citizens Dept. \$ 185,795

Planning Department

Marion Regional Planning	\$ 51,922
Building Code Expense	<u>132,500</u>

Total Planning Department. \$ 184,422

Economic Development Department

Professional Service	\$ 94,000
Revenue Sharing	<u>100,000</u>

Total Economic Development. \$ 194,000

Street Lighting

Utilities	<u>\$ 103,000</u>
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Total Street Lighting. \$ 103,000

Parking Meter Department

Taxes	\$ 1,400
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<i>Total Parking Meter Dept.</i>	\$ 1,400
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Airport

Salaries	\$ 117,434
Benefits	40,714
Travel	1,200
Utilities	30,000
Service Contracts	12,000
Equipment Maintenance	5,000
Land/Bldg. Maintenance	30,000
Insurance	7,000
Taxes	3,700
Supplies	11,000
Fuel & Lubricants	2,300
Membership Dues	700
Professional Services	16,000
Postage	300
Subscriptions/Publications	700
Equipment	4,000
Quartermaster	300
Janitorial Service	3,000
Schooling	1,200
Equipment Rent/Lease	<u>1,000</u>

<i>Total Airport Operations.</i>	\$ 287,548
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Mayor

Salaries	\$ 96,708
Benefits	26,372
Travel	700
Professional Service	1,500
Supplies	600
Utilities	300
Equipment	100
Membership Dues	110
Subscriptions/Publications	200
Schooling	<u>300</u>

<i>Total Mayor's Office.</i>	\$ 126,890
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Auditor

Salaries	\$ 195,000
Benefits	69,242
Travel	500
Professional Services	3,000
Service Contracts	12,000
Supplies	6,000
Subscriptions/Publications	2,000
Schooling	1,000
Membership Dues	150
Equipment	<u>4,000</u>

<i>Total Auditor's Office.</i>	\$ 292,892
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Income Tax

Salaries	\$ 132,240
Benefits	47,628
Travel	400
Professional Services	7,100
Supplies	14,000
Postage	5,500
Service Contracts	1,000
Schooling	2,500
Membership Dues	50
Subscriptions/Publications	1,000
Equipment	<u>1,500</u>

Total Income Tax Office. \$ 212,918

Treasurer

Salary	\$ 5,780
Benefits	1,386
Professional Services	600
Supplies	<u>300</u>

Total Treasurer's Office. \$ 8,066

Law Director

Salaries	\$ 207,480
Benefits	78,047
Travel	1,000
Professional Services	3,000
Supplies	6,000
Schooling	2,500
Membership Dues	500
Subscriptions/Publications	1,900
Equipment	3,500
Building Lease	<u>6,000</u>

Total Law Director's Office. \$ 309,927

Human Resource Director

Salaries	\$ 79,965
Benefits	25,575
Travel	800
Professional Services	17,000
Supplies	2,300
Membership Dues	220
Subscriptions/Publications	1,000
Schooling	1,200
Equipment	3,500
Service Contract	<u>300</u>

Total Human Resource Dir's Office. \$ 131,860

Safety/Service Director

Salaries	\$ 85,537
Benefits	32,983
Travel	300
Professional Services	5,000
Supplies	2,000
Demolition	20,000
Burials	4,000
Schooling	300
Service Contracts	2,000
Membership Dues	350
Litter Control	1,000
Subscriptions/Publications	900
Equipment	2,000
Equipment Rent/Lease	<u>1,500</u>

Total Safety/Service Dir's Office. \$ 157,870

Civil Service Commission

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

Total Civil Service Commission. \$ 11,083

City Council

Salaries	\$ 86,258
Benefits	25,790
Travel	200
Membership Dues	3,700
Legal Advertising	2,500
Supplies	1,200
Schooling	400
Contract Services	5,200
Professional Services	<u>16,000</u>

Total City Council. \$ 141,248

Municipal Court

Salaries	\$ 415,000
Benefits	141,200
Travel	500
Professional Services	11,000
Equipment	2,000
Equipment Maintenance	1,000
Supplies	15,500
Fuel & Lubricants	1,000
Utilities	2,000
Membership Dues	700
Subscriptions/Publications	500
Schooling	<u>600</u>

Total Municipal Court. \$ 591,000

City Hall

Salaries	\$ 61,024
Benefits	20,960
Utilities	150,000
Custodial Service	14,000
Postage Meter	46,000
Building Maintenance	20,000
Insurance	23,000
Supplies	17,000
Service Contracts	14,000
Professional Service	500
Equipment Lease	6,500
Property Tax	2,500
Equipment	2,500
Clothing	<u>350</u>

Total City Hall. \$ 378,334

Engineering Department

Salaries	\$ 218,468
Benefits	68,521
Travel	400
Equipment Maintenance	1,500
Supplies	2,000
Fuel & Lubricants	1,000
Membership Dues	20
Subscriptions/Publications	300
Schooling	1,000
Tree Care	10,000
Service Contracts	600
Clothing	<u>350</u>

Total Engineering Department. \$ 304,159

Statutory Accounts

Election Expense	\$ 10,000
Examiner Fees	32,500
City Auditor/Treasurer Fees	25,000
Income Tax Refunds	<u>230,000</u>

Total Statutory Accounts. \$ 297,500

Transfers

DARE Grant	\$ 95,000
Violence Against Women	30,000
COPS Fast	220,000
Health	380,000
Transit	20,577
Swimming Pool	55,000
Parks	354,500
Law Enforcement Block Grant	3,340
School Watch Program	<u>10,000</u>

Total Transfers. \$ 1,168,417

Total General Fund. \$14,296,492

SENIOR CITIZENS III-B GRANT FUND

Administration	\$ 7,313.07
Salaries	39,265.00
Travel	1,474.00
Utilities	1,451.00
Equipment Maintenance	1,500.00
Vehicle Leases	7,200.00
Supplies	2,100.00
Fuel & Lubricants	5,500.00
Professional Services	<u>2,340.00</u>

Total Sr. Citizens III-B Grant Fund. \$ 68,143.07

STATE BLOCK GRANT FUND

Salaries	\$ <u>19,092</u>
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Total State Block Grant Fund. \$ 19,092

STREET CONSTRUCTION MAINTENANCE & REPAIR FUND**Street Maintenance**

Salaries	\$ 849,328
Benefits	285,759
Clothing Allowance	9,000
Travel	600
Professional Services	10,000
Service Contracts	1,500
Equipment Maintenance	22,000
Permissive Auto Tax	177,052
Insurance	27,000
Supplies	215,000
Fuel & Lubricants	42,000
Equipment	93,952
Streetscape	11,000
Schooling	2,000
Utilities	53,000
Land & Building Maintenance	3,000
Resurfacing Projects	288,571
Excavation Bonds	18,000
Pavement Bonds	<u>10,000</u>

TOTAL SCMR FUND. \$ 2,118,762

STATE HIGHWAY IMPROVEMENT FUND

Resurfacing	\$ 29,900
Professional Services	<u>50,000</u>

Total State Highway Improvement. \$ 79,900

COURT COMPUTERIZATION FUND

Supplies	\$ 10,000
Professional Services	15,000
Service Contracts	15,000
Equipment	<u>115,000</u>

Total Court Computerization Fund.\$ 155,000

COPS FAST FUND

Salaries	\$ 384,571
Benefits	<u>154,375</u>

Total COPS Fast Fund.\$ 538,946

VIOLENCE AGAINST WOMEN FUND

Salaries	\$ 60,000
Benefits	26,000
Schooling	4,000
Supplies	1,000
Travel	<u>4,000</u>

Total VAW Fund.\$ 95,000

LAW ENFORCEMENT BLOCK GRANT FUND

FY98 Equipment	\$ 16,817
FY99 Equipment	<u>16,296</u>

Total Law Enf. Block Grant Fund.\$ 33,113

HEALTH FUND**Administration**

Salaries	\$ 250,660
Benefits	93,413
Travel	2,250
Professional Services	6,000
Service Contracts	1,750
Equipment Maintenance	525
Supplies	5,750
Fuel & Lubricants	300
State Reimbursements	20,000
Insurance	6,000
Books/Publications	450
Dues & Memberships	725
Schooling	2,800
Equipment	500
Land & Building Maintenance	2,750
Utilities	7,000
Tobacco Compliance	<u>1,445</u>

Total Health Administration.\$ 402,318

Inspection

Salaries	\$ 135,901
Benefits	47,107
Travel	3,300
Professional Services	1,500
Weed Control	10,000
Blight Control	13,000
Mosquito Control	2,500
Supplies	2,250
Fuel & Lubricants	900
Insurance	500
Schooling	500
Dues	<u>200</u>

Total Health Inspection. \$ 217,658

TOTAL HEALTH FUND. \$ 619,976

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 156,210
Benefits	74,049
Travel	500
Equipment Maintenance	1,000
Supplies	3,177
Janitorial Services	3,720
Postage	1,800
Membership Dues	25
Schooling	<u>100</u>

Total WIC Fund. \$ 240,581

D.A.R.E. GRANT FUND

Salaries	\$ 82,000
Benefits	<u>35,000</u>

Total DARE Grant Fund. \$ 117,000

SCHOOL WATCH PROGRAM FUND

Salaries	\$ 41,000
Benefits	18,000
Equipment	<u>3,000</u>

Total School Watch Program Fund. \$ 62,000

PARKS FUND

Salaries	\$ 159,835
Benefits	65,532
Clothing Allowance	1,898
Utilities	18,000
Service Contracts	500
Equipment Maintenance	9,000
Land/Bldg. Maintenance	16,500
Insurance	6,000
Supplies	29,500
Fuel & Lubricants	4,500
Professional Service	27,000
Equipment	3,000
Yard Waste Fees	4,000
Property Tax	<u>3,000</u>
<i>Total Parks Fund.</i>	<i>\$ 348,265</i>

ENFORCEMENT AND EDUCATION FUND

Professional Services	\$ 10,000
Reimbursements	6,000
Equipment	<u>500</u>
<i>Total Enforcement & Education Fund.</i>	<i>\$ 16,500</i>

INDIGENT ALCOHOL DRIVER FUND

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

SMOKE DETECTOR FUND

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

SENIOR CITIZENS ASSOCIATION FUND

Senior Citizens Program	<u>\$ 16,400</u>
<i>Total Sr. Citizens Association Fund.</i>	<i>\$ 16,400</i>

POLICE & FIREMEN PENSION FUND

Police Benefits	\$ 95,446
Fire Benefits	<u>95,446</u>
<i>Total Police/Firemen Pension Fund.</i>	<i>\$ 190,892</i>

FIRE INSURANCE PROCEEDS FUND

Insurance Proceeds	\$ 75,000
<u>Total Fire Insurance Proceeds Fund.</u>	\$ 75,000

HEALTH LICENSE FUND

Trailer Park	\$ 2,409
Food Service	33,814
Vending Machines	3,616
Swimming Pool	4,537
Infectious Waste	1,223
Solid Waste	<u>6,374</u>
<u>Total Health License Fund.</u>	\$ 51,973

HOME HEALTH SERVICE FUND

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

EARLY INTERVENTION GRANT FUND

Salaries	\$ 53,795
Benefits	16,320
Supplies	2,477
Schooling	1,000
Postage	400
Travel	1,000
Professional Services	<u>1,000</u>
<u>Total Early Intervention Grant Fund.</u>	\$ 75,992

WELCOME HOME FUND

Reimbursements	\$ 18,362
<u>Total Welcome Home Fund.</u>	\$ 18,362

OHIO EARLY START FUND

Salaries	\$ 25,249
Benefits	8,320
Travel	500
Schooling	500
Supplies	3,119
Reimbursements	<u>3,673</u>
<u>Total Ohio Early Start Fund.</u>	\$ 41,361

WELLNESS BLOCK GRANT FUND

Travel	\$ 1,600
Schooling	800
Supplies	2,000
Reimbursements	<u>15,000</u>

Total Wellness Block Grant Fund. \$ 19,400

PREVENTIVE HEALTH CARE GRANT FUND

Salaries	\$ 11,892
Benefits	<u>2,738</u>

Total Preventive Health Care Grant Fund. \$ 14,630

CHIP GRANT FUND

Private Rehab	\$ 53,777.60
Administration	10,662.38
Implementation	11,650.00
Rental Rehab	72,396.65
Rental Assistance	26,186.00
Public Service	<u>8,000.00</u>

Total CHIP Fund. \$182,672.63

RENTAL REHABILITATION FUND

Implementation	\$ 700
Emergency Rehab	<u>\$ 21,000</u>

Total Rental Rehabilitation Fund. \$ 21,700

REVOLVING FUND

Revolving Loans	<u>\$ 2,750</u>
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Total Revolving Fund. \$ 2,750

FORMULA GRANT FUND

Private Rehab	\$ 7,000
Administration	29,000
Fair Housing	1,000
Parks & Recr. Facilities	43,500
Curbs & Sidewalks	68,500
Street Improvements	<u>59,000</u>

Total Formula Grant Fund. \$ 208,000

UDAG LOAN REPAYMENT FUND

Revolving Loans	\$ 39,000
<i>Total UDAG Loan Repayment Fund.</i>	\$ 39,000

UNDERGROUND STORAGE TANK FUND

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

S.A. BOND RETIREMENT FUND

S.A. Bond Interest	\$ 10,369
S.A. Bond Principal	35,000
<i>Total S.A. Bond Retirement Fund.</i>	\$ 45,369

CAPITAL IMPROVEMENT FUND

FY 97 Airport Improvements	17,772.67
FY 99 Contingency	192,014.73
FY 2K Contingency	293,158.00
<i>Total Capital Improvement Fund.</i>	\$ 502,945.40

AIRPORT INDUSTRIAL PARK FUND

Professional Services	\$ 7,000
Property Tax	5,000
Capital Improvements	3,000
<i>Total Airport Industrial Park Fund.</i>	\$ 15,000

SOFTBALL FIELD IMPROVEMENT FUND

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

DUAL RAIL INDUSTRIAL PARK INFRASTRUCTURE FUND

Professional Services	\$ 4,966.92
<i>Total D.R.I.P. Infrastructure Fund.</i>	\$ 4,966.92

YOUTH CENTER FUND

Equipment	\$ 3,606.00
<i>Total Youth Center Fund.</i>	\$ 3,606.00

HARDING CENTRE LOAN FUND

Principal	\$ 16,000
Interest	<u>32,000</u>
<i>Total Harding Centre Loan Fund.</i>	\$ 48,000

AIRPORT IMPROVEMENT FUND

Professional Services Project 09	\$ 762.93
Professional Services Project 10	20,000.00
Capital Improvements Project 10	210,000.00
Capital Improvements LOC/DME	<u>5,556.00</u>
<i>Total Airport Imp. Fund.</i>	\$ 236,318.93

TRANSIT FUND

Salaries	\$ 344,978
Benefits	110,420
Travel	1,500
Utilities	30,000
Professional Services	5,000
Building Lease	3,000
Equipment Maintenance	22,000
Land/Bldg. Maintenance	5,000
Insurance	20,000
Supplies	5,000
Fuel & Lubricants	34,000
Equipment	55,000
Membership Dues	600
Promotional Advertising	3,000
Legal Advertising	1,000
Publications & Subscriptions	<u>500</u>
<i>Total Transit Fund.</i>	\$ 640,998

SEWER SYSTEM IMPROVEMENT FUND

OWDA Loan	\$ <u>178,822</u>
<i>Total Sewer System Imp. Fund.</i>	\$ 178,822

SEWER REPLACEMENT FUND

Equipment Maintenance	\$ 50,000
Land/Building Maintenance	400,000
Equipment	400,000
Capital Improvements	<u>300,000</u>

Total Sewer Replacement Fund. \$ 1,150,000

SEWER REVENUE FUND**Water Pollution Control**

Salaries	\$1,034,961
Benefits	326,896
Clothing Allowance	8,800
Travel	3,000
Utilities	480,000
Professional Services	176,000
Equipment Maintenance	30,000
Land/Building Maintenance	15,000
Insurance	40,000
Supplies	400,000
Fuel & Lubricants	15,000
Equipment	15,000
Postage	3,000
Refunds	2,000
Transfer-Replacement	200,000
Utility Billing-Reimbursements	80,633
Subscriptions/Publications	1,500
Schooling	8,000
Dues	2,000
Capital Improvements	10,000
Service Contracts	10,000
Janitorial Services	<u>15,000</u>

TOTAL SEWER REVENUE FUND. \$ 2,876,790

SANITATION FUND**Refuse Collection**

Salaries	\$ 536,449
Benefits	180,000
Clothing Allowance	5,500
Equipment Maintenance	10,000
Insurance	15,000
Supplies	37,000
Fuel & Lubricants	33,000
Yard Waste Fees	45,000
Utility Billing Reimbursement	68,834
Service Contracts	3,000
Solid Waste Transfer Expense	435,000
Professional Service	6,000
Capital Equipment	2,000
Schooling	1,500
Travel	500
Building Rent	<u>12,000</u>

TOTAL SANITATION FUND. \$ 1,390,783

LANDFILL MONITORING FUND

049

Utilities	\$ 6,000
Supplies	2,000
Professional Services	100,000
OWDA Loan	205,075
Capital Improvements	<u>85,000</u>

Total Landfill Monitoring Fund. \$ 398,075

RECYCLING FUND

Salaries	\$ 105,064
Benefits	39,000
Equipment Maintenance	2,500
Insurance	3,200
Supplies	9,000
Fuel	8,000
Clothing Allowance	975
Utility Billing Reimbursement	9,500
Schooling	1,000
Professional Services	3,000
Comingling Expense	15,000
Equipment	<u>1,865</u>

Total Recycling Fund. \$ 198,104

STORM WATER UTILITY FUND

Salaries	\$ 120,000
Benefits	52,000
Professional Service	10,000
Equipment Maintenance	3,000
Equipment Lease	19,000
Supplies	59,000
Equipment	8,000
Utility Billing Reimbursement	39,338
Insurance	1,500
Refunds	10,000
Capital Improvements	20,000
Clothing	<u>700</u>

Total Storm Water Utility Fund. \$ 342,538

SWIMMING POOL FUND

Salaries	\$ 45,000
Benefits	11,250
Utilities	10,000
Equipment Maintenance	2,000
Land/Building Maintenance	12,000
Insurance	1,000
Supplies	29,000
Schooling	200
Professional Services	700
Equipment	8,000
Membership Dues	250
Travel	<u>400</u>

Total Swimming Pool Fund. \$ 119,800

SANITARY SEWER IMPROVEMENT FUND

98-3S Professional Services	\$ 3,365.59
98-3S Capital Improvements	<u>113,439.13</u>
<i>Total Sanitary Sewer Improvement Fund.</i>	
\$ 116,804.72	

NW INTERCEPTOR IMPROVEMENT FUND

OPWC Loan No. CP522	\$ 35,000
OPWC Loan No. CP18A	<u>10,500</u>
<i>Total NW Interceptor Imp. Fund.</i>	
\$ 45,500	

STORM SEWER IMPROVEMENT FUND

98-2S Capital Improvements	\$ 60,689.12
98-3S Professional Services	10,013.92
98-3S Capital Improvements	<u>91,667.43</u>
<i>Total Storm Sewer Improvement Fund.</i>	
\$ 162,370.47	

UTILITY BILLING FUND

Salaries	\$ 102,633
Benefits	32,820
Travel	300
Professional Services	6,000
Supplies	8,500
Service Contracts	22,000
Equipment Lease	2,520
Postage	17,000
Schooling	4,340
Publications	175
Equipment	<u>400</u>
<i>Total Utility Billing Fund.</i>	
\$ 196,688	

EVELYN E. WALTER TRUST FUND

Recreation Expense	\$ <u>2,050</u>
<i>Total Evelyn E. Walter Trust Fund.</i>	
\$ 2,050	

STATE PATROL FINES AGENCY FUND

State Patrol Fines	\$ <u>130,000</u>
<i>Total State Patrol Agency Fund.</i>	
\$ 130,000	

YOUTH RECREATION TRUST FUND

Recreation Expense	\$ 2,000	
<i>Total Youth Recreation Trust Fund</i>		\$ 2,000

SAFETY PATROL TRUST FUND

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

LAW ENFORCEMENT TRUST FUND

Law Enforcement	\$ 4,000	
<i>Total Law Enforcement Trust Fund</i>		\$ 4,000

SAFETY CITY TRUST FUND

Safety City	\$ 2,000	
<i>Total Safety City Trust Fund</i>		\$ 2,000

PARKING METER AGENCY FUND

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

ROTARY AGENCY FUND

Pass-Thru Payments	\$ 30,000	
Greyhound Fares	40,000	
<i>Total Rotary Agency Fund</i>		\$ 70,000

GRAND TOTAL\$28,770,432.14

SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
General	\$12,898,075	\$230,000	\$1,168,417	\$14,296,492
<u>Special Revenue</u>				
Sr. Cit. III-B Grant	68,143.07			68,143.07
State Block Grant	19,092			19,092
SCMR	2,090,762	28,000		2,118,762
State Highway Improvement	79,900			79,900
Court Computerization	155,000			155,000
COPS Fast Grant	538,946			538,946
Violence Against Women	95,000			95,000
Law Enf. Block Grant	33,113			33,113
Health	599,976	20,000		619,976
WIC Grant	240,581			240,581
D.A.R.E Grant	117,000			117,000
School Watch Program Grant	62,000			62,000
Parks	348,265			348,265
Enforcement & Education	10,500	6,000		16,500
Indigent Alcohol Driver	75,000			75,000
Smoke Detector	5,000			5,000
Senior Citizens Association	16,400			16,400
Police & Firemen Pension	190,892			190,892
Fire Insurance Proceeds		75,000		75,000
Health License		51,973		51,973
Home Health Service		7,500		7,500
Early Intervention Grant	75,992			75,992
Welcome Home Grant		18,362		18,362
Ohio Early Start Grant	37,688	3,673		41,361
Wellness Block Grant	4,400	15,000		19,400
Preventive Health Care Grant	14,630			14,630
CHIP Grant	182,672.63			182,672.63
Housing Rehabilitation	21,700			21,700
Revolving Loan	2,750			2,750
Formula Grant	208,000			208,000
UDAG Loan Repayment	39,000			39,000
Underground Storage Tank	11,000			11,000
<u>Total Special Revenue Funds</u>	<u>\$5,343,402.70</u>	<u>\$225,508</u>	<u>\$1,168,417</u>	<u>\$5,568,910.70</u>

Debt Service

S.A. Bond Retirement	\$ 45,369	\$ 45,369
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SUMMARY OF FUNDS

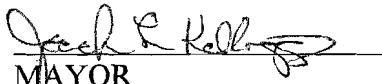
<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
<u>Capital Project</u>				
Capital Improvement	\$ 485,172.73		\$ 17,772.67	\$ 502,945.40
Airport Industrial Park	15,000			15,000
Softball Field Improvement	7,500			7,500
Dual Rail Ind. Park Infrastructure	4,966.92			4,966.92
Youth Center	3,606			3,606
Harding Centre Loan	48,000			48,000
Airport Improvement	236,318.93			236,318.93
<u>Total Capital Project Funds</u>	\$ 800,564.58		\$ 17,772.67	\$ 818,337.25
<u>Enterprise</u>				
Marion Area Transit	640,998			640,998
Sewer System Improvement	178,822			178,822
Sewer Replacement	1,150,000			1,150,000
Sewer Revenue	2,674,790	2,000	200,000	2,876,790
Sanitation	1,390,783			1,390,783
Landfill Monitoring	398,075			398,075
Recycling	198,104			198,104
Storm Water Utility	332,538	10,000		342,538
Swimming Pool	119,800			119,800
Sanitary Sewer Improvement	116,804.72			116,804.72
NW Interceptor Improvement	45,500			45,500
Storm Sewer Improvement	<u>162,370.47</u>			<u>162,370.47</u>
<u>Total Enterprise Funds</u>	\$ 7,408,585.19	\$ 12,000	\$ 200,000	\$ 7,620,585.19
<u>Internal Service</u>				
Utility Billing	\$ 196,688			\$ 196,688
<u>Trust and Agency</u>				
Evelyn E. Walter Trust	\$ 2,050			\$ 2,050
State Patrol Agency	130,000			130,000
Youth Recreation Trust	2,000			2,000
Safety Patrol Trust	4,000			4,000
Law Enforcement Trust	4,000			4,000
Safety City Trust	2,000			2,000
Parking Meter Agency	10,000			10,000
Rotary Agency	<u>70,000</u>			<u>70,000</u>
<u>Total Trust & Agency Fund</u>	\$ 224,050			\$ 224,050
GRAND TOTAL	\$26,916,734.47	\$467,508	\$1,386,189.67	\$28,770,432.14

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

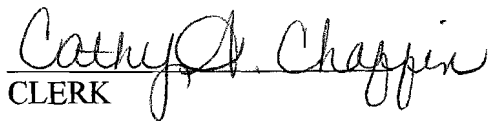

PRESIDENT OF COUNCIL

PASSED: January 4, 2000

APPROVED: January 4, 2000


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

000287

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-110, Page One

Passed August 28, 2000
YEAR

ORDINANCE CREATING MARION CITY CODE SECTION
137.19 PARKING ENFORCEMENT UNIT UNDER THE DIVISION
OF POLICE CHAPTER OF THE MARION CITY CODE AND
DECLARING AN EMERGENCY

WHEREAS, the Council has found it necessary to update and supplement previous Ordinances regarding the regulation of parking within the City of Marion, Ohio, and

WHEREAS, since the last significant Ordinance, to wit: Ordinance 6760, was adopted in 1960 the State of Ohio has enacted O.R.C. 737.051 to enable a municipality to create a Parking Enforcement Unit within the Division of Public Safety, and

WHEREAS, the Council finds it in the best interests of the City of Marion to enhance the current City Code by the adoption and creation of a Parking Enforcement Unit,

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

SECTION 1. There is hereby created Marion City Code Section 137.19 entitled Parking Enforcement Unit:

137.19 PARKING ENFORCEMENT UNIT

(A) Organization.

(1) The Parking Enforcement Unit shall be established with its' primary purpose being the regulation and control of parking within the City of Marion, Ohio.

(2) The Parking Enforcement Unit shall be governed by the rules and regulations adopted by the Safety/Service Director who shall be the executive head of the parking enforcement unit. The Safety/Service Director shall make all appointments, with the consent of the Chief of Police, and he shall make all removals. Appointees shall not be considered commissioned officers for any purpose, but shall instead be civilian employees whose duties are the control and regulation of parking.

(B) Training.

(1) The Safety/Service Director shall prescribe the necessary training required prior to appointment and continuing during any members service within the unit, which shall include training in general administrative rules and procedures, the role of the judicial system as it relates to parking regulation and enforcement, proper techniques and methods relating to the enforcement of parking Ordinances, human interaction skills and first aid.

(C) Authority.

(1) Members duly appointed shall be enabled and authorized to enforce all the parking regulations of the State of Ohio and the City of Marion, including but not limited to the issuance of summons. Member shall have no other powers.

(D) Uniform.

(1) Members shall wear the uniform as prescribed by the Safety/Service Director as approved by the Chief of Police. The uniform shall be worn in a neat and proper manner.

(E) Miscellaneous Rules.

(1) Members shall not have the right of appeal upon removal or discharge, but shall be governed by all other rules applicable to Officers within the Marion City Police Department.

Section 2. All prior or existing Ordinances which conflict with the provisions herein related to control of parking shall be repealed. This Ordinance is intended to supplement all Ordinances

RECORD OF ORDINANCES

000288

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-110, Page Two

Passed August 28, 2000
YEAR

previously adopted which are not in conflict.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that the City of Marion is in immediate need to control parking; 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.

Keith A. Koopman
President of Council

APPROVED: August 29, 2000

Jack L. Kelley
Mayor

ATTEST:

Cathy Chappin
Clerk of Council

Approved As Submitted Pursuant
to M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000289

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-111

Passed August 28, 2000
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE SCMR
FUND FOR THE YEAR ENDING DECEMBER 31, 2000.

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

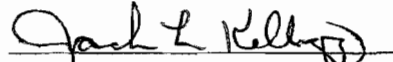
Section 1. That there be an additional appropriation made in the SCMR Fund in the
amount of \$29,000.00 as follows:

Capital Improvements	207.6612.550520	\$29,000.00
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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

APPROVED: August 29, 2000


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW

RECORD OF ORDINANCES

000291

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-112

Passed August 28, 2000
YEAR

ORDINANCE ACCEPTING THE PLAT OF G&G HOMES, INC., OF 26 LOTS, NUMBERED 1 THROUGH 26 OF FAIR PARK 20TH ADDITION TO THE CITY OF MARION, OHIO, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 14, T-5-S, R-15-E, CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE 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 26 lots, numbered 1 through 26 in Fair Park 20th Addition, being a part of the northwest quarter of Section 14, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, and being of the dimensions as shown on said Plat, and two streets known as Montego Drive and Canary Drive,

WHEREAS, on the 5th day of July, 2000, said Commission approved said Plat.

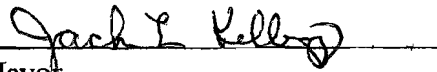
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Plat of G & G Homes, Inc., of 26 lots, numbered 1 through 26 in Fair Park 20th Addition, being a part of the northwest quarter of Section 14, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, dated May 16, 2000, and dedicated July 5, 2000, 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 be an emergency necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council, otherwise, it shall become effective from and after the earliest period allowed by law.


President of Council

Approved: August 29, 2000


Mayor

Attest:


Clerk of Council

Approved As Submitted Pursuant
To M.O.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000293

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-113

Passed August 28, 2000
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISE, INC. FOR THE ADAMS STREET SIDEWALK IMPROVEMENTS, PROJECT 99-2M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2000-56 authorized the preparation of plans, specifications and advertising for bids for the Adams Street Sidewalk Improvements, Project 99-2 M for the City of Marion, Ohio , and

WHEREAS, Park Enterprise, Inc., submitted the lowest and best bid of \$69,803.96.

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

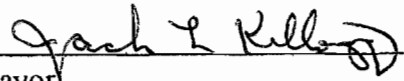
Section 1. That the Safety/Service Director be directed to enter into contract with Park Enterprise, Inc. for the Adams Street Sidewalk Improvements, Project 99-2M.

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

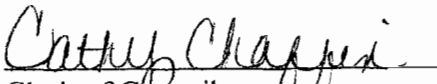
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that construction must be completed in 2000, and as such, shall take effect and be in force immediately upon its passage 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

Approved: August 29, 2000


Mayor

Attest:


Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000295

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-114

Passed August 28, 2000
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO EXECUTE A CHANGE ORDER TO THE 2000 STREET RESURFACING PROJECT IN ORDER TO INCLUDE THE RESURFACING OF A PARKING LOT AT SAWYER-LUDWIG PARK, AND DECLARING AN EMERGENCY,

WHEREAS, ORDINANCE NO. 2000-64 AUTHORIZED THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD ASPHALT PAVING COMPANY FOR THE CITY OF MARION'S 2000 STREET RESURFACING PROJECT.

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

Section 1. That the Safety/Service Director be directed to execute a change order with the Mansfield Asphalt Paving Company in the amount of \$30,000 for the resurfacing of a portion of the parking lot at Sawyer-Ludwig Park.

Section 2. That the cost of said change order 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 2000, 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.

Keith A. Korkhous
President of Council

Approved: August 29, 2000

Jack L. Rill
Mayor

Attest:

Cathy Chappin
Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000297

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-115

Passed August 28, 2000
YEAR

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO PURCHASE A XEROX ENGINEERING
COPIER FOR THE ENGINEERING DEPARTMENT, AND
TO TRADE IN THE EXISTING COPIER IN THE SAID
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 is hereby authorized and directed to purchase a Xerox Engineering Copier from Key Blue Prints, Inc., at a cost of \$10,260.00, less a trade in credit of \$500.00 for the existing copier, for a total price to the City of Marion of \$9,760.00.

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 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.

Keith A. Kuchner
President of Council

Approved: August 29, 2000

Jack E. Kelley
Mayor

Attest:

Cathy Chappin
Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000299

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-116

Passed August 28, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO SELL/TRADE A 1983 FORD TRACTOR
MODEL 1900 WITH LOADER TO KRAMER IMPLEMENT
OF MARION, OHIO THAT IS NO LONGER NEEDED IN
THE WATER POLLUTION CONTROL DEPARTMENT.

WHEREAS, the 1983 Ford Tractor Model 1900 is no longer needed for
operations 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
Trade/Sell a 1983 Ford Tractor Model 1900 (Serial No. U-910579) with loader
that is no longer needed in the Water Pollution Control Department in the amount
of Five Thousand Two Hundred Fifty Dollars (\$5250.00).

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

Keith A. Kautheiser
President of Council

Approved: August 29, 2000

Jack I. Kellard
Mayor

Attest:

Cathy Chappin
Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000301

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-117

Passed August 28, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PURCHASE A USED 13 FOOT LAND PRIDE MOWER DECK FROM
LEMKE SALES AND SERVICE FOR USE AT
THE MARION MUNICIPAL AIRPORT.

WHEREAS, the six foot Kabota Mower Deck has exceeded its useful life for use at the Marion Airport, and

WHEREAS, there is a used demonstrator available at Lemke Sales and Service.

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 Lemke Sales and Service, 2315 Morral Kirkpatrick Road East, Marion, Ohio, for the purchase of a used demonstrator 13 foot Land Pride puss type Mower Deck for use at the Marion Municipal Airport.

Section 2. That said contract price shall be \$3,850.00.

Section 3. That said contract shall be payable from the Capital Equipment Account 101.6621.550450.

Section 4. That it is found and determined that all formal actions of the 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 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

APPROVED: August 29, 2000

Keith A. Koepfhusen
PRESIDENT OF COUNCIL

Jack E. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000303

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-118

Passed August 28, 2000
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH WENIG'S HEATING AND COOLING SYSTEMS FOR THE INSTALLATION OF A HVAC SYSTEM AT FIRE STATION # 1 HAVING FOUND A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SAFETY PURSUANT TO O.R.C. 735.051 AND DECLARING SAME AN EMERGENCY.

WHEREAS, by previous Ordinance the Safety/Service Director was authorized to prepare specifications and bid two capital improvement projects at Fire Station # 1 within the City of Marion, Ohio, and

WHEREAS, after submitting the project for bids pursuant to O.R.C. 735 there were no responses. Inquiries indicated the project was of such insignificance in total dollar amounts and that the contractors were busy with other work, that no bids were submitted or received, and

WHEREAS the Council finds it to be in the best interests of the Citizens of Marion, Ohio and the Firefighters who serve the citizens to have this project completed as soon as possible, providing no further cause of delay as further delay will cause significant hardship upon the health, welfare and safety of the City residents,

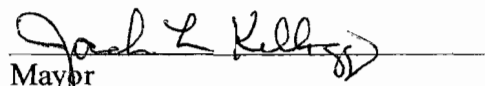
BE IT ORDAINED by the Council for the City of Marion, Ohio:

Section 1. The Council having found a real and present emergency to exist within the Department of Public Safety, specifically the subject capital improvement project received no bids when let the first time and there is no reason to believe a second bidding procedure would provide different results. Further it is found, there is an immediate need to complete the capital improvement project for a new updated H.V.A.C. system at Fire Station # 1 to better serve the people of Marion, Ohio. The funds already having been appropriated for said project in the amount of \$ 22,916.00 payable from Capital Improvement Fund Account No. 401.1131.550520. The Council herein authorizes and directs the Safety/Service Director to enter into contract with Wenig's Heating and Cooling Systems upon the terms and conditions as their offer was submitted.

Section 2. That due to the real likelihood that a second round of bidding would not provide different results and the immediate need to complete the improvement project, the failure to do so, resulting in significant hardship upon the health, welfare and safety of the City residents as the project will go unfinished, creating an unfriendly work environment and loss of revenue. This Ordinance is hereby declared to be a real and present emergency, as set forth in O.R.C. 735.051 being 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

Approved: August 29, 2000


Mayor

Attest:


Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000305

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-119, Page One

Passed August 28, 2000
YEAR

~~ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTACT WITH _____~~

~~(must be completed prior to motion to adopt)~~

~~FOR THE REPLACEMENT OF THE SANITARY SEWER AND STORM WATER SEWER LOCATED UNDERNEATH SUGAR STREET WITHIN THE CITY IN CONCERT WITH THE PREVIOUSLY APPROVED PROJECT FOR SIDE WALK AND STREET REPLACEMENT OF THE SAME STREET FINDING A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SAFETY PURSUANT O.R.C. 735.051 AND DECLARING SAME AN EMERGENCY.~~

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTACT WITH UNDERGROUND UTILITIES FOR THE REPLACEMENT OF THE SANITARY SEWER AND STORM WATER SEWER LOCATED UNDERNEATH SUGAR STREET WITHIN THE CITY IN CONCERT WITH THE PREVIOUSLY APPROVED PROJECT FOR SIDE WALK AND STREET REPLACEMENT OF THE SAME STREET FINDING A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SAFETY PURSUANT O.R.C. 735.051 AND DECLARING SAME AN EMERGENCY. *AS AMENDED*

WHEREAS, by previous Ordinance the Council authorized the entering into contract with Fleming Construction for the improvement of streets, curbs and sidewalks upon a certain sections of Sugar Street within the City, and

WHEREAS, the preliminary work, including the uncovering of the existing sanitary and storm sewers, which were the initial plan to remain as is, with little, if any repair, have been found to be in need of replacement, and

WHEREAS, the Council finds it to be in the best interests of the Citizens of Marion, Ohio, prior to the replacement of the street, curbs and sidewalks, to replace the sanitary and storm sewers in the project area of Sugar Street, and further finding that failing to do so will cause 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. The Council having found a real and present emergency exists within the Department of Public Service, specifically the need to repair the sanitary and storm water sewers under the roadway located upon the portion of Sugar Street for which the current street, curb and sidewalk contract is progressing. In order to prevent signification hardship upon the health, welfare and safety of the citizens of the City of Marion, whether by delay with the ongoing project, extension of the project time frame during the upcoming winter season or the unnecessary and avoidable cost of replacing the sewers after the current street, curb and sidewalk project is completed. The Council herein authorizes and directs the Safety/Service Director to enter into contract with

~~_____~~
~~(must be completed prior to any motion to adopt)~~

~~upon the terms and conditions as their offer was submitted.~~

Section 2. That the necessary funds for the project be appropriated as follows:

_____ Storm Sewer Improvement Fund _____ \$

_____ Sanitary Sewer Improvement Fund _____ \$

AS AMENDED:

The Council herein authorizes and directs the Safety/Service Director to enter into contract with Underground Utilities upon the terms and conditions as their offer was submitted.

Section 2. That the necessary funds for the project be appropriated as follows:

RECORD OF ORDINANCES

000306

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-119, Page Two Passed August 28, 2000
YEAR


Storm Water Utility Fund \$63,226.50

Sewer Replacement Fund \$47,090.10

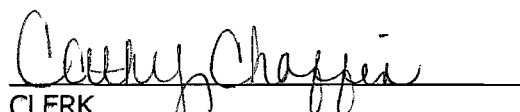
Section 3. The failure to act as set forth above in Section 1 herein would most likely result in significant hardship upon the health, welfare and safety of the city residents as the project will be delayed, prolonged or abandoned due to the funding source, this Ordinance is hereby declared to be a real and present emergency, as set forth in O.R.C. 735.0512 being an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and as shall take effect and be in force 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.

APPROVED: September 5, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000307

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-120

Passed September 11, 2000
YEAR

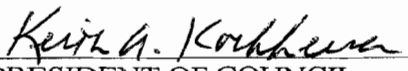
**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
CITY HALL COMMUNITY ROOM RENOVATIONS.**

WHEREAS, the Municipal Court has requested the City to renovate the City Hall Community Room, and;


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 renovations to the City Hall Community Room.

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


PRESIDENT OF COUNCIL

APPROVED: September 12, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000309

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-121

Passed September 11, 2000
YEAR

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

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

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with various vendors as listed below, for materials to be used in the daily operations of the City for a period of two (2) years beginning November 1, 2000 and terminating not later than October 31, 2002.

Mar-Zane	Asphalt Hot Mix
IMC Salt Inc.	Road Salt
Wilhelms Wallcovering and Paint	White and Yellow Road Paint
Englefield Oil	Diesel Fuel
BP America	Unleaded Fuel

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

Keith A. Kochhuser

PRESIDENT OF COUNCIL

APPROVED: September 12, 2000

Jack R. Kell

MAYOR

ATTEST:

Cathy Chappin

CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000311

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-122

Passed September 11, 2000
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2000.

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

Section 1. That there be additional appropriations made in General Funds in the amount of \$325.00 as follows:

Land Acquisition	101.7741.550455	\$325.00
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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.

Keith A. Krehen
PRESIDENT OF COUNCIL

APPROVED: September 12, 2000

Jack L. Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000313

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-123

Passed September 11, 2000
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE PARKS FUND FOR THE YEAR ENDING DECEMBER 31, 2000.

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

Section 1. That there be additional appropriations made in Parks Fund in the amount
of \$4,000.00 as follows:

Demolition of Buildings	221.3421.530323	\$ 4,000.00
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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.

Kevin A. Koehn
PRESIDENT OF COUNCIL

APPROVED: September 12, 2000

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000315

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-124

Passed September 11, 2000
YEAR

**ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2000.**

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 \$6,832.01 as follows:

GENERAL FUND

HUMAN RESOURCES

PROFESSIONAL SERVICES	101.7715.530320	\$ 4,000.00
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HEALTH FUND

ADMINISTRATION

TOBACCO COMPLIANCE	214.2221.540437	\$ 832.01
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AIRPORT INDUSTRIAL PARK FUND

CAPITAL IMPROVEMENTS	410.4539.550520	\$ 2,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Keith A. Koelliker
PRESIDENT OF COUNCIL

APPROVED: September 12, 2000

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000317

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-125

Passed September 25, 2000
YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
THE GENERAL FUND FOR THE YEAR ENDING DECEMBER
31, 2000.

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

Section 1. That there be an additional appropriations made in General Fund in the amount
of \$15,709.79 as follows:

GENERAL FUND


POLICE
ODPS Vests FY 00 101.1111.510223 \$6,449.79

TRANSFERS
TO CAMP POSITIVE 101.7745.580713 \$9,260.00
DIRECTION FUND

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


PRESIDENT OF COUNCIL

APPROVED: September 26, 2000


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000319

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-126

Passed September 25, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RHODES HEATING AND COOLING INC., OF MARION FOR THE REPLACEMENT OF THE CITY HALL COOLING TOWER, AND DECLARING AN EMERGENCY.

WHEREAS, the City Hall cooling tower is over 20 years old and is in need of replacement for the purpose of maintaining proper cooling for the City Hall Building, and

WHEREAS, Rhodes Heating and Cooling of Marion submitted the lowest and best bid, and

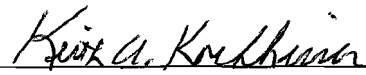
WHEREAS, this project was budgeted in the 2000 Fiscal Budget.

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

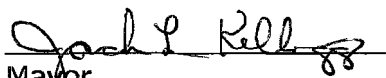
Section 1. That said contract price is \$11,490.00.

Section 2. That said contract shall be payable from the Capital Improvement Fund 401.7741.550370.

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


Kirk A. Krehbiel
President of Council

Approved: September 26, 2000


Jack P. Kell
Mayor

Attest:


Cathy Chappin
Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000321
Form No. 30043

Dayton Legal Blank Co.

Ordinance No. 2000-127

Passed September 25, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RICHLAND UNIFORM COMPANY FOR THIRTY-TWO (32) BULLETPROOF VESTS FOR THE MARION POLICE DEPARTMENT AND DECLARING AN EMERGENCY *AS AMENDED*.

WHEREAS, the Marion Police Department has secured a federal grant to pay up to one-half the cost of thirty-two (32) bulletproof vests for the officers of the Marion Police Department,

WHEREAS, Richland Uniform Company submitted the lowest and best bid for thirty-two bulletproof vests at a cost of \$12,608.00 (\$394.00 per vest)

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

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with Richland Uniform Company for thirty-two (32) bulletproof vests for use in the Marion Police Department.

Section 2. That said contract shall be payable from the General Fund Account 101.111.510223.


AS AMENDED:

Section 2. That said contract shall be payable from the General Fund Account Nos. 101.1111.510223 and the 101.1111.510140.

Section 3. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City, and the inhabitants thereof, and for the further reason that the grant monies are now available, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative votes 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

Approved: September 26, 2000


Mayor

Attest:


Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000323

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-128

Passed September 25, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH QueTel CORPORATION FOR THE PURCHASE OF ONE AUTOMATED BAR CODE EVIDENCE TRACKING SYSTEM FOR USE IN THE MARION POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Marion Police Department has secured money from the Local Law Enforcement Block Grant to purchase needed equipment for the department, and

WHEREAS, the police department is moving its evidence room into the area that used to house the Marion City Jail, and;

WHEREAS, QueTel Corporation has submitted the only bid for the bar coding system,

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

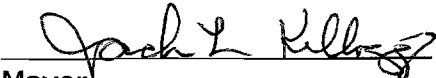
Section 1. The Safety/Service Director be authorized and hereby directed to enter into contract with QueTel Corporation for one Bar Code Evidence System for use in the Marion Police Department.

Section 2. That said contract shall be payable from the Law Enforcement Block Grant Fund.

Section 3. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City, and the inhabitants thereof, and for the further reason that the grant monies are now available for the purchase of the Bar Code system, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative votes 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

Approved: September 26, 2000


Mayor

Attest:


Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000325

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-129, As Amended

Passed October 23, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SPAANS BABCOCK, INC. FOR THE PURCHASE OF THREE (3) OPEN SUBMERGED BEARING SCREW PUMPS; HEADWORKS, INC. FOR THE PURCHASE OF TWO (2) MECHANICAL BAR SCREENS, AND HENRY PRATT CO., FOR THE PURCHASE OF FOUR (4) SLUICE GATES TO BE USED AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY. *AS AMENDED*

AMENDED TO ADD:

WHEREAS, bids were submitted for the purchase of Three (3) Open Submerged Bearing Screw Pumps, Two (2) 1/4" Mechanical Bar Screens and Four (4) Sluice Gates, and

WHEREAS, the City is creating debt to be reimbursed by the Ohio EPA Division of Environmental and Financial Assistance Water Pollution Control Loan Fund (WPCLF), and

WHEREAS, these purchases are dependent on the award of a loan from the WPCLF;

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 Spaans Babcock, Inc. for the purchase of Three (3) Open Submerged Bearing Screw Pumps in the amount of \$281,588.00, Headworks Inc. for the purchase of Two (2) Mechanical Bar Screens in the amount of \$383,452.00 and, Henry Pratt Co., for the purchase of Four (4) Sluice Gates in the amount of \$98,600.00 to be used at the Water Pollution Control Plant.

~~Section 2. That said contracts shall be payable from the Sewer Replacement Capital Equipment Fund Account 504.5553.550450.~~

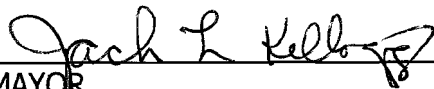
AS AMENDED:

Section 2. *That said contracts shall be payable from the Sewer Replacement Capital Equipment Fund Account 504.5553.550450, to be reimbursed upon the award of the Water Pollution Control Loan Fund.*

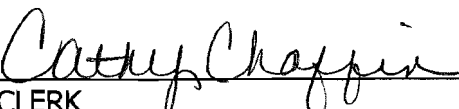
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds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

APPROVED: October 24, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Ordinance No. 2000-130, Page One

Passed September 25, 2000
YEAR

ORDINANCE AMENDING MARION CITY CODE SECTION
137.14 AUXILIARY UNIT CONTAINED UNDER THE DIVISION
OF POLICE CHAPTER OF THE MARION CITY CODE IN ORDER
TO ABOLISH THE AUXILIARY UNIT AND REPLACE SAME WITH
A RESERVE UNIT AND DECLARING AN EMERGENCY

WHEREAS, the Division of Police within the City of Marion, Ohio has not utilized an Auxiliary unit for quite some time, and

WHEREAS, the changes in society and the practice of providing peace keeping services have evolved such that an Auxiliary no longer is a functional and viable resource for the local police department, and

WHEREAS, as other communities have found, a more practical and effective resource to assist in the provision of peace keeping forces is a Reserve Unit and the Council finds the City of Marion, Ohio would benefit from the creation and utilization of a Reserve Unit within the Department of Police,

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

Section 1.

SECTION 137.14 AUXILIARY UNIT now, reading as follows;

(A) Organization.

(1) A volunteer unit to be know as the Marion Auxiliary Police Unit is established and organized pursuant to R.C. 737.051. The primary purpose of this unit shall be to assist the Division of Police in their regular and special duties.

(2) All members shall serve on a volunteer basis without compensation.

(B) Membership.

(1) The membership shall be limited to a number to be determined by the Chief of Police and approved by the Director of Public Safety/Service.

(2) An Auxiliary Police officer shall serve as long as the Director may direct or until a resignation submitted by such member is accepted by the Director. Upon receipt of such resignation, the Auxiliary Police members shall return to the Captain of Auxiliary Police all badges, patches, uniforms and equipment that were issued to them.

(3) Auxiliary Police do not have the right to appeal in case of removal or discharge.

(4) Applicants shall complete the Marion Auxiliary Police Application Form.

(5) The Director of Safety/Service is authorized and directed to promulgate such executive orders, rule and regulations as , in his /her discretion, are either necessary or desirable in the administration of the Auxiliary Police Unit.

(6) An Auxiliary Police officer may request to be place on temporary inactive status due to personal or business reasons. The requests must be in writing, stating the reasons therefore and the length of time requested and must be approved by the Captain of Auxiliary Police.

(C) Uniforms and equipment.

(1) Any uniforms or equipment purchased with Auxiliary Police Unit funds shall become

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Ordinance No. 2000-130, Page Two

Passed September 25, 2000
YEAR

the property of the Auxiliary Police Unit, and shall be disposed of when deemed necessary by the same methods used by the Division of Police.

(2) The Director of Public Safety/Service is authorized to prescribe the type of uniform or part thereof which shall be worn.

(3) Uniforms will be furnished to active members only.

(D) Duty rules.

(1) Auxiliary Police officers shall be governed by rules and regulations of the Division of Police.

(2) Any Auxiliary Police officer on regular duty shall be under order of the regular police officer on duty.

(3) A member on cruiser duty will remain in the care unless otherwise ordered by the regular officer, except as otherwise covered under rules and regulations of the Division of Police.

(4) A member will drive a cruiser only under orders of the regular police officer on duty and the cruiser will be driven in the manner prescribed by state law and local ordinance for emergency and public safety vehicles. The dispatcher will be informed when an Auxiliary Police officer is driving a cruiser.

(5) A member on regular duty will wear the complete uniform in a neat and proper manner. A member on emergency duty will wear his/her badge and should wear the cap if possible.

(6) An auxiliary detail on sports, parade or other special duty will be under orders of the Chief of Police or the regular officer on duty.

(E) Auxiliary Police Fund.

(1) An Auxiliary Police Fund shall be maintained by the Auxiliary Police Unit.

(2) The Auxiliary Police may accept donations to the aforementioned Fund for services performed, but may in no instance solicit for funds for the organization without written authority of the Director of Public Safety/Service.

(F) Off-duty rules.

(1) A member shall not use his/her badge, wear the uniform or engage in auxiliary work when not assigned to regular, special or emergency duty.

(2) When reporting for any type of duty, a member shall drive a personal or privately owned vehicle in the normal and lawful manner, and not as an emergency or public safety vehicle.

(3) When reporting for any type of duty, a member shall report to the regular officer or dispatcher.

(G) Disciplinary Action.

Auxiliary Police shall be governed by the same rules as regular police officers, except that they do not have the right of appeal, as specified in subsection (B)(3) of this section.

(H) Meetings.

(1) The regular meetings of the Unit shall be set by the Captain of Auxiliary Police.

(2) Any active member who absents himself/herself from three consecutive regular meetings without acceptable cause shall be subject to discharge from the Unit and advised by letter immediately following such third meeting.

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Ordinance No. 2000-130, Page Three

Passed September 25, 2000
YEAR

(I) Officers.

The officers of the Auxiliary Police Unit shall consist of one captain and one lieutenant and for each eight patrol officers there shall be one sergeant.

(Ord. 1970-134, passed 7-13-70; Am. Ord. 1974-134, passed 11-11-74)

IS HEREBY ABOLISHED AND REPLACED WITH THE FOLLOWING:

SECTION 137.14 RESERVE UNIT.

(A) Organization.

(1) A volunteer/supplement unit to be known as the Marion Reserve Police Unit is established and organized. The primary purpose of this unit shall be to assist full-time sworn personnel in the day-to-day delivery of law enforcement services and for emergencies, consistent with Ohio law.

(2) All members shall serve only after being duly granted membership after making application on a form prescribed by the Chief of Police and shall be considered volunteers.

(B) Membership.

(1) The membership shall be limited to a number to be determined by the Chief of Police and approved by the Director of Public Safety/Service. Each member of the Reserve shall make application on a form to be prescribed by the Chief of Police and only thereafter shall be considered a member of this volunteer unit. In order to be eligible to make application, the person must already be employed within the City of Marion Police Department in some capacity, other than a full-time sworn officer. Additional qualifications may be required as the Chief of Police sees fit.

(2) Prior to being granted membership the applicant shall demonstrate that he/she is 21 years of age, has a high school diploma or its' equivalent, is certified through the Ohio Peace Officers Training Council. Each applicant shall provide a copy of his/her birth certificate, copy of a valid Ohio Drivers License, copy of high school diploma or equivalent, and a copy of OPOTA certification.

(3) Those applicants for membership who successfully complete all of the above shall subscribe to the oath of office pursuant to G.O. 1.1.1 and thereafter will be assigned a unit number for identification and seniority within the Unit purposes only.

(4) In order to continue to be a member of the Reserve Unit, each member shall remain as an active member by performing at least 20 hours of volunteer service per month. Less than this minimum shall be cause for removal from the unit immediately at the sole discretion of the Chief of Police. A member may request to be placed on temporary inactive status due to business or personal reasons. The request must be made in writing and approved by the Chief of Police.

(5) Members shall receive, as compensation for their volunteerism, One Dollar (\$ 1.00) per year. As additional consideration, members shall be permitted to work in a capacity which may entitle them to retain their OPOTA Certification, receiving valuable experience which may assist them in obtaining appointment as a full-time officer within the Department or at some other agency. Members shall not receive any medical, dental or pension benefits for their volunteer service. They shall be covered by the State's Workman's Compensation Program.

(6) The Director of Safety/Service is authorized and directed to promulgate such executive orders, rule and regulations as, in his/her discretion, are either necessary or desirable in the administration of the Reserve Unit. In addition, the Chief of Police is authorized and directed to promulgate such executive orders, rules and regulations as, in his/her discretion, are either necessary or desirable in the administration of the Reserve Unit.

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Ordinance No. 2000-130, Page Four

Passed September 25, 2000
YEAR

(7) The Director of Law may defend any Reserve member in any claim or suit arising out of or in the course of his/her duties which are directly concerned with an act performed in the furtherance of the duties of the office held by law. The Director of Law shall not be obligated to defend any Reserve member, and the City of Marion shall not indemnify any judgment in any of the following instances: a) actions filed under federal civil rights statutes; b) action filed for any criminal misconduct; c) actions filed which, in the opinion of the Law Director do not arise as the result of the duties imposed in the furtherance of duties as is required by law, the office was not attempting to discharge his/her official duties when the claim arose or was not acting in good faith; d) actions filed wherein any member of the Reserve directs, in writing y certified mail, to the Office of the Director of Law not to intervene on his/her behalf prior to the answer day, however if the Director of Law determines the City is best served by intervention, then he shall have such discretion.; e) actions filed pertaining to discipline in any case.. The City shall not defend or indemnify any member of the Reserve Unit where notice of the litigation is not given by actual service to the office of the Law Director at least seven days prior to the answer date.

(C) Training and Duties.

(1) Each member shall conduct and complete all actions necessary to remain OPOTA certified.

(2) Each member shall complete field training as prescribed by the Chief of Police. After successful completion of said training, each member shall continue to work in tandem with a full-time sworn officer and at no time shall work solo. A Reserve officer shall be used only to supplement, but not replace, full-time, sworn personnel.

(3) Each member will be required to complete all in-service training provided to the full-time sworn officers. In addition, each member shall receive all necessary training in the use of departmental vehicles in order to allow them to operate same only in the presence of real emergency under the direction of a full-time sworn officer. The vehicle shall be driven in the manner prescribe the State law and local ordinances for emergency and public safety vehicles.

(4) Each member will also receive advanced training and have opportunities to attend schools or seminars in order to keep in compliance with Ohio law which may be mandatory to retain certification.

(5) Each member may be assigned to the Operations, Investigative, Administrative, or Special Services, at the discretion of the Chief of Police. Assignments shall be based upon knowledge, skill, and abilities necessary for the effective and efficient operation of the Department. In any assignment, each member shall have arrest powers.

(6) Each member shall be considered a sworn peace officer while conducting the duties of the Reserve unit which may include, but are not limited to: Assisting full-time officers in patrolling designated areas to ensure the publics compliance with Federal, State and Local laws, they shall assist in answering calls when a crime is suspected or an emergency exists. They shall assist in conducting investigations to determine who is committing crimes and shall take such actions necessary to prevent crime, to apprehend criminals and to maintain safety. They may be assigned to uniform and non-uniform special events.

(7) Each member shall comply with all departmental Orders, rules, regulations, policies, procedures, and written directives. As a member of the volunteer Reserve Unit they shall not be members of the State's Civil Service and shall not be subject to the protections afforded therein. Each member's service in the Unit shall be subject to termination, at the sole discretion of the Chief of Police with or without cause, without the right to appeal in any manner. Their service to the Unit shall be considered out-side of the FOP bargaining unit.

(8) Each member shall be under the general direction of a full-time officer and the supervision of a lieutenant. A member shall not work any duty, excepting supplemental services, without the presence of sworn full-time officer and shall not work any assignment unless every sworn full-time officer is given first opportunity to bid for that assignment, whether it be special duty detail or otherwise.

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Form No. 30043

Ordinance No. 2000-130, Page Five

Passed September 25, 2000
YEAR

(D) Uniform and Equipment.

(1) Uniforms and equipment shall be furnished by the Department through the quartermaster process, or as otherwise directed by the Chief of Police. All shall remain the property of the City of Marion, Ohio.

(2) Members uniforms shall be similar to those of the full-time officers and they shall be issued similar equipment. The Uniform shall clearly designate on all insignia that the wearer is a member of the Reserve Unit. The Badge shall contain the words, in plain view, Reserve Police Officer. The uniform shall be worn in a neat and proper manner.

(E) Use of force and Firearm qualification.

(1) Each member shall receive training in departmental General Orders, policy and procedures, rule and regulations, and written directives as prescribed and directed by the Chief of Police. This shall include G.O. 1.3 Use of Force.

(2) Each member shall annually qualify with departmental issued firearms in the same manner as sworn full-time officers in accordance with the Departments policies.

(F) Bonding

(1) The Chief of Police shall ensure that each Reserve member is bonded and covered by the Departments public liability protection with similar coverages to that of sworn full-time officers.

(G) Off - duty rules.

(1) A member shall not use his/her badge, wear the uniform or engage in Reserve work when not assigned to regular, special or emergency duty.

(2) When reporting for any type of duty, a member shall drive an personal or privately owned vehicle in the normal and lawful manner, and not as an emergency or public safety vehicle.

(3) When reporting for any type of duty, a member shall report to the regular officer or dispatcher.

(H) Disciplinary Action.

Reserve officers shall be governed by the same rules as regular police officers, except that they do not have the right of appeal of any discipline, including but not limited to discharge from the Unit.

(I) Officers.

The Reserve Unit shall have such Officers positions as the Chief of Police finds necessary.

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 is in immediate need to provide for expansive police protection and to facilitate the retention of certified persons employed in non-full-time service; 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.

APPROVED: September 26, 2000

Keith A. Koehn
President of Council

Jack L. Kilgus
Mayor

ATTEST:

Cathy Chappin
Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Ordinance No. 2000-431, Page One

Passed October 23, 2000

YEAR

ORDINANCE AMENDING CODIFIED ORDINANCE 193: MUNICIPAL INCOME TAX

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

Section 1. That Chapter 193.02 of the Codified Ordinances shall be amended by adding the following definitions:

"FORM 2106. Internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code."

"INCOME TAX DEPARTMENT. The employees of the City Auditor's Office responsible for the administration and enforcement of this chapter."

"INTERNAL REVENUE CODE. The Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended."

"TAX COMMISSIONER. The employee of the City Auditor's Office responsible for the operation of the Income Tax Department per the personnel classification report (Yarger Report)."

Section 2. That Chapter 193.06 of the Codified Ordinances, now reading as follows:

"(A) Each taxpayer whose earnings or profits are subject to the Municipal Income Tax shall, on April 15 of each year make and file a final return with the City Auditor on a form obtainable from the City Auditor, setting forth the aggregate amount of salary, wages, or other compensation and net profits earned by him/her during the preceding year or period and subject to said tax, together with other pertinent information as the City Auditor may require. Provided, however, that when the final return is made for a fiscal year or other period different from the calendar year, the return shall be made within 105 days from the end of said fiscal year or other period.

(B) The return shall also show the amount of the tax imposed on such earnings and profits. The taxpayer making the said return shall, at the time of the filing thereof, pay to the City Treasurer the amount of taxes shown as due thereon. Provided, however, that where any portion of said tax shall have been paid by such taxpayer pursuant to the provisions of §§ 193.07 and 193.08 of this chapter, credit for the amount so paid shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing said final return.

(1) In accordance with Resolution No. 1971-58, Article II-9(§ 193.01), an annual return will be filed on all business functions and rental properties, that are located within or doing business within the city limits of the municipality, and/or owned by residents of the municipality even if a loss is claimed on their respective federal return.

(2) Credit for business and rental losses may be claimed only to the extent of the profit on each tax return. Credit for business and rental losses on each tax return may be consolidated in the case of one or more businesses and/or one or more rental properties to arrive at a combined profit or loss. Loss credit shall not be transferred from one tax year to another, nor shall it be given as a credit toward any earned gross income that would otherwise be liable for payment of the municipality's Marion City income taxes.

(C) The return of an employer or employers showing the amount of tax deducted by said employer or employers from the salaries, wages or compensation of any employee, and paid by him/her or them to the City Treasurer, shall be accepted as the

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return required of any employee whose sole income subject to the Municipal Income Tax is such salary, wages or compensation.

(D) Upon written request of the taxpayer, the City Auditor may extend the time for filing the annual return for a period of not more than six months or not more than thirty days beyond any extension requested of and granted by the Bureau of Internal Revenue for the filing of the Federal Income Tax Return."

Is hereby amended to read as follows:

"(A) Each taxpayer whose earnings or profits/losses are subject to the Municipal Income Tax shall, on ~~(April 15 of each year)~~ the 15th day of the fourth month following the end of a tax year, make and file a final return with the ~~(City Auditor)~~ Income Tax Department on a form obtainable from the ~~(City Auditor)~~ Income Tax Department, setting forth the aggregate amount of salary, wages, or other compensation and net profits/losses earned by him/her during the preceding year or period and subject to said tax, together with other pertinent information as the ~~(City Auditor)~~ Income Tax Department may require. ~~(Provided, however, that when the final return is made for a fiscal year or other period different from the calendar year, the return shall be made within 105 days from the end of said fiscal year or other period.)~~ The return shall also show the amount of the tax imposed on such earnings and profits/losses. Taxpayers may file substitute tax returns provided the substitute return includes all the information and supporting documents required by the Income Tax Department.

(B) ~~(The return shall also show the amount of the tax imposed on such earnings and profits.)~~ The taxpayer making the said return shall, ~~(at the time of the filing thereof)~~ by the 15th day of the fourth month following the end of a tax year, pay to the ~~(City Treasurer)~~ Income Tax Department the amount of taxes shown as due thereon. ~~(Provided, however, that where)~~ Any portion of said tax that has been paid by such taxpayer pursuant to the provisions of §§ 193.07 and 193.08 of this chapter ~~(, credit for the amount so paid)~~ shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable ~~(at the time of filing said final return)~~ on the 15th day of the fourth month following the end of a tax year.

~~((1) In accordance with Resolution No. 1971-58, Article II-9 (§ 193.01), an annual return will be filed on all business functions and rental properties, that are located within or doing business within the city limits of the municipality, and/or owned by residents of the municipality even if a loss is claimed on their respective federal return.)~~

~~((2))~~(C) Credit for business and rental losses may be claimed only to the extent of the profit on each tax return. Credit for business and rental losses on each tax return may be consolidated in the case of one or more businesses and/or one or more rental properties to arrive at a combined profit or loss. Loss credit shall not be transferred from one tax year to another, nor shall it be given as a credit toward any earned gross income that would otherwise be liable for payment of the municipality's income taxes.

~~((C))~~(D) The return of an employer or employers showing the amount of tax deducted by said employer or employers from the salaries, wages or compensation of any employee, and paid by him/her or them to the City Treasurer, shall be accepted as the return required of any employee whose sole income subject to the Municipal Income Tax is such salary, wages or compensation.

~~((D))~~(E) Upon written request of the taxpayer, the ~~(City Auditor)~~ Income Tax Department may extend the time for filing the annual return for a period of not more than six months or not more than thirty days beyond any extension requested of and granted by the Bureau of Internal Revenue for the filing of the Federal Income Tax Return. A taxpayer may request an extension by filing a copy of the federal filing

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extension with the Income Tax Department. Extension requests shall include a remittance to the Income Tax Department of any remaining tax which the taxpayer estimates is due. The due date for payment of the tax shall not be extended."

Section 3. That Chapter 193.07 of the Codified Ordinances be amended by adding paragraph (D) reading as follows:

"(D)(1) Except as provided in paragraph (D)(2) of this section, beginning January 1, 2001, employers not situated in the municipality whose withholding otherwise required by this section for a calendar year beginning on or after that date is \$150.00 or less will not be required to withhold the tax.

(2) For any calendar year beginning on or after January 1, 2001, employers not situated within the municipality whose withholding required by this section exceeds \$150.00 for a calendar year will be required to withhold the tax for that calendar year and the next three calendar years."

Section 4. That Chapter 193.09 of the Codified Ordinances, now reading as follows:

"§193.09 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

Every individual taxpayer who resides in the municipality but who receives net profits, salaries, wages, commissions or other personal service compensation, for work done, or services performed or rendered outside of the municipality, if it be made to appear that he/she has paid a municipal income tax on such net profits, salary, wages, commission or other compensation to another municipality, shall be allowed a credit on the Municipal Income Tax of the amount so paid by him/her or in his/her behalf to such other municipality. The credit shall not exceed the tax assessed by the Municipal Income Tax on such net profit, salary, wages, commission or compensation earned in such other municipality or municipalities where such tax is paid."

Is hereby amended to read as follows:

"§193.09 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

Every individual taxpayer who resides in the municipality but who receives net profits, salaries, wages, commissions or other personal service compensation, for work done, or services performed or rendered outside of the municipality, if it be made to appear that he/she has paid a municipal income tax on such net profits, salary, wages, commission or other compensation to another municipality, shall be allowed a credit on the Municipal Income Tax of the amount so paid by him/her or in his/her behalf to such other municipality. The credit shall not exceed the tax assessed by the Municipal Income Tax on such net profit, salary, wages, commission or compensation earned in such other municipality (~~or municipalities~~) where such tax is paid. **Credit will not be allowed to the extent the individual is entitled to a refund of the municipal income tax paid to such other municipality."**

Section 5. That Chapter 193.04 of the Codified Ordinances be amended by adding paragraph (I) reading as follows:

"(I) If a taxpayer's income includes income against which the taxpayer has taken a deduction for federal income tax purposes as reportable on the taxpayer's form 2106, the taxpayer may deduct expenses reported on form 2106 in the following manner:

(1) If the expenses giving rise to the deduction were incurred while a resident, the total expenses reported on form 2106 shall be deducted from taxable income.

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(2) If the expenses giving rise to the deduction were incurred while a non-resident, the taxpayer shall deduct only the portion of the expenses on form 2106 directly related to the income subject to the tax imposed by this chapter. In the absence of actual records or a separate accounting, the taxpayer may calculate the deduction by:

(a) ascertaining the percentage which the income earned within the municipality against which the expenses are claimed bears to the total income earned within and without the municipality against which the expenses are claimed, and

(b) multiplying the percentage obtained in subsection (a) by the total deduction reported on form 2106.

Section 6. That Chapter 193.11(D) of the Codified Ordinances, now reading as follows:

"(D) Any information gained as the result of any returns, investigations, hearings or verifications required or authorized by the Ordinance shall be confidential, except for official purposes and except in accordance with proper judicial order. Any person divulging such information shall upon conviction thereof be deemed guilty of a misdemeanor and shall be subject to a fine or penalty of not more than FIVE HUNDRED DOLLARS (\$500.00) or imprisoned for not more than six (6) months in the county jail, or both such fine and imprisonment for such offense. In addition to the above penalties, any employee of the municipality who violates the provisions of this section relative to disclosures of confidential information shall be immediately dismissed from the service of the municipality."

Is hereby amended to read as follows:

"(D) Any information gained as the result of any returns, investigations, hearings or verifications required or authorized by the Ordinance shall be confidential, except for ~~(official purposes)~~ the official purpose of enforcement of this chapter and except in accordance with proper judicial order. Any person divulging such information shall upon conviction thereof be deemed guilty of a misdemeanor and shall be subject to a fine or penalty of not more than FIVE HUNDRED DOLLARS (\$500.00) or imprisoned for not more than six (6) months in the county jail, or both such fine and imprisonment for such offense. In addition to the above penalties, any employee of the municipality who violates the provisions of this section relative to disclosures of confidential information shall be immediately dismissed from the service of the municipality."

Section 7. That Chapter 193.12 of the Codified Ordinances, now reading as follows:

"§193.12 INTEREST ON UNPAID TAXES.

The Municipal Income Tax, including taxes withheld from wages by an employer, remaining unpaid after it has become due, shall bear interest on the amount of the unpaid tax at the rate of fifteen percent (15%) per annum. Initially, for interest not yet computed, partial years shall be prorated in whole months, with fractions thereof applied as another whole month. The taxpayers upon whom said taxes are imposed, and the employers required by this Ordinance to deduct, withhold and pay the Municipal Income Tax shall be liable, in addition thereto, to a penalty of Fifty Dollars (\$50.00). Taxpayers under the age of 18 shall be liable to a late filing penalty and interest of no more than Five Dollars (\$5.00)."

Is hereby amended to read as follows:

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"§193.12 INTEREST AND PENALTIES.

(A) Beginning December 1, 2000, the Municipal Income Tax, including taxes withheld from wages by an employer, remaining unpaid after it has become due, shall bear interest on the amount of the unpaid tax at the rate of ~~(fifteen percent (15%))~~ **ten percent (10%)** per annum. Initially, for interest not yet computed, partial years shall be prorated in whole and/or half months ~~(, with fractions thereof applied as another whole month. The taxpayers upon whom said taxes are imposed, and the employers required by this Ordinance to deduct, withhold and pay the Municipal Income Tax shall be liable, in addition thereto, to a penalty of Fifty Dollars (\$50.00).)~~. Beginning January 1, 2002, the rate of interest for unpaid taxes will be adjusted annually as provided in paragraph (B) of this section.

(B) As used in this section, "federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods of maturity of three years or less, as determined under section 1274 of the Internal Revenue Code for July of the current year. By the fifteenth day of October of each year, the Tax Commissioner shall determine the federal short-term rate. The rate determined by the Tax Commissioner, rounded to the nearest whole number percent, plus three percent shall be the interest rate per annum used in computing interest for the following calendar year.

(C) A taxpayer filing a return required under §193.06 of this Ordinance after the due date, including extensions, shall be liable for a late filing penalty. The penalty shall be five dollars (\$5.00) per month or any part of a month that the return is late. The maximum penalty per return will be \$50.00. Taxpayers under the age of 18 years shall be liable for a late filing penalty and interest of no more than five dollars (\$5.00) for each return filed late.

(D) A withholding agent filing a return required under §193.07 of this Ordinance after the due date shall be liable for a late filing penalty of ten dollars (\$10.00) for each return filed late.

(E) Taxpayers, including withholding agents, paying tax after the prescribed due date will be subject to a late payment penalty of \$5.00. Only one late payment penalty will be assessed per tax year or withholding period. The late payment penalty will not be assessed on tax years or withholding periods on which a late filing penalty has been assessed.

(F) The Tax Commissioner may compromise penalties and interest at his discretion. The Tax Commissioner will issue written guidelines for the compromise of penalties and interest so that this section is administered in a uniform manner.

Section 8. That Chapter 193.11 of the Codified Ordinances be amended by adding paragraph (E) reading as follows:

"(E) If a taxpayer has income on which an apparently insufficient amount of tax has been paid and a return as prescribed in §193.06 has not been filed, the Income Tax Department may assess the tax, penalty and interest due against the taxpayer after providing two notices to the taxpayer. Notices shall indicate the source and amount of income on which insufficient tax has been paid. Notices shall be mailed to the taxpayer's last known address by regular mail. Notices, including the assessment notice, shall be mailed at least fifteen (15) calendar days apart. The late filing penalty on assessments shall be the maximum \$50 penalty."

Section 9. That Chapter 193.13 of the Codified Ordinances, now reading as follows:

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Section 9. That Chapter 193.13 of the Codified Ordinances, now reading as follows:

"193.13 COLLECTION OF UNPAID TAXES.

(A) The Municipal Income Tax shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amount are recoverable.

(B) When a final return is filed as prescribed in §193.06 hereof and a deficiency is determined to be due to the municipality, action to collect the same shall not be commenced after two (2) years from the due date of said return, and when a taxpayer fails to file a return, action to collect tax due to the municipality shall not be commenced after five (5) years from the due date of said return.

(C) All applications for refund shall be made within six (6) months of the due date of a final return or shall be forever barred thereafter; provided, however, an extension may be granted by the City Auditor on written application."

Is hereby amended to read as follows:

"193.13 LIMITATION PERIODS ON UNPAID TAXES AND REFUNDS.

(A)(1) The Municipal Income Tax and penalties and interest on the Municipal Income Tax shall be collectible (~~together with any interest and penalties thereon,~~) by suit (~~;~~) as other debts of like amount are recoverable. Civil actions to recover the Municipal Income Tax and penalties and interest on the Municipal Income Tax shall be brought within three (3) years after the tax was due or the return was filed, whichever is later.

(2) With regard to underpayments resulting from a recomputation or redetermination, whether initiated by the Internal Revenue Service or by the taxpayer, of the taxpayer's federal taxable income that increases the taxpayer's tax liability under this Ordinance, an amended return must be filed and the additional tax paid within one hundred twenty (120) days of the final determination of the federal taxable income. The amended return will not reopen issues not directly or indirectly affected by the adjustment of the taxpayer's federal taxable income. Civil actions to recover the Municipal Income Tax and penalties and interest on the Municipal Income Tax shall be brought within three (3) years of the filing of the amended return.

~~(B) When a final return is filed as prescribed in §193.06 hereof and a deficiency is determined to be due to the municipality, action to collect the same shall not be commenced after two (2) years from the due date of said return, and when a taxpayer fails to file a return, action to collect tax due to the municipality shall not be commenced after five (5) years from the due date of said return.)~~

(B) Prosecutions for violations of this Ordinance shall be commenced within three (3) years after the commission of the offense, provided that in the case of fraud, failure to file a return, or the omission of twenty-five percent (25%) or more of the income required to be reported, prosecutions may be commenced within six (6) years after the commission of the offense.

~~(C) (All applications for refund shall be made within six (6) months of the due date of a final return or shall be forever barred thereafter; provided, however, an extension may be granted by the City Auditor on written application.)~~ A claim for a refund of the Municipal Income Tax must be filed:

(1) Within three (3) years of the overpayment.

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(a) Employees who have taxes withheld under §193.07 of this chapter will be deemed to have paid the tax withheld on the due date, including any valid extension of time, for filing a return for that tax year under §193.06 of this chapter.

(b) Estimated tax payments under §193.08 of this chapter will be deemed paid on the due date, including any valid extension of time, for filing a return for that tax year under §193.06 of this chapter provided the payment is received on or before said due date.

(c) Employers who have withheld taxes under §193.07 of this chapter will be deemed to have paid the tax withheld on the due date for filing an annual reconciliation as provided by Resolution 1971-58, Article XIII (§ 193.01) provided the payment is received on or before said due date.

(2) With regard to overpayments resulting from a recomputation or redetermination, by the Internal Revenue Service or due to litigation initiated by the taxpayer, of the taxpayer's federal taxable income that reduces the taxpayer's tax liability under this Ordinance, the refund claim must be filed within one hundred twenty (120) days of the final determination of the federal taxable income. A refund claim filed under division (C)(2) of this section shall claim a refund based only those items of the taxpayer's annual return that are affected directly or indirectly by the changes to the taxpayer's federal taxable income. It shall not reopen issues not directly or indirectly affected by the taxpayer's federal taxable income.

Section 10. That Chapter 193.16 of the Codified Ordinances, now reading as follows:

"§193.16 EXEMPTIONS.

The provisions of this chapter shall not be construed as levying a tax upon the following:

(A) Funds received from local, state or federal governments because of service in the Armed Forces of the United States by the person rendering such service, or as a result of another person rendering such service.

(B) Poor relief, pensions, unemployment compensation or similar payments, including disability benefits received from private industry or local, state or federal governments, or from charitable, religious or educational organizations.

(C) Alimony received.

(D) Dues, contributions and similar payments received by charitable, religious, educational or literary organizations or labor unions, lodges and similar organizations.

(E) Receipts from casual entertainment, amusements, sports events and health and welfare activities conducted by bona fide charitable, religious and educational organizations and associations.

(F) Any association, organization, corporation, club or trust, which is exempt from Federal taxes on income by reason of its charitable, religious, educational, literary, scientific, etc., purpose.

(G) Gains from involuntary conversions, cancellation of indebtedness, interest on Federal obligations, items of income already taxed by the State of Ohio, and income of a decedent's estate during the period of administration (except such income from the operation of a business).

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(H) Earnings and income of all persons under 16 years of age, whether residents or non-residents.

(I) Employment of duly enrolled full-time students by their school, college, university or any public library, and services performed by student nurses and hospital interns.

(J) Retired senior citizens, age 65 years or older, receiving social security benefits, or other pensions in lieu of social security, who have earned income that is taxable under the provisions of this ordinance, shall be eligible to receive a "Senior Citizens Credit" that may be deducted from their gross earnings. The amount of credit allowable shall be equal to the federal limit that has been established for receiving full social security benefits in the current year of filing."

Is hereby amended to read as follows:

"§193.16 EXEMPTIONS.

The provisions of this chapter shall not be construed as levying a tax upon the following:

(A) ~~(Funds received from local, state or federal governments because of service in the Armed Forces of the United States by the person rendering such service, or as a result of another person rendering such service.)~~ The military pay or allowances of members of the armed forces of the United States and of members of their reserve components, including the Ohio national guard.

(B) Poor relief, pensions, unemployment compensation or similar payments, including disability benefits received from private industry or local, state or federal governments, or from charitable, religious or educational organizations.

(C) Alimony received.

(D) Dues, contributions and similar payments received by charitable, religious, educational or literary organizations or labor unions, lodges and similar organizations.

(E) Receipts from casual entertainment, amusements, sports events and health and welfare activities conducted by bona fide charitable, religious and educational organizations and associations.

(F) ~~(Any association, organization, corporation, club or trust, which is exempt from Federal taxes on income by reason of its charitable, religious, educational, literary, scientific, etc., purpose.)~~ The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(G) Gains from involuntary conversions, cancellation of indebtedness, ~~(interest on Federal obligations, items of income already taxed by the State of Ohio,)~~ and income of a decedent's estate during the period of administration (except such income from the operation of a business).

(H) Earnings and income of all persons under 16 years of age, whether residents or non-residents.

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Is hereby amended to read as follows:

"(3) Ascertaining the percentage which the total wages, salaries, and other personal service compensation, similarly computed during such period, of employees within the City (~~except general executive officers,~~) bears to the total wages, salaries, and other personal service compensation, similarly computed, during such period of all the taxpayer's employees within and without the City, (~~except general executive officers~~) excluding compensation described in §193.16(N) of this chapter; and"

Section 12. That Chapter 193 of the Codified Ordinances be amended by adding 193.19 to read as follows:

"§ 193.19 BOARD OF REVIEW

(A) The Board of Review, consisting of three electors of the City, one appointed by the Mayor, one appointed by the City Treasurer and one appointed by the City Director of Law, is created. No member shall be appointed to the Board who is employed by the City or holds other public offices or appointments. The members of the Board shall serve without compensation.

(B) A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules, and shall keep a record of its transactions. Such records are not public records available for public inspection under §149.43 of the Ohio Revised Code.

(C) All hearings of the Board shall be conducted privately and the provisions of Section 193.11(D) with reference to the confidential character of information required to be disclosed by this chapter shall apply to such matters as may be heard before the Board on appeal. Hearings requested by a taxpayer before the Board pursuant to this section are not meetings of a public body subject to §121.22 of the Ohio Revised Code.

(D) Any person (petitioner) dissatisfied with any ruling or decision of the Tax Commissioner which is made under the authority conferred by this chapter may appeal therefrom to the Board within thirty days from the announcement of such ruling or decision of the Tax Commissioner. The appeal shall be made in writing, shall state why the decision should be deemed incorrect or unlawful, and shall be filed within thirty days after the Tax Commissioner issues the decision leading to the appeal.

(E) Unless the petitioner waives a hearing, the Board shall schedule a hearing within forty-five days after receiving the request. The petitioner may appear before the Board and may be represented by an attorney at law, certified public accountant, or other representative.

(F) The Board may affirm, reverse or modify the Tax Commissioner's decision or any part of that decision, shall issue a decision on the appeal within ninety days after the Board's final hearing on the appeal, and the Board shall notify the petitioner of its decision by ordinary mail within fifteen days after issuing the decision.

(G) Any ruling or decision of the Board may be appealed to a court of competent jurisdiction.

(H) The initial terms of the members of the Board will be as follows:

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~~(I) Employment of duly enrolled full time students by their school, college, university or any public library, and services performed by student nurses and hospital interns.~~

~~(J) Retired senior citizens, age 65 years or older, receiving social security benefits, or other pensions in lieu of social security, who have earned income that is taxable under the provisions of this ordinance, shall be eligible to receive a "Senior Citizens Credit" that may be deducted from their gross earnings. The amount of credit allowable shall be equal to the federal limit that has been established for receiving full social security benefits in the current year of filing.)~~

(I) Intangible income as defined by §718.01(A)(4) of the Ohio Revised Code.

(J) Compensation paid under §3501.28 or §3501.36 of the Ohio Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually.

(K) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Chapter 306. of the Ohio Revised Code for operating a transit bus or other motor vehicle for the authority or commission in or through the municipality, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such tax by reason of residence or domicile in the municipality, or the headquarters of the authority or commission is located within the municipality.

(L) The income of a public utility when that public utility is subject to the tax levied under §5727.24 or §5727.30 of the Ohio Revised Code, except, starting January 1, 2002, the income of an electric company or combined company, as defined in §5727.01 of the Ohio Revised Code will be subject to the tax levied by this chapter subject to Chapter 5745 of the Ohio Revised Code.

(M) Items excluded from federal gross income pursuant to §107 of the Internal Revenue Code. Reimbursements or allowances in excess of actual expenses will be subject to the tax.

(N) On and after January 1, 2001, compensation paid to an individual if all of the following apply:

(1) The individual does not reside in the municipality.

(2) The compensation is paid for personal services performed by the individual in the municipality on twelve or fewer days in the calendar year.

(3) If the individual is an employee, the principal place of business of the individual employer is located outside the municipality and the individual pays tax on compensation described in subdivision (H)(2) of this section to the municipal corporation, if any, in which the employer's principal place of business is located, and no portion of that tax is refunded to the individual."

Section 11. That Chapter 193.04(H)(3) of the Codified Ordinances, now reading as follows:

"(3) Ascertaining the percentage which the total wages, salaries, and other personal service compensation, similarly computed during such period, of employees within the City, except general executive officers, bears to the total wages, salaries, and other personal service compensation, similarly computed, during such period of all the taxpayer's employees within and without the City, except general executive officers; and"

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Appointed by the Mayor expires December 31, 2001
Appointed by the Director of Law expires December 31, 2002
Appointed by the Treasurer expires December 31, 2003

Following the initial terms of office, members will serve a four year term of office. If a member is unable to complete a full term of office, the elected office which appointed the member shall name another elector to fill the unexpired term."

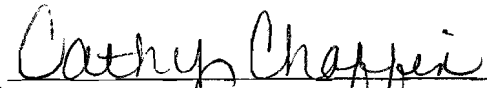
Section 12. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: October 24, 2000


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

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ORDINANCE NO. 2000-132

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,955,000 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, CATALINA DRIVE, REED AVENUE, MCKINLEY LAKE AND OAKLAND BOULEVARD DITCH, BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1999-46 passed on November 8, 1999, a note in anticipation of bonds in the amount of \$7,100,000 dated November 30, 1999, of which \$5,500,000 was issued, in part, for the purpose stated in Section 2, to mature on November 16, 2000 (the Outstanding Note);

WHEREAS, this Council finds and determines that the City should retire the principal of the Outstanding Note with the proceeds of the Bonds described in Section 2 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 2 is at least five years and the estimated maximum maturity of the Bonds described in Section 2 is 40 years;

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means (subject to any limitations in Section 3) (a) with respect to Current Interest Bonds, the denomination of \$5,000 or any integral multiple thereof, and (b) with respect to Capital Appreciation Bonds, the denomination equal to the original principal amount that, when interest is accrued and compounded thereon on each Interest Accretion Date to the stated maturity of the Bonds, will equal a \$5,000 Maturity Amount or any integral multiple thereof.

“Bond proceedings” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Certificate and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the bank or trust company appointed pursuant to Section 4 of this Ordinance as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar

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shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

"Book entry form" or "book entry system" means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

"Capital Appreciation Bonds" means any Bonds designated as such in the Certificate of Award, maturing in the years, being in the original principal amounts and having the Maturity Amounts set forth therein, and bearing interest accrued and compounded on each Interest Accretion Date and payable at maturity.

"Certificate of Award" means the certificate authorized by Section 6(a), to be executed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Code" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"Compound Accreted Amount" means, with respect to any Capital Appreciation Bond, the original principal amount thereof plus interest accrued and compounded on each Interest Accretion Date to the date of maturity or other date of determination. The Compound Accreted Amount per \$5,000 Maturity Amount of the Capital Appreciation Bonds of each maturity as of each Interest Accretion Date shall be set forth in the Certificate of Award. The Compound Accreted Amount of any Capital Appreciation Bond for each maturity as of any date other than an Interest Accretion Date is the sum of (a) the Compound Accreted Amount for such Bond on the immediately preceding Interest Accretion Date plus (b) the product of (i) the difference between (A) the Compound Accreted Amount of that Bond on the immediately preceding Interest Accretion Date and (B) the Compound Accreted Amount of that Bond on the immediately succeeding Interest Accretion Date, times (ii) the ratio of (C) the number of days from the immediately preceding Interest Accretion Date to the date of determination to (D) the total number of days from that immediately preceding Interest Accretion Date to the immediately succeeding Interest Accretion Date; provided, however, that in determining the Compound Accreted Amount of a Capital Appreciation Bond as of a date prior to the first Interest Accretion Date, the Closing Date shall be deemed to be the immediately preceding Interest Accretion Date and the original principal amount of that Capital Appreciation Bond shall be deemed to be the Compound Accreted Amount on the Closing Date.

"Continuing Disclosure Certificate" means the certificate authorized by subsection 6(c), to be substantially in the form on file with the Clerk of Council, and which, together with the agreements of the City set forth in that subsection, shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

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“Current Interest Bonds” means, collectively, the Current Interest Serial Bonds and the Current Interest Term Bonds, each as is designated as such in the Certificate of Award.

“Current Interest Serial Bonds” means those Current Interest Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Current Interest Term Bonds” means those Current Interest Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

“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 book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Fiscal Officer” means the Auditor of the City.

“Interest Accretion Dates” means, as to any Capital Appreciation Bonds, each June 1 and December 1, commencing June 1, 2001, in the years any Capital Appreciation Bonds are outstanding.

“Interest Payment Dates” means (a) as to Current Interest Bonds, June 1 and December 1 of each year that the Current Interest Bonds are outstanding, commencing December 1, 2000, and (b) as to any Capital Appreciation Bonds, their respective maturity dates.

“Maturity Amount” means, with respect to a Capital Appreciation Bond, the principal and interest due and payable at the stated maturity of that Capital Appreciation Bond.

“Original Purchaser” means McDonald Investments Inc., Cleveland, Ohio.

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

“Principal Payment Dates” means December 1 in each of the years from and including 2001 to and including 2025, provided that the first Principal Payment Date may be deferred one year and the last Principal Payment Date may be advanced up to five years or deferred one year if such actions are determined by the Fiscal Officer in the Certificate of Award to be in the best interest of and financially advantageous to the City and further provided that in no case shall the total number of Principal Payment Dates exceed the maximum maturity of the Bonds referred to in the preambles hereto.

“Purchase Agreement” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the Fiscal Officer in accordance with Section 6.

“Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the Fiscal Officer in accordance with Section 4.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

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"SEC" means the Securities and Exchange Commission.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in one lot in the maximum principal amount of \$4,955,000 (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, Catalina Drive, Reed Avenue, McKinley Lake and Oakland Boulevard Ditch, between certain termini, together with all necessary appurtenances (the improvement). The Bonds shall be issued pursuant to Chapter 133, Ohio Revised Code, and this Ordinance.

The aggregate principal amount of Bonds to be issued shall not exceed \$4,955,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2, taking into account estimated costs of the improvement, estimated financing costs, and estimated capitalized interest on the Bonds.

The proceeds from the sale of the Bonds, 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 Bonds are being issued, including the reimbursement provided for herein. Proceeds in the amount of the temporary advances as certified by the Fiscal Officer are to be credited to the fund from which temporary advances were made to reimburse it for temporary advances made to pay capital expenditures previously made for the improvement described in this Section 2, and such amount is charged against those proceeds. Immediately following the issuance of the Bonds, the appropriate officers are directed further to reflect such reimbursement, together with reimbursement of any additional amounts eligible for reimbursement under U.S. Treasury Regulations Section 1.103-18, on the appropriate accounting records of the City. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The respective principal amounts of the Bonds to be issued as Current Interest Bonds and Capital Appreciation Bonds (if any Bonds are to be issued as Capital Appreciation Bonds) shall be determined by the Fiscal Officer in the Certificate of Award, having due regard to the best interest of and financial advantages to the City. The Current Interest Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than sixty (60) days prior to the Closing Date, and any Capital Appreciation Bonds shall be dated as of the Closing Date.

(a) Interest Rates and Payment Dates. The Current Interest Bonds shall bear the rate or rates of interest per year (computed on a 30 day month/360-day per year basis), as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award; provided, that the Current Interest Bonds of any one stated maturity all shall bear the same rate of interest. Interest on the Current Interest Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Current Interest Bonds 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 their date.

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Any Capital Appreciation Bonds shall bear interest from the Closing Date at the compounding rate or rates of interest (computed on a 360-day per year basis), accrued and compounded on each Interest Accretion Date and payable at maturity, that will result in the aggregate Maturity Amounts payable at maturity, as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award; provided, that the Capital Appreciation Bonds of any one stated maturity all shall bear the same compounding rate of interest. The total interest accrued on any Capital Appreciation Bond as of any particular date shall be an amount equal to the amount by which the Compound Accreted Amount of that Capital Appreciation Bond exceeds the original principal amount of that Capital Appreciation Bond as of that date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with his determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with his determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Current Interest Bonds to be issued as Current Interest Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, (ii) the aggregate principal amount of Current Interest Bonds to be issued as Current Interest Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Current Interest Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date, and (iii) the aggregate principal amount of any Bonds to be issued as Capital Appreciation Bonds and the corresponding aggregate Maturity Amount thereof, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, and the principal amount and corresponding Maturity Amount thereof that shall be payable on each such Principal Payment Date.

(c) Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Current Interest Bonds and the compounding rate or rates of interest per year to be borne by any Capital Appreciation Bonds, and the principal amount of Current Interest Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date and the Maturity Amount of any Capital Appreciation Bonds payable on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest rate for the Bonds determined by taking into account the respective principal amounts of the Bonds or mandatory sinking fund redemption of those principal amounts of Bonds which are Term Bonds shall not exceed 7% per year.

(d) Payment of Debt Charges. The debt charges on the Bonds 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 of and any premium on the Current Interest Bonds, and principal of and interest on any Capital Appreciation Bonds, shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Current Interest 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.

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Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Current Interest Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Current Interest Term Bonds. If any of the Bonds are issued as Current Interest Term Bonds, the Current Interest Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Current Interest Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Current Interest Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Current Interest Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Current Interest Term Bonds stated to mature on the same Principal Payment Date as the Current Interest Term Bonds so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Current Interest Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Current Interest Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Current Interest Term Bonds stated to mature on the same Principal Payment Date as the Current Interest Term Bonds so redeemed or purchased and canceled.

Each Current Interest Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Current Interest Term Bonds stated to mature on the same Principal Payment Date as the Current Interest Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Current Interest Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be

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redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that the earliest optional redemption date shall not be earlier than December 1, 2010 or later than December 1, 2013, and the redemption price for the earliest optional redemption date shall not be greater than 103%.

If optional redemption of Current Interest Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Current Interest Term Bonds, the Current Interest Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Current Interest Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds 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.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units of principal amount 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, of a new Bond or Bonds of any Authorized Denomination or Denominations 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.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) 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.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable

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on the redemption date, and, subject to Section 7, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are 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 those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and 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 moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

(vi) Capital Appreciation Bonds. The Capital Appreciation Bonds, if any, are not subject to redemption prior to maturity.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Fiscal Officer and the Mayor, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond and to distinguish the Current Interest Bonds from any Capital Appreciation Bonds, 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.

The Auditor shall appoint a bank or trust company located in the State of Ohio to act as the initial Bond Registrar after determining that utilization of the appointed bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings 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, the Bond proceedings. 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 Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

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Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, 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 the Bond proceedings. Payment of or on account of the debt charges 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. 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.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust 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 upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are 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 Bonds in accordance with the provisions of the Bond proceedings. 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, 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 the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds 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 book entry interests shall

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be made only by book entry by the Depository and its Participants; and (iv) the Bonds 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 Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar 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 Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds .

(a) To the Original Purchaser. The Bonds are sold at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Current Interest Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law, the provisions of this Ordinance and the Purchase Agreement. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Fiscal Officer, the Clerk of Council and other City officials, as appropriate, each are 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 Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure -- Official Statement. The Preliminary Official Statement of the City relating to the Bonds, substantially in the form now on file with the Clerk of Council, is approved. The distribution and use of that Preliminary Official Statement is hereby approved. The Mayor and the Fiscal Officer are each authorized to complete and sign on behalf of the City, and in their official capacities, that Preliminary Official Statement, with such modifications, completions, changes and supplements, as those officers shall approve or

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authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the revised Official Statement is a "deemed final" official statement (except for permitted omissions) by the City as of its date and is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4). Those officers are each further authorized to use and distribute, or authorize the use and distribution of those Official Statements and any supplements thereto in connection with the Bonds, and complete and sign those Official Statements as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those Official Statements as may, in their judgment, be necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor, and the Fiscal Officer are authorized and directed to sign and deliver, in the name and on behalf of the City, the Continuing Disclosure Certificate, in substantially the form as is now on file with the Clerk of Council, with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of that Certificate or amendments to it. The agreement formed, collectively, by the Bonds, this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

(d) Application for Rating or Bond Insurance. If, in the judgment of the Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the obtaining of that bond insurance.

Section 7. Provisions for Tax Levy. 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 Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds 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 Bonds when and as the same fall due. In each year to the extent money from the operation of the City's storm water system is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the following covenant.

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Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Bonds 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 Bonds 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 Bonds 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 Note is treated or was designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeemed the Outstanding Note from proceeds of, and within 90 days after the issuance of, the Bonds, and represents that all other conditions are met for treating \$4,955,000 of the Bonds 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). Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Bonds as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited 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 Bonds 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 Fiscal Officer, or any other officer of the City having responsibility for issuance of the Bonds 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 Bonds 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 Bonds 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 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, 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 Bonds.

Section 9. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver a certified copy of this Ordinance and the Certificate of Award to the Auditor of Marion County.

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Section 10. Satisfaction of Conditions for Bond Issuance. 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 Bonds 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 Bonds 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 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 11. Compliance with Open Meeting Requirements. 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. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to timely retire the Outstanding Note and preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: October 9, 2000

Kathy A. Koehn
President of Council

Approved: October 10, 2000

Jack L. Kell
Mayor

Attest: Cathy Chappin
Clerk of Council

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ORDINANCE NO. 2000-133

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,685,000 FOR THE PURPOSE OF IMPROVING THE CITY SANITARY SEWER SYSTEM BY CONSTRUCTING NEW SANITARY SEWER LINES, MANHOLES AND LIFT FOR CHURCH STREET, CLOVER AVENUE, HOMER STREET, KENSINGTON PLACE, MERCHANT AVENUE, SPENCER STREET, BARTRAM AVENUE, AVONDALE AVENUE, VERNON HEIGHTS BOULEVARD, BARKS ROAD EAST AND REED AVENUE, BETWEEN CERTAIN TERMINI, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1999-47 passed on November 8, 1999, a note in anticipation of bonds in the amount of \$7,100,000 dated November 30, 1999, of which \$1,600,000 was issued, in part, for the purpose stated in Section 2, to mature on November 16, 2000 (the Outstanding Note);

WHEREAS, this Council finds and determines that the City should retire the principal of the Outstanding Note with the proceeds of the Bonds described in Section 2 and other funds available to the City and provide an additional \$1,085,000 of bonds for the purpose stated in Section 2; 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 2 is at least five years and the estimated maximum maturity of the Bonds described in Section 2 is 40 years;

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means (subject to any limitations in Section 3) (a) with respect to Current Interest Bonds, the denomination of \$5,000 or any integral multiple thereof, and (b) with respect to Capital Appreciation Bonds, the denomination equal to the original principal amount that, when interest is accrued and compounded thereon on each Interest Accretion Date to the stated maturity of the Bonds, will equal a \$5,000 Maturity Amount or any integral multiple thereof.

“Bond proceedings” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Certificate and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the bank or trust company appointed pursuant to Section 4 of this Ordinance as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

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"Book entry form" or "book entry system" means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

"Capital Appreciation Bonds" means any Bonds designated as such in the Certificate of Award, maturing in the years, being in the original principal amounts and having the Maturity Amounts set forth therein, and bearing interest accrued and compounded on each Interest Accretion Date and payable at maturity.

"Certificate of Award" means the certificate authorized by Section 6(a), to be executed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Code" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"Compound Accreted Amount" means, with respect to any Capital Appreciation Bond, the original principal amount thereof plus interest accrued and compounded on each Interest Accretion Date to the date of maturity or other date of determination. The Compound Accreted Amount per \$5,000 Maturity Amount of the Capital Appreciation Bonds of each maturity as of each Interest Accretion Date shall be set forth in the Certificate of Award. The Compound Accreted Amount of any Capital Appreciation Bond for each maturity as of any date other than an Interest Accretion Date is the sum of (a) the Compound Accreted Amount for such Bond on the immediately preceding Interest Accretion Date plus (b) the product of (i) the difference between (A) the Compound Accreted Amount of that Bond on the immediately preceding Interest Accretion Date and (B) the Compound Accreted Amount of that Bond on the immediately succeeding Interest Accretion Date, times (ii) the ratio of (C) the number of days from the immediately preceding Interest Accretion Date to the date of determination to (D) the total number of days from that immediately preceding Interest Accretion Date to the immediately succeeding Interest Accretion Date; provided, however, that in determining the Compound Accreted Amount of a Capital Appreciation Bond as of a date prior to the first Interest Accretion Date, the Closing Date shall be deemed to be the immediately preceding Interest Accretion Date and the original principal amount of that Capital Appreciation Bond shall be deemed to be the Compound Accreted Amount on the Closing Date.

"Continuing Disclosure Certificate" means the certificate authorized by subsection 6(c), to be substantially in the form on file with the Clerk of Council, and which, together with the agreements of the City set forth in that subsection, shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

"Current Interest Bonds" means, collectively, the Current Interest Serial Bonds and the Current Interest Term Bonds, each as is designated as such in the Certificate of Award.

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“Current Interest Serial Bonds” means those Current Interest Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Current Interest Term Bonds” means those Current Interest Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

“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 book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Fiscal Officer” means the Auditor of the City.

“Interest Accretion Dates” means, as to any Capital Appreciation Bonds, each June 1 and December 1, commencing December 1, 2001, in the years any Capital Appreciation Bonds are outstanding.

“Interest Payment Dates” means (a) as to Current Interest Bonds, June 1 and December 1 of each year that the Current Interest Bonds are outstanding, commencing June 1, 2001, and (b) as to any Capital Appreciation Bonds, their respective maturity dates.

“Maturity Amount” means, with respect to a Capital Appreciation Bond, the principal and interest due and payable at the stated maturity of that Capital Appreciation Bond.

“Original Purchaser” means McDonald Investments Inc., Cleveland, Ohio.

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

“Principal Payment Dates” means December 1 in each of the years from and including 2001 to and including 2025, provided that the first Principal Payment Date may be deferred one year and the last Principal Payment Date may be advanced up to five years or deferred one year if such actions are determined by the Fiscal Officer in the Certificate of Award to be in the best interest of and financially advantageous to the City and further provided that in no case shall the total number of Principal Payment Dates exceed the maximum maturity of the Bonds referred to in the preambles hereto.

“Purchase Agreement” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the Fiscal Officer in accordance with Section 6.

“Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the Fiscal Officer in accordance with Section 4.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections,

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paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in one lot in the maximum principal amount of \$2,685,000 (the Bonds) for the purpose of improving the City sanitary sewer system by constructing new sanitary sewer lines, manholes and lift for Church Street, Clover Ave., Homer Street, Kensington Place, Merchant Avenue, Spencer Street, Bartram Avenue, Avondale Avenue, Vernon Heights Boulevard, Barks Road East and Reed Avenue, between certain termini (the improvement). The Bonds shall be issued pursuant to Chapter 133, Ohio Revised Code, and this Ordinance.

The aggregate principal amount of Bonds to be issued shall not exceed \$2,685,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2, taking into account estimated costs of the improvement, estimated financing costs, and estimated capitalized interest on the Bonds.

The proceeds from the sale of the Bonds, 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 Bonds are being issued, including the reimbursement provided for herein. Proceeds in the amount of the temporary advances as certified by the Fiscal Officer are to be credited to the fund from which temporary advances were made to reimburse it for temporary advances made to pay capital expenditures previously made for the improvement described in this Section 2, and such amount is charged against those proceeds. Immediately following the issuance of the Bonds, the appropriate officers are directed further to reflect such reimbursement, together with reimbursement of any additional amounts eligible for reimbursement under U.S. Treasury Regulations Section 1.103-18, on the appropriate accounting records of the City. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The respective principal amounts of the Bonds to be issued as Current Interest Bonds and Capital Appreciation Bonds (if any Bonds are to be issued as Capital Appreciation Bonds) shall be determined by the Fiscal Officer in the Certificate of Award, having due regard to the best interest of and financial advantages to the City. The Current Interest Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than sixty (60) days prior to the Closing Date, and any Capital Appreciation Bonds shall be dated as of the Closing Date.

(a) Interest Rates and Payment Dates. The Current Interest Bonds shall bear the rate or rates of interest per year (computed on a 30 day month/360-day per year basis), as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award; provided, that the Current Interest Bonds of any one stated maturity all shall bear the same rate of interest. Interest on the Current Interest Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Current Interest Bonds 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 their date.

Any Capital Appreciation Bonds shall bear interest from the Closing Date at the compounding rate or rates of interest (computed on a 360-day per year basis), accrued and compounded on each Interest Accretion Date and payable at maturity, that will result in the aggregate Maturity Amounts payable at maturity, as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award; provided, that the Capital Appreciation Bonds of any one stated maturity all shall bear the same

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compounding rate of interest. The total interest accrued on any Capital Appreciation Bond as of any particular date shall be an amount equal to the amount by which the Compound Accreted Amount of that Capital Appreciation Bond exceeds the original principal amount of that Capital Appreciation Bond as of that date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with his determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with his determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Current Interest Bonds to be issued as Current Interest Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, (ii) the aggregate principal amount of Current Interest Bonds to be issued as Current Interest Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Current Interest Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date, and (iii) the aggregate principal amount of any Bonds to be issued as Capital Appreciation Bonds and the corresponding aggregate Maturity Amount thereof, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, and the principal amount and corresponding Maturity Amount thereof that shall be payable on each such Principal Payment Date.

(c) Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Current Interest Bonds and the compounding rate or rates of interest per year to be borne by any Capital Appreciation Bonds, and the principal amount of Current Interest Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date and the Maturity Amount of any Capital Appreciation Bonds payable on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest rate for the Bonds determined by taking into account the respective principal amounts of the Bonds or mandatory sinking fund redemption of those principal amounts of Bonds which are Term Bonds shall not exceed 7% per year.

(d) Payment of Debt Charges. The debt charges on the Bonds 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 of and any premium on the Current Interest Bonds, and principal of and interest on any Capital Appreciation Bonds, shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Current Interest 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. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Current Interest Bonds shall be subject to redemption prior to stated maturity as follows:

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(i) Mandatory Sinking Fund Redemption of Current Interest Term Bonds. If any of the Bonds are issued as Current Interest Term Bonds, the Current Interest Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Current Interest Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Current Interest Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Current Interest Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Current Interest Term Bonds stated to mature on the same Principal Payment Date as the Current Interest Term Bonds so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Current Interest Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Current Interest Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Current Interest Term Bonds stated to mature on the same Principal Payment Date as the Current Interest Term Bonds so redeemed or purchased and canceled.

Each Current Interest Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Current Interest Term Bonds stated to mature on the same Principal Payment Date as the Current Interest Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Current Interest Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that the earliest optional redemption date shall not be earlier than December 1, 2010 or later than December 1, 2013, and the redemption price for the earliest optional redemption date shall not be greater than 103%.

If optional redemption of Current Interest Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any

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Mandatory Redemption Date applicable to those Current Interest Term Bonds, the Current Interest Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Current Interest Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds 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.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units of principal amount 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, of a new Bond or Bonds of any Authorized Denomination or Denominations 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.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) 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.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to Section 7, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are 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 those Bonds and portions thereof called

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for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and 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 moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

(vi) Capital Appreciation Bonds. The Capital Appreciation Bonds, if any, are not subject to redemption prior to maturity.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Fiscal Officer and the Mayor, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond and to distinguish the Current Interest Bonds from any Capital Appreciation Bonds, 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.

The Auditor shall appoint a bank or trust company located in the State of Ohio to act as the initial Bond Registrar after determining that utilization of the appointed bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings 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, the Bond proceedings. 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 Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, 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 the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the

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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. 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.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust 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 upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are 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 Bonds in accordance with the provisions of the Bond proceedings. 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, 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 the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds 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 book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds 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 Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of

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the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar 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 Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds.

(a) To the Original Purchaser. The Bonds are sold at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Current Interest Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law, the provisions of this Ordinance and the Purchase Agreement. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Fiscal Officer, the Clerk of Council and other City officials, as appropriate, each are 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 Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure -- Official Statement. The Preliminary Official Statement of the City relating to the Bonds, substantially in the form now on file with the Clerk of Council, is approved. The distribution and use of that Preliminary Official Statement is hereby approved. The Mayor and the Fiscal Officer are each authorized to complete and sign on behalf of the City, and in their official capacities, that Preliminary Official Statement, with such modifications, completions, changes and supplements, as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the revised Official Statement is a "deemed final" official statement (except for permitted omissions) by the City as of its date and is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4). Those officers are each further authorized to use and distribute, or authorize the use and distribution of those Official Statements and any supplements thereto in connection with the Bonds, and complete and sign those Official Statements as so approved, together with such certificates, statements or other documents in connection with the finality,

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accuracy and completeness of those Official Statements as may, in their judgment, be necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor, and the Fiscal Officer are authorized and directed to sign and deliver, in the name and on behalf of the City, the Continuing Disclosure Certificate, in substantially the form as is now on file with the Clerk of Council, with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of that Certificate or amendments to it. The agreement formed, collectively, by the Bonds, this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

(d) Application for Rating or Bond Insurance. If, in the judgment of the Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the obtaining of that bond insurance.

Section 7. Provisions for Tax Levy. 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 Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds 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 Bonds when and as the same fall due. In each year to the extent money from the operation of the City's sanitary sewer system is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the following covenant.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

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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 Bonds 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 Bonds 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 Note is treated or was 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 Note from proceeds of, and within 90 days after the issuance of, the Bonds, and represents that all other conditions are met for treating \$1,600,000 of the Bonds 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). The City hereby designates \$1,085,000 principal amount of the Bonds as "qualified tax-exempt obligations" for purposes of Section 365(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Bonds are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Bonds, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Bonds, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Bonds 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 Bonds as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited 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 Bonds 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 Fiscal Officer, or any other officer of the City having responsibility for issuance of the Bonds 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 Bonds 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 Bonds 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 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding

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the amount and use of all the proceeds of the Bonds, 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 Bonds.

Section 9. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver a certified copy of this Ordinance and the Certificate of Award to the Auditor of Marion County.

Section 10. Satisfaction of Conditions for Bond Issuance. 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 Bonds 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 Bonds 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 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 11. Compliance with Open Meeting Requirements. 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. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to timely retire the Outstanding Note and preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: October 9, 2000

Kevin A. Koehn
President of Council

Approved: October 10, 2000

Jack L. Kell
Mayor

Attest: Cathy Chappin
Clerk of Council

Ordinance No. 2000-134, Page One

Passed October 9, 2000
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ORDINANCE NO. 2000-134

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,160,000 FOR THE PURPOSE OF PREPAYING, THROUGH A SINGLE LUMP SUM, THE CITY'S ACCRUED LIABILITY TO THE POLICE AND FIREMAN'S DISABILITY AND PENSION FUND OF THE STATE OF OHIO AND AUTHORIZING AN AGREEMENT WITH THE PENSION FUND WITH RESPECT TO THAT LUMP SUM PAYMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor has certified to this Council that the maximum maturity of the Bonds is December 31, 2035 which certification is approved, ratified and confirmed;

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means (subject to any limitations in Section 3) (a) with respect to Current Interest Bonds, the denomination of \$5,000 or any integral multiple thereof, and (b) with respect to Capital Appreciation Bonds, the denomination equal to the original principal amount that, when interest is accrued and compounded thereon on each Interest Accretion Date to the stated maturity of the Bonds, will equal a \$5,000 Maturity Amount or any integral multiple thereof.

"Bond proceedings" means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Certificate and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

"Bond Registrar" means the bank or trust company appointed pursuant to Section 4 of this Ordinance as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

"Book entry form" or "book entry system" means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

"Capital Appreciation Bonds" means any Bonds designated as such in the Certificate of Award, maturing in the years, being in the original principal amounts and having the Maturity Amounts set forth therein, and bearing interest accrued and compounded on each Interest Accretion Date and payable at maturity.

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"Certificate of Award" means the certificate authorized by Section 6(a), to be executed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Code" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"Compound Accreted Amount" means, with respect to any Capital Appreciation Bond, the original principal amount thereof plus interest accrued and compounded on each Interest Accretion Date to the date of maturity or other date of determination. The Compound Accreted Amount per \$5,000 Maturity Amount of the Capital Appreciation Bonds of each maturity as of each Interest Accretion Date shall be set forth in the Certificate of Award. The Compound Accreted Amount of any Capital Appreciation Bond for each maturity as of any date other than an Interest Accretion Date is the sum of (a) the Compound Accreted Amount for such Bond on the immediately preceding Interest Accretion Date plus (b) the product of (i) the difference between (A) the Compound Accreted Amount of that Bond on the immediately preceding Interest Accretion Date and (B) the Compound Accreted Amount of that Bond on the immediately succeeding Interest Accretion Date, times (ii) the ratio of (C) the number of days from the immediately preceding Interest Accretion Date to the date of determination to (D) the total number of days from that immediately preceding Interest Accretion Date to the immediately succeeding Interest Accretion Date; provided, however, that in determining the Compound Accreted Amount of a Capital Appreciation Bond as of a date prior to the first Interest Accretion Date, the Closing Date shall be deemed to be the immediately preceding Interest Accretion Date and the original principal amount of that Capital Appreciation Bond shall be deemed to be the Compound Accreted Amount on the Closing Date.

"Continuing Disclosure Certificate" means the certificate authorized by subsection 6(c), to be substantially in the form on file with the Clerk of Council, and which, together with the agreements of the City set forth in that subsection, shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

"Current Interest Bonds" means, collectively, the Current Interest Serial Bonds and the Current Interest Term Bonds, each as is designated as such in the Certificate of Award.

"Current Interest Serial Bonds" means those Current Interest Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

"Current Interest Term Bonds" means those Current Interest Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

"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 book entry interests in Bonds or the principal of and interest on Bonds,

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and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Fiscal Officer” means the Auditor of the City.

“Interest Accretion Dates” means, as to any Capital Appreciation Bonds, each June 1 and December 1, commencing December 1, 2001, in the years any Capital Appreciation Bonds are outstanding.

“Interest Payment Dates” means (a) as to Current Interest Bonds, June 1 and December 1 of each year that the Current Interest Bonds are outstanding, commencing June 1, 2001, and (b) as to any Capital Appreciation Bonds, their respective maturity dates.

“Maturity Amount” means, with respect to a Capital Appreciation Bond, the principal and interest due and payable at the stated maturity of that Capital Appreciation Bond.

“Original Purchaser” means McDonald Investments Inc., Cleveland, Ohio.

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

“Principal Payment Dates” means December 1 in each of the years from and including 2001 to and including 2025, provided that the first Principal Payment Date may be deferred one year and the last Principal Payment Date may be advanced up to five years or deferred one year if such actions are determined by the Fiscal Officer in the Certificate of Award to be in the best interest of and financially advantageous to the City and further provided that in no case shall the total number of Principal Payment Dates exceed the maximum maturity of the Bonds referred to in the preambles hereto.

“Purchase Agreement” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the Fiscal Officer in accordance with Section 6.

“Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the Fiscal Officer in accordance with Section 4.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in one lot in the maximum principal amount of \$1,160,000 (the Bonds) for the purpose of prepaying, through a single lump sum, the City’s accrued liability to the Police and Fireman’s Disability and Pension Fund of the State of Ohio and authorizing an agreement with the Pension Fund with respect to that lump sum payment (the improvement). The Bonds shall be issued pursuant to Chapter 133, Ohio Revised Code, and this Ordinance.

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The aggregate principal amount of Bonds to be issued shall not exceed \$1,160,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2, taking into account estimated costs of the improvement, estimated financing costs, and estimated capitalized interest on the Bonds.

The proceeds from the sale of the Bonds, 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 Bonds are being issued, including the reimbursement provided for herein. Proceeds in the amount of the temporary advances as certified by the Fiscal Officer are to be credited to the fund from which temporary advances were made to reimburse it for temporary advances made to pay capital expenditures previously made for the improvement described in this Section 2, and such amount is charged against those proceeds. Immediately following the issuance of the Bonds, the appropriate officers are directed further to reflect such reimbursement, together with reimbursement of any additional amounts eligible for reimbursement under U.S. Treasury Regulations Section 1.103-18, on the appropriate accounting records of the City. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The respective principal amounts of the Bonds to be issued as Current Interest Bonds and Capital Appreciation Bonds (if any Bonds are to be issued as Capital Appreciation Bonds) shall be determined by the Fiscal Officer in the Certificate of Award, having due regard to the best interest of and financial advantages to the City. The Current Interest Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than sixty (60) days prior to the Closing Date, and any Capital Appreciation Bonds shall be dated as of the Closing Date.

(a) Interest Rates and Payment Dates. The Current Interest Bonds shall bear the rate or rates of interest per year (computed on a 30 day month/360-day per year basis), as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award; provided, that the Current Interest Bonds of any one stated maturity all shall bear the same rate of interest. Interest on the Current Interest Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Current Interest Bonds 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 their date.

Any Capital Appreciation Bonds shall bear interest from the Closing Date at the compounding rate or rates of interest (computed on a 360-day per year basis), accrued and compounded on each Interest Accretion Date and payable at maturity, that will result in the aggregate Maturity Amounts payable at maturity, as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award; provided, that the Capital Appreciation Bonds of any one stated maturity all shall bear the same compounding rate of interest. The total interest accrued on any Capital Appreciation Bond as of any particular date shall be an amount equal to the amount by which the Compound Accreted Amount of that Capital Appreciation Bond exceeds the original principal amount of that Capital Appreciation Bond as of that date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with his determination of the best interest of and financial advantages to the City.

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Consistent with the foregoing and in accordance with his determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Current Interest Bonds to be issued as Current Interest Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, (ii) the aggregate principal amount of Current Interest Bonds to be issued as Current Interest Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Current Interest Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date, and (iii) the aggregate principal amount of any Bonds to be issued as Capital Appreciation Bonds and the corresponding aggregate Maturity Amount thereof, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, and the principal amount and corresponding Maturity Amount thereof that shall be payable on each such Principal Payment Date.

(c) Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Current Interest Bonds and the compounding rate or rates of interest per year to be borne by any Capital Appreciation Bonds, and the principal amount of Current Interest Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date and the Maturity Amount of any Capital Appreciation Bonds payable on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest rate for the Bonds determined by taking into account the respective principal amounts of the Bonds or mandatory sinking fund redemption of those principal amounts of Bonds which are Term Bonds shall not exceed 7% per year.

(d) Payment of Debt Charges. The debt charges on the Bonds 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 of and any premium on the Current Interest Bonds, and principal of and interest on any Capital Appreciation Bonds, shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Current Interest 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. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Current Interest Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Current Interest Term Bonds. If any of the Bonds are issued as Current Interest Term Bonds, the Current Interest Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

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The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Current Interest Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Current Interest Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Current Interest Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Current Interest Term Bonds stated to mature on the same Principal Payment Date as the Current Interest Term Bonds so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Current Interest Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Current Interest Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Current Interest Term Bonds stated to mature on the same Principal Payment Date as the Current Interest Term Bonds so redeemed or purchased and canceled.

Each Current Interest Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Current Interest Term Bonds stated to mature on the same Principal Payment Date as the Current Interest Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Current Interest Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that the earliest optional redemption date shall not be earlier than December 1, 2010 or later than December 1, 2013, and the redemption price for the earliest optional redemption date shall not be greater than 103%.

If optional redemption of Current Interest Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Current Interest Term Bonds, the Current Interest Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Current Interest Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds 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.

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(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units of principal amount 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, of a new Bond or Bonds of any Authorized Denomination or Denominations 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.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) 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.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to Section 7, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are 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 those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and 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 moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

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(vi) Capital Appreciation Bonds. The Capital Appreciation Bonds, if any, are not subject to redemption prior to maturity.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Fiscal Officer and the Mayor, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond and to distinguish the Current Interest Bonds from any Capital Appreciation Bonds, 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.

The Auditor shall appoint a bank or trust company located in the State of Ohio to act as the initial Bond Registrar after determining that utilization of the appointed bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings 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, the Bond proceedings. 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 Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, 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 the Bond proceedings. Payment of or on account of the debt charges 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. 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.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust 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

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Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are 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 Bonds in accordance with the provisions of the Bond proceedings. 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, 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 the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds 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 book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds 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 Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar 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 Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

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Passed October 9

2000
YEARSection 6. Sale of the Bonds.

(a) To the Original Purchaser. The Bonds are sold at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Current Interest Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law, the provisions of this Ordinance and the Purchase Agreement. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Fiscal Officer, the Clerk of Council and other City officials, as appropriate, each are 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 Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure -- Official Statement. The Preliminary Official Statement of the City relating to the Bonds, substantially in the form now on file with the Clerk of Council, is approved. The distribution and use of that Preliminary Official Statement is hereby approved. The Mayor and the Fiscal Officer are each authorized to complete and sign on behalf of the City, and in their official capacities, that Preliminary Official Statement, with such modifications, completions, changes and supplements, as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the revised Official Statement is a "deemed final" official statement (except for permitted omissions) by the City as of its date and is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4). Those officers are each further authorized to use and distribute, or authorize the use and distribution of those Official Statements and any supplements thereto in connection with the Bonds, and complete and sign those Official Statements as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those Official Statements as may, in their judgment, be necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Mayor, and the Fiscal Officer are authorized and directed to sign and

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deliver, in the name and on behalf of the City, the Continuing Disclosure Certificate, in substantially the form as is now on file with the Clerk of Council, with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of that Certificate or amendments to it. The agreement formed, collectively, by the Bonds, this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

(d) Application for Rating or Bond Insurance. If, in the judgment of the Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the obtaining of that bond insurance.

(e) Agreement with Board. The Mayor and the Auditor are authorized to enter into an agreement pursuant to Ohio Revised Code Sections 717.07 and 742.30(C) with the Board of Trustees of the Police and Fireman's Disability and Pension Fund with respect to the prepayment by the City, through a single lump sum payment of the City's accrued liability to the Police and Fireman's Disability and Pension Fund of the State of Ohio if it is determined by the Auditor that such prepayment is financially advantageous to the City taking in the City's annual payments to the Fund, principal of and interest on the Bonds and other relevant consideration.

Section 7. Provisions for Tax Levy. 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 Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds 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 Bonds when and as the same fall due.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Bonds 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 Bonds 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,

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among other acts of compliance, (i) apply the proceeds of the Bonds 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 hereby designates \$1,160,000 principal amount of the Bonds as "qualified tax-exempt obligations" for purposes of Section 365(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Bonds are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Bonds, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Bonds, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Bonds 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 Bonds as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited 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 Bonds 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 Fiscal Officer, or any other officer of the City having responsibility for issuance of the Bonds 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 Bonds 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 Bonds 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 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, 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 Bonds.

Section 9. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver a certified copy of this Ordinance and the Certificate of Award to the Auditor of Marion County.

Section 10. Satisfaction of Conditions for Bond Issuance. 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 Bonds 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

Ordinance No. 2000-134, Page Thirteen Passed October 9, 2000
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of delivery of the Bonds 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 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 11. Compliance with Open Meeting Requirements. 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. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that this Ordinance is required to be immediately effective in order for the City to timely provide for a lump sum single payment of the City's accrued liability to the Police and Fireman's Disability and Pension Fund of the State of Ohio in the event the Board of Trustees of that Fund authorizes an agreement with respect to that payment which is financially advantageous to the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: October 9, 2000

Kevin A. Kuehner
President of Council

Approved: October 10, 2000

Jack L. Kellogg
Mayor

Attest: Cathy Chappin
Clerk of Council

Ordinance No. 2000-135, Page One Passed November 13, 2000
YEAR

ORDINANCE AMENDING MARION CODIFIED
ORDINANCE CHAPTER 911.42 PART C-4
SUBSTANCES LIMITED

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

Section I. That Chapter 911.42 C-4 Substances Limited of the Codified Ordinances, now reading in part as follows:

Any waters or wastes containing solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including, but not limited to, cyanides, hexavalent chromium, copper, zinc, cadmium, nickel, and phenols in the wastes as discharged into the public sewer. No user shall discharge wastewater containing the following pollutants exceeding the concentrations listed below unless issued a wastewater discharge permit by the superintendent specifically allowing higher concentrations. These higher concentrations will be conditioned with the other requirements and shall not interfere with the general intent of 911.42.

Arsenic	500	ug/l
Cadmium	25	ug/l
Chromium	1700	ug/l
Copper	600	ug/l
Lead	350	ug/l
Mercury	3	ug/l
Nickel	1700	ug/l
Phenol	1600	ug/l
Total Cyanide	1200	ug/l
Zinc	1600	ug/l

(a) These maximum concentrations may be changed as necessary by the Superintendent based on new information concerning inhibitory substances or to protect treatment plant processes. Industrial dischargers covered by federal pretreatment requirements shall meet those limitations specified under the effluent guidelines published under Sections 304(b) and 307(b) of the Federal Act or the above concentrations, whichever are more stringent. National Categorical Pretreatment Standards, as promulgated by the U.S. EPA, shall be met by all dischargers of the regulated industrial categories.

That Chapter 911.42 Part C-4 Substances Limited of the Codified Ordinances is amended to read as follows:

Any waters or wastes containing solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including, but not limited to arsenic, lead, mercury, chromium, copper, zinc, cadmium, nickel, antimony, selenium, molybdenum, and silver in the wastes as discharged into the public sewer. No user shall discharge wastewater containing the following pollutants exceeding the concentrations listed below unless issued a wastewater discharge permit by the superintendent specifically allowing higher concentrations. These higher concentrations will be conditioned with other requirements and shall not interfere with the general intent of Section 911.42.

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RECORD OF ORDINANCES

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Passed November 13, 2000
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Arsenic	143 ug/l
Cadmium	50 ug/l
Chromium	3200 ug/l
Copper	1800 ug/l
Lead	450 ug/l
Mercury	3 ug/l
Nickel	1800 ug/l
Zinc	2000 ug/l
Antimony	1500 ug/l
Selenium	80 ug/l
Molybdenum	200 ug/l
Silver	1000 ug/l

These maximum concentrations may be changed as necessary by the Superintendent based on new information concerning inhibitory substances or to protect treatment plant processes. Industrial dischargers covered by Federal pretreatment requirements shall meet those limitations specified under the effluent guidelines published under Sections 304 (b) and 307 (b) of the Federal Act or the above concentrations, whichever are more stringent. National Categorical Pretreatment Standards, as promulgated by the U.S. EPA, shall be met by all dischargers of the regulated industrial categories.

The deadline for compliance with Categorical Standards for existing sources shall be within 3 years of the date the standard is effective unless a shorter compliance time is specified. Existing sources which become Industrial Users subsequent to promulgation of an applicable Categorical Pretreatment Standard shall be considered existing Industrial Users except where such sources meet the definition of a New Source as defined in 911.04.24. New Sources shall install and have in operating condition, and shall start-up all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days). New Sources must meet all applicable Pretreatment Standards.

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

APPROVED: November 14, 2000
ATTEST:

Keith A. Koehn
PRESIDENT OF COUNCIL

Jack R. Kellogg
MAYOR

Cathy Chappin
CLERK OF COUNCIL

RECORD OF ORDINANCES

000395

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-136

Passed October 9, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO SELL BY PUBLIC AUCTION VARIOUS VEHICLES THAT ARE NO LONGER NEEDED IN THE DAILY OPERATION OF THE CITY, AND DECLARING AN EMERGENCY.

WHEREAS, various vehicles owned by the City are no longer needed in the daily operation of the City; and,

WHEREAS a public auction has been scheduled for October 28, 2000 for disposal of many unneeded items owned by the City of Marion; therefore,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to sell by public auction the following vehicles:

<u>yr/make/model</u>	<u>vin</u>
1990 Chevy Caprice	1G1BL5474LA153167
1992 Chevy Caprice	1G1BL5377NW138198
1986 Nissan Maxima	JNHU1151GT101931
1992 Chevy Caprice	1G1BL5373NW137713
1992 Chevy Caprice	1G1BL5376NW137852
1978 Ford Tandem Truck	Q80DVDD0777
1986 Ford F-250 Pick-Up Truck	1FTHX25H6GKB09425
1987 Ford Pick-Up Truck	2FTEF26H4HCA37733

all not necessary for any public pupose.

Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and for further reason the public auction is scheduled on October 28, 2000; 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 of Council; otherwise it shall become effective from and after the earliest period allowed by law.

Keith A. Kochheim
PRESIDENT OF COUNCIL

APPROVED: October 10, 2000

Paul L. Kell
MAYOR

Cathy Chappin
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000397

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-137

Passed October 9, 2000
YEAR

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, AND ORDINANCE NO. 1995-144, BY ESTABLISHING A REVISED JOB DESCRIPTION FOR THE POSITION OF TAX INVESTIGATOR AND BY RECLASSIFYING THE FAIR LABOR STANDARDS ACT (FLSA) STATUS OF SAID POSITION.

WHEREAS, an agreement between the City of Marion and the United Steel Workers has been reached that affects the FLSA Exempt status and the job duties of the position of Tax Investigator and,

WHEREAS, a revised Job Description is necessary to implement this agreement,

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

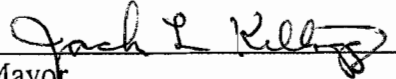
Section 1. That this ordinance shall amend the Yarger Report and establish a revised Job Description for the position of Tax Investigator. The Job Description for said position is attached hereto and incorporated herein by reference.

Section 2. That section 1 of Ordinance No. 1995-144 is amended to remove the position of Tax Investigator from the listing of positions exempt under FLSA.

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


President of Council

APPROVED: October 10, 2000


Mayor

ATTEST:


Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

City of Marion
Job Description

Job Title: Tax Investigator	Approved By Date
Department: Income Tax	Per. Commt: 4/28/00
Reports To: Income Tax Commissioner	City Council:
FLSA Status: Non- exempt	Code Ref: 1969-29, 2000-
Prepared By: Human Resources Director	Grade Level: 21
Prepared Date: 10/03/00	Col.Barg. Rep: USW-2A
Approved By: City Auditor	
Approved Date: 10/04/00	

SUMMARY: Assists in the collection of Marion City Income Tax and the enforcement of Marion City Income Tax Ordinances.

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

Investigates suspected noncompliance with city tax ordinances; involves visually checking ordinances, reviewing reports and searching records in City Hall and County Courthouse; drives vehicle to work sites; converses with others personally and by telephone.

Assist with departmental educational and informational programs; involves use of computer to develop programs and includes instructing others verbally as well as in typewritten and handwritten form.

Assists with preparation of tax returns for "walk-in" citizens in city income tax office; reads instructions to visually impaired and illiterate, preparing forms for signature and/or sign "x" for those who are unable to write and explaining the taxes and liability for failure to file.

Audits individual and business tax returns to assure compliance with local ordinances; involves visually reviewing and checking ordinances, use of calculator, personal computer and filing.

Corresponds with tax preparers and taxpayers as necessary; involves composing letters and using computer.

Assists in the collection of delinquent tax returns filings; involves writing letters using computer, typewriter, telephone and personal visitation. Will require visiting job sites to determine whether employers and or workers are properly reporting.

Responsible for the collection of unpaid taxes including coordination with other departments.

Assists in handling incoming mail and funds including issuing proper receipts.

Provides technical assistance to Tax Commissiioner.

Performs other clerical and other tax collection functions as required.

Reviews and establishes preliminary approval of refund requests.

Performs the following duties in the absence of the Tax Commissioner:

Audits, balances and prepares the deposit of the daily cash receipts.

Prepares the weekly pay-in of receipts for the Auditor's Office.

Any other task ordinarily performed by the Tax Commissioner which is necessary for the daily functioning of the department.

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

Associate's degree (A. A.) or equivalent from two-year college or technical school; or six months to one year related experience and/or training; or equivalent combination of education and experience.

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 add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

CERTIFICATES, LICENSES, REGISTRATIONS

Must have valid Ohio Drivers license.

OTHER SKILLS AND ABILITIES:

Knowledge of bookkeeping, accounting and office practices; skill in typing, word processing, personal computer and calculator. Knowledge of Municipal Income Tax Law (can be obtained on the job); ability to work independently or with others, deal effectively with irate customers, handle telephone inquiries with little or no assistance and inter effectively with peers, supervisors and officials.

PHYSICAL DEMANDS The physical demands described here are representative of those that

RECORD OF ORDINANCES

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Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-138

Passed October 9, 2000
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2000.

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

Section 1. That there be additional appropriations made in Various Funds in the amount of \$15,350.00 as follows:

GENERAL FUND

FIRE DEPARTMENT

UTILITIES

101.1131.530310 \$ 2,100.00

SENIOR CITIZENS

UTILITIES

101.34224.530310 \$ 350.00

CITY HALL

UTILITIES

101.7741.530310 \$ 8,500.00

TOTAL GENERAL FUND \$10,950.00

STORM WATER UTILITY FUND

CATALINA DRIVE PROJECT #00-15 509.5001550520 \$ 1,400.00

REED AVENUE PROJECT #00-28 509.5002.550520 \$ 3,000.00

TOTAL STORM WATER UTILITY FUND \$ 4,400.00

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

Keith A. Koschinski
PRESIDENT OF COUNCIL

APPROVED: October 10, 2000

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000404

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-139

Passed October 9, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER A PROFESSIONAL SERVICE CONTRACT WITH BURGESS AND NIPLE, LIMITED FOR THE PURPOSE OF FILING A RAIL GRADE SEPARATION PROGRAM APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE CITY OF MARION, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY. *AS AMENDED.*

Whereas, the Ohio Department of Transportation is accepting applications for rail grade separation projects throughout the State of Ohio; and,

Whereas, Burgess and Niple, Limited submitted to best quotation of the three received for the purpose of submitted an application to ODOT for the City of Marion; and

Whereas, the applications are due on November 20, 2000 and the City has determined that they do not have the expertise required to complete said applications.

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 agreement with Burgess and Niple, Limited to provide professional assistance in completing the Rail Grade Separation Program Applications.

Section 2. That said contract price is _____.

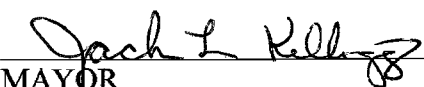
AS AMENDED:

Section 2. That said contract price is \$1,800.00. Council hereby makes an additional appropriation in the amount of \$1,800.00 to the S.C.M.R. Fund Number 207.6612.530320.

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 further reason the application is due November 20, 2000, 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

APPROVED: October 10, 2000


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

000406

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-140

Passed October 23, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO ENTER INTO CONTRACT WITH
NEIDHART BROTHERS TRUCKING, INC. FOR LAND
APPLICATION OF BIO SOLIDS AT THE WATER
POLLUTION CONTROL PLANT 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 enter into contract with Neidhart Brothers Trucking, Inc. for the application of bio
solids produced at the Water Pollution Control Plant in the amount of \$12.00 per ton.

Section 2. That the contracts shall be payable from the Sewer Revenue Fund
Account (505.5552.530320).

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

Keith A. Krehbiel
President of Council

APPROVED: October 24, 2000

Jack L. Kilgus
MAYOR

ATTEST:

Cathy Chappin
CLERK

RECORD OF ORDINANCES

000408

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-141

Passed October 23, 2000
YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2000.

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 \$242,598.00 as follows:

GENERAL FUND

Police Insurance	101.1111.530380	\$ 10,000.00
Airport Insurance	101.6621.530380	2,000.00
Income Tax Refunds	101.7744.570712	10,000.00
TOTAL		\$ 22,000.00

SCMR FUND

Insurance	207.6612.530380	\$ 3,000.00
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STORM WATER UTILITY FUND

Insurance	509.5554.530380	\$ 1,000.00
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LAW ENFORCEMENT BLOCK GRANT FUND

FY 2000 Equipment	213.1540.550450	\$ 17,098.00
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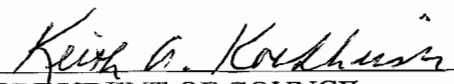
FORMULA GRANT FUND FY 2000

Private Rehabilitation	275.4540.530322	\$ 10,000.00
Administration	275.4540.530324	28,000.00
Curbs & Sidewalks	275.4540.530337	133,000.00
Fair Housing	275.4540.530339	1,000.00
Parks & Recreation	275.4540.530341	25,000.00
TOTAL		\$ 197,000.00

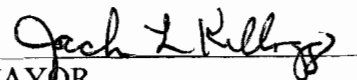
LAW ENFORCEMENT TRUST FUND

Trust Expense	737.1823.570731	\$ 2,500.00
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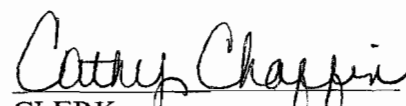
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: October 24, 2000


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000410

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-142

Passed October 23, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO ENTER INTO CONTRACT
WITH BABE CHARAPP FORD FOR THE PURCHASE
OF A YEAR 2000 CROWN VICTORIA POLICE
INTERCEPTOR PURSUANT TO O.R.C. 125.04
AND DECLARING AN EMERGENCY

WHEREAS, the Marion City Police Department lost the use of one of its' cruisers due to an automobile accident and as a direct result the auto was declared a total loss, and

WHEREAS, the other driver's insurance company has agreed to replace the Department's lost vehicle, and

WHEREAS, O.R.C. 124.05 enables the City of Marion to purchase the subject vehicle directly from the vendor given the Police Department has met all the conditions to do so, as required by the aforementioned section and as such is exempt from competitive bid,

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

Section 1. The Council finds the conditions necessary under O.R.C. 125.04 to be present in relation to the proposed purchase of a replacement Crown Victoria Police Interceptor to be utilized within the Police Department and further, the Police Department has sufficient and detailed information on file and will retain same, pursuant to the mandates of the aforementioned code, for documentation purposes. Specifically, the Department will retain all documents necessary to demonstrate that the subject purchase is upon equivalent terms, conditions and specifications but at a lower price than available under the State's Administrative Services list of supplies.

Section 2. This Ordinance is hereby declared to be an emergency necessary for the welfare of the City of Marion and the inhabitants thereof due to the need to have the auto available for use on patrol, and as such shall take effect and be enforce immediately upon it's passage by two thirds vote of all members elected and by approval of the Mayor, otherwise it shall become effective from and after the earliest period allowed by law.

APPROVED: October 24, 2000

Keith H. Krehbs
President of Council

Jack L. Kilgus
Mayor

Attest:

Cathy Chappin
Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000412

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-143

Passed October 23, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE ONE SNOWPLOW FROM BUCKEYE EQUIPMENT FOR USE IN THE PARKS DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1991-136 requires approval of all capital equipment expenditures exceeding \$2,500 except for those expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio, and;

WHEREAS, Buckeye Tractor submitted the lowest and best quote.

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 purchase a snowplow from Buckeye Tractor for use in the Parks Department for a total price of \$2,920.

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

Kevin A. Kordhian
PRESIDENT OF COUNCIL

APPROVED: October 24, 2000

Jack L. Kelley
MAYOR

ATTEST:

Cathy Chappin
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000414

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-144

Passed November 13, 2000

YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE ONE CLARKE ENCORE S20 FLOOR SCRUBBER FOR USE IN THE RECREATION 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, Rose Products & Services, Inc., submitted the best quote.

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 Rose Products & Services, Inc., to purchase a Clarke Encore S20 Floor Scrubber for the Recreation Department.

Section 2. That the cost of \$3,774.00 shall be payable from the General 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 further reason it will be needed for this upcoming winter season, 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.

APPROVED: November 14, 2000

Keith G. Kohlberg
PRESIDENT OF COUNCIL

Jack L. Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Approved As Submitted Pursuant
To Marion City Code
JACK L. KELLOGG
MAYOR
CITY OF MARION

RECORD OF ORDINANCES

000416

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-145

Passed November 13, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR SNOW REMOVAL SERVICES AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.


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

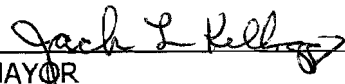
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for snow removal services at the Marion Municipal Airport.

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

Section 3. That this ordinance 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 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.

APPROVED: November 14, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Approved As Submitted Pursuant
To Marion City Code
JACK L. KELLOGG
MAYOR
CITY OF MARION

RECORD OF ORDINANCES

000418

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-146, As Amended Passed November 27, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KELLAM AND ASSOCIATES FOR THE PURPOSE OF A SPACE UTILIZATION PLAN FOR THE CITY HALL BUILDING *AS AMENDED*.

WHEREAS, The Marion City Hall Building is nearing capacity, and,

WHEREAS, a "space utilization plan" will determine how the current building can be best utilized, and

WHEREAS, it has been determined that Kellam and Associates have the qualifications desired for this project.

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

Section 1. That said contract price is \$34,705.00.

AS AMENDED:


Section 2. That said contract shall be payable from the _____ fund.

Section 2. That said contract shall be payable from the Capital Improvement fund.

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

APPROVED: November 28, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Ordinance No. 2000-147

Passed November 13, 2000
YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATION. IN THE
CHIP FUND FOR THE YEAR ENDING DECEMBER 31, 2000.

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

Section 1. That there be additional appropriations made in the CHIP Fund in the
amount of \$500,000.00 as follows:


Administration	272.4540.530324	\$ 38,000.00
Implementation	272.4540.530326	31,000.00
Emergency Repair	272.4540.530328	55,000.00
Rental Rehab	272.4540.530329	100,000.00
Rental Assistance	272.4540.530340	225,000.00
Self-Sufficiency	272.4540.530342	51,000.00

Total		\$500,000.00

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

APPROVED: November 14, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To Marion City Code
JACK L. KELLOGG
MAYOR
CITY OF MARION

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Ordinance No. 2000-148, Page One Passed November 13, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO EXECUTE A GRANT OF A BUILDING EASEMENT FOR AND ON BEHALF OF THE CITY OF MARION, GRANTING TO THE COUNTY OF MARION THE RIGHT TO USE CERTAIN CITY-OWNED PROPERTY SITUATED IN THE CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND BEING ADJACENT TO LOTS 7, 8, 9, 10, 11, AND 12 IN BENNETT AND FISHER'S ADDITION AND THE OUT LOT IMMEDIATELY ADJACENT TO THE WEST OF THESE LOTS. *AND DECLARING AN EMERGENCY AS AMENDED.*

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

Section 1. That the Safety/Service Director be and is hereby authorized to sign on behalf of the city of Marion, a grant of an easement granting to the Board of County Commissioners for Marion County, Ohio, their 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. 2000-148, 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 the Board of County Commissioners for Marion County, Ohio, their 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 OF BUILDING EASEMENT
FOR THE
MARION COUNTY BOARD OF COMMISSIONERS

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

- Beginning at the intersection of the north line of Center Street (82.5 feet) and the west line of Oak Street (60 feet);
- Thence North 00 degrees 31 minutes 39 seconds West 165.50 feet along the west right-of-way line of Oak Street (60 feet);
- Thence North 89 degrees 28 minutes 21 seconds East 2.50 feet;
- Thence South 00 degrees 31 minutes 39 seconds East 168.50 feet;
- Thence South 89 degrees 31 minutes 39 seconds West 329.77 feet;
- Thence North 00 degrees 05 minutes 21 seconds West 154.01 feet;
- Thence North 89 degrees 54 minutes 39 seconds East 1.00 feet to the east right-of-way line of Campbell Street (40) feet;
- Thence South 00 degrees 05 minutes 21 seconds East 151.00 feet along the east right-of-way line of Campbell Street to the intersection of the east right-of-way line of Campbell Street and the north right-of-way line of Center Street;
- Thence North 89 degrees 31 minutes 39 seconds East 326.55 feet along the north right-of-way line of Center Street to the point of beginning.
- This description was prepared from an ALTA/SCM survey performed by Stults and Associates dated September 2000.

Ordinance No. 2000-148, Page Two

Passed November 13, 2000
YEAR

The easements and rights herein granted shall include only the right to erect, inspect, operate, replace, 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 and across said premises for access to and from said right of way; the right to trim, cut, or 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 fixtures or overhangs 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.

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.


IN WITNESS WHEREOF, the City of Marion has hereunto set its hand this ____ day of _____, 2000."

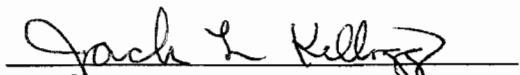
AS AMENDED:

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


Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and 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.

APPROVED: November 14, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Ordinance No. 2000-149, Page One

Passed November 13, 2000

YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO EXECUTE A GRANT OF AN OVERHANG AND LANDSCAPING EASEMENT FOR AND ON BEHALF OF THE CITY OF MARION, GRANTING TO THE BOARD OF COUNTY COMMISSIONERS FOR MARION COUNTY, OHIO, THE RIGHT TO USE CERTAIN CITY-OWNED PROPERTY SITUATED IN THE CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND BEING ADJACENT TO LOTS 7, 8, 9, 10, 11, AND 12 IN BENNETT AND FISHER'S ADDITION AND THE OUT LOT IMMEDIATELY ADJACENT TO THE WEST OF THESE LOTS. *AND DECLARING AN EMERGENCY AS AMENDED.*

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

Section 1. That the Safety/Service Director be and is hereby authorized to sign on behalf of the city of Marion, a grant of an easement granting to the Board of County Commissioners for Marion County, Ohio, their 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. 2000-149, 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 the Board of County Commissioners for Marion County, Ohio, their 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 OF A 6 FOOT EASEMENT
ALONG CAMPBELL STREET
FOR THE MARION COUNTY BOARD OF COMMISSIONERS

Situated in the City of Marion, Marion County, State of Ohio, and being a strip of land 6 feet in width along the east line of Campbell Street and being more particularly described as follows:

Beginning at the intersection of the north line of Center Street (82.5 feet) and the east line of Campbell Street (40 feet);

Thence South 00 degrees 05 minutes 21 seconds West 7.00 feet;

Thence South 89 degrees 31 minutes 16 seconds West 6.00 feet;

Thence North 00 degrees 05 minutes 21 seconds West 173.56 feet;

Thence South 89 degrees 54 minutes 39 seconds East 6.00 feet to the east line of Campbell Street;

Thence South 00 degrees 05 minutes 21 seconds West 166.50 feet along the east line of Campbell Street to the point of beginning;

AS AMENDED:

~~DESCRIPTION OF A 7 FOOT EASEMENT
ALONG CAMPBELL STREET
FOR THE MARION COUNTY BOARD OF COMMISSIONERS~~

DESCRIPTION OF A 7 FOOT EASEMENT
ALONG CENTER STREET
FOR THE MARION COUNTY BOARD OF COMMISSIONERS

Situated in the City of Marion, Marion County, State of Ohio, and being a strip of land 7 feet in width along the north line of Center Street and being more particularly described as follows:

Ordinance No. 2000-149, Page Two

Passed November 13, 2000
YEAR

Beginning at the intersection of the north line of Center Street (82.5 feet) and the west line of Oak Street (60 feet);

Thence South 00 degrees 31 minutes 39 seconds East 7.00 feet;

AS AMENDED:

~~Thence South 89 degrees 31 minutes 16 seconds West 362.30 feet;~~

Thence South 89 degrees 31 minutes 16 seconds West 326.30 feet;

Thence North 00 degrees 05 minutes 21 seconds East 7.00 feet to the intersection of the north line of said Center Street and the east line of Campbell Street (40 feet);

Thence North 89 degrees 31 minutes 16 seconds East 326.22 feet along the north line of Center Street to the point of beginning.

This description was prepared from an ALTA/SCM survey performed by Stults and Associates dated September 2000.

DESCRIPTION OF A 7 FOOT EASEMENT
ALONG OAK STREET
FOR THE MARION COUNTY BOARD OF COMMISSIONERS

Situated in the City of Marion, Marion County, State of Ohio, being a strip of land 7 feet in width along the west line of Oak Street and being more particularly described as follows:

Beginning at the intersection of the north line of Center Street (82.5 feet) and the west line of Oak Street (60 feet);

Thence North 00 degrees 31 minutes 39 seconds West 257.63 feet along the west line of Oak Street;

Thence North 89 degrees 28 minutes 21 seconds East 7.00 feet;

Thence South 00 degrees 31 minutes 39 seconds East 264.63 feet;

Thence South 89 degrees 31 minutes 16 seconds West 7.00 feet;

Thence North 00 degrees 31 minutes 39 seconds West 7.00 feet to the point of beginning.

The easements and rights herein granted shall include only the right to erect, landscaping awnings and necessary fixtures and/or structures pertaining thereto; the right of reasonable ingress and egress upon and across said premises for access to and from said right of way; the right to trim, cut, or 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 fixtures or overhangs or their operation.

AS AMENDED:

~~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 except, however, the Grantee shall retain the right to claim the use of said right of way to make necessary improvements and/or expansion of its roadway.~~

Ordinance No. 2000-149, Page Three

Passed November 13, 2000
YEAR

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 except, however, the Grantor shall retain the right to claim the use of said right of way to make necessary improvements and/or expansion of its roadway and retain the right to approve any and all landscaping.

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.

IN WITNESS WHEREOF, the City of Marion has hereunto set its hand this ____ day of _____, 2000."

AS AMENDED:

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

Section 3. *That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and 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.*

APPROVED: November 14, 2000

Keith A. Kordheuer
PRESIDENT OF COUNCIL

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-150

Passed , YEAR

ORDINANCE AMENDING SECTION 351.15 NIGHT
PARKING IN RESIDENTIAL DISTRICTS OF THE
MARION CITY CODE IN ORDER TO ADDRESS
CERTAIN RECREATIONAL VEHICLES

WHEREAS, the Council has debated for a considerable time whether it is necessary to amend the existing prohibitions as to night parking within residential districts, and

WHEREAS, after debate the Council finds it necessary to amend the existing Ordinance to include prohibitions related to certain recreational vehicles,

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

Section 1. Marion City Code Section § 351.15 NIGHT PARKING IN DISTRICTS - now reading as follows:

No person shall park a school bus, commercial tractor, agricultural tractor, truck of more than one ton capacity, bus, trailer, semitrailer, pole trailer or moving van on any street within the residential districts of the municipality between one-half hour after sunset and one-half hour before sunrise. ('70 Code, § 351.15) Penalty, see §§ 309.01, 309.01 and 351.19

SHALL BE AMENDED TO READ AS FOLLOWS:

§ 351.15 NIGHT PARKING IN DISTRICTS - No person shall park a school bus, commercial tractor, agricultural tractor, truck of more than one ton capacity, bus, trailer, semitrailer, pole trailer, moving van or RECREATIONAL VEHICLE WHICH EXCEEDS 7 FEET IN WIDTH OR 7 FEET SIX INCHES IN HEIGHT OR 21 FEET IN LENGTH on any street within the residential districts of the municipality between one-half hour after sunset and one-half hour before sunrise. ('70 Code, § 351.15) Penalty, see §§ 309.01, 309.01 and 351.19 111.03(C), also known as Rule 15, COMMITTEE

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

President

Mayor
Attest;

Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000428

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-151, Page 1

Passed December 11, 2000

~~AS AMENDED~~

YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDERS, SAID CONTRACT BEING EXPRESSLY CONTINGENT UPON THE CITY'S O.W.D.A. LOAN APPLICATION BEING APPROVED AS SUBMITTED, WITH SHOOK HEAVY AND ENVIRONMENTAL GROUP FOR THE GENERAL CONSTRUCTION CONTRACT, CARL'S PLUMBING AND HEATING, INC. FOR THE MECHANICAL CONTRACT AND SUPERIOR ELECTRIC COMPANY FOR THE ELECTRICAL CONTRACT. EACH BEING A PART OF THE CITY OF MARION'S PLANNED PROJECT KNOWN AS "WATER POLLUTION CONTROL PLANT UPGRADE AND IMPROVEMENT 2000" AND DECLARING AN EMERGENCY. *AS AMENDED*

WHEREAS, the Council has by previous action authorized the entering into contract with a project consultant and authorized the letting of portions of the water pollution control plant upgrade and improvement 2000, and

WHEREAS, the Council has been advised as to the impending loan application being submitted to the O.W.D.A. with the funding source being the Water Pollution Control Loan Fund (WPCLF), and

AMENDED TO ADD:

WHEREAS, the City has also submitted an application for financial assistance for State Issue II funds for the septage receiving station and related roadway pavement portion of the project, and

~~WHEREAS, the consultant has completed the review of the bids submitted in response to the aforementioned request for same and now advises it is timely to enter into contingent contracts with the lowest and best bidders, the contingency being expressed herein and upon each contract document, specifically that the contractual obligation of the City shall be contingent upon the approval by the O.W.D.A. of the City's loan application to be submitted in the near future and the actual receipt by City of said monies;~~

AS AMENDED:

WHEREAS, the consultant has completed the review of the bids submitted in response to the aforementioned request for same and now advises it is timely to award and authorize the entering into contingent contracts with the lowest and best bidders, the contingency being expressed herein and upon each contract document, specifically that the contractual obligation of the City shall be contingent upon the approval by the O.W.D.A. of the City's loan application to be submitted in the near future and the actual receipt by City of the approved W.P.C.L.F. loan agreement;

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 contingent contracts, the contingency being expressed upon each contract document, specifically that the contractual obligation of the City shall be contingent upon the approval by the O.W.D.A. of the City's loan application to be submitted in the near future and the actual receipt by City of said monies. Said approved contingency contracts being as follows: Shook Heavy and Environmental Group for the General Construction Contingency Contract in the amount of \$13,947,000.00, Carl's Plumbing and Heating for the Mechanical Construction Contingency Contract in the amount of \$1,150,000.00 and Superior Electric Company for the Electrical Construction Contingency Contract in the amount of \$3,010,260.00.~~

AS AMENDED:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contingent contracts, the contingency being expressed upon each contract document, specifically that the contractual obligation of the City shall be contingent upon the approval by the O.W.D.A. of the City's loan application. Said approved contingency

Ordinance No. 2000-151, Page 2 AS A Passed December 11, 2000
AS AMENDED YEAR

the amount of \$12,876,200.00, Carl's Plumbing and Heating for the Mechanical Construction Contingency Contract in the amount of \$1,150,000.00 and Superior Electric Company for the Electrical Construction Contingency Contract in the amount of \$3,010,260.00.

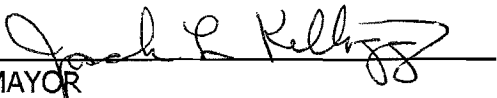
That the Safety/Service Director be further authorized to confirm the award to Shook Heavy and Environmental Group for the septage receiving station, new concrete pad, removal of old pavement and the installation of a new roadway for the project and is authorized to enter into supplemental contract for same in the amount of \$1,070,800.00 only at such time and subsequent to actual receipt of the acknowledgement that the City's State Issue II funding request has been approved.

Section 2. That the legal effective date of all aforementioned contracts shall be the day following the actual receipt by the City of the W.P.C.L.F. monies. Said contracts shall be payable from said W.P.C.L.F. loan monies contained in the Sewer Replacement Fund Account (504.5555.550520)

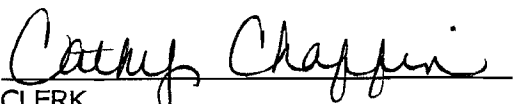
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof due to the immediate need to proceed with the project in order to best serve the people of Marion and avoid unnecessary risk to welfare of its' citizens 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.

APPROVED: December 12, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

000430

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-152, Page 1,
As Amended

Passed December 11, 2000
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2000. AS AMENDED

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 \$431,788.42 as follows:

AS AMENDED:

Section 1. That there be additional appropriations made in Various Funds in the amount of \$338,788.42 as follows:

GENERAL FUND

FIRE SALARIES	101.1131.510110	\$ 400.00
FIRE SALARIES	101.1131.510111	\$232,000.00
<i>As Amended:</i>		
<i>FIRE SALARIES</i>	<i>101.1131.510111</i>	<i>\$154,000.00</i>
RECREATION SALARIES	101.3422.510110	\$ 9,500.00
RECREATION BENEFITS	101.3422.510120	(\$5,000.00)
MAYOR SALARIES	101.7710.510110	\$ 700.00
MAYOR BENEFITS	101.7710.510120	\$ 1,600.00
AUDITORS BENEFITS	101.7711.510120	(\$4,000.00)
INCOME TAX BENEFITS	101.7712.510120	(\$4,000.00)
<i>As Amended:</i>		
<i>INCOME TAX SALARIES</i>	<i>101.7712.510110</i>	<i>(\$4,000.00)</i>
LAW DIRECTOR SALARIES	101.7714.510110	\$ 2,500.00
LAW DIRECTOR BENEFITS	101.7714.510120	(\$13,000.00)
HUMAN RESOURCE SALARIES	101.7715.510110	\$ 500.00
COUNCIL SALARIES	101.7721.510110	(\$8,000.00)
COUNCIL BENEFITS	101.7721.510120	(\$6,000.00)
MUNICIPAL COURT SALARIES	101.7731.510110	(\$5,000.00)
MUNICIPAL COURT BENEFITS	101.7731.510120	(\$9,000.00)
ENGINEERING BENEFITS	101.7743.510120	(\$4,000.00)

TOTAL GENERAL FUND ~~\$189,200.00~~

As Amended:

TOTAL GENERAL FUND **\$111,200.00**

SCMR FUND

SALARIES	207.6612.510110	\$ 60,000.00
BENEFITS	207.6612.510120	\$ 15,000.00
EXCAVATION BONDS	207.6816.570267	(\$7,000.00)
PAVEMENT BONDS	207.6816.570268	(\$8,000.00)
		\$ 60,000.00
<i>As Amended:</i>		
<i>SALARIES</i>	<i>207.6612.510110</i>	<i>\$ 35,000.00</i>
<i>BENEFITS</i>	<i>207.6612.510120</i>	<i>\$ 20,000.00</i>
<i>EXCAVATION BONDS</i>	<i>207.6816.570267</i>	<i>(\$7,000.00)</i>
<i>PAVEMENT BONDS</i>	<i>207.6816.570268</i>	<i>(\$8,000.00)</i>
		\$ 40,000.00

RECORD OF ORDINANCES

000431

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-152, Page 2,
As Amended

Passed December 11, 2000
YEAR

D.A.R.E. FUND

SALARIES	216.1111.510111	\$ 2,000.00
BENEFITS	216.111.510120	\$ 2,000.00
		\$ 4,000.00

POLICE & FIRE PENSION FUND

POLICE BENEFITS	235.1111.510111	\$ 845.26
FIRE BENEFITS	235.1131.510120	\$ 845.26
		\$ 1,690.52

SEWER SYSTEM IMPROVEMENT FUND

OWDA LOAN	503.8913.560640	\$159,397.90
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SANITATION FUND

BENEFITS	506.5561.510120	\$ 15,000.00
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RECYCLING FUND

BENEFITS	508.5564.510120	\$ 2,500.00
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GRAND TOTAL \$431,788.42

As Amended:

SANITATION FUND

BENEFITS	506.5561.510120	\$ 19,000.00
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RECYCLING FUND

BENEFITS	508.5564.510120	\$ 3,500.00
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GRAND TOTAL \$338,788.42

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

APPROVED: December 12, 2000

Keith A. Kochhauer
PRESIDENT OF COUNCIL

Jack E. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

Ordinance No. 2000-153, Page One Passed December 26, 2000
YEAR

ORDINANCE AMENDING SECTION 109.01 "CREDIT TO
LOCAL BIDDERS" TO PROVIDE FOR AN EXPANDED
DEFINITION OF LOCAL BIDDER AND AMENDING
THE NECESSARY SUBSECTION THEREIN TO INCLUDE
LOCAL SUBCONTRACTORS

WHEREAS, the Council has found a real and present need to re-evaluate the current
practice of providing local bidders with certain credits on City projects and contracts, and

WHEREAS, the Council has found the need to expand the existing definition to
include local sub-contractors who bid as a part of a whole project with a general or larger
aggregate bidder for which the bid submitted would receive the applicable local credit as to that
specific portion of the total project for which the local sub-contractor is utilized, and

WHEREAS, the Council finds the change being proposed to be in the best interests of the
Citizens of the City of Marion, Ohio,

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

Section 1. Marion City Code Section § 109.01 CREDIT TO LOCAL BIDDERS.
now reading, in part, as follows:

(A) LOCAL BIDDER. 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.

SHALL BE AMENDED TO READ:

Marion City Code Section § 109.01 CREDIT TO LOCAL BIDDERS.

(A) LOCAL BIDDER. 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.

ANY PERSON, CORPORATION OR BUSINESS ENTITY WHO DOES NOT MEET
THE REQUIREMENTS SETFORTH ABOVE MAY APPLY THE CREDIT CONTAINED IN
SECTION B TO THAT PORTION OF THEIR BID, UTILIZING THE APPROPRIATE
DISCOUNT BASED UPON THE TOTAL EXPENDITURE FOR THAT PORTION ONLY,
IN WHICH A SUB-CONTRACTOR IS INCLUDED IN THEIR BID WHERE THE SUB-
CONTRACTOR MEETS ANY OF THE AFOREMENTIONED REQUIREMENTS.

Ordinance No. 2000-153, Page Two

Passed December 26, 2000
YEAR

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

Approved: December 27, 2000

Jack L. Kelly
Mayor

Keith A. Kohnen
President

Attest;

Cathy Chappin
Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000434

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-154

Passed December 26, 2000
YEAR

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO ENTER INTO CONTRACT WITH MIDWEST
AUGER-AERATOR FOR THE PURCHASE OF AN AUGER-AERATOR
TO BE USED AT THE WATER POLLUTION CONTROL PLANT
AND DECLARING AN EMERGENCY**

WHEREAS, Midwest Auger-Aerator submitted the best bid of \$170,700.

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

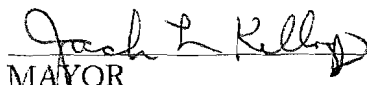
Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with Midwest Auger-Aerator for the purchase of a self propelled auger-aerator to be used at the Water Pollution Control Plant.

Section 2. That an additional appropriation of (\$170,700) be made into the Water Pollution Control Sewer Revenue Fund (505.5552.550450), for payment of the self propelled auger/aerator.

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

APPROVED: December 27, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

File: Auger-Aerator Ordinance.cwp

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Ordinance No. 2000-155

Passed January 2, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH QUALITY MASONRY OF MARION FOR THE RENOVATION OF THE COMMUNITY ROOM AND DECLARING AN EMERGENCY.

WHEREAS Ordinance 2000-120 authorized the Safety/Service Director to prepare specifications and advertise for bids for the renovation of the Community Room, and;

WHEREAS Quality Masonry of Marion submitted the lowest and best bid.

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

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with Quality Masonry of Marion for the renovation of the Community Room.

Section 2. That the cost of \$58, 660.00 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 further reason the bid price is good for 60 days , 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.

Keith A. Kockhus
PRESIDENT OF COUNCIL

APPROVED: January 3, 2001

Jack L. Kelley
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000438

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-156, Page One
As Amended

Passed January 2, 2001
YEAR

~~ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH _____ FOR THE REPLACEMENT OF THE SANITARY SEWER AND STORM WATER SEWER LOCATED ON NORTH GREENWOOD STREET AND FINDING A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SAFETY PURSUANT TO O.R.C. 735.051 AND DECLARING AN EMERGENCY.~~

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE REPLACEMENT OF THE SANITARY SEWER AND STORM WATER SEWER LOCATED ON NORTH GREENWOOD STREET AND FINDING A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SAFETY PURSUANT TO O.R.C. 735.051 AND DECLARING AN EMERGENCY AS AMENDED.

WHEREAS, approximately 300 feet of the existing sanitary and storm sewers on North Greenwood Street between East George Street and east Farming Street have been found to be in need of immediate replacement, and

WHEREAS, the Council finds it to be in the best interests of the Citizens of Marion, Ohio, to replace the sanitary and storm sewers on North Greenwood Street, and further finding that failing to do so will cause significant hardship upon the health, welfare and safety of the City residents,

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

~~Section 1. The Council having found a real and present emergency exist within the Department of Public Service, specifically the need to repair the sanitary and storm sewers on North greenwood Street. In order to prevent significant hardship upon the health, welfare and safety of the citizens of the City of Marion, the Council herein authorizes and directs the Safety/Service Director to enter into contract with _____ upon the terms and conditions as their offer was submitted.~~

~~Section 2. That the necessary funds for the project be appropriated as follows:~~

~~Storm Water Utility Fund _____ \$
Sewer Replacement Fund _____ \$~~

AS AMENDED:

Section 1. The Council having found a real and present emergency exist within the Department of Public Service, specifically the need to repair the sanitary and storm sewers on North greenwood Street. In order to prevent significant hardship upon the health, welfare and safety of the citizens of the City of Marion, the Council herein authorizes and directs the Safety/Service Director to enter into contract with Underground Utilities, Inc. upon the terms and conditions as their offer was submitted.

Section 2. That the necessary funds for the project be appropriated as follows:

*Storm Water Utility Fund \$73,557.00
Sewer Replacement Fund \$83,270.00*

Section 3. Therefore this ordinance is hereby declared to be a real and present emergency, as set forth in O.R.C. 735.051 being an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon it's passage and approval by the Mayor; otherwise, it shall become effective from and after the earliest period allowed by law.

RECORD OF ORDINANCES

000439

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-156, Page Two
As Amended

Passed January 2, 2001
YEAR

APPROVED: January 3, 2001

Keith A. Korkheiser
PRESIDENT OF COUNCIL

Josh L. Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK

ORDINANCE NO. 2000-2

**ORDINANCE RE-ESTABLISHING THE POSITION OF THE CLERK FOR
THE COUNCIL OF THE CITY OF MARION, OHIO AND DECLARING
AN EMERGENCY**

WHEREAS, for the past six years the duties of the Clerk for the Council and the Mayor's Secretary have been performed by one person, and

WHEREAS, the Council finds it to be in the best interest of the City of Marion to separate the duties of the Mayor's Secretary and the Clerk of Council,

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

Section 1. The duties of the Clerk of Council for the City of Marion, Ohio shall be performed by the individual newly elected as same is provided by Council Rule, however it is established that the position of Clerk and that of the Mayor's Secretary shall not be performed by the same individual. Further, any Ordinance passed heretofore providing for the jobs being combined shall hereby be repealed. The duties and benefits for said positions shall revert to those as are already established in the Yarger Report.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the new term for Clerk begins, in effect, after his/her election in action taken immediately hereafter and it is necessary to establish the duties prior to the beginning of the elected persons 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.

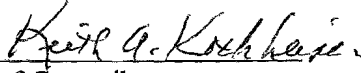
PASSED: January 4, 2000

APPROVED: January 4, 2000


Mayor

ATTEST:


Clerk of Council


President of Council

ORDINANCE NO. 2000 - 3

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2000.

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 \$23,000.00 as follows:


Municipal Court Security	101.7731.550452	\$23,000.00
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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.

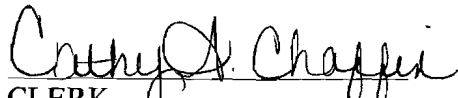

PRESIDENT OF COUNCIL

PASSED: January 24, 2000

APPROVED: January 24, 2000


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 2000-5

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO
CONTRACT WITH METAL DETECTOR SALES, FOR THE PURCHASE OF A LINE
LOCATOR FOR USE IN THE STREETS DEPARTMENT.**

WHEREAS, Ordinance No. 1999-54 authorized the Safety/Service Director to prepare specifications and advertise for bids for a Line Locator for use in the Marion Streets Department.

WHEREAS, Metal Detectors Sales, submitted the lowest bid, therefore

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

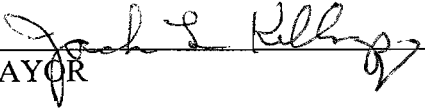
Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Metal Detector Sales, to purchase a Line Locator for use in the Streets Department.

Section 2. That the \$3,412.50 cost of said contract shall be payable from the S.C.M.R. Fund # 207.6612.550450


PRESIDENT OF COUNCIL

PASSED: January 24, 2000

APPROVED: January 24, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 2000-6

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH SCIOTO VALLEY CONTRACTORS &
FOR DEMOLITION OF 224 SILVER STREET (GARAGE), AND DECLARING AN
EMERGENCY.**

WHEREAS, the Safety/Service Director has declared 224 Silver Street (garage) to be a dangerous building according to Chapter 1360 of the Marion Codified Ordinances and,

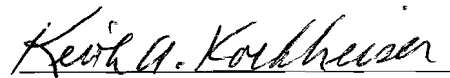
WHEREAS, Scioto Valley Contractors submitted the lowest and best bid, and therefore;

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 Scioto Valley Contractors for the demolition of 224 Silver Street (garage).

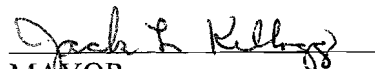
Section 2. That the \$800.00 cost of said contract shall be payable from the General Fund Account No. 101-07-716-230-000-323.

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof; and 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: February 14, 2000

APPROVED: February 15, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 2000-7**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
VARIOUS CAPITAL EQUIPMENT AND IMPROVEMENT ITEMS.**

WHEREAS, the fiscal 2000 budget for the City of Marion made appropriations for the purchase of various capital improvement and equipment items, and;

WHEREAS, the purchase of many these items exceed the \$15,000 threshold for bidding to be required.

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 various capital equipment and improvement items as listed:

- Two 60 minute SCBA's for Fire Department
- Four equipped Police Cruisers
- Reconfiguration of Dispatch Center
- Engineering Copier
- One Commercial Riding Mower for Parks Department
- Tractor for Airport
- Cooling Tower for City Hall
- Two Self Contained Breathing Apparatus for Fire Dept.
- Phase I Youth Center Tuck Pointing
- Painting of Lincoln Park Pool
- Three Pulse Meters for Fire Department
- Automatic Chemical Controller for Lincoln Park Pool
- Sawyer Ludwig Park Resurfacing Project
- Playground Equipment for Sawyer Ludwig Park
- HVAC system for Fire Station #1
- Van for Recreation Department
- Lights for Sawyer Ludwig Softball Field
- One Unmarked Police Car
- Cushman for Dragging Softball Fields
- Surveyors Level for Engineering Department
- Kennedy Park Outfield Lights
- External Defibulator for Lincoln Park Pool
- Painting of Lincoln Park Pool Bathhouse
- Replacement of Roof at Fire Station #3
- Zoning Vehicle

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

Keith A. Koehn
PRESIDENT OF COUNCIL

PASSED: January 24, 2000

APPROVED: January 24, 2000

Jack L. Kelly
MAYOR

ATTEST:

Cathy A. Chappi
CLERK OF COUNCIL

ORDINANCE NO. 2000 - 8

ORDINANCE AMENDING VARIOUS SECTIONS OF MARION
CITY CODE SECTION 1360 PART THIRTEEN - STRUCTURE
AND SAFETY CODE TO FURTHER ADDRESS VACANT
AND FIRE DAMAGED BUILDINGS

WHEREAS, Marion City Code Section 1360 has been found to be in need of further amendment to address vacant and fire damaged buildings within the City, and

WHEREAS the Council for the City of Marion, Ohio has found a real and present need for the adoption of requirements relating to vacant and fire damaged buildings, and

WHEREAS the Council finds the health and safety of the citizens of the City to be in need of further protection which includes the abatement of nuisances such as vacant and fire damaged buildings to promote the safety and welfare of the City and its' citizens,

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

Section 1. Marion City Code Section 1360.01 DEFINITION shall be amended to include the following:

(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 BUILDING IS SITUATED

Section 2. Marion City Code Section 1360.04 STANDARDS FOR REPAIR,VACATION OR DEMOLITION now reading, in part, as follows:

(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.

SHALL BE AMENDED TO READ AS FOLLOWS:

1360.04 STANDARDS FOR REPAIR,VACATION OR DEMOLITION.

(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 BUILDING 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.

Section 3. Marion City Code Section 1360.09 FIRE DAMAGED STRUCTURES;
INSURANCE PROCEEDS shall amended to included the following:

(E) ALL FIRE DAMAGED BUILDINGS SHALL BE REMEDIATED WITHIN ONE YEAR OF THE FIRE, UNLESS THE SAFETY/SERVICE DIRECTOR HAS INITIATED AN ACTION PURSUANT TO THE PRECEDING SECTIONS, ANY BUILDING 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.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Kurt A. Kothheim
President

Passed: February 14, 2000
Approved: February 15, 2000

Jack L. Kelly
Mayor

Attest;

Cathy Chappin
Clerk of Council

ORDINANCE NO. 2000- 9

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, (KNOWN AS THE YARGER REPORT), AS AMENDED, AND FURTHER AMENDING ALL PREVIOUS ORDINANCES BY RE-STATING THE DUTIES OF THE CLERK OF COUNCIL AND ESTABLISHING THE POSITIONS BENEFITS, AND DECLARING AN EMERGENCY

WHEREAS, the Council for the City of Marion finds further need to re-state the duties of the Clerk of Council and specifically, to establish the position's benefits, and

WHEREAS, the Council finds the re-stated duties and establishment of benefits to be in the best interests of the City of Marion and therefore finds it necessary to amend the Yarger Report regarding said position which was last amended July 13, 1998 by Ordinance 1998-107,

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

Section 1. The Yarger Report, previously adopted by Ordinance 1969-29, shall be amended to provide for the following re-stated job description for the Clerk of Council, as follows:

CLERK OF COUNCIL

SUMMARY: Assists municipal government with clerical and administrative support by performing the following duties.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following, other duties may be assigned.

Responsible to City Council; accurate, timely completion of all legal and non-legal paperwork. Attends and records proceedings of all City Council and in addition thereto, attend and record proceedings of all meetings of the Committees of Council. Type, record and index all ordinances and resolutions, obtaining designated signatures for approved ordinances and resolutions. Signs as Attester for each approved ordinance and resolution. Distributes same to appropriate officials.

Posts all meeting dates giving timely notification in accordance with Sec.121.22 of ORC (Sunshine Law) and II. B. ill.

Initiates timely publication of ordinances, resolutions and notices according to law.

Initiates timely notification of vacancies, of elected officials.

Prepares agendas for Marion City Council meetings.

Prepares agendas for all Council committee meetings.

Supervisor and maintenance liaison for community room Dictaphone equipment.

Records minutes of council meetings.

Answers official correspondence.

Keeps fiscal records, prepares purchase orders and vouchers accounts.

Accounts for petty cash.

Prepare and certify transcripts of all annexation proceedings.

Adhere to correct procedures pertaining to improvements, i.e., notice to property owners, publication and objection procedures.

Serves as secretary to City Planning Commission, adhering to all duties directed by the bylaws, and forwarding any necessary information and legislation on to City Council.

Compose, type and deliver required legal advertisement to newspapers for City Council and City Planning Commission.

Prepare annual budget for City Council and Clerk of Council. Updates Codified Ordinance book on a periodic basis.

QUALIFICATION REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE:

Bachelor's degree (B. A.) from four-year college or university; or one to two years related experience and/or training; or equivalent combination of education and experience.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret the most complex documents. Ability to respond articulately to the most sensitive inquiries or complaints. Ability to read, analyze, financial reports, and legal documents. Ability to respond to common inquiries or complaints from citizens, regulatory agencies, or members of the business community. Ability to write speeches and news releases. Ability to effectively relate information to administration, department heads, co-workers, City Council and public groups, and/or boards of directors.

MATHEMATICAL SKILLS

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form. Judgement skills exercised with confidential information.

OTHER SKILLS and ABILITIES:

Computer skills; knowledgeable of word processing software, basic understanding of computer functions. Windows experience essential.

Ability to learn Dictaphone system. Tape recording system experience is preferred. Basic office equipment knowledge.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, or feel objects, tools, or controls; talk or hear; and taste or smell. The employee frequently is required to sit and reach with hands and arms. The employee is occasionally required to stand; walk; climb or balance; and stoop, kneel, crouch, or crawl.

The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works near moving mechanical parts.

The noise level in the work environment is usually moderate.

Section 2.

The position of Clerk shall be established as a part-time position. The normal hours of service shall be Monday-Friday 9:00 a.m.- 12:00 p.m. and 3:00 p.m. - 4:00 p.m.. The Clerk's time shall be a minimum of 20 hour per week, up to 30 hours per week. The ten hours not scheduled as set forth above shall include those hours devoted to the Clerk's obligation to attend the various meetings and such other times as pre-approved by the President of Council. The Clerk shall utilize "Flex time" for all time devoted in excess of the aforementioned 30 hours. The above may be modified by the supervising authority, the President of Council. The rate of pay for the Clerk shall be pay grade 20.

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: given the Clerk's duties have been re-stated and the position re-established from the combined duties of Mayor's Secretary and specifics are necessary; 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: January 24, 2000
APPROVED: January 24, 2000
Jack L. Kellogg
Mayor

Rich A. Kuehner
President of Council

ATTEST:
Cathy A. Chappie
Clerk of Council

ORDINANCE NO. 2000 - 10

**ORDINANCE TO VACATE A CERTAIN ENTRYWAY TO
HARDING ROAD RUNNING FROM THE WEST RIGHT-OF-
WAY LINE OF CAMBRIDGE AVENUE AND INCLUDING THE
SAME ANGULAR PARK BETWEEN SAID ENTRYWAYS IN
VERNON HEIGHTS REALTY COMPANY 7TH ADDITION IN
THE CITY OF MARION.**

Whereas, in the opinion of this Council, there is good cause for vacating the entryway to Harding Road running from the west right-of-way line of Cambridge Avenue and including the same angular park between said entryways in Vernon Heights Realty Company 7th Addition in the City of Marion, and

Whereas, the petition to vacate this entryway was approved by the Marion City Planning Commission at its meeting of December 7, 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 entryway, to wit:

**Description of 0.994 Acres
Vacation of part of Harding Road**

Being part of Harding Road in Vernon Heights Seventh Addition to the City of Marion (Plat Book 4, page 82), Marion Township, Marion County, State of Ohio, and being more particularly described as follows:

Commencing at an existing 1 inch dia. iron pipe located at the Northeast corner of Lot 13959 and the Southeast corner of Lot 13958 in said addition, said point also being in the West Line of Cambridge Avenue (50 ft. wide);

Thence along the West Line of Cambridge Avenue and the East Line of Lot 13958 North 00 deg. 00 min. 00 sec. West for a distance of 160.50 feet to a 5/8 inch dia. iron pin found in the Southeast corner of hereinafter described 0.994 acre tract and the place of beginning.

Thence along a 110 deg. 03 min. 34 sec. curve to the left, for an arc distance of 163.55 feet, having a radius of 52.06 feet, a chord which bears North 75 deg. 03 min. 34 sec. West for a distance of 104.11 feet to a 3/4 inch dia. iron pipe found in the East Line of Harding Road (50 ft. wide) and the West Line of Lot 13958 (passing over 5/8 inch dia. iron pins found at distances of 40.63 feet, 81.96 feet, and 123.29 feet);

Thence along the East Line of Harding Road, the West Line of Lot 13958, and a 04 deg. 48 min. 00 sec. curve to the right, for an arc distance of 173.00 feet, having a radius of 1193.66 feet, a chord which bears South 31 deg. 58 min. 01 sec. West for a distance of 172.85 feet to a 1 inch dia. iron pipe found in the Southwest corner of Lot 13958 and the Northwest corner of Lot 13967;

Thence continuing along said East Line, West Line of Lot 13967, and a 04 deg. 48 min. 00 sec. curve to the right, for an arc distance of 120.06 feet, having a radius of 1193.66 feet, a chord which bears South 39 deg. 00 min. 01 sec. West for a distance of 120.00 feet to an iron pin set;

Thence North 48 deg. 07 min. 07 sec. West for a distance of 50.00 feet to an iron pin set in the West Line of Harding Road and the East Line of Lot 13717, said point also being in the common line between Vernon Heights 7th. Addition and Vernon Heights 6th. Addition;

Thence along the West Line of Harding Road, the West Line of Vernon Heights 7th. Addition, and a 05 deg. 00 min. 36 sec. curve to the left, for an arc distance of 104.14 feet, having a radius of 1143.66 feet, a chord which bears North 39 deg. 16 min. 23 sec. East for a distance of 104.10 feet to an iron pin set;

Thence continuing along the West Line of Harding Road, the West Line of Vernon Heights 7th. Addition, and a 05 deg. 00 min. 36 sec. curve to the left, for an arc distance of 567.85 feet, having a radius of 1143.66 feet, a chord which bears North 22 deg. 26 min. 26 sec. East for a distance of 562.03 feet to an iron pin set (passing over a 1/2 inch dia. iron pipe found at a distance of 1.33 feet);

Thence continuing along the West Line of Harding Road, the West Line of Vernon Heights 7th. Addition North 08 deg. 29 min. 48 sec. East for a distance of 165.26 feet to an iron pin set in the West Line of Cambridge Avenue;

Thence along the West Line of Cambridge Avenue South 00 deg. 00 min. 00 sec. East for a distance of 583.83 feet to a 5/8 inch dia. iron pin found at the place of beginning (passing over an iron pin set at a distance of 169.26 feet).

Containing 0.994 acres, 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 Jan. 29, 2000. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S.7000".

Basis of Bearing, Survey by S. Fox, dated 7/26/99, West Line of Cambridge Avenue, South 00 deg. 00 min. 00 sec. East

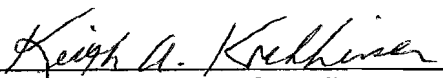
be and is hereby vacated.

Section 2. That title to the real estate comprising said entryway 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 entryway for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation of said entryway 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.

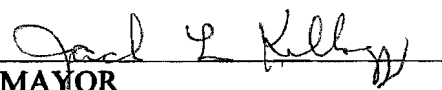
Section 4. That the Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

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

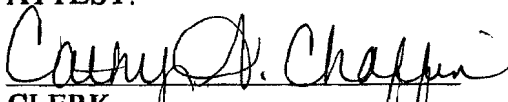

PRESIDENT OF COUNCIL

PASSED: March 6, 2000

APPROVED: March 7, 2000


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 2000-11ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE
YARGER REPORT, TO ESTABLISH THE NEW POSITIONS OF JUVENILE
INTERVENTION SPECIALIST AND RECREATION PROGRAM COORDINATOR
FOR THE CITY OF MARION.

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

Section 1. That this ordinance shall amend the Yarger Report and establish the new positions of Juvenile Intervention Specialist within the Police Department and Recreation Program Coordinator within the Recreation Department, and the updated job description for said positions are attached hereto and incorporated herein by reference.

Section 2. That section 2 (E) of the Yarger Report shall be amended to incorporate the above referenced Job Titles and Job Descriptions attached hereto as Exhibit A.

Section 3. The position of Juvenile Intervention Specialist is established at Pay Grade 21 within the Police Department and the position of Recreation Program Coordinator is established at Pay Grade 12 within the Recreation Department.

Section 4. That this ordinance shall take effect on the earliest date allowed by law.


President of Council

PASSED: February 14, 2000

APPROVED: February 15, 2000


Mayor

ATTEST:


Clerk of Council

Job Title:	Recreation Program Coordinator		
Department:	Recreation		
Reports To:	Recreation Director	Approved By Date	
FLSA Status:	Nonexempt	Personnel Comt:	2/7/2000
Prepared By:	Steven Pyles, H.R. Director	City Council:	
Prepared Date:	January 19, 2000	Code Ref.:	1969-29- 2000 -
Approved By:	Jeanie Brewer	Grade Level:	12
Approved Date:	January 27, 2000	Collective Barg. Rep:	Non

OTHER SKILLS AND ABILITIES

SUMMARY

Plans, organizes, and directs comprehensive public and voluntary recreation programs at recreation building, indoor center, playground, playfield, or day camp by performing the following duties personally or through subordinate supervisors.

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

Creates and develops recreation and leisure programs based upon market research on community wants and needs.

Schedules and oversees maintenance and use of facilities. May perform field and other maintenance tasks as needed. Settles disputes between groups or individuals regarding use of facilities.

Collects fees from players and participants.

Schedules all recreations programs and activities. Assists Recreation Director in scheduling department staff.

Informs players of rules concerning dress, conduct or equipment and enforces rules of ejects unruly player or unauthorized persons as necessary.

Patrols facilities to detect damage to facilities and reports damages to appropriate authority.

Coordinates recreation program of host social services agency such as institution for children or aged, hospital, or correctional institution with related activity programs of other services or allied agencies. Promotes recreation programs through public relations activities.

Researches the purchase of equipment and services from outside vendors.

Assists in the preparation of annual department budget and prepares budget for program activities.

Establishes and maintains contact with service and equipment vendors.

Coordinates and recruits officials, referees, volunteer coaches and team mothers.

Trains non-certified officials; orients paid staff, volunteers and participants to recreation activities.

Cooperates with recreation and nonrecreation personnel.

Studies and complies with all applicable government regulations, including Ohio High School Athletic Association eligibility requirements.

Develops and maintains relations with other recreation providers in community.

SUPERVISORY RESPONSIBILITIES

Directly supervises 1 to 5 employees in the sports complex and other recreation facilities. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include training employees; planning, assigning, and directing work; 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

High school diploma or general education degree (GED); or one to three months related experience and/or training; or equivalent combination of education and experience.

LANGUAGE SKILLS

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of customers or employees of organization.

MATHEMATICAL SKILLS

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY

Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

ORDINANCE NO. 2000-12

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE BARKS ROAD SANITARY SEWER PROJECT 97-3S 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 Barks Road Sanitary Sewer Project 97-3S.

Section 2. That the cost of such contract shall be payable from the Sanitary Sewer Improvement Fund.

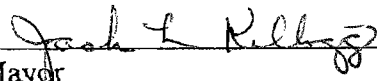
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and as such, shall take effect and be in force immediately upon its passage and approval by 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

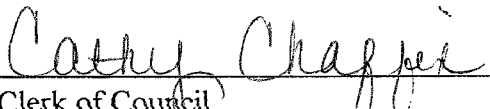
Passed: February 14, 2000

Approved: February 15, 2000



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 2000-13

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE
DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND
ADVERTISE FOR BIDS FOR THE BARKS ROAD STORM SEWER
PROJECT 98-4S 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 Barks Road Storm Sewer Project 98-4S.

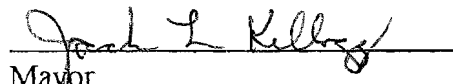
Section 2. That the cost of such contract shall be payable from the Ohio Public Works Commission State Issue 2 Fund and the Storm Water Utility Fund.

Section 3. That 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 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.

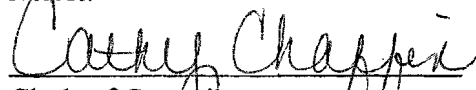

President of Council

Passed: February 14, 2000

Approved: February 15, 2000


Mayor

Attest:


Clerk of Council

ORDINANCE NO. 2000-14

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
ENTER INTO CONTRACT WITH ATHLETIC DIE COMPANY FOR THE
PURCHASE OF DIE CUTTING SYSTEM FOR USE IN THE STREETS
DEPARTMENT SIGN SHOP**

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, Athletic Die Company, submitted the best proposal for the purchase of the Die Cutting System, 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 Athletic Die Company to purchase Die Cutting System for use in the Streets Department Sign Shop.

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

Kevin A. Kochhansky
PRESIDENT OF COUNCIL

PASSED: February 14, 2000

APPROVED: February 15, 2000

Jack L. Kilgus
MAYOR

ATTEST:

Cathy Chappin
CLERK OF COUNCIL

ORDINANCE NO. 2000-15

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS THE PURCHASE OF TWO ½ TON 2 -WHEEL DRIVE PICK UP TRUCKS, ONE ¾ TON PICK UP 4-WHEEL DRIVE, ONE 1 TON 2-WHEEL DRIVE AND ONE DUMP BODY AND SNOW PLOW ACCESSORIES FOR 1 TON TRUCK.

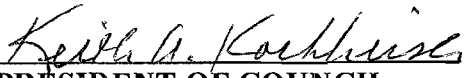
WHEREAS, these vehicles will be added to our fleet;

WHEREAS, these vehicles will be purchased from the S.C.M.R. Fund

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

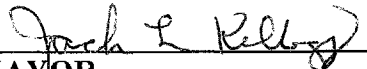
Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids the purchase of two ½ ton 2-wheel drive pick ups, One ¾ ton pick up – 4 wheel drive, One 1 ton 2-wheel Drive and One dump body and snow plow accessories for 1 ton truck.

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


PRESIDENT OF COUNCIL

PASSED: February 14, 2000

APPROVED: February 15, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 2000-16

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH HOWELL RESCUE SYSTEMS
TO PURCHASE A MATJACK AIRBAG AND CUTTER FOR HURST TOOL FOR USE AT THE
MARION FIRE 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, Howell Rescue Systems submitted the best and most responsive proposal for the needs of the Marion City Fire Department, 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 Howell Rescue Systems, to purchase a Matjack Airbag and Cutter for Hurst Tool for use at the Fire Department.

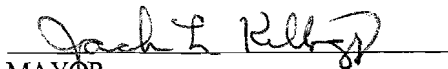
Section 2. That the \$5,450.00 cost of said contract shall be payable from the Fire Department Fund Account No. 101.1131.550450.

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


PRESIDENT OF COUNCIL

PASSED: February 14, 2000

APPROVED: February 15, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 2000-17

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
ENTER INTO CONTRACT WITH MILLER LAWN & POWER EQUIPMENT
COMPANY, TO PURCHASE A RIDING MOWER FOR THE PARKS DEPT.**

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

WHEREAS, Miller Lawn & Power Company, submitted the best proposal,

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 Miller Lawn & Power Company, to purchase a Riding Mower for the Parks Department.

Section 2. That the cost of \$5,975.00 shall be payable for the Capital Improvement 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: February 14, 2000

APPROVED: February 15, 2000



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 2000-18ORDINANCE 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."

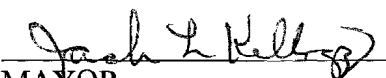
SCMR Fund	\$ 1,595.47
Utility Billing Fund	<u>\$ 1,550.00</u>
GRAND TOTAL	\$ 3,145.47

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.

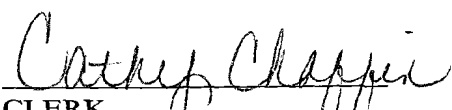

PRESIDENT OF COUNCIL

PASSED: February 14, 2000

APPROVED: February 15, 2000


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 2000-19

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2000.

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

Section 1. That there be additional appropriations made in various funds in the amount of \$35,876.53 as follows:

GENERAL FUND

Recreation Refunds	101.3422.570720	\$	1,000.00
Sr. Citizens Cap. Impr.	101.3424.550520		515.32
Building Permit Refunds	101.4511.570720		21,000.00
City Hall Cap. Impr.	101.7741.550520		<u>2,651.11</u>
TOTAL GENERAL FUND		\$	25,166.43

SCMR FUND

Capital Improvements	207.6612.550520	\$	268.65
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STATE HIGHWAY IMPROVEMENT FUND

Equipment	208.6613.550450	\$	1,031.45
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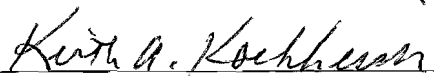
RECYCLING FUND

Promotional Advertising	508.5564.530389	\$	2,200.00
Supplies	508.5564.540420		<u>2,210.00</u>
TOTAL RECYCLING FUND		\$	4,410.00

STORM SEWER IMPROVEMENT FUND

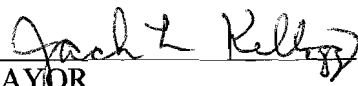
Project 98-4S Prof. Serv.	560.5984.530320	\$	5,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

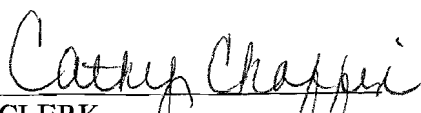

PRESIDENT OF COUNCIL

PASSED: February 14, 2000

APPROVED: February 15, 2000


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 2000 - 20 AS AMENDED

ORDINANCE RE- DECLARING THE CITY OF MARION'S SUPPORT FOR CAN DO! AND FURTHER PROVIDING FOR CONTINUING PATRONAGE, INCLUDING BUT NOT LIMITED FINANCIAL SPONSORSHIP IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY THAT SAID ORGANIZATION HAS BROUGHT TO THE CITY OF MARION AND THE ENTIRE MARION AREA ,

AND DECLARING AN EMERGENCY (Amended to include Emergency Clause
WHEREAS, previous Council has acted to bolster and support CAN DO!, and

WHEREAS, the current Council has determined that the benefits arising from the City's relationship with CAN DO! have been numerous and exceptional, and

WHEREAS, the accomplishments continue to be real, genuine and tangible for all to see in the greater Marion community, and

WHEREAS, the Council finds it in the best interests of the City of Marion to continue its' financial support to the organization commonly known as CAN DO! and given the current request of said economic development organization to join in its' current campaign to ensure its' economic well-being in order to allow it to perform its' function within the greater Marion community, and

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

SECTION 1. The current Council directs and authorizes the Mayor to ensure that the economic development organization commonly referred to as CAN DO! continues to receive all the support the City has to offer, including continued financial support in the amount of \$ 6,500 per month, beginning the first day of the month following the expiration of the current financial support and continuing until the 1st day of December, 2001. This support shall be renewable upon the commencement of each new term of Council. It was the express desire of the past Council to provide this support for a period of five years, conditioned and provided upon the subsequent Councils adopting similar appropriation legislation providing for the funding and this Council hereby does so,

SECTION 2. The Auditor is authorized to appropriate the necessary funds to fulfil the responsibility as contained in Section 1. above, from the following fund:

PROFESSIONAL SERVICES	101.4539.530320	\$78,000.00
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SECTION 3. This Ordinance shall become effective after the earliest period allowed by law.
Amended Section 3: This ordinance is hereby declared an emergency measure for the welfare of the City of Marion and shall take effect and be in full force immediately.

PASSED: February 14, 2000

Kurt A. Koehn
President of Council

APPROVED: February 15, 2000

Jack L. Kelley
Mayor

ATTEST:

Cathy Chappie
Clerk of Council

ORDINANCE No. 2000-21

ORDINANCE TO VACATE A CERTAIN 40' EASEMENT FOR
FUTURE ROADWAY RUNNING ALONG THE EASTERN PROPERTY
LINE OF LOT # 17763 IN THE RESERVE SUBDIVISION, BUT
EXCLUDING FROM THIS VACATION THAT EXISTING 10' UTILITY
EASEMENT WHICH SHALL REMAIN

Whereas, in the opinion of this Council, there is good cause for vacating the 40' easement which was provided for future roadway improvements, by a plan which existed in 1971, and

Whereas, the owner of said property, lot # 177 63 has made application to vacate this easement which was approved by Marion City Planning at its meeting of February 1, 2000, and

Whereas all abutting landowners have consented to the vacation of this easement by separate writing provided the Clerk of Council, and

Whereas, Council, upon conducting a hearing on the request of District Dimensions, is satisfied that said vacation of the easement will not be detrimental to the general interests and should be at this time and for ever more vacated,

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

Section 1. The existing 40' easement for future roadway running along the entire eastern property line of Lot # 17763 in the Reserve Subdivision shall be extinguished and vacated pursuant to O.R.C. 717.04, said easement being as depicted on Exhibit A attached hereto and made a part hereof. Said vacation however does not include that 10' utility easement along the same eastern edge, that utility easement shall remain. Further Council states, since the 1971 plan growth and development has occurred which renders the easement of no use, as confirmed by the City Engineer and further when the Reserve sub-division was platted, the City failed to require that this easement continue to the end point or Barks Rd and thus the steet, if completed would terminate at Chenonceaux a residential street and the resulting traffic would be detrimental to the existing neighborhood. The Council finds the procedure utilized herein to be consistent with M.C.C. 903.08 and O.R.C. 723.05 and 06, specifically regarding the notice being sufficient due to the written consent to the vacation which has been filed with the Clerk of Council by all the interested property owners

Section 2. That the Clerk of Council be and is hereby authourized and directed to certify a copy of this Ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

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

Kirk A. Korkheiser
President

Passed: February 14, 2000
Approved: February 14, 2000

Jack L. Kellogg
Mayor

Attest;

Cathy A. Chappin
Clerk of Council

ORDINANCE 2000-22**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 for these services are set to expire on March 31, 2000.

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 janitorial services for 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: March 6, 2000

APPROVED: March 7, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 2000-23

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE
YARGER REPORT, TO ESTABLISH THE NEW POSITION OF SENIOR CENTER
DEVELOPMENT ASSISTANT FOR THE CITY OF MARION.

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

Section 1. That this ordinance shall amend the Yarger Report and establish the new position of Development Assistant within Senior Center, Recreation Department, the job description for said position is attached hereto and incorporated herein by reference.

Section 2. That section 2 (E) of the Yarger Report shall be amended to incorporate the above referenced Job Title and Job Description attached hereto as Exhibit A.

Section 3. The position of Senior Center Development Assistant is established at Pay Grade 16 within the Recreation Department.


Section 4. That this ordinance shall take effect on the earliest date allowed by law.



President of Council

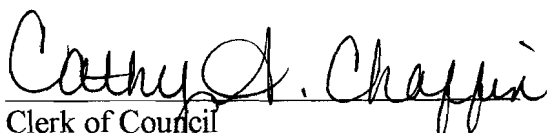
PASSED: March 6, 2000

APPROVED: March 7, 2000



Mayor

ATTEST:



Clerk of Council

City of Marion, Ohio
Job Description

Job Title:	Senior Center Development Assistant		
Department:	Senior Citizens Center		
Reports To:	Center Director	Approved By Date	
FLSA Status:	Non Exempt	Personnel Comm:	2/22/00
Prepared By:	Steven R Pyles, H.R. Director	City Council:	3/6/00
Prepared Date:	2/15/00	Code Ref:	1969-29 2000- 23
Approved By:	Director Agner and Recreation Board	Grade Level:	16
Approved Date:	2/17/00	Collective Barg. Rep:	Non

SUMMARY

Tracks, acknowledges, and reports on contributions received, schedules appointments, gives information to callers, and otherwise relieves officials of clerical work and administrative and business detail by performing the following duties.

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

Assesses clients to determine service needs, plans services and makes appropriate referrals to assure a full range services are available.

Processes and maintains records on all gifts, pledges, and membership transactions.

Prepares receipts and acknowledgment letters in response to gifts received.

Sends informational and/or benefits packages to donors.

Prepares and maintains financial spreadsheets and reports.

Reads and routes incoming mail. Locates and attaches appropriate file to correspondence to be answered by employer.

Composes and prepares routine correspondence.

Files correspondence and other records.

Answers telephone and gives information to callers or routes call to appropriate official and places outgoing calls.

Schedules appointments and arranges travel schedules and reservations.

Prepares outgoing mail.

Assists in the development and delivery of recreational, social and educational programs for senior citizens.

SUPERVISORY RESPONSIBILITIES

May oversee the operations of the senior center in the absence of the Director and Assistant Director.

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

Two year Associates Degree from college or technical school; or 24 months of related experience and/or training; or equivalent combination of education and experience.

LANGUAGE SKILLS

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of customers or employees of organization.

MATHEMATICAL SKILLS

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

CERTIFICATES, LICENSES, REGISTRATIONS

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 25 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 occasionally exposed to outside weather conditions. The noise level in the work environment is usually moderate.

ORDINANCE NO. 2000-24

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HENSEL READY MIX, INC. FOR THE PURCHASE OF CONTROLLED DENSITY FILL (CDF) TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

WHEREAS, Hensel Ready Mix, Inc. submitted the best bid of \$30.00 per cu. Yd.

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

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with Hensel Ready Mix, Inc. for the purchase of Controlled Density Fill (CDF) to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Water Pollution Control Supplies and Materials Account (505.5552.540420) and Storm Water Utility Supplies and Material Account (509.5554.540420).


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



President of Council

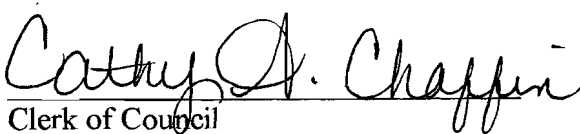
PASSED: March 6, 2000

APPROVED: March 7, 2000



Mayor

ATTEST:



Clerk of Council

ORDINANCE NO. 2000-25

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DETROIT LIME COMPANY FOR HIGH CALCIUM PEBBLE QUICK LIME TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

WHEREAS, Detroit Lime, Inc. submitted the best bid of \$55.20 per delivered ton.

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 Detroit Lime, Inc. for the purchase of High Calcium Pebble Quick Lime to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Sewer Revenue Fund (505.5552.540420).

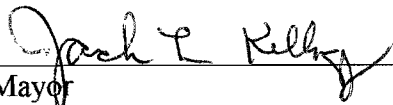
Section 3. That this ordinance shall take effect and be in force from and after the earliest date allowed by law.



President of Council

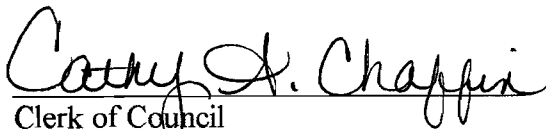
PASSED: March 6, 2000

APPROVED: March 7, 2000



Mayor

ATTEST:



Clerk of Council

ORDINANCE NO. 2000 - 26

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,
2000.

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

Section 1. That there be appropriation adjustments made in various funds in the amount of \$(1,605.50) as follows:

General Fund

Tree Removal	101.4539.530316	\$ 2,050.00
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Preventive Health Fund

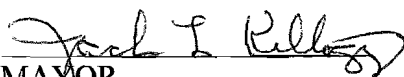
Salaries	254.3549.510110	\$ 1.50
Salaries	254.3540.510110	(3,114.00)
Benefits	254.3540.510120	<u>(543.00)</u>
Total Preventive Health Fund		\$ (3,655.50)

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

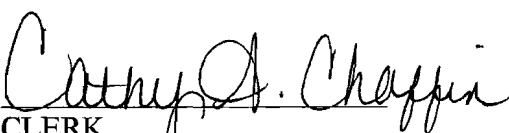

PRESIDENT OF COUNCIL

PASSED: March 6, 2000

APPROVED: March 7, 2000


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 2000-27

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE LINCOLN PARK PARKING LOT PAVING PROJECT, AND DECLARING AN EMERGENCY.

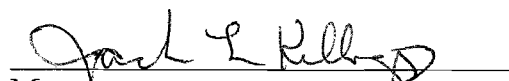
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

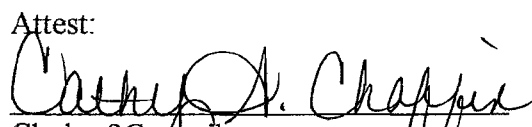
- Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the Lincoln Park Parking Lot Paving Project.
- Section 2. That the cost of such contract shall be payable up to \$43,500 from the FY'99 Community Development Block Grant (CDBG) fund, and the balance of the contract to be paid for by the Baseball For Youth organization.
- Section 3. This Ordinance is hereby declared an emergency measure necessary for the immediate preservation of public peace, welfare and safety of the City of Marion and the inhabitants thereof, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council; otherwise it shall become effective from and after the earliest period allowed by law.


President of Council

Passed: March 6, 2000

Approved: March 7, 2000


Mayor

Attest:

Clerk of Council

ORDINANCE NO. 2000-28

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO PREPARE AND ADVERTISE A REQUEST FOR QUALIFICATIONS FOR HOUSING REHABILITATION INSPECTION SERVICES AND ENTER INTO CONTRACT WITH THE MOST QUALIFIED INDIVIDUAL OR FIRM IN ORDER TO APPLY FOR THE COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) GRANT, SUBJECT TO THE MUTUAL AGREEMENT OF THE CITY OF MARION AND THE INDIVIDUAL OR FIRM, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion Ohio desires to apply for a Community Housing Improvement Program (CHIP) grant from the Ohio Department of Development, and

WHEREAS, it an application requirement is to specify a qualified Housing Rehabilitation Specialist,

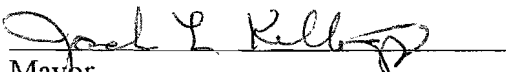
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

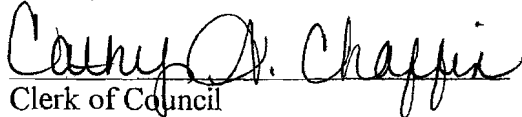
- Section 1. That the Mayor is hereby authorized and directed to prepare and advertise a Request for Qualifications for Housing Rehabilitation Inspection Services for the Community Housing Improvement Program (CHIP) competitive grant program.
- Section 2. That the cost of such contract shall be conditioned on receiving the CHIP grant.
- Section 3. That the Mayor is authorized to enter into contract with the firm or individual, subject to the mutual agreement of the City of Marion and the individual or firm,
- Section 4. This Ordinance is hereby declared an emergency measure necessary for the immediate preservation of public peace, welfare and safety of the City of Marion and the inhabitants thereof, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council; otherwise it shall become effective from and after the earliest period allowed by law.


President of Council

Passed: March 6, 2000

Approved: March 7, 2000


Mayor

Attest:

Clerk of Council

ORDINANCE NO. 2000-29

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS
AND ADVERTISE FOR BIDS FOR THE HENRY STREET SANITARY
SEWER REPLACEMENT PROJECT 99-2S 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 Henry Street Sanitary Sewer Replacement Project 99-2S

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


Section 3. That 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 project must be completed prior to the 2000 Street Resurfacing Project, 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 13, 2000

Approved: March 14, 2000



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 2000 - 30ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE SEWER
REVENUE FUND FOR THE YEAR ENDING DECEMBER 31, 2000.

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 Sewer Revenue Fund in the amount of \$550,000.00 as follows:

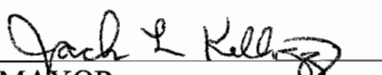
Transfer to Sewer Replacement	505.5552.580715	\$550,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

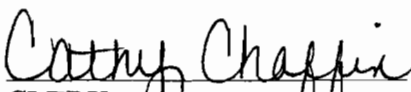

PRESIDENT OF COUNCIL

PASSED: March 13, 2000

APPROVED: March 14, 2000


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 2000-31

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD , INC., FOR THE PURCHASE OF TWO (2) VEHICLES FOR THE POLICE DEPARTMENT AND WITH WALSTON MOTORS FOR THE PURCHASE OF THREE (3) POLICE VEHICLES; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 2000-7 , the Safety Director was authorized to advertise for bids for the purchase of five (5) vehicles for the Police Department; and

WHEREAS, Mathews-Kennedy Ford had the lowest and best bid for a 4-wheel drive vehicle and an unmarked vehicle; and

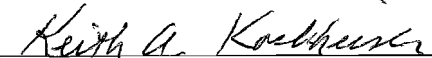
WHEREAS, Walston Motors had the lowest and best bid for the three (3) police cars;

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

Section 1. That the Safety Director be, and he is hereby authorized to enter into contract with Mathews-Kennedy Ford and Walston Motors, Inc., for the purchase of said vehicles

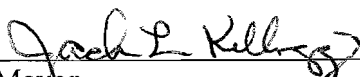
Section 2. That the vehicles purchased from Mathews-Kennedy Ford, being one (1) Crown Victoria at a cost of \$20,266.70 and one (1) Ford Explorer 4-wheel drive at a cost of \$23,001.20, for a total contract of \$43,267.90. The vehicles purchased from Walston Motors, Inc., being three (3) Chevrolet Impalas at a cost of \$18,882.23 for a total contract of \$56,646.69. The total of both contracts is \$99,914.59 shall be payable from the Police Department Capital Equipment Fund, 101.1111.550450.

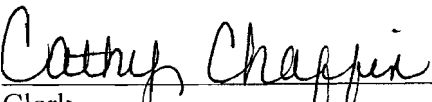
Section 3. That this ordinance is hereby declared an emergency measure necessary for the immediate preservation of health, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of said City; and such shall take effect 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: March 13, 2000

APPROVED: March 14, 2000


Mayor


Clerk

ORDINANCE NO. 2000-32**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO AGREEMENT WITH RUS OF LANCASTER FOR THE
PURPOSE OF PROVIDING A UNIFORM SERVICE TO VARIOUS CITY
EMPLOYEES, AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance 1999-154 authorized the Safety/Service Director to advertise for bids for a uniform rental service, and

WHEREAS, RUS of Lancaster submitted what has been determined to be the lowest and best bid,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with RUS of Lancaster for the purpose of providing a Uniform Service for various City employees.


Section 2. That the monthly cost of said contract shall be payable from the appropriate 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 the current uniform contract is set to expire on March 31, 2000; 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: March 27, 2000

APPROVED: March 28, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 2000-33

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, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2000-22 passed March 6, 2000 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.

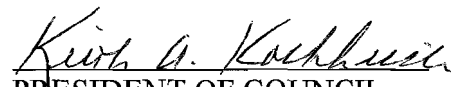
BE IT ORDAINED by the Council of Marion, Marion County, Ohio.

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 \$19,650 shall be payable from the following funds as shown:

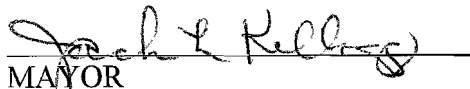
Recreation Fund	Janitorial Services	101-07-422-230-000-424	\$ 4,500
City Hall Fund	Janitorial Services	101-07-741-230-000-424	\$15,150

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of health, welfare, and safety of the City of Marion and inhabitants thereof and for further reason the current contract is set to expire on March 31, 2000; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provide 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 27, 2000

APPROVED: March 28, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 2000-34

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE DEXTER COMPANY FOR THE PURCHASE OF A DUMP BODY AND RELATED SNOW PLOW ACCESSORIES TO BE MOUNTED ON 1 TON CAB & CHASSIS 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, The Dexter Company submitted the best proposal for the purchase of a Dump body and related snow plow accessories, 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 The Dexter Company, to purchase a Dump body with related snow plow accessories for use in the Streets Department.

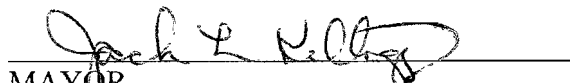
Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its 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: March 27, 2000

APPROVED: March 28, 2000



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 2000-35

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD FOR THE PURCHASE OF TWO – ½ TON PICKUP TRUCKS, ONE – ¾ TON 4 WHEEL DRIVE PICKUP TRUCK AND ONE – 1 TON CAB & CHASSIS 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, Mathews Kennedy Ford submitted the best proposal for the purchase of two- ½ ton pickup trucks, One – ¾ ton 4 wheel drive pickup truck and One – 1 ton cab & chassis 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 Mathews Kennedy Ford, to purchase Two- ½ ton pickup trucks, One – ¾ ton 4 wheel drive pickup truck and One – 1 ton cab & chassis 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: March 27, 2000

APPROVED: March 28, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

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
(REPLACING 13 SIGNALS ON SR 95/309) AND DECLARING AN EMERGENCY.

NAME OF STREET: Center and Church Streets

ORDINANCE NO.: 2000-36

ROUTE NO.: State Route 95 & 309

DATE: March 27, 2000

An emergency ordinance enacted by the City of Marion, Marion County, Ohio, in the matter of the hereinafter described improvement and to request cooperation by the Director of Transportation.

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

This project proposes to replace or remove 13 existing traffic signal installations. The existing signals and control equipment is very old and is in need of replacement. The new equipment will provide coordinated signal operation to improve traffic flow, increase capacity, and enhance safety.

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

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

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

SECTION I, (Cooperation)

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

- a) The City hereby agrees to assume and contribute one hundred percent (100%) of the cost of preliminary engineering and right of way acquisition.
- b) The City further agrees to 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 for financing the improvement from funds allocated by the Federal Highway Administration and further 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 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

100

(c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.

(d) Regulate parking in the following manner:

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

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

(a) That all existing street and public way right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.

(b) That the 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 sewers 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 rearrangements shall be done at such time as requested by the Department of Transportation Engineer.

(e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.

(f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of 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: March 27, 2000 ~~x19xx~~

Attest: Cathy A. Chappin
Clerk

Joel L. Wilby
Mayor

Attest: Cathy A. Chappin

Kevin A. Kochman
President of Council

ORDINANCE NO. 2000-37

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FLM, MARION, OHIO FOR THE PURCHASE OF ONE TON CAB AND CHASSIS WITH DUAL REAR WHEELS TO BE USED AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY

WHEREAS, Mathews Kennedy FLM submitted the lowest and best bid of \$18,678.40, and

WHEREAS, Mathews Kennedy FLM submitted a trade-in value for a 1990 Chevrolet One Ton Truck with Utility Bed, SN 1GBJC34KLE215279 of \$7500.00, and

WHEREAS, the total bid with trade-in was for \$11,178.40;

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 FLM for the purchase of A One Ton Cab and Chassis with Dual Rear Wheels with trade-in.

Section 2. That the contract shall be payable from the Sewer Replacement Capital Equipment Fund Account (504.5553.550450).

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.

Keith A. Kalkbrenner
President of Council

PASSED: March 27, 2000

APPROVED: March 28, 2000

Paul E. Kelly
MAYOR

ATTEST:

Cathy A. Chappin
CLERK OF COUNCIL

ORDINANCE NO. 2000-38

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FLM, MARION, OHIO FOR THE PURCHASE OF A ONE TON CAB AND CHASSIS WITH SINGLE REAR WHEELS TO BE USED AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY

WHEREAS, Mathews Kennedy FLM submitted the lowest and best bid of \$17,951.80, and

WHEREAS, Mathews Kennedy FLM submitted a trade-in value for a 1990 Chevrolet S-10 with Utility Bed Cover, SN 1GCCS14E7L2106473 of \$2000.00, and

WHEREAS, the total bid with trade-in was for \$15,951.80;

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 FLM for the purchase of A One Ton Cab and Chassis with Single Rear Wheels with trade-in.

Section 2. That the contract shall be payable from the Sewer Replacement Capital Equipment Fund Account (504.5553.550450).

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.

Keith A. Kucharski
President of Council

PASSED: March 27, 2000

APPROVED: March 28, 2000

Jack L. Kelly
MAYOR

ATTEST:
Cathy A. Chappin
CLERK OF COUNCIL

ORDINANCE NO. 2000-39

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO SELL
ONE 1990 FORD TEMPO GL, SN 1FAPP36XXLK109726

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 sell One 1990 Ford Temp GL, SN 1FAPP36XXLK109726, as same is no longer necessary for any public purpose.

Section 2. That this Ordinance shall take effect and be inforce from and after the earliest period allowed by law.

Keith A. Koehhiser
President of Council

PASSED: March 27, 2000

APPROVED: March 28, 2000

Josh L. Kelley
MAYOR

ATTEST:

Cathy A. Chappin
CLERK OF COUNCIL

ORDINANCE NO. 2000-40

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER
 INTO CONTRACT WITH THE STATE PURCHASE CONTRACTOR
 BYERS CHEVROLET, COLUMBUS, OHIO
 FOR THE PURCHASE OF ONE MODEL YEAR 2000 LUMINA CHEVROLET
 FOR THE USE IN THE WATER POLLUTION CONTROL DIVISION
 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 utilize the State of Ohio Department of Administrative Service Bid Contract Number OT906900-E (9/30/00) for the purchase of One Model Year 2000 Lumina Chevrolet for use in the Water Pollution Control Division.

State Purchase Contractor	One Model Year 2000
Byers Chevrolet	Lumina Chevrolet
555 West Broad St.	\$14,438.25
Columbus, OH 43215	

Section 2. That the cost of said contract shall be payable from the Sewer Replacement Capital Equipment Fund Account (504.5553.550450).

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

Keith A. Kucharski
 President of Council

PASSED: March 27, 2000

APPROVED: March 28, 2000

Jack E. Kelly
 MAYOR

ATTEST:

Cathy A. Chappin
 CLERK OF COUNCIL

ORDINANCE NO. 2000-41

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH ZOLL MEDICAL CORPORATION
TO PURCHASE A ZOLL DEFIBRILLATOR FOR USE AT THE MARION FIRE 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

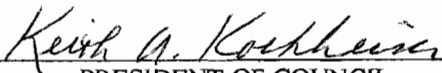
WHEREAS, Zoll Medical Corporation submitted the best proposal for the purchase of one defibrillator, therefore

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 Zoll Medical Corporation, to purchase one (1) Defibrillator for use at the Fire Department.

Section 2. That the \$9,670.00 cost of said contract shall be payable from the Fire Department Fund Account No. 101.1131.530223 in the amount of \$4,500.00 & 101.1131.550450 in the amount of \$5,170.00.

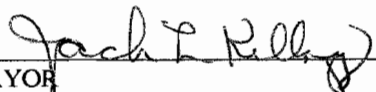
Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon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



PRESIDENT OF COUNCIL

PASSED: March 27, 2000

APPROVED: March 28, 2000



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 2000-42

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH PRO-AM SAFETY PRODUCTS
TO PURCHASE TWO 60 MINUTE S.C.B.A. UNITS WITH EXTRA BOTTLES, FIVE SCOTT
VOICE AMPLIFIER SYSTEMS, AND TWENTY SCOTT AIR CYLINDERS FOR USE AT THE
MARION FIRE 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, Pro-Am Safety Products submitted the best proposal for the purchase of two 60 minute S.C.B.A. Units, five Scott Voice Amplifier Systems, and twenty Scott Air Cylinders, 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 Pro-Am Safety Products, to purchase two 60 minute S.C.B.A. Units, five Scott Voice Amplifier Systems, and twenty Scott Air Cylinders for use at the Fire Department.

Section 2. That the \$16,240.95 cost of said contract shall be payable \$11,884.20 from Capital Improvement Fund Account No. 01,1131,559450 and \$4,356.75 will be payable out of the General Fund Account No. 01,1131,550450.

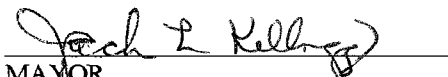
Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon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



PRESIDENT OF COUNCIL

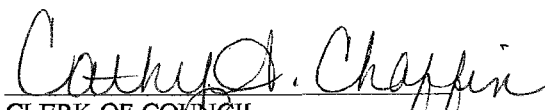
PASSED: March 27, 2000

APPROVED: March 28, 2000



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 2000 - 43ORDINANCE APPROVING THE PURCHASE OF A SOUND SYSTEM
BY THE COUNCIL FOR THE CITY OF MARION, OHIO TO PROVIDE FOR
PROPER AMPLIFICATION OF COUNCIL'S MEETINGS IN CHAMBERS AND
AT OTHER LOCATIONS

WHEREAS, the Council has recognized a definite need to obtain a quality sound system in order to amplify the discussion during Council meetings, and

WHEREAS, the Council, through its' President, has investigated those systems that are available on the market and studied systems to ensure that any portable system is compatible with the newly acquired fixed sound/recording equipment, and

WHEREAS, the Council finds that the system identified herein would serve the best interests of the Citizens of the City of Marion, Ohio,

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


SECTION 1. The President of Council is authorized to enter into contract with Paladin Protective Systems, Inc., a competent provider of portable sound equipment, for the purchase of a portable sound system as identified through research and investigation and to pay \$ 5,600 for said system from the appropriate line item within the Council' Budget.

SECTION 2. This ordinance shall become effective from and after the earliest period allowed by law.

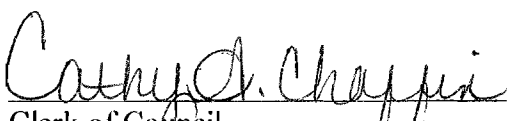
PASSED: April 24, 2000


President of Council

APPROVED: April 25, 2000


Mayor

ATTEST:


Clerk of Council

ORDINANCE NO. 2000 - 44ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
THE VIOLENCE AGAINST WOMEN FUND FOR THE YEAR
ENDING DECEMBER 31, 2000.

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 Violence Against Women Fund in the amount of \$7,325.38 as follows:

Salaries	212.1548.510110	\$2,805.41
Benefits	212.1548.510120	4,519.87
Travel	212.1548.520220	(3,059.90)
Equipment	212.1548.550450	<u>3,060.00</u>
TOTAL		\$7,325.38

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

Keith A. Kochheiser
PRESIDENT OF COUNCIL

PASSED: March 27, 2000

APPROVED: March 28, 2000

Jack L. Kilby
MAYOR

ATTEST:

Cathy A. Chappin
CLERK

ORDINANCE TO ESTABLISH A MODERATE AND LOW INCOME HOUSING REHABILITATION PROGRAM THROUGH THE STATE OF OHIO COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), TO AUTHORIZE THE MAYOR AND THE MARION COUNTY REGIONAL PLANNING COMMISSION TO APPLY FOR, ADMINISTER THE TOTAL GRANT, AND TO AUTHORIZE THE MAYOR TO ALSO EXTEND THE CONTRACT WITH THE MARION METROPOLITAN HOUSING AUTHORITY TO ADMINISTER THE TENANT BASED AND SELF SUFFICIENCY ASSISTANCE COMPONENTS AND EXTEND THE CONTRACT WITH MARION-CRAWFORD COMMUNITY ACTION COMMISSION TO ASSIST IN IMPLEMENTATION OF THE OWNER OCCUPIED AND RENTAL REHAB ACTIVITIES, AND DECLARING AN EMERGENCY.

WHEREAS, this Council recognizes the need for programs which remove slums and blights, benefit low- and moderate-income households or meet other urgent community development needs; and

WHEREAS, the CHIP Program makes funds available for projects which address these problems; and

WHEREAS, the City must submit an application to the State of Ohio, Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the Community and Economic Development Programs; and

WHEREAS, the Marion County Regional Planning Commission has a contract to prepare said application and administer said grant, if received, with the Tenant Based Assistance Component to be administered by the Marion Metropolitan Housing Authority and the Housing Rehabilitation Specialist to be provided under contract with the Marion-Crawford Community Action Commission.

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

SECTION 1. That this Council hereby authorizes the Mayor and the Marion County Regional Planning Commission to make application for a grant for moderate and low-income housing and rehabilitation out of the CDBG Small Cities and Federal H.O.M.E. Programs.

Activities to be:

Rental Rehabilitation	=	\$100,000
Tenant Based Rental Assistance	=	225,000
Implementation	=	31,000
Emergency Repair	=	55,000
Family Self-Sufficiency Counseling	=	51,000
Administration	=	38,000

SECTION 2. That, upon approval of the City of Marion's grant application, the Mayor is authorized to sign to continue the contract and allow the administration of the grant in accordance with the terms of the contract with the Marion County Regional Planning Commission.

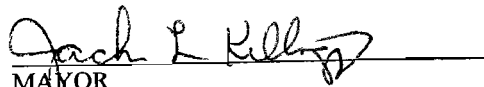
SECTION 3. That, upon approval of the City of Marion's grant application, the Mayor is authorized to sign a contract extension with the Marion Metropolitan Housing Authority and with the Marion-Crawford Community Action Commission.

SECTION 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order to be eligible for consideration; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

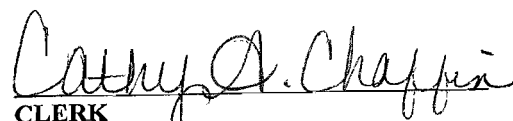

PRESIDENT OF COUNCIL

PASSED: March 27, 2000

APPROVED: March 28, 2000


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 2000-46

ORDINANCE RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 379, AMENDING COMPOSITION ORDINANCE 1998-105, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, an agreement with the International Association of Fire Fighters Local 379 has been reached on behalf of said Union and the City of Marion and ratified by the bargaining unit members, to be effective April 1, 2000 and;

WHEREAS, a letter of understanding between both parties recommends changes in the composition of the Fire Department therefore necessitating Ordinance number 1998-105 to be amended, and;

WHEREAS, the necessary funds needed for this contract must be appropriated, and therefore;

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

Section 1. That the Council hereby ratifies and approves the bargaining agreement between the City of Marion and the International Association of Fire Fighters Local 379.

Section 2. That Council hereby appropriates the necessary funds of \$78,050 in wages and \$30,964 in benefits to the appropriate line items in the Fire Department.

Section 3. That Regulation III, Section 6, of Ordinance No. 1969-29 as amended, and now reading as follows:

"Section 6. That from and after July 13, 1998 the personnel of the Fire Department shall be authorized to consist of one (1) Chief, three (3) Platoon Chiefs, seven (7) Captains, four (4) Lieutenants, and fifty (50) Fire Fighters; total personnel sixty-five (65)".

is hereby amended to read:

"Section 6. That from and after the passage of this ordinance the personnel of the Fire Department shall be authorized to consist of one (1) Chief, three (3) Platoon Chiefs, seven (7) Captains, for (4) Lieutenants, and fifty (50) Fire Fighters; total personnel sixty-five (65). In addition, if it is deemed affordable by this Council, the Fire Department may add one (1) Deputy Chief, and one (1) Fire Fighter."

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval be the Mayor, provide it receives the affirmative vote of all members elected by council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 10, 2000
APPROVED: April 11, 2000


MAYOR

ATTEST:

CLERK OF COUNCIL

ORDINANCE NO. 2000- 47

ORDINANCE TO VACATE A PARTIAL 15 FOOT WIDE EAST-WEST ALLEY BETWEEN 202 NORTH GRAND AVENUE AND 210 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 between 202 North Grand Avenue and 210 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 March 7, 2000, 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:

**0.045 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 (passing over an iron pin set at a distance of 201.12 feet);

Thence along the North Line of Lot 1385 North 87 deg. 11 min. 05 sec. East for a distance of 20.00 feet to an iron pin set at the Southwest corner of hereinafter described 0.045 acre tract and the place of beginning.

Thence North 00 deg. 00 min. 00 sec. East for a distance of 15.08 feet to an iron pin set in the South Line of Lot 1384;

Thence along the South Line of Lot 1384 North 87 deg. 11 min. 05 sec. East for a distance of 130.00 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 130.00 feet to an iron pin set and the place of beginning.

Containing 0.045 acre, (1955.14 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, dated Oct. 23, 1999 and revised Feb. 9, 2000. 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

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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

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK

* On May 8, 2000, the majority of council members present voted NO on adoption of this ordinance.


CLERK OF COUNCIL

ORDINANCE NO. 2000- 48

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."


Court Computerization Fund \$ 1,080.85

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.

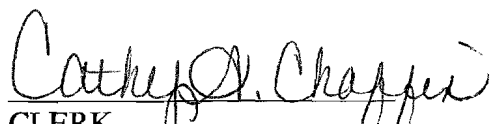

PRESIDENT OF COUNCIL

PASSED: April 10, 2000

APPROVED: April 11, 2000


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 2000- 49

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2000.

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 \$504,422.77 as follows:

GENERAL FUND

Human Resources		
Benefits	101.7715.510120	\$ 2,600.00
Recreation		
Janitorial Services	101.3422.530424	\$ 525.00
TOTAL GENERAL FUND		\$ 3,125.00

SMART PROGRAM FUND

Professional Services	219.1548.530320	\$ 18,900.00
Supplies	219.1548.540420	825.88
Reimbursements	219.1548.570721	18,051.89
TOTAL SMART PROGRAM FUND		\$ 37,777.77

CAMP POSITIVE DIRECTION FUND

Capital Improvements	220.1549.550520	\$ 38,520.00
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SEWER REPLACEMENT FUND

Henry St. Project 99-2S	504.5992.550520	\$ 300,000.00
Merchant St. Project 98-3S	504.5983.550520	45,000.00
TOTAL SEWER REPLACEMENT FUND		\$ 345,000.00

STORM WATER UTILITY FUND

Merchant St. Project 38-3S	509.5983.550520	\$ 80,000.00
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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.

Keith A. Koehn
PRESIDENT OF COUNCIL

PASSED: April 10, 2000

APPROVED: April 11, 2000

Jack E. Kelley
MAYOR

ATTEST:

Cathy A. Chappie
CLERK

ORDINANCE NO. 2000 - 50

ORDINANCE AMENDING MARION CODIFIED ORDINANCE 111.03, ALSO KNOWN AS RULE 15, RELATING TO COMMITTEE MEETINGS, AND DECLARING AN EMERGENCY.

WHEREAS, in 1995 Ordinance 111.03 was amended, by 1995-128, to provide for a date certain for the Finance Committee, and

Whereas, the Council now finds it beneficial for the citizens of the City of Marion, Ohio to allow for flexibility in the schedule of the Finance committee and to allow the same fairness to the chair of said Finance committee to hold said meetings as he/she sees fit,

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

Section 1. That Chapter 111.03, of the Codified Ordinances, now reading in part as follows:

Rule 15. Committee Meetings. A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its meetings at such time and place as fixed by the chairman of the respective committees, and each committee or chairman thereof shall have the right to require the attendance at its meetings of such administrative officers as in its judgment are needed to properly dispose of the matter under consideration. THE COMMITTEE ON FINANCE SHALL MEET ON A REGULAR BASIS ON THE FIRST MONDAY OF EACH MONTH AT 6,30 P.M. AND THE TUESDAY PRECEDING THE FOURTH MONDAY OF EACH MONTH AT 6,30 P.M. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of such committee, may, upon the recommendation of such committee, cause the removal of such member from such committee by the Council. No legislation shall be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present."

is hereby amended to read as follows:

Rule 15. Committee Meetings. A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its meetings at such time and place as fixed by the chairman of the respective committees, and each committee or chairman thereof shall have the right to require the attendance at its meetings of such administrative officers as in its judgment are needed to properly dispose of the matter under consideration. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of such committee, may, upon the recommendation of such committee, cause the removal of such member from such committee by the Council. No legislation shall be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval or

amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present.

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 efficient daily operation of the City by providing for a equitable rule imposed upon committee chairs; 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 ed by law.

Keith A. Kordheim
President

Passed: May 8, 2000

Approved: May 8, 2000

Jack L. Kellogg
Mayor

Attest;

Cathy Chappin
Clerk of Council

ORDINANCE NO. 2000-51

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE HENRY STREET SANITARY SEWER REPLACEMENT, PROJECT 99-2S FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2000-29 authorized the preparation of plans, specifications and advertising for bids for the Henry Street Sanitary Sewer Replacement, Project 99-2S for the City of Marion, Ohio, and

WHEREAS, Underground Utilities, Inc. submitted the lowest and best bid of \$228,200.80.

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 Henry Street Sanitary Sewer Replacement, Project 99-2S.

Section 2. That said contract shall be payable from the Sanitary 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 this project must be completed prior to the 2000 Street Resurfacing Project; 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.

Keith A. Kochheiser
President of Council

Passed: April 10, 2000

Approved: April 11, 2000

Jack L. Kellogg
Mayor

Attest:

Cathy A. Chappin
Clerk of Council

ORDINANCE NO. 2000 - 52 AS AMENDED

ORDINANCE AMENDING PORTIONS OF MARION CITY CODE
SECTION 943 PART NINE - STREETS AND PUBLIC SERVICES
CODE TO PROVIDE FOR COST OF LIVING ADJUSTMENTS
WITHIN THE SANITATION FEE SCHEDULE FOR SENIOR CITIZENS
AND DISABLED PERSONS

WHEREAS, Marion City Code Section 943 has been found to be in need of further amendment and updated in order to address cost of living increases which have occurred, and

WHEREAS the Council for the City of Marion, Ohio has found a real and present need to incorporate into the sanitation fee schedule applicable to senior citizens and disabled persons a cost of living adjustment, and

WHEREAS the Council finds the people of Marion are served by the following amendments,

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

Section 1. Marion City Code Section 943.19 EXEMPTION OF SENIOR CITIZENS AND DISABLED PERSONS FROM PAYMENT OF CHARGES, now reading in part as follows:

(A) Citizens of the municipality meeting the following qualifications shall be charged a reduced rate of \$16 bimonthly.

(B) The subscriber shall meet either the following age and retirement criteria or the following disability criteria:

(1) *Age and retirement criteria.* The subscriber shall be 62 years of age or more and shall be a retired individual receiving public welfare assistance or disability benefits, or shall be receiving a retirement income from social security, public employees retirement system, military retirement, railroad retirement, privately endowed retirement system or from another similar retirement system. The gross income of a household shall not exceed \$15,000.

(2) *Disability criteria.* The subscriber may be of any age provided such subscriber is rendered unemployable due to and as a direct result of a permanent physical or mental disability. The gross income of a household shall not exceed \$15,000.

SHALL BE AMENDED TO READ AS FOLLOWS:

Marion City Code Section 943.19 EXEMPTION OF SENIOR CITIZENS AND
DISABLED PERSONS FROM PAYMENT OF CHARGES

(A) Citizens of the municipality meeting the following qualifications shall be charged a reduced rate of \$16 bimonthly.

(B) The subscriber shall meet either the following age and retirement criteria or the following disability criteria:

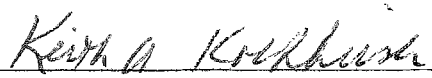
(1) *Age and retirement criteria.* The subscriber shall be 62 years of age or more and shall be a retired individual receiving public welfare assistance or disability benefits, or shall be receiving a retirement income from social security, public employees retirement system, military retirement, railroad retirement, privately endowed retirement system or from another similar retirement system. The gross income of a household shall not exceed \$19,500 plus the Federal Income Tax Dependency Deduction for the prior filing year, in addition, the subscriber shall be entitled to additional Federal Income Tax Dependency Deductions, the amount being those dependency deductions from the prior filing year, for a spouse or lineal descendants who resides in his home and qualifies under (B)(1), (B)(2) or (B)(3) herein.


(2) *Disability criteria.* The subscriber may be of any age provided such subscriber is rendered unemployable due to and as a direct result of a permanent physical or mental disability. The gross income of a household shall not exceed \$19,500 plus the Federal Income Tax Dependency Deduction for the prior filing year, in addition, the subscriber shall be entitled to additional Federal Income Tax Dependency Deductions, the amount being those dependency deductions from the prior filing year, for a spouse or lineal descendants who resides in his home and qualifies under (B)(1), (B)(2) or (B)(3) herein.

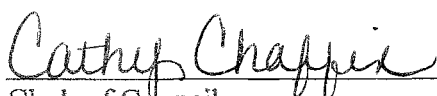
(3) *Dependant lineal descendant.* Any lineal descendant of the subscriber, of any age, who qualifies as a dependant upon the subscriber's Federal Income Tax Filing and was claimed as a dependant for the prior tax filing year.

(4) BEGINNING WITH MARCH 1, 2001 AND EACH YEAR ON THE SAME DATE THEREAFTER, THE BASE MAXIMUM GROSS HOUSEHOLD INCOME AMOUNTS SET FORTH IN SUBSECTIONS 1 AND 2 HEREIN SHALL BE ADJUSTED UTILIZING THE CONSUMER PRICE INDEX FOR ALL ITEMS IN URBAN AREAS, COMMONLY REFERRED TO AS THE CPI-U, FROM THE PREVIOUS CALENDAR YEAR.

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


President

Passed: May 8, 2000
Approved: May 8, 2000

Mayor

Attest;

Clerk of Council

ORDINANCE NO. 2000 - 53

ORDINANCE AMENDING THE ZONING MAP OF THE CITY
OF MARION BY REZONING THE PROPERTY LOCATED
AT 1069 DELAWARE AVENUE CONSISTING OF 0.041 ACRES,
MORE OR LESS, IN THE CITY OF MARION FROM O-I
(OFFICE-INSTITUTIONAL) TO C-4 (CENTRAL
FRAME BUSINESS DISTRICT)

(APPLICANT NAME: DELEX ONE LIMITED PARTNERSHIP)

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from O-I (Office-Institutional) to C-4 (Central Frame Business District), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from O-I 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 1069 Delaware Avenue, Marion, Ohio, and being more particularly described as follows:

Being part of Tract 5 of Executive Center Addition to the City of Marion, Marion County, State of Ohio, and being more particularly described as follows:

Commencing at an existing iron pin located at the intersection of the South right-of-way line of Executive Drive (now 60 feet wide) with the West right-of-way line of State Route 423 (Delaware Avenue);

Thence along the West right-of-way line of State Route 423 (Delaware Avenue) South 18 degrees 03 minutes 22 seconds East for a distance of 325.06 feet to a 5/8" dia. iron pin set and the point of beginning (passing over an existing iron pin at 74.89 feet);

Thence continuing along the West right-of-way line of State Route 423 (Delaware Avenue) South 18 degrees 03 minutes 22 seconds East for a distance of 15.00 feet to an existing iron pin;

Thence South 72 degrees 58 minutes 20 seconds West for a distance of 236.31 feet to an existing iron pin;

Thence North 69 degrees 20 minutes 12 seconds East for a distance of 236.52 feet to a 5/8" dia. iron pin set on the West right-of-way line of State Route 423 (Delaware Avenue) and the point of beginning;

Containing 0.041 Acres more or less and subject to legal highways, easements, restrictions and agreements of record.

Grantors acquired title by instrument recorded in Official Record Volume 265, Page 6 of the Deed Records of Marion County, Ohio.

This description was prepared from a Floyd Browne Associates, Inc. survey made under the direct supervision of John J. (Jack) Norris, Professional Surveyor No. 6835 dated February 4, 2000.

The bearing South 17 degrees 01 minutes 00 seconds East is the same used and recorded for the centerline State Route 423 (Delaware Avenue) in Plat Book 5, Page 97. All other bearings were then calculated from field observations.

All 5/8" dia. iron pins set have an orange colored plastic caps stamped "FBA".

INC

heretofore zoned O-I (Office-Institutional) 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.

Keith G. Korkhaus
PRESIDENT OF COUNCIL

PASSED: April 24, 2000
Approved: April 25, 2000

Jack L. Killings
MAYOR

ATTEST:

Cathy A. Chappin
CLERK

ORDINANCE NO. 2000-54

ORDINANCE AMENDING THE ZONING MAP OF THE CITY
OF MARION BY REZONING THE PROPERTY LOCATED
AT 1127 DELAWARE AVENUE CONSISTING OF 0.628 ACRES,
MORE OR LESS, IN THE CITY OF MARION FROM O-I
(OFFICE-INSTITUTIONAL) TO C-4 (CENTRAL
FRAME BUSINESS DISTRICT)

(APPLICANT NAME: ROSE M. MATHEWS, TRUSTEE)

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from O-I (Office-Institutional) to C-4 (Central Frame Business District), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from O-I to C-4, and

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

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

Section 1. That the property known as 1127 Delaware Avenue, Marion, Ohio, and being more particularly described as follows:

Being part of Tract No. 5 in the Executive Center Addition to the City of Marion, Ohio and in the Northwest Quarter of Section 34, Township 5 South, Range 15 East, Marion Township (now City of Marion), Marion County, State of Ohio and being more particularly described as follows:

Commencing at a 5/8 inch dia. iron pin found at the Southwest corner of Tract No. 5 in the Executive Center Addition, as recorded in Plat Book 5, Pages 97-102, Marion County Recorder's Office;

Thence along the South Line of said Tract No. 5 South 89 degrees 20 minutes 00 seconds East for a distance of 208.33 feet to an iron pin set at the Southwest corner of hereinafter described 0.628 acre tract and the point of beginning.

Thence North 03 degrees 38 minutes 18 seconds West for a distance of 262.61 feet to an iron pin set (passing over an iron pin set at a distance of 150.47 feet);

Thence North 72 degrees 59 minutes 00 seconds East for a distance of 308.75 feet to a point on the centerline of State Route 423 (Delaware Avenue) (passing over a 5/8 inch dia. iron pin found at a distance of 236.59 feet);

Thence along the centerline of State Route 423 South 17 degrees 01 minutes 00 seconds East for a distance of 34.99 feet to a point;

Thence South 72 degrees 59 minutes 00 seconds West for a distance of 236.24 feet to a railroad spike found (passing over a 5/8 inch dia. iron pin found at a distance of 71.58 feet);

Thence South 00 degrees 40 minutes 00 seconds West for a distance of 250.55 feet to an iron pin set at the Southwest corner of Outlot 646;

Thence along the South line of aforesaid Tract No. 5 in Executive Center Addition North 89 degrees 20 minutes 00 seconds West for a distance of 60.00 feet to an iron pin set and the place of beginning.

Containing 0.628 acre, (27376.93 sq. ft.) more or less, of which 0.0577 acre, more or less is located in State Highway Right-of-Way, 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 February 1, 1989. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

Prior Deed Vol. 128, Page 621
Basis of bearings, Deed Vol. 419, Page 234.

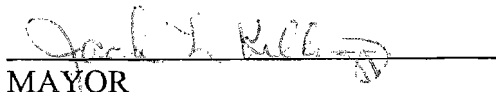
heretofore zoned O-I (Office-Institutional) is hereby zoned C-4 (Central Frame Business District).

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 the office of the Safety/Service Director.

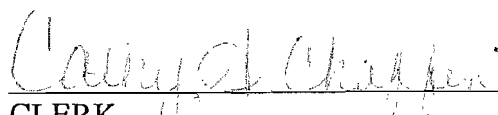
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 24, 2000
Approved: April 25, 2000


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 2000 - 55

ORDINANCE AMENDING THE ZONING MAP OF THE CITY
OF MARION BY REZONING THE PROPERTY LOCATED
AT 1130 ELLEN KAY DRIVE CONSISTING OF 1.199 ACRES,
MORE OR LESS, IN THE CITY OF MARION FROM O-I
(OFFICE-INSTITUTIONAL) TO C-4 (CENTRAL
FRAME BUSINESS DISTRICT)

(APPLICANT NAME: MANAGEMENT EXPANSION, INC.)

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from O-I (Office-Institutional) to C-4 (Central Frame Business District), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from O-I 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 1130 Ellen Kay Drive, Marion, Ohio, and being more particularly described as follows:

Situated in the Northwest Quarter of Section 34, Township 5 South, Range 15 East, City of Marion, Marion Township, Marion County, State of Ohio, and being more particularly described as follows:

Beginning at an existing iron pipe at the Southwest Corner of Tract 5, in the Executive Center Addition as said Addition is recorded in Plat Book 5, Pages 97-102, in the Marion County Recorder's Office; thence North 17 degrees 01 minute West along the West line of said Tract 5, for a distance of 192.20 feet to the Southwest corner of lands belonging to Holiday Inns of America, Inc.; thence North 72 degrees 59 minutes East along the South line of said Holiday Inns of America Lands 568.00 feet to the centerline of State Route 423; thence South 17 degrees 01 minute East along the centerline of State Route 423 for a distance of 215.80 feet to a point; thence North 89 degrees 20 minutes West for a distance of 280.00 feet to a point; thence South 0 degrees 40 minutes West for a distance of 150.00 feet to the South Line of the Executive Center Addition; thence North 89 degrees 20 minutes West along said South Line for a distance of 268.50 feet to the place of beginning.

Containing 2.640 acres, more or less, and subject to legal highways, easements and restrictions of record.

EXCEPTING AND EXCLUDING THEREFROM SO MUCH OF THE FOLLOWING DESCRIBED PARCEL OF LAND PREVIOUSLY CONVEYED TO MATHEWS-KENNEDY FORD, INC., AS IS LOCATED IN SAID TRACT #5;

Being part of Tract #5 in the Executive Center Addition to the City of Marion and all of Outlot #646 in the Northwest Quarter of Section 34, Township 5 South, Range 15 East, City of Marion, Marion Township, Marion County, State of Ohio, and being more particularly described as follows:

Commencing at an existing iron pin located at the Southwest Corner of Tract #5 in said Addition; thence along the South Line of Tract #5 and the South Line of Executive Center Addition South 89 degrees 20 minutes 00 seconds East for a distance of 268.33 feet to a 5/8" dia. iron pin set on the East Line of said Tract #5 (also being the East Line of Executive Center Addition) and the point of beginning; thence along the East Line of Tract #5 and Executive Center Addition and said line extended North 0 degrees 40 minutes 00 seconds East for a distance of 250.55 feet to a railroad spike set (passing over the Southeast Corner of Tract #5 and Executive Center Addition at 150.05 feet); thence North 72 degrees 59 minutes 00 seconds East for a distance of 236.24 feet to a point on the centerline of State Route 423 (passing over a 5/8"

dia. iron pin set at 164.66 feet); thence along the centerline of State Route 423 South 17 degrees 01 minute 00 seconds East for a distance of 338.30 feet to a point on Grantor's South line (passing over the Southeast Corner of Tract #5 and Executive Center Addition at 180.80 feet); thence along Grantor's South line North 89 degrees 20 minutes 00 seconds West for a distance of 327.84 feet to a 5/8" dia. iron pin set n the Southeast Corner of Tract #5 (also being the Southeast Corner of Executive Center Addition) and the point of beginning (passing over a 5/8" dia. iron pin set at 52.48 feet).

Containing 1.860 acres, more or less, of which 0.813 acre, more or less, is in Tract #5, Executive Center Addition, and 1.047 acres, more or less, are in Outlot 646, Section 34, and 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 December 11, 1984.

Containing after said exception, 1.827 acres, more or less.

ALSO EXCEPTING THEREFROM THE FOLLOWING:

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

Being part of Tract No. 5 in the Executive Center Addition to the City of Marion, Ohio, and in the Northwest Quarter of Section 34, Township 5 South, Range 15 East, Marion Township (now City of Marion), Marion County, State of Ohio and being more particularly described as follows:

Commencing at a 5/8" dia. iron pin found at the Southwest corner of Tract No. 5 in the Executive Center Addition, as recorded in Plat Book 5, Pages 97-102, Marion County Recorder's Office; thence along the South Line of said Tract No. 5 South 89 degrees 20 minutes 00 seconds East for a distance of 208.33 feet to an iron pin set at the Southwest corner of hereinafter described 0.628 acre tract and the point of beginning; thence North 03 degrees 38 minutes 18 seconds West for a distance of 262.61 feet to an iron pin set (passing over an iron pin set at a distance of 150.47 feet); thence North 72 degrees 59 minutes 00 seconds East for a distance of 308.75 feet to a point on the centerline of State Route 423 (Delaware Avenue) (passing over a 5/8 inch dia. iron pin found at a distance of 236.59 feet); thence along the centerline of State Route 423 South 17 degrees 01 minute 00 seconds East for a distance of 34.99 feet to a point; thence South 72 degrees 59 minutes 00 seconds West for a distance of 236.24 feet to a railroad spike found (passing over a 5/8 inch dia. iron pin found at a distance of 71.58 feet); thence South 00 degrees 40 minutes 00 seconds West for a distance of 250.55 feet to an iron pin set at the Southwest corner of Outlot 646; thence along the South Line of aforesaid Tract No. 5 in Executive Center Addition North 89 degrees 20 minutes 00 seconds West for a distance of 60.00 feet to an iron pin set and the place of beginning.

Containing 0.628 acre (27376.93 sq. ft.), more or less, of which 0.0577 acre, more or less, is located in State Highway Right-of-Way, 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 February 1, 1989. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000." Basis of bearings, Deed Vol. 419, Page 234.

CONTAINING AFTER SAID EXCEPTIONS 1.199 ACRES, MORE OR LESS.

heretofore zoned O-I (Office-Institutional) 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.

Keith A. Koshman
PRESIDENT OF COUNCIL

PASSED: April 24, 2000
Approved: April 25, 2000

Jack L. Kellogg
MAYOR

ATTEST:

Cathy A. Chappin
CLERK

ORDINANCE NO. 2000-56**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE ADAMS STREET SIDEWALK PROJECT 99-2M 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 Adams Street Sidewalk Project 99-2M.


Section 2. That the cost of such contract shall be payable from a Community Development Block Grant (CDBG).

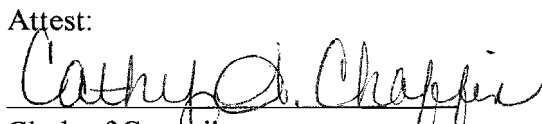
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the CDBG funding must be utilized in 2000, and as such, shall 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 24, 2000

Approved: April 25, 2000


Mayor

Attest:

Clerk of Council

ORDINANCE NO. 2000-57**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE SUGAR STREET PAVEMENT IMPROVEMENTS, PROJECT 99-2P 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 Sugar Street Pavement Improvements, Project 99-2P.


Section 2. That the cost of such contract shall be payable from a Community Development Block Grant (CDBG).

Section 3. That 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 CDBG funding must be utilized in 2000, 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 24, 2000

Approved: April 25, 2000


Mayor

Attest:


Clerk of Council

ORDINANCE NO. 2000-58

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO AGREEMENT WITH PLASTALL SERVICE CO. FOR
THE PAINTING OF LINCOLN PARK POOL AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 2000-7 authorized the preparation of plans, specifications and advertising for bids for various capital improvements listed in the 2000 Fiscal Budget including the painting of the Lincoln Park Pool; and

WHEREAS, Plastall Service Company submitted the best quote: therefore,

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 Plastall Service Company to paint the Lincoln Park Pool.


Section 2. That said cost contract \$14,471 shall be payable from the Pool Capital Improvement Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and furthermore since the pool is scheduled to open on Memorial Day: 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 24, 2000

APPROVED: April 25, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 2000-59

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, TO ESTABLISH THE POSITION OF COMMUNICATIONS COORDINATOR WITHIN THE MARION CITY POLICE DEPARTMENT AND PROVIDING A JOB DESCRIPTION THEREFOR

WHEREAS the Marion City Police Department, Division of Communications is in need of a Communications Coordinator in order to better serve the people of the City of Marion, and

WHEREAS recent restructuring within the Department, caused by the closure of the Marion City Jail, has provided for an opportunity to enable and facilitate needed change within the Communications Division,

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

Section 1. The Yarger Report created and adopted in 1969 shall be amended to include the newly created position of Communications Coordinator with the Communications Division of the Marion City Police Department and the accompanying job description for said position attached hereto is hereby incorporated herein by reference.

Section 2. That section 2 (E) of the Yarger Report shall be amended to incorporate position utilizing the above referenced Job Title and Job Description attached hereto as Exhibit A.

Section 3. The position of Communications Coordinator is established at Pay Grade 18, with a \$0.50 per hour premium, within the Police Department.

Section 4. That this ordinance shall take effect on the earliest date allowed by law.

Keith A. Koehner
President of Council

PASSED: April 24, 2000
APPROVED: April 25, 2000

Paul L. Kelly
Mayor

ATTEST:

Cathy A. Chappin
Clerk of Council

ORDINANCE NO. 2000-60 AS AMENDED

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE A DEMONSTRATOR MODEL J.C.B. TRACTOR THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, TRADE-IN (1) MODEL 4240 CASE TRACTOR, FOR USE AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, the Model 4240 Case Tractor is inadequate in meeting the needs of the Marion Municipal Airport, and

WHEREAS, there is a demonstrator Model J.C.B. Tractor available through a State Purchasing Program Vendor.

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 Harvey Equipment Center, 1234 W. Main St., Van Wert, Ohio 45891, a State Purchasing Program Vendor, for the purchase of a demonstrator Model J.C.B. Tractor for use at the Marion Municipal Airport.~~

Amended Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with RECO Equipment of Morristown, Ohio, a State Purchasing Program Vendor, for the purchase of a demonstrator Model J.C.B. Tractor for use at the Marion Municipal Airport.

Section 2. That the contract price shall be \$45,082.00 and the trade-in of (1) Model 4240 Case Tractor s/n 0920109 now in use at the Marion Municipal Airport.


Section 3. That said contract shall be payable from the Capital Improvement Fund account 401.6621.559450

Section 4. 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 5. 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 be come effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: April 24, 2000
APPROVED: April 25, 2000


Mayor

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 2000-61

**ORDINANCE AUTHORIZING THE APPROPRIATION
OF FUNDS FOR PURCHASING AND INSTALLATION
OF AN OHIO HISTORICAL SOCIETY MARKER TO BE
LOCATED AT THE MARION MUNICIPAL AIRPORT.**

WHEREAS, the Ohio Historical Society along with the Longaberger Company has awarded the Marion Municipal Airport's application to install a historical marker to recognize 136 families relocated by eminent domain during World War II for the creation of the Scioto Ordnance Plant and later becoming the Marion Municipal Airport, and

WHEREAS, the cost of this project will be shared equally between the Ohio Historical Society, the Longaberger Company and the Marion Municipal Airport. The total cost of project will be \$1,450.

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

Section 1. That Council authorizes the installation of an Ohio Historical Marker to be located at the Marion Municipal Airport.

Section 2. That Council appropriate \$480. for Marion Municipal Airport's share and shall be payable from Airport's Professional Service Fund account 101.6621.530320

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 the earliest period allowed by law.



PRESIDENT OF COUNCIL

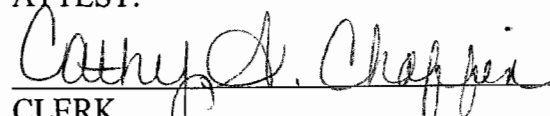
PASSED: April 24, 2000

APPROVED: April 25, 2000



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 2000-62

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH MANSFIELD ASPHALT PAVING COMPANY, INC. FOR THE LINCOLN PARK PARKING LOT PROJECT FOR THE CITY OF MARION AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2000-27 authorized the preparation of plans, specifications and advertising of bids for the Lincoln Park Parking Lot CDBG grant project, and

WHEREAS, Mansfield Asphalt Paving Company, Inc. submitted the lowest and best bid of \$86,210.51, and

WHEREAS, the City of Marion has allocated \$43,500 of it's Fiscal Year 1999 CDBG Formula Grant for this project , and

WHEREAS, Marion Baseball For Youth has committed the remaining \$42,710.51.

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

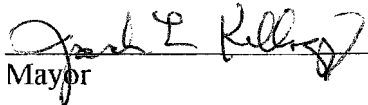
Section 1. That the Mayor be directed to enter into contract with Mansfield Asphalt Paving Company, Inc for the Lincoln Park Parking Lot Project.

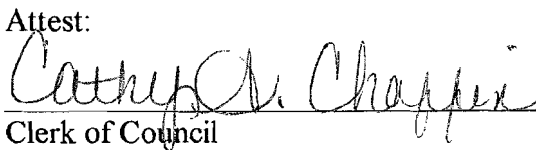
Section 2. That said contract shall be payable from the FY'1999 CDBG Formula Grant Fund.

Section 3. That this said ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that the project must be completed before the baseball season begins; and 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 24, 2000
Approved: April 25, 2000


Mayor

Attest:

Clerk of Council

ORDINANCE NO. 2000- 63

ORDINANCE MAKING ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2000

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 \$139,180.06 as follows:

SENIOR CITIZENS ASSOCIATION FUND

SENIOR CENTER EXPENSE	233.3819.570735	\$10,000.00
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SCMR FUND

PERMISSIVE AUTO	207.6612.530530	\$19,472.58
RESURFACING PROJECTS	207.6612.530531	<u>\$ 4,572.00</u>
		\$24,044.58

STATE HIGHWAY FUND

RESURFACING PROJECTS	208.6613.530531	\$31,800.00
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VIOLENCE AGAINST WOMEN FUND

SALARIES	212.1549.510110	\$13,251.17
BENEFITS	212.1549.510120	\$ 3,936.24
TRAVEL	212.1549.520220	\$ 3,509.90
SCHOOLING	212.1549.530221	\$ 910.00
PROFESSIONAL SERVICE	212.1549.530320	\$30,683.17
SUPPLIES	212.1549.540420	\$ 350.00
EQUIPMENT	212.1549.550450	<u>\$20,695.00</u>
		\$73,335.48

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

Keith A. Koskhusien
PRESIDENT OF COUNCIL

PASSED: May 8, 2000

APPROVED: May 8, 2000

Jack L. Kelly
MAYOR

Attest:

Cathy Chappie
Clerk of Council

ORDINANCE NO. 2000-64

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 2000 STREET RESURFACING PROGRAM, PROJECT 00-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion, Ohio has been awarded a \$120,000 resurfacing grant from the Ohio Public Works Commission to finance a portion of the 2000 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 2000 Street Resurfacing Program consisting of the following streets:

2000 STREET RESURFACING

<u>STREET</u>	<u>SECTION</u>
1. Barks Avenue	Entire
2. Bellevue Avenue	Entire
3. Bermuda Drive	Bridge - 200' N. Trinidad Drive
4. Concord Avenue	Entire
5. Congress Street	Entire
6. Davids Street	Divided-S. Corporation
7. Decatur Street	Entire
8. Edgewood Drive	Entire
9. Evans Road	Entire
10. Eveningside Circle	Entire
11. Flag Pole Hill	Entire
12. Grand Avenue	Center Street - George Street
13. Hamilton Street	Entire
14. Harrison Street	Entire
15. Jameson Street	Entire
16. Leetonia Circle	Entire
17. Morningside Circle	Entire
18. Mound Street	Entire
19. Oak Grove Avenue	Entire
20. Oliver Street	Entire
21. Quaker Drive	Entire
22. Reed Avenue	Entire
23. Rosedale Avenue	Entire
24. Savannah Drive	Entire
25. Senate Street	Entire
26. Shadyside Circle	Entire
27. Smith Street	Entire
28. Superior Street	Entire
29. Westwood Avenue	Entire

Section 2. That said contract shall be payable from an Ohio Public Works Commission (OPWC) Grant, the \$5.00 Permissive Auto Tax 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.

Keith A. Krottsch
President of Council

Passed: May 8, 2000

Approved: May 8, 2000

Joel L. Kelly
Mayor

Attest:
Cathy Chappin
Clerk of Council

ORDINANCE NO. 2000 - 65 AS AMENDEDORDINANCE AUTHORIZING THE MAYOR TO PURCHASE A
CERTAIN EASEMENT, SPECIFICALLY DESCRIBED HEREIN,
AND APPROPRIATING THE NECESSARY FUNDS AND
DECLARING AN EMERGENCY

WHEREAS, the City of Marion has an immediate need to acquire an easement in order to construct a sanitary sewer lift station in order to serve lands lying within the City of Marion, Ohio. The City Administration has made diligent efforts to identify other lands which would be able to provide a suitable site for the placement of said lift station, however a complete review by the City Engineer reveals the parcel identified herein on Exhibit A is the only tract which can economically provide for the location of the lift station, and

WHEREAS, the City Administration has made diligent efforts negotiate a fair and just price for the identified lands, however the current owner is unwilling to compromise on his price. The Council has diligently contemplated the benefits and costs associated with a taking of the land and concluded that due to time constraints, a takings is potentially too costly, and

WHEREAS, the Council, with the Administrations recommendation, does find it to be in the people of Marion's best interest to purchase the aforementioned easement at the owner's price, but to make specific provisions regarding the waivers of tap-in fees associated with the sellers other available acreage,

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

SECTION 1. The Council finds the lands depicted on Exhibit A attached hereto and made a part herein are necessary for a public purpose. And further, the best manner to acquire said lands are by way of the purchase of a permanent easement pursuant to O.R.C. 717.01 this in order to construct a sanitary sewer lift station and other sewer related improvements in order to serve lands already lying within the City's Municipal boundaries. Therefore, the Mayor is authorized and directed to enter into an easement purchase agreement with the owner in order to obtain a permanent easement for said lands.

SECTION 2. The Council further finds it necessary to appropriate the sum of Thirty Thousand Dollars (\$30,000.00) to complete the transaction as set forth in section one above and therefore makes the following appropriation:

Sanitary Sewer Improvement Fund	550.5973.550391	\$30,000.00 (Project 97-3S Easements)
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SECTION 3. The Council finds it to be in the best interests of the Citizens of the City of Marion, Ohio, due directly to the seller's unwillingness to waiver on his price for the permanent easement described on Exhibit A attached hereto and based upon the fact the Council declined after deliberation to take the property pursuant to imminent domain, it is specifically Ordained those lands which remain with the seller and which are set forth in Exhibit B attached hereto and made a part hereof are to no enjoy any waiver whatsoever of any applicable tap-in fee or related connection charge. The Council directs future Councils and Administrations to recoup the costs of the underlying purchase herein from said tap-in fees and any and all additional fee monies to which it normally would be entitled.

SECTION 4. This Council further finds and determines that all formal actions of this Council and any of its' committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and accompanying committees that resulted in those formal actions were in meetings open to the public, all in compliance with O.R.C. 121.22 et. al.,

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediate need for the expansion of the sanitary sewer system and its' related operations; 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: May 8, 2000
APPROVED: May 9, 2000

Jack L. Killings
Mayor

ATTEST: Cathy Chappin
Clerk of Council

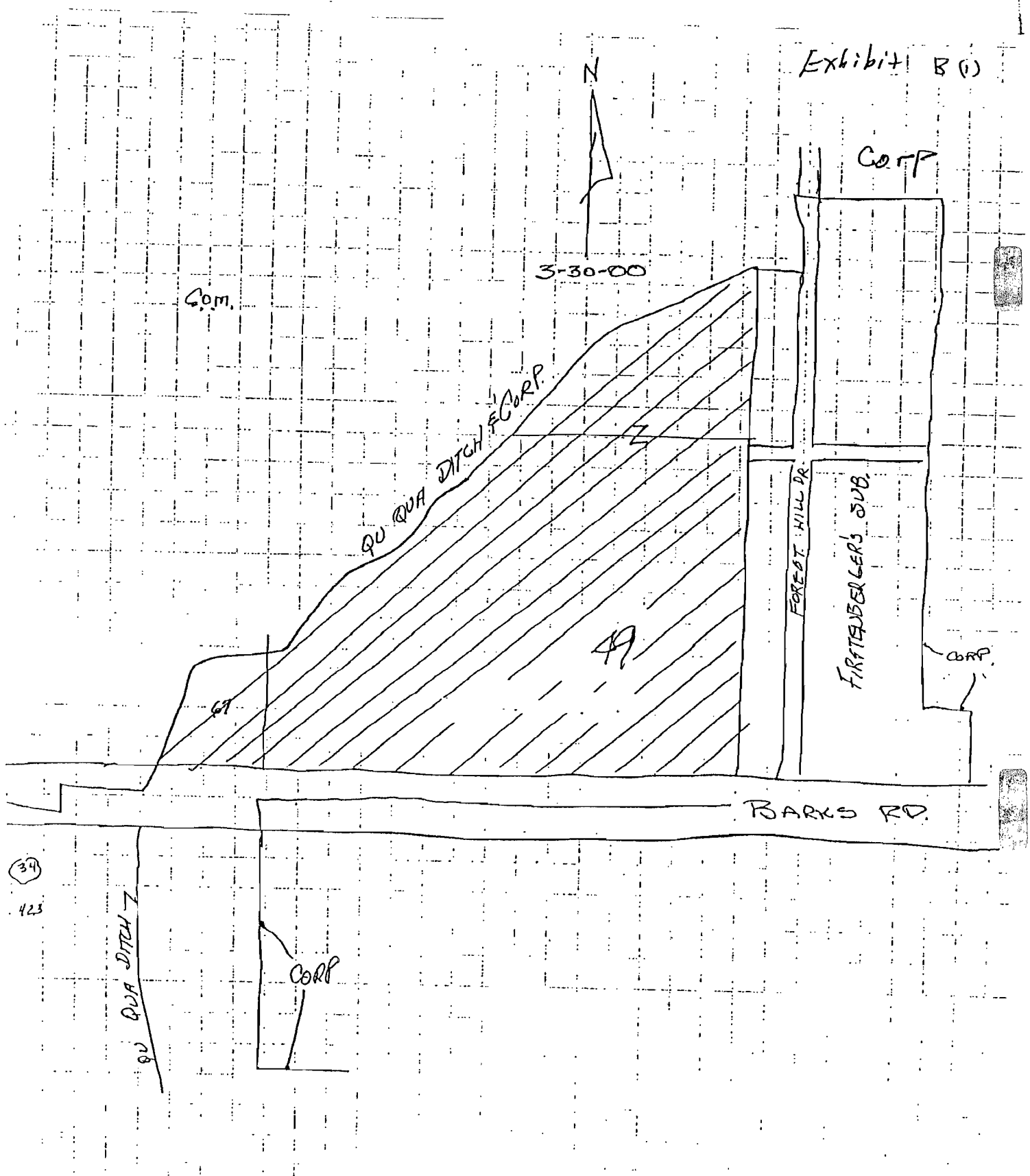
Keith A. Kochheiser
President of Council

Exhibit A

Situated in the State of Ohio, County of Marion, Township of Marion. Being a part of Section 34, Township 5 South, Range 15 East, and being part of a 32.997 acre tract. The permanent easement being for the construction, operation, and maintenance of a lift station, sanitary sewer and storm sewer.

Beginning at South line of the Northeast Quarter of Section 34 also being the centerline of Barks Road and the centerline of the Qu Qua Ditch: thence North 15 degrees - 01 minute East along the meanderings of the Qu Qua Ditch for a distance of 114.55 feet to a point; thence North 88 degrees - 49 minutes East for a distance of 76.76 feet to a point; thence South 01 degrees - 11 minutes East for a distance of 60.00 feet to a point; thence North 88 degrees - 49 minutes East for a distance of 168.00 feet to a point; thence South 01 degrees - 11 minutes East for a distance of 50.00 feet to a point on the South line of the Northeast Quarter of Section 34 also being the centerline of Barks Road; thence South 88 degrees - 49 minutes West for a distance of 276.72 feet along the South line of the Northeast Quarter of Section 34 also being the centerline of Barks Road to the true point of beginning.

Containing 0.427 acres less all legal highways or restrictions, if any, of record.



Situated in part of the Northeast Quarter of Section 34, and in part of the Northwest Quarter of Section 35, Township 5 South, Range 15 East, Marion Township, Marion County, Ohio, and being more particularly bounded and described as follows:

Beginning at a railroad spike found in the southeast corner of the said Northeast Quarter of Section 34, said spike being also in the centerline of Barks Road;

Thence South $88^{\circ} 49'$ West 484.00 feet along the south line of the said Northeast Quarter and the said centerline to a railroad spike set in the center of a bridge over QuQua Creek;

Thence Northeasterly, along the meanderings of the said QuQua Creek, the following five (5) courses;

1. North $15^{\circ} 01'$ East 147.00 feet;
2. North $48^{\circ} 32'$ East 261.00 feet;
3. North $27^{\circ} 02'$ East 295.60 feet;
4. North $13^{\circ} 44' 30''$ East 1075.85 feet to a $3/4$ " nominal steel

pipe set, passing the easterly line of the aforesaid Northeast Quarter of Section 34 at 441.42 feet;

5. North $47^{\circ} 40'$ East 744.46 feet to a point in the west line of CARL H. FIRSTENBERGERS SECOND SUBDIVISION;

Thence South $0^{\circ} 46' 40''$ East 2104.70 feet along CARL H. FIRSTENBERGERS SECOND SUBDIVISION and CARL H. FIRSTENBERGERS FIRST SUBDIVISION to a railroad spike found in the aforesaid centerline of Barks Road, passing a $3/4$ " nominal steel pipe set at 15.00 feet, and passing also a $3/4$ " nominal steel pipe found at 2074.70 feet;

Thence South $89^{\circ} 12'$ West 718.67 feet along the south line of the Northwest Quarter of Section 35 and the centerline of Barks Road to the point of beginning, containing 32.997 Acres of land, more or less, of which 4.445 Acres lies in the Northeast Quarter of Section 34, and 28.552 Acres lies in the Northwest Quarter of Section 35, subject however to all legal highways, easements, or restrictions, if any, of record.

VOL 553 PAGE 402

RECORDED 12-14-1979

ORDINANCE NO. 2000-66

**ORDINANCE AUTHORIZING THE SAFETY SERVICE
DIRECTOR TO ADVERTISE, "REQUEST FOR PROPOSALS
AND QUALIFICATIONS" FOR MAINTENANCE OF AIRPORT
NAVIGATION SYSTEMS, AND DECLARING AN EMERGENCY.**

WHEREAS, Marion Municipal Airport is required by F.A.A. for certified maintenance of all navigation systems, and

WHEREAS, there is a need to select qualified maintenance technician for the LOC/DME by July as the system's existing maintenance agreement is due to expire.

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

Section 1. City Council of Marion authorize the advertisement for "Request for Proposals and Qualifications" for airport LOC/DME certified maintenance.

Section 2. The Proposals will pertain to maintenance of an ASI Localizer and DME. Proposals for other airport navigation systems (NDB, TVOR) may be considered as alternate proposals.

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

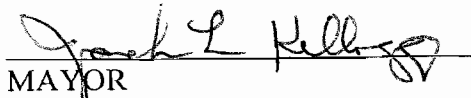
Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor,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



PRESIDENT OF COUNCIL

PASSED: May 8, 2000

APPROVED: May 8, 2000



MAYOR



CLERK

ORDINANCE NO. 2000-67

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
ENTER INTO CONTRACT WITH KRAMER IMPLEMENT FOR THE
PURCHASE OF A 15FT. MOWER FOR USE IN THE LANDFILL
MONITORING 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, Kramer Implement, submitted the best proposal for the purchase of the 15Ft. Mower, 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 Kramer Implement to purchase 15Ft. Mower for use in the Landfill Monitoring Department.

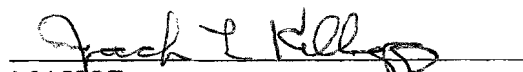
Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its 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: May 8, 2000

APPROVED: May 8, 2000



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 2000-68

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, TO ESTABLISH THE POSITION OF AIRPORT MAINTENANCE DIRECTOR II, AND TO PROVIDE A JOB DESCRIPTION THEREFORE, AND FURTHER TO MODIFY THE JOB DESCRIPTION OF AIRPORT MAINTENANCE DIRECTOR FOR THE CITY OF MARION.

WHEREAS, recently awarded FAA grants have created new and higher skilled job demands upon the position of Airport Maintenance Director, especially in the areas of construction coordination and equipment maintenance, and

WHEREAS, in reviewing the job requirements, skill levels and time spent as required to perform the job in comparison with comparable positions within the City of Marion, it was found that both a new job description and position title was appropriate,

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

Section 1. That this ordinance shall amend the Yarger Report and establish the position of Airport Maintenance Director II within the Marion City Airport Department, to provide a Job Description therefore and further to establish the position in Pay Grade 20. The Job Description for said position is attached hereto and incorporated herein by reference.

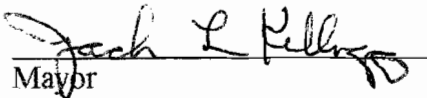
Section 2. That section 2 (E) of the Yarger Report shall be amended to incorporate the above referenced Job Title and Job Description attached hereto as Exhibit A.

Section 3. That section 2 (E) of the Yarger Report shall be amended to change the existing Job Title of Airport Maintenance Director to Airport Maintenance Director I.

Section 4. That this ordinance shall take effect on the earliest date allowed by law.


President of Council

PASSED: May 8, 2000
APPROVED: May 8, 2000


Mayor

ATTEST:


Clerk of Council

**City of Marion
Job Description**

Job Title: Airport Maintenance Director II
Department: Marion Airport
Reports To: Director of Aviation
FLSA Status: Non-exempt
Prepared By: Human Resources Director
Prepared Date: 04/27/00
Approved By: Director of Aviation
Approved Date: 4/28/00

Approved By Date
Per. Comm: 4/28/00
City Council:
Code Ref: 1969-29, 2000-
Grade Level: 20
Col.Barg. Rep: Nonbarg.

SUMMARY

Plans, directs and coordinates activities concerned with major and minor construction, and maintenance of airport facilities in accordance with governmental agency of commission policies and regulations by performing the following duties personally or through subordinates.

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

Formulates procedures for use in event of aircraft accidents, fires or other emergencies.

Coordinates airport construction projects, including daily contact with contractors, periodic inspection of work and the development of punch-out lists. Regularly updates the Director of Aviation on the status and progress of construction projects.

Inspects or reviews inspection reports of airport facilities such as runways, buildings, beacons and lighting, and automotive or construction equipment to determine repairs, replacement, or improvements required and personally, when feasible, completes same. Maintains adequate inventory of spare parts. Issues FAA NOTAMS.

Coordinates activities for repair, maintenance (daily maintenance of vehicles) and preventative maintenance of airport vehicles, facilities, buildings, and equipment to minimize interruption of airport operations and improve efficiency. Coordinates activities of snow removal crews. Maintains an ongoing record of the above activities.

Reviews reports of expenditures, and proposals for maintenance of facilities and equipment. Projects budget for maintenance and repairs including spare parts inventory. Conducts price and product analysis to determine and recommend best purchases. Provides research and recommendations for capital equipment investments.

Serves as acting Airport Operations Director during absences to address immediate operational issues.

Periodically inspects buildings and hangars to detect fire hazards and violations of airport regulations.

Operates a variety of motorized equipment including heavy trucks.

Performs necessary minor repairs to trucks and tractors. May fabricate parts to accomplish repairs.

Cleans and repairs or replaces windsock and other wind indicating devices.

Replaces defective bulbs or burnt out fuses in lighting equipment and controls such as landing lights and boundary lights.

Fills holes and levels low places and bumps in runways and taxiing areas.

Cuts grass on airport grounds.

Patrols airfield to ensure security of aircraft and facilities.

Records airport data such as number of planes stored in hangars, plane landings and departures.

SUPERVISORY RESPONSIBILITIES

Directly supervises up to 3 seasonal or temporary employees in the airport maintenance. 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

High school diploma or general education degree (GED) required; one year of specific training or experience preferred.

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 top management, public groups, and/or boards of directors.

MATHEMATICAL SKILLS

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and

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

Most possess a valid Ohio Drivers License. A Commercial Drivers License (CDL) is preferred and is required within six months of hiring.

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, walk, and sit. The employee is occasionally required to 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 frequently exposed to outside weather conditions. The employee is occasionally exposed to moving mechanical parts and risk of electrical shock. The employee also works within proximity to operating aircraft and may be exposed to propeller and jet engine generated winds, and dangers associated with aircraft that are landing, taking off and taxing. The noise level in the work environment is usually loud.

ORDINANCE NO. 2000-68

Page 3

ORDINANCE NO. 2000- 69 —

ORDINANCE TO AMEND THE TRAFFIC CONTROL MAP BY
INSTALLING A THREE WAY STOP AT BERMUDA AND EASY
STREET.

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

Section 1. That the Traffic Control Map of the City of Marion, Ohio is hereby amended by installing a three way stop at the following intersection:

A. Bermuda and Easy Streets

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 The Traffic Control Map to conform to the above provision and to have said signs installed.

Section 3. That after the installation of said Stop Signs, all traffic at the above described intersections shall be amenable to the provisions of Section 303 and 309 of the Codified Ordinances of the City of Marion, Ohio and the related sections of Ohio Revised Code.

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.

PASSED: May 8, 2000
APPROVED: May 8, 2000

Kevin A. Koschke
President of Council

Jack R. Kelley
Mayor

ATTEST:

Cathy Chappin
Clerk of Council

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-70

Passed May 22

2000
YEAR

ORDINANCE NO. 2000-70

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2000.

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 \$11,507.45 as follows:

GENERAL FUND

CIVIL SERVICE

PROFESSIONAL SERVICES	101.7717.530320	\$4,010.00
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CAPITAL IMPROVEMENT FUND

FY99 CONTINGENCY	401.9549.570624	\$5,792.45
FY98 CONTINGENCY	401.9548.570624	<u>1,705.00</u>
TOTAL		\$7,497.45

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

Kirk A. Kerkhiser
PRESIDENT OF COUNCIL

PASSED: May 22, 2000

APPROVED: May 23, 2000

Jack L. Kell
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-71

Passed May 22, 2000
YEAR

ORDINANCE NO. 2000-71

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS THE PURCHASE OF ONE USED TANDEM AXLE DUMP TRUCK FOR USE AT THE LANDFILL AND DECLARING AN EMERGENCY.

WHEREAS, this vehicle will be added to our fleet;

WHEREAS, this vehicle will be purchased from the Landfill Monitoring Fund

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

Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of one used tandem axle dump truck.

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.

Keith A. Kroschke
PRESIDENT OF COUNCIL

PASSED: May 22, 2000

APPROVED: May 23, 2000

John L. Hill
MAYOR

ATTEST:
Cathy Chappin
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Ordinance No. 2000-72

Passed May 22, 2000
YEAR

ORDINANCE NO. 2000-72

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR
DEMOLITION OF 233 LEADER STREET, AND DECLARING AN EMERGENCY.**

WHEREAS, the Safety/Service Director has declared 233 Leader Street to be a dangerous building according to Chapter 1360 of the Marion Codified Ordinances and,

WHEREAS, J & J Renovations submitted the lowest and best proposal, 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 J & J Renovations for the demolition of 233 Leader Street.

Section 2. That the \$3,400.00 cost of said contract shall be payable from the General Fund Account No. 101.7716.530323.

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.

Keith A. Kachheiser
PRESIDENT OF COUNCIL

PASSED: May 22, 2000

APPROVED: May 23, 2000

Jack L. Killebrew
MAYOR

ATTEST:

Cathy Chappin
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

911

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-73

Passed May 22, 2000
YEAR

ORDINANCE NO. 2000-73

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO SELL BY PUBLIC AUCTION A 1976 FORD E250 VAN, A 1979 CHEVY SUBURBAN, AND A 1988 GMC SUBURBAN THAT ARE NO LONGER NEEDED IN THE OPERATION OF THE CITY, AND DECLARING AN EMERGENCY.

WHEREAS, the 1976 Ford E250 Van, the 1979 Chevy Suburban, and the 1988 GMC Suburban are no longer needed in the operation of the City of Marion, and;

WHEREAS a public auction has been scheduled for June 10, 2000 for disposal of many unneeded items owned by the City of Marion; therefore,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to sell by public auction a 1976 Ford E250 Van (serial no. E25HHA63769), a 1979 GMC Suburban (serial no. CKL169F158398), and a 1988 Suburban (serial no. 1GKER16K2JF523193) that are no longer needed for the operation of the City of Marion.

Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and for further reason the public auction is scheduled on June 10, 2000; 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 of Council; otherwise it shall become effective from and after the earliest period allowed by law.

Kisha A. Kerkheim
PRESIDENT OF COUNCIL

PASSED: May 22, 2000

APPROVED: May 23, 2000

Jack L. Kell
MAYOR

Cathy Chappin
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

213

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-74

Passed May 22, 2000
YEAR

ORDINANCE NO. 2000-74

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH NORTHWEST POOLS, INC. FOR THE PURCHASE OF A AUTOMATIC CHEMICAL CONTROLLER FOR USE AT THE LINCOLN PARK POOL 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, Northwest Pools Inc/ submitted the best proposal in the amount of \$3,735.00 for the purchase of the Automatic Chemical Controller, 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 Northwest Pools Inc. to purchase the Automatic Chemical Controller for use at the Lincoln Park Pool.

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 Lincoln Park Pool, 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.

Keith A. Krehbisher
PRESIDENT OF COUNCIL

PASSED: May 22, 2000

APPROVED: May 23, 2000

Jack Z. Kilgus
MAYOR

ATTEST:

Cathy Chappin
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

015

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-75

Passed May 22, 2000
YEAR

ORDINANCE NO. 2000-75

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT, WITH EASTERN MAINTENANCE AND RESTORATION FOR THE TUCK POINTING OF YOUTH CENTER PHASE 1 AND DECLARING AN EMERGENCY.

WHEREAS, It has Been Determined That the Youth Center Phase 1 is in need of Tuck Pointing; and

WHEREAS, Eastern Maintenance and Restoration, submitted the best proposal of \$12,240.00 for the Tuck Pointing of the Youth Center Phase 1.

BE IT ORDANIED 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 Eastern Maintenance and Restoration to tuck point Phase I of the Youth Center.

Section 2 That this ordinance is herby 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 Youth 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: May 22, 2000

APPROVED: May 23, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Ordinance No. 2000-76

Passed May 22, 2000
YEAR

ORDINANCE No. 2000-76

ORDINANCE APPROVING THE PURCHASE OF ONE (1) BUS FOR MARION AREA TRANSIT

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) 19-2 LTV Vehicle (Bus) through the ODOT Cooperative Purchasing Program for Marion Area Transit.

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

Kevin A. Krehbiel
President of Council

PASSED: May 22, 2000

APPROVED: May 23, 2000

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Ordinance No. 2000-77 Passed May 22, 2000
YEAR

ORDINANCE 2000-77

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR ALL EQUIPMENT AND RELATED EXPENSES FOR A NEW COMBINED DISPATCH CENTER AT THE MARION POLICE DEPARTMENT.

WHEREAS, the current combined dispatch center is more than 20 years old, and

WHEREAS, the current dispatch area is too small to allow the communications officers to perform their jobs at peak performance, and

WHEREAS, current technology could be added to the combined dispatch to allow for better response of police, E.M.S., and fire personnel, and

WHEREAS, the citizens of Marion would benefit greatly from a more modern combined dispatch center.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the needed equipment to create a new Combined Dispatch Center at the Marion Police Department.

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

Kevin A. Koshke
 PRESIDENT OF COUNCIL

PASSED: May 22, 2000

APPROVED: May 23, 2000

Jack L. Kelly
 MAYOR

ATTEST:
Cathy Chappin
 CLERK OF COUNCIL

Ordinance No. 2000-78 Passed May 22, 2000
YEAR

ORDINANCE 2000-78

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A MOBILE SHOWER AND RESTROOM FACILITY FOR CAMP POSITIVE DIRECTION.

WHEREAS, the Marion Police Department has developed Camp Positive Direction to help area youth, and

WHEREAS, the staff and the campers need to have a facility for showers, and

WHEREAS, the city has received a grant for \$19,260.00 from the Office of Criminal Justice Services for this project, and

WHEREAS, Resolution 1999-42 established the Juvenile Intervention Capitol Grant Fund and authorized the City Auditor to pay up to \$9,630.00 as matching funds.

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

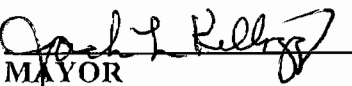
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for a Mobile Shower and Restroom Facility for Camp Positive Direction.

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 22, 2000

APPROVED: May 23, 2000


 MAYOR

ATTEST:


 CLERK OF COUNCIL

RECORD OF ORDINANCES

223

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-79

Passed May 22, 2000
YEAR

ORDINANCE NO. 2000-79

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE SANITARY SEWER IMPROVEMENT FUND FOR THE YEAR ENDING
DECEMBER 31, 2000.

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

Section 1. That there be additional appropriations made in Sanitary Sewer
Improvement Fund in the amount of \$136,716.42 as follows:

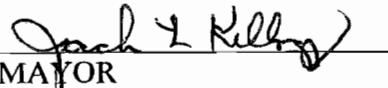
Barks Road Project	550.5973.550520	\$136,716.42
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Section 2. That this ordinance shall take effect and be in force from and after the
earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: May 22, 2000

APPROVED: May 23, 2000


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000225

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-80

Passed June 12, 2000
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
CHIP GRANT FUND FOR THE YEAR ENDING DECEMBER 31, 2000.

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 Chip Grant
Fund in the amount of \$12,267.40 as follows:

Implementation 272.4548.530326 \$12,267.40

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

Keith A. Koehneiser
President of Council

APPROVED: June 13, 2000

Paul R. Kelly
Mayor

ATTEST:

Cathy Chappin
Clerk of Council

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Ordinance No. 2000-81

Passed June 12, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MARION AUTO SALES FOR THE PURCHASE OF ONE (1) 1997 FORD E350 TWELVE (12) PASSENGER CLUB WAGON TO BE USED IN THE MARION CITY RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, this Council by passage of Ordinance No. 1991-136, requires approval of all capital equipment 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, Three dealerships were contacted and only Marion Auto Sales submitted the a bid, and;

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

Section 1. That the cost of the 1997 Ford E350 twelve passenger van of \$14,725.00, shall be payable from Capital Improvement Fund Number 401.3422.550450.

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 van is needed for transporting staff and kids to various activities this summer; 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.

Keith A. Kerkhiser
PRESIDENT OF COUNCIL

APPROVED: June 13, 2000

Jack L. Kiley
MAYOR

ATTEST:

Cathy Chappin
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000229

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-82

Passed June 12

2000
YEAR

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR
DEMOLITION OF 508 TOLEDO AVENUE IF THE HOUSE IS NOT DEMOLISHED
BY JUNE 23, 2000, AND DECLARING AN EMERGENCY.**

WHEREAS, the Safety/Service Director has declared 508 Toledo Avenue to be a dangerous building according to Chapter 1360 of the Marion Codified Ordinances; and,

WHEREAS, the estate of this property has contracted with a contractor to demolish this property prior to June 23, 2000; and,

WHEREAS, J & J Renovations submitted the lowest and best proposal, 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 J & J Renovations for the demolition of 508 Toledo Avenue if it is not demolished by June 23, 2000.

Section 2. That the \$3,175.00 cost of said contract shall be payable from the General Fund Account No. 101.7716.530323.

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 after June 23, 2000 and 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.

Keith A. Kochbecker
PRESIDENT OF COUNCIL

APPROVED: June 13, 2000

Joseph L. Kelly
MAYOR

ATTEST:

Cathy Chappie
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000231

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-83 AS AMENDED Passed June 26, 2000
YEAR

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:

AMENDED:


1. Skateboard Park	\$ 25,000.00
2. Palace Theatre - Windows	\$ 10,000.00
3. Install Sidewalks in north neighborhood	\$ 96,000.00
4. Install Sidewalks on Delaware Avenue	\$ 37,000.00
5. Fair Housing	\$ 1,000.00
6. Environmental Review/Audit/Admin.	\$ 28,000.00
<u>TOTAL</u>	<u>\$197,000.00</u>

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


President of Council

APPROVED: June 27, 2000


Mayor

ATTEST:


Clerk of Council

Approved As Submitted Pursuant
 To M.C.C. 116 (D)
 MARK D. RUSSELL
 DIRECTOR OF LAW
 CITY OF MARION

RECORD OF ORDINANCES

000233

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-84, Page One

Passed June 26, 2000
YEAR

AS AMENDED

ORDINANCE TO AMEND SECTION 1 OF ORDINANCE NO. 1998-40 AS AMENDED FROM ORDINANCE (S) NO. 1996-76 AND ORDINANCE NO. 1970-122, WHICH CREATED POSITIONS AND SALARIES FOR SAID POSITIONS IN THE RECREATION DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, it is the desire of the Council of Marion Ohio to assure the health and safety of Marion youth while they attend and enjoy the Lincoln Park Pool, and

WHEREAS, providing LifeGuards and other Pool employees with competitive wages will assist in attracting and retaining qualified employees, NOW THEREFORE

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

Section 1. That Section 1 of Ordinance No. 1998-40, as amended and now reading as follows:

“That the compensation of said employees in said positions shall be as follows:

Title	Step	1 st year A	2 nd year B	3 rd year C	4 th year D	5 th year E
Front Gate Attendant (Cashier)		4.59	4.74	4.90	5.06	5.22
Concession Stand Attendant		4.59	4.74	4.90	5.06	5.22
Lifeguard With WSI		5.65	6.15	6.40	6.65	6.90
Head Lifeguard		5.70	6.40	6.55	6.75	7.10

Step A – No Previous recreational or related experiences.

Step B – One (1) year of recreational and/or related experience, and/or two (2) years of college completed.

Step C – Two (2) years of recreational and/or related experience, or college graduate.

Step D – Three (3) years of recreational and/or related experience, or one (1) year of recreational or related experience and college graduate.

Step E – Four (4) years of recreational and/or related experience, or two (2) years of recreational or related experience and college graduate.

Pool Manager

Pool Manager position would be five thousand one hundred dollars (\$5,100) per season starting May 1 and ending September 15. The Pool Manager would have the responsibility of all pre-season set up and post-season shut down, during this time frame.

All pool positions will be adjusted annually with a 2.5% increase unless changed by City Council.”

is hereby amended to read as follows:

RECEIVED
CITY OF MARION
JUN 26 2000
CITY CLERK
JANET L. BROWN

Ordinance No. 2000-85

Passed June 26, 2000
YEAR

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH PRO-AM SAFETY, INC.
TO PURCHASE FOUR "HANDS FREE" RADIO CONTROLS FOR USE AT THE MARION
FIRE 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, Pro-Am Safety, Inc. submitted the best price, 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 Pro-Am Safety, Inc., to purchase four "hands free" radio controls for use at the Fire Department.

Section 2. That the \$2,781.40 cost of said contract shall be payable from the Fire Department Fund Account No. 101.1131.550450.

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

Keith A. Koehner

PRESIDENT OF COUNCIL

APPROVED: June 27, 2000

Jack L. Kelley

MAYOR

ATTEST:

Cathy Chappin

CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000237

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-86

Passed June 26, 2000
YEAR

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO ENTER INTO AGREEMENT WITH THE
TWO REAL ESTATE APPRAISERS SELECTED FOR
PROJECT 10 FOR THE PURPOSE OF PROPERTY
ACQUISITION AT THE MARION MUNICIPAL AIRPORT,
AND DECLARING AN EMERGENCY.**

WHEREAS, The City of Marion has been tentatively allocated \$207,000.00 FAA Grant, and \$11,500 ODOT Grant, known as Project 10, toward project estimate of \$230,000.00.

WHEREAS, The "Request for Proposals" for real estate appraisers was authorized by Ordinance 1999-83.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to enter into agreement for professional services with the Appraiser and Review Appraiser selected for the purpose of property acquisition at Marion Municipal Airport.

Section 2. The Appraisers selected were as follows:

a. Appraiser:	b. Review Appraiser:
Horner Appraisal Group, Inc	Anthony F. Mollica & Associates, Inc.
6233 Riverside Dr. Suite 1 South	5151 Reed Rd. Bldg. A #100
Dublin, Ohio 43017	Columbus, Ohio 43220

Section 3. These selections were made to 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.

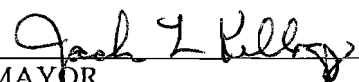
Section 4. Fee for Appraiser is \$6,000.00 Fee for Review Appraiser is \$1,500.00.

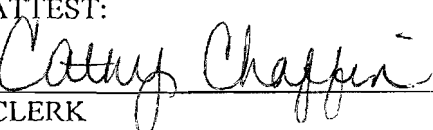
Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. 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

APPROVED: June 27, 2000


MAYOR

ATTEST:

CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000239

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-87

Passed June 26, 2000
YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATION IN VARIOUS FUNDS
FOR THE YEAR ENDING DECEMBER 31, 2000.

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
\$1,505,528.70 as follows:

<u>GENERAL FUND</u>		
<u>HUMAN RESOURCES</u>		
PROFESSIONAL SERVICES	101.7715.530320	\$ 5,000.00
<u>INCOME TAX</u>		
REFUNDS	101.7744.570712	\$ 20,000.00
REVENUE SHARING	101.4539.530751	\$ 10,931.81
	TOTAL	\$ 30,931.81
<u>SENIOR CITIZENS IIIB FUND</u>		
ADMINISTRATION	203.3424.540324	\$ 3,013.47
<u>SENIOR CITIZENS BLOCK GRANT FUND</u>		
ADMINISTRATION	205.3424.510324	\$ 2,338.07
<u>HARDING CENTRE FUND</u>		
GO BONDS PRINCIPAL	444.4444.560620	\$ 2,000.00
<u>SEWER REPLACEMENT FUND</u>		
PROFESSIONAL SERVICES	504.5555.550320	\$1,462,245.35

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

Kent A. Kuhlman
PRESIDENT OF COUNCIL

APPROVED: June 27, 2000

Jack L. Kellogg
MAYOR

Cathy Chaffin
CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000241

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-88 AS AMENDED

Passed July 10

2000
YEAR

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY
IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF
OF THE CITY OF MARION TO EXECUTE A LEASE OF
REAL PROPERTY TO THE DKMM SOLID WASTE DISTRICT
AND DECLARING AN EMERGENCY.

~~WHEREAS, The DKMM Solid Waste District wishes to lease a parcel of land in the
Marion Airport Industrial Park, and~~

AS AMENDED:

WHEREAS, The DKMM Solid Waste District wishes to lease a parcel of land in the
Marion City Landfill, and

WHEREAS, said real property is not otherwise required for the City's purposes;
and such use thereof would benefit and promote recycling of yardwaste in the city, and

WHEREAS, The Marion Area Community Improvement Corporation (CIC) has
previously been designated an agency of the City and the City now wishes to authorize
CIC to enter into a lease agreement on the City's behalf,

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

Section 1. That the City of Marion, by and through its Mayor and Safety/Service
Director, is hereby authorized to enter into a written agreement with CIC as provided in
Section 1724.10(B) of the Ohio Revised Code.


Section 2. That CIC is hereby authorized to enter into a lease agreement with
DKMM Solid Waste District on behalf of the City of Marion, for a certain parcel of real
property, at the Marion City Landfill.

Section 3. That the proceeds of said lease, after any expenses, shall be
deposited in the Sewer Revenue Fund.

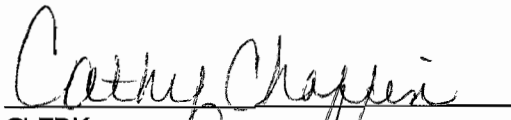
Section 4. That this ordinance is hereby declared to be an emergency measure
necessary for the safety and welfare of the City of Marion and the inhabitants thereof;
and as such, shall take effect and be in force immediately upon its passage and approval
by the Mayor, provided it receives the affirmative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


PRESIDENT OF COUNCIL

APPROVED: July 11, 2000


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000243

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-89

Passed July 10, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HEISLER'S TRUCK SALES & SERVICE, INC. FOR THE PURCHASE OF ONE USED TANDEM AXLE DUMP TRUCK FOR THE LANDFILL MONITORING 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, Heisler's Truck Sales & Service, Inc., submitted the best proposal for the purchase of one used tandem axle dump truck, 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 Heisler's Truck Sales & Service, Inc. to purchase one used tandem dump truck for use in the Landfill Monitoring 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

APPROVED: July 11, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000245

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-90

Passed July 10, 2000
YEAR

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO ENTER INTO CONTRACT WITH TJA SOLUTIONS
FOR THE PURCHASE OF A FLAME/FURNACE ATOMIC ABSORPTION
SPECTROPHOTOMETER TO BE USED
AT THE WATER POLLUTION CONTROL PLANT**

WHEREAS, TJA Solutions submitted the best bid of \$72,603.00 plus freight.

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 TJA Solutions for the purchase of a Flame/Furnace Atomic Absorption Spectrophotometer to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Water Pollution Control Sewer Replacement Fund (505.5553.550450).

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


President of Council

APPROVED: July 11, 2000


MAYOR

ATTEST:


CLERK OF COUNCIL

File:AA Unit Ordinance.cwp

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000247

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-91

Passed July 10, 2000
YEAR

AN ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE VARIOUS FUND FOR THE YEAR ENDING DECEMBER 31, 2000.

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 Various Fund in the amount of \$130,750.00 as follows:

GENERAL FUND

FIRE DEPT.

PROFESSIONAL SERVICES	101.1131.530320	\$ 7,000.00
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WELSOME HOME GRANT FUND

REIMBURSEMENTS	250.2221.570721	\$ 3,750.00
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STREET IMPROVEMENT FUND

PROJECT CPK06 PAVING	461.6006.530531	\$120,000.00
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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.

Keirha A. Kuhlman
President of Council

APPROVED: July 11, 2000

Jack L. Kelley
MAYOR

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000249

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-92

Passed July 10, 2000
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE LAW DIRECTOR
OF THE CITY OF MARION, OHIO TO MAKE BIDS FOR THE PURCHASE
OF CERTAIN REAL ESTATE KNOWN AS PARCELS 12-323000-5800
AND 12-323000-5600 AND ENTER INTO CONTRACT.

WHEREAS, certain real estate being used by the City of Marion was intended to
be recorded into the name of the City; and

WHEREAS, these parcels were not formally transferred into the name of the City;
and

WHEREAS, the County Prosecutor has brought a foreclosure action on these
parcels and the opportunity to clear title to these parcels; and

WHEREAS, It would be in the best interest of the City of Marion to bid on said
properties and to clear title.


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

Section 1. That the Law Director is hereby authorized to bid on said parcels
mentioned above.

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


PRESIDENT OF COUNCIL

APPROVED: July 11, 2000


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000251

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-93

Passed July 10, 2000
YEAR

AN ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2000.

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

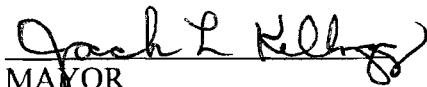
Section 1: That there be an additional appropriation made in the General Fund in the amount of \$400.00 as follows:

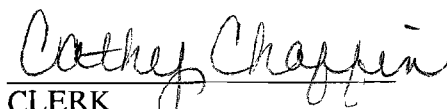
Land Acquisition	101.7741.550455	\$400.00
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Section 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.


President of Council

APPROVED: July 11, 2000


MAYOR


CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000253

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-94 AS AMENDED

Passed July 18, 2000
YEAR

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY
IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF
OF THE CITY OF MARION TO EXECUTE A LEASE LEASE/PURCHASE OF
CERTAIN REAL PROPERTY AT THE MARION AIRPORT INDUSTRIAL
PARK AND DECLARING AN EMERGENCY.

WHEREAS, The _____ Company wishes to Lease a
parcel of land in the Marion Airport Industrial Park, and

AS AMENDED:

WHEREAS, The Sakamura Company wishes to lease a parcel of land in the Marion
Airport Industrial Park, and

WHEREAS, said real property is not otherwise required for the City's purposes; and
such use thereof would benefit and promote the industrial and economic welfare of the
City, and provide employment opportunities for its citizens, and

WHEREAS, The Marion Area Community Improvement Corporation (CIC) has
previously been designated an agency of the City and the City now wishes to authorize CIC
to enter into a lease lease/purchase agreement on the City's behalf,

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

Section 1. That the City of Marion, by and through its Mayor and Safety/Service
Director, is hereby authorized to enter into a written agreement with CIC as provided in
Section 1724.10(B) of the Ohio Revised Code.

Section 2. That CIC is hereby authorized to enter into a lease agreement with The
_____ Company, on behalf of the City of Marion, for a
certain parcel of real property, and described as follows:

AS AMENDED:

Section 2. That CIC is hereby authorized to enter into a a lease lease/purchase
agreement with The Sakamura Company, on behalf of the City of Marion, for a certain
parcel of real property, and described as follows:


North one half of Lot # 3 of the Marion Airport Industrial Park Subdivision consisting
of 7.2 acres more or less.

Section 3. That the proceeds of said lease, after any expenses, shall be deposited
in the Airport Industrial park Fund.

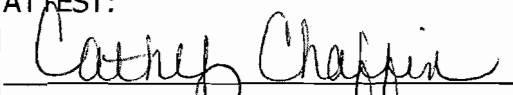
Section 4. That this ordinance is hereby declared to be an emergency measure
necessary for the safety and welfare of the City of Marion and the inhabitants thereof:
and as such, shall take effect and be in force immediately upon its passage and approval
by the Mayor, provided it receives the affirmative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

APPROVED: July 19, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000255

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-95, Page One

Passed July 24

2000
YEAR

ORDINANCE AMENDING VARIOUS SECTIONS OF THE MARION CITY CODE, SPECIFICALLY 111.09(B); 903.08 (B) ; 1183.016 AND 1183.018 TO PROVIDE FOR A UNIFORM STRUCTURE OF FEES BY PROVIDING FOR A SCHEDULE TO BE MAINTAINED BY THE CLERK OF COUNCIL, AND DECLARING AN EMERGENCY

WHEREAS, Marion City Code currently provides, applicants who seek to vacate an alley or street, or seek to change of a street name, or seek to amend the zoning map must place a deposit with the Clerk, the purpose of which is to ensure all costs associated with the request are paid for by the applicant, and

WHEREAS the Council for the City of Marion, Ohio has found a real and present need to amend the existing relevant sections of law related to the deposits required in order to ensure flexibility and certainty in the carrying out the intent of the Marion City Code, and

WHEREAS the clerk, with the approval of the President of Council, has established a schedule of fees and has attached same hereto and made same a part hereof, subject to future modification as approved by the President of Council as provided herein,

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

Section 1. Marion City Code Section 111.09(B) contained under the heading MISCELLANEOUS RULES now reading, in part, as follows:

(B) Rule 70 Petitioners to pay costs. Whenever application is made for the grant of a franchise right, the change of a street name, amendment of zoning map, a street vacation, or for any other grant, right, franchise or privilege, resulting in special benefit to the applicant, the Clerk of Council shall require the agent of such applicant to deposit with the City Treasurer an amount estimated to be sufficient to pay the costs of any advertising, recording, printing, mimeographing or other special services arising by reason of such application. Any unused balance of such deposit shall be refunded to the agent of the petitioners on the voucher of the Auditor.

SHALL BE AMENDED TO READ AS FOLLOWS:

(B) Rule 70 Petitioners to pay costs. Whenever application is made for the grant of a franchise right, the change of a street name, amendment of zoning map, a street vacation, or for any other grant, right, franchise or privilege, resulting in special benefit to the applicant, the Clerk of Council shall require the **APPLICANT OR THE agent FOR THE** applicant to deposit with the City Treasurer **THE DESIGNATED AMOUNT CONTAINED UPON THE FEE SCHEDULE MAINTAINED BY THE CLERK OF COUNCIL, AS APPROVED BY THE PRESIDENT OF COUNCIL, SAID SCHEDULE BEING POSTED AND AVAILABLE IN THE CLERK OF COUNCIL'S OFFICE, SAID DEPOSIT BEING** sufficient to pay the costs of any advertising, recording, printing, mimeographing, **NOTICE REQUIREMENTS PURSUANT TO M.C.C. 903.08(A), COSTS PAID TO THE SAFETY/SERVICE DIRECTOR REQUIRED UNDER M.C.C. 903(B)** or other special services arising by reason of such application. Any unused balance of such deposit shall be refunded to the **APPLICANT OR THE agent FOR THE APPLICANT** on the voucher of the Auditor.

Section 2. Marion City Code Section 1183.016 APPLICATION FOR AMENDMENT TO THE ZONING CODE now reading as follows:

The fee for an application for an amendment to the zoning code, other than one proposed by the Planning Commission or Council, shall be \$50, except that, during the first year after the effective date of this code, no fee shall be charged for each application.

SHALL BE AMENDED TO READ AS FOLLOWS:

The fee for an application for an amendment to the zoning code, other than one proposed by

RECORD OF ORDINANCES

000256

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-95, Page Two Passed July 24, 2000
YEAR

the Planning Commission or Council, shall be AS SET FORTH ON THE SCHEDULE OF FEES MAINTAINED BY THE CLERK OF COUNCIL, AS APPROVED BY THE PRESIDENT OF COUNCIL, SAID SCHEDULE BEING POSTED AND AVAILABLE IN THE CLERK OF COUNCIL'S OFFICE.

Section 3. Marion City Code Section 1183.017 APPLICATION FOR PLANNED DEVELOPMENT now reading as follows:

The fee for an application for a planned development, other than one proposed by the Planning Commission or Council, shall be \$50

SHALL BE AMENDED TO READ AS FOLLOWS:

The fee for an application for a planned development, other than one proposed by the Planning Commission or Council, shall be AS SET FORTH ON THE SCHEDULE OF FEES MAINTAINED BY THE CLERK OF COUNCIL, AS APPROVED BY THE PRESIDENT OF COUNCIL, SAID SCHEDULE BEING POSTED AND AVAILABLE IN THE CLERK OF COUNCIL'S OFFICE.

Section 4. Marion City Code Section 1183.018 APPLICATION FOR VACATION OF STREET OR ALLEY now reading as follows:

The fee for an application for a vacation of a street or alley, other than one proposed by the Planning Commission or Council, shall be \$125.

SHALL BE AMENDED TO READ AS FOLLOWS:

The fee for an application for a vacation of a street or alley, other than one proposed by the Planning Commission or Council, shall be AS SET FORTH ON THE SCHEDULE OF FEES MAINTAINED BY THE CLERK OF COUNCIL, AS APPROVED BY THE PRESIDENT OF COUNCIL, SAID SCHEDULE BEING POSTED AND AVAILABLE IN THE CLERK OF COUNCIL'S OFFICE.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: in order to provide for an immediate uniform schedule of fees and to ensure equal protection to all citizens; 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.

APPROVED: July 25, 2000
ATTEST:

Kurt A. Korfheuer
PRESIDENT OF COUNCIL

Jack L. Kellogg
MAYOR
Colin Chapman
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

SCHEDULE OF FEES

Change of Street Name	Deposit \$250.00
Vacations of Street or Alleys	Deposit \$300.00
Zoning Changes	Deposit \$250.00
Franchise Rights	Deposit \$250.00
All other grants, rights or privileges for the benefit of the owner	Deposit \$250.00

RECORD OF ORDINANCES

000257

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-96

Passed July 24, 2000
YEAR

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 \$1.24 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-
5552.540420).

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

Keith A. Kothuis
PRESIDENT OF COUNCIL

APPROVED: July 25, 2000

Jack L. Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000259

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-97

Passed July 24, 2000
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE BARKS ROAD SANITARY AND STORM SEWERS, PROJECT 97-3S AND PROJECT 98-4S, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2000-12 and 2000-13 authorized the preparation of plans, specifications and advertising for bids for the Barks Road Sanitary and Storm Sewers, Project 97-3S and 98-4S for the City of Marion, Ohio, and

WHEREAS, Underground Utilities, Inc. submitted the lowest and best bid of Project 97-3S, Sanitary Sewer (Ord. No. 2000-12) for \$334,267.35 and Project 98-4S, Storm Sewer (Ord. No. 2000-13) for \$434,402.20, for a total project cost of \$768,669.55 .

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

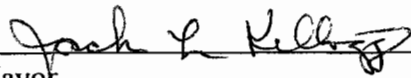
Section 1. That the Safety/Service Director be directed to enter into contract with Underground Utilities, Inc. for the Barks Road Sanitary and Storm Sewers, Project 97-3S and 98-4S.

Section 2. That the cost of such contract shall be payable from the Ohio Public Works Commission, State Issue 2 Fund, the Storm Water Utility Fund and the Sanitary 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

Approved: July 25, 2000


Mayor

Attest:


Clerk of Council

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000261

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-98

Passed July 24, 2000
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLEMING CONSTRUCTION COMPANY FOR THE SUGAR STREET PAVEMENT IMPROVEMENTS, PROJECT 99-2P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2000-57 authorized the preparation of plans, specifications and advertising for bids for the Sugar Street Pavement Improvements, Project 99-2P for the City of Marion, Ohio, and

WHEREAS, Fleming Construction Company, submitted the lowest and best bid of \$98,859.00.

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 Fleming Construction Company for the Sugar Street Pavement Improvements, Project 99-2P.

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 2000, 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

Approved: July 25, 2000


Mayor

Attest:


Clerk of Council

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000263

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-99

Passed July 24, 2000
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2000.

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 \$539,000.00 as follows:

HEALTH FUND

WEED CONTROL	214.222.530426	\$ 5,000.00
BLIGHT CONTROL	214.222.530427	\$ 5,000.00
		\$ 10,000.00

STORM SEWER IMPROVEMENT FUND

PROJECT 98-4S	560.5984.550520	\$501,000.00
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SCMR FUND

CAPITAL IMPROVEMENTS	207.6612.550520	\$ 28,000.00
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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.

Keith A. Kotheimer
PRESIDENT OF COUNCIL

APPROVED: July 25, 2000

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000265

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-100

Passed July 24, 2000
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE SANITARY SEWER IMPROVEMENT FUND FOR THE YEAR ENDING
DECEMBER 31, 2000.

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


Section 1. That there be additional appropriations made in Sanitary Sewer
Improvement Fund in the amount of \$200,000.00 as follows:

CAPITAL IMPROVEMENTS	550.5973.550520	\$200,000.00
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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

APPROVED: July 25, 2000


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C. 116 (D)
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000267

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-101

Passed August 14, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS
FOR GROUNDWATER SAMPLE ANALYSIS AT THE MARION CITY LANDFILL.

WHEREAS, The City of Marion is required by the OEPA to conduct analysis of
groundwater samples at the Marion City Landfill as a part of the Post Closure Plan
submitted and approved by the OEPA, and;

WHEREAS, the current contract is set to expire in December of 2000.

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 groundwater sample analysis 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.

APPROVED: August 15, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK Pro-Tempore

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000269

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-102

Passed August 14, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS
FOR FUEL, ASPHALT, AND ROAD PAINT.

WHEREAS, The City of Marion bids ~~8~~ annually the necessary purchases of Fuel,
Asphalt, and Road Paint to be used in the daily operation of the City, and;

WHEREAS, the current contract is set to expire in October of 2000.

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: fuel, asphalt and road paint.


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

APPROVED: August 15, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK Pro-Tempore

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000271

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-103, Page One

Passed August 28, 2000
YEAR

ORDINANCE FURTHER AMENDING ORDINANCE 1969-29 (KNOWN AS THE YARGER REPORT) REAFFIRMING THE RELEVANT PARTS OF ORDINANCE 1994-28, AMENDING SECTION 5 OF ORDINANCE 1994-127 AND REAFFIRMING 1996-63 IN ORDER TO CONTINUE THE PREVIOUSLY ADOPTED PROCEDURE FOR GRANTING AUTOMATIC WAGE RANGE CHANGES IN THE PAY GRADES OF EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) WITHIN THE SERVICE OF THE CITY OF MARION AND HEREIN ADOPTING A PROCEDURE FOR INCREASING NON-BARGAINING EMPLOYEES' PARTICIPATION COSTS FOR HEALTH CARE BENEFITS, AND DECLARING AN EMERGENCY AS AMENDED

WHEREAS, Marion City Council did by the adoption of 1994-28 create a procedure for granting automatic wage range changes in the pay grades of employees in various classes of positions exempt from bargaining units, said employees commonly referred to non-bargaining employees and by the adoption of Section 5 of Ordinance 1994-127 did establish non-bargaining employees rate of contribution by payroll deductions, and

WHEREAS, Marion City Council did by the adoption of 1996-63 created a new pay grade and also reaffirmed the procedure adopted by Ordinance 1994-28 and now the Council wishes to again reaffirm the procedure originally established in Ordinance 1994-28 and Section 5 of Ordinance 1994-127 in order to ensure and maintain nearly equitable wage ranges and pay increases for all employees in the exempt non-bargaining status within the City of Marion, and

WHEREAS, the current environment related to health care costs is inflationary and ever increasing and the administration has incorporated in the various bargaining agreements recently adopted a specific provision to allow for the passing on to the bargaining unit employees increased participation costs for their respective health care benefits, and

WHEREAS, the inclusion of the procedure for passing-on increases in coverages costs to bargaining unit employees occurred at the bargaining table, where there was "negotiation and compromise" on various other issues, including but not limited to ceilings on the amount of increase or passing-on of coverage costs, and

WHEREAS the Council finds it beneficial to all parties to share in the increased costs associated with health care benefit costs, however wishes to continue the fairness and equities first established in Ordinance 1994-28, detailed in Ordinance 1994-127 and reaffirmed in 1996-63,

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

Section 1. In order to maintain nearly equitable wage ranges and pay increases for all employees in the exempt non-bargaining status within the various classes of positions within the service of the City of Marion, Ordinance 1994-28, which amended Ordinance 1969-29 is reaffirmed herein in order to endorse and continue the practice and procedure adopted therein to provide for computation of new wage ranges effective January 1 of each year, the effective beginning date having been 1995, for all positions listed herein, including the Municipal Court positions; such changes in the wage ranges shall be the average of the percent of general wage changes approved by Council for bargaining unit positions in the preceding twelve (12) months. Any wage increases resulting therefrom shall be effective at the beginning of the first pay period following January 1. Should wage decreases result therefrom the employee's wage rate shall be held at the then current level until further increases is warranted by an additional Step within the range or further adjustment of the wage range.

Section 2. That hereafter the Administration shall include in the Annual Budget each year for Council's approval any wage increases resulting from the new wage ranges; such budgeted appropriations shall then require no further action of or by Council.

Section 3. In order to maintain nearly equitable employee participation costs for health care benefits for all employees in the exempt non-bargaining status within the various classes of

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000272

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-103, Page Two

Passed August 28, 2000
YEAR

positions within the service of the City of Marion, there is hereby adopted a similar procedure as is set forth in Section 1 above. That being, each and every September 1, beginning with September 1, 2000, the Administration, through its' Personnel Committee, shall average those increases or "pass-through" costs related to participation costs for health care benefits in the bargaining units employees for the prior 12 months and assess each non-bargaining unit employee, including Municipal Court positions, the computed average percent of said bargaining unit employees of general health care coverage cost increase beginning with the first pay period following September 1. However, any increased cost or "pass-through" assessed to the non-bargaining employees shall at no time exceed the most restrictive limitation language as is contained in any bargaining agreement which contains a "pass-through" provision.

Section 4. Section 29 of the City's Personnel Policies entitled "Health Insurance" now reading as:

29.1 The City offers Group Health Insurance coverage for eligible employees, as defined below, and their eligible dependents, as defined by the insurance plans. Said insurance includes: hospital, surgical, medical, prescription and dental coverage, except that dental insurance is not available for Part-Time employees working less than 30 hours per week.

29.2 Eligible employees shall include:

- A. Full-Time Employees hired for regular positions that are not included in any collective bargaining agreement and who have been employed for more than thirty (30) days;
- B. Part-Time employees hired for regular positions that are not included in any collective bargaining agreement and who have been employed for more than thirty (30) days and are employed for less than forty (40) hours but at least twenty-four (24) hours or more per week ;
- C. Employees in positions covered by collective bargaining agreements as out in their respective agreements;

AMENDED: D. Elected employees designated by Council;

29.3 Employees as set forth in paragraph A. and D. above shall contribute to the cost of this insurance by payroll deduction each pay period as follows:

<u>Effective dates</u>	<u>Single</u>	<u>Family</u>
Calendar Year 1994	\$ 7.00	\$ 9.00
Calendar Year 1995	\$10.00	\$ 15.00
Calendar Year 1996	\$ 15.00	\$ 25.00

* To continue thereafter until changed by Ordinance

29.4 The City and the Employees as set forth in paragraph B. above shall contribute to the cost of this insurance pro-rata percentage amounts of the total premium in accordance with the following schedule. The employee portion shall be by payroll deduction each pay period.

REGULARLY SCHEDULED HOURS WORKED PER WEEK

	<u>24 - 30</u>	<u>31 - 35</u>	<u>36 - 40</u>
	*		
PAID BY CITY	60%	75%	90%
PAID BY EMPLOYEE	40%	25%	10%

* Dental not available to this category

29.5 Eligible employee, as defined, may apply for but shall not be entitled to participate in or under said insurance plans until the completion of thirty (30) calendar days of employment.

RECORD OF ORDINANCES

000273

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-103, Page Three Passed August 28, 2000
YEAR

29.6 Temporary Employees, Part-Time Employees hired for less than 24 hours per week and Elected Officials not designated by Council for premium payment by the City, may enroll in the health insurance plans offered, subject to insurance company acceptance, and the City agrees to deduct from such employee's wages the full cost of the monthly premium in advance of the due date.

SHALL BE AMENDED TO READ:

29.1 The City offers Group Health Insurance coverage for eligible employees, as defined below, and their eligible dependents, as defined by the insurance plans. Said insurance includes: hospital, surgical, medical, prescription and dental coverage, except that dental insurance is not available for Part-Time employees working less than 30 hours per week.

29.2 Eligible employees shall include:

- A. Full-Time Employees hired for regular positions that are not included in any collective bargaining agreement and who have been employed for more than thirty (30) days;
- B. Part-Time employees hired for regular positions that are not included in any collective bargaining agreement and who have been employed for more than thirty (30) days and are employed for less than forty (40) hours but at least twenty-four (24) hours or more per week ;
- C. Employees in positions covered by collective bargaining agreements as out in their respective agreements;

AMENDED: D. Elected employees designated by Council, except as prohibited by law.

29.3 Employees as set forth in paragraph A. and D. above shall contribute to the cost of this insurance by payroll deduction each pay period as follows:

<u>Effective dates</u>	<u>Single</u>	<u>Family</u>
Beginning with the first pay period following September 1, 2000	\$ 16.48	\$ 27.03

SAID CONTRIBUTION SHALL BE AMENDED THEREAFTER
PURSUANT TO SECTION THREE ABOVE AS CONTAINED IN THIS ORDINANCE.

29.4 The City and the Employees as set forth in paragraph B. above shall contribute to the cost of this insurance pro-rata percentage amounts of the total premium in accordance with the following schedule. The employee portion shall be by payroll deduction each pay period.

REGULARLY SCHEDULED HOURS WORKED PER WEEK

	<u>24 - 30</u>	<u>31 - 35</u>	<u>36 - 40</u>
	*		
PAID BY CITY	60%	75%	90%
PAID BY EMPLOYEE	40%	25%	10%

* Dental not available to this category

29.5 Eligible employee, as defined, may apply for but shall not be entitled to participate in or under said insurance plans until the completion of thirty (30) calendar days of employment.

29.6 Temporary Employees, Part-Time Employees hired for less than 24 hours per week and Elected Officials not designated by Council for premium payment by the City, may enroll in the health insurance plans offered, subject to insurance company acceptance, and the City agrees to deduct from such employee's wages the full cost of the monthly premium in advance of the due date.

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RECORD OF ORDINANCES

000274

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-103, Page Four

Passed August 28, 2000
YEAR

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: in order to provide for an immediate uniform and equitable cost of health care coverage increases and to ensure equal protection to all employees; 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.

Jack L. Kellogg
Mayor

Keith A. Kerkham
President

Attest;

Cathy Chappin
Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000275

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-104, Page One Passed August 14, 2000
YEAR

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2000.

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 \$(2,227.99) as follows:

GENERAL FUND

FIRE DEPT.		
EMT GRANT	101.1131.531223	\$ 6,436.00
STATUTORY		
INCOME TAX REFUNDS	101.7744.570712	\$ 20,000.00
TRANSFERS		
VIOLENCE AGAINST WOMEN	101.7745.580695	\$ 7,500.00
MARION AREA TRANSIT	101.7745.580704	<u>31,423.00</u>
TOTAL GENERAL FUND		\$ 65,359.00

SENIOR CITIZENS STATE BLOCK GRANT FUND

FY 2K		
TRAVEL	205.3540.520220	\$ 500.00
VEHICLE MAINTENANCE	205.3540.530360	500.00
POSTAGE	205.3540.540423	1,014.00
FUEL	205.3540.540430	1,000.00
EQUIPMENT	205.3540.550450	<u>500.00</u>
TOTAL SC. ST. BLK GRANT FUND		\$ 3,514.00

COURT COMPUTERIZATION FUND

EQUIPMENT	210.7731.550450	\$(49,000.00)
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VIOLENCE AGAINST WOMEN FUND

FY '98		
SALARY	212.1548.510110	\$ (653.40)
BENEFITS	212.1548.510120	(179.27)
SCHOOLING	212.1548.530221	(46.02)
SUPPLIES	212.1548.540420	(16.81)
EQUIPMENT	212.1548.550450	<u>(995.06)</u>
TOTAL V.A.W. FUND		\$(1,890.56)

LAW ENFORCEMENT BLOCK GRANT FUND

FY '98		
EQUIPMENT	213.1548.550450	\$ 52.00

SCHOOL WATCH PROGRAM FUND

FY '98		
SALARY	218.1548.510111	\$ (12,000.00)
BENEFITS	218.1548.510120	<u>(5,000.00)</u>
TOTAL SCHOOL WATCH FUND		\$(17,000.00)

ENFORCEMENT & EDUCATION FUND

PROFESSIONAL SERVICES	227.1111.530320	\$ 10,000.00
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POLICE & FIRE PENSION FUND

POLICE BENEFITS	235.1111.510120	\$ 4,307.82
FIRE BENEFITS	235.1131.510120	<u>4,307.82</u>
TOTAL P&F PENSION FUND		\$ 8,615.64

RECORD OF ORDINANCES

000276

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-104, Page Two Passed August 14, 2000
YEAR

HEALTH LICENSE FUND		
TRAILER PARK	247.2224.530723	\$(20.76)
FOOD SERVICE	247.2224.530724	(2,610.53)
VENDING MACHINES	247.2224.530725	(945.89)
SWIMMING POOLS	247.2224.530727	(2,037.00)
INFECTIOUS WASTE	247.2224.530728	(395.65)
SOLID WASTE	247.2224.530729	(3,324.00)
TOTAL HEALTH LICENSE FUND		\$(9,333.83)
WELCOME HOME FUND		
REIMBURSEMENTS	250.2221.570721	\$(3 399.85)
WELLNESS BLOCK GRANT FUND		
REIMBURSEMENTS	253.2540.570721	\$(2,000.00)
FORMULA GRANT FUND		
FY '99 ADMINISTRATION	275.4549.530324	\$ 822.53
DRIP FUND		
PROFESSIONAL SERVICES	430.4430.530320	\$(4,966.92)
TRANSIT FUND		
BUILDING LEASE	502.6540.530371	\$(2,000.00)
SWIMMING POOL FUND		
EQUIPMENT	516.3423.550450	\$(4,000.00)
LAW ENFORCEMENT TRUST FUND		
TRUST EXPENSE	737.1823.570731	\$ 3,000.00
GRAND TOTAL		\$(2,227.99)

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

Krista A. Kelleher
PRESIDENT OF COUNCIL

APPROVED: August 15, 2000

Jack L. Kille
MAYOR

ATTEST:

Denora Mays
CLERK Pro-Tempore

Approved As Submitted Pursuant
to M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000277

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-105

Passed August 14, 2000
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OPEN SOFTWARE SOLUTIONS, INC. (COMPUTER AIDED DISPATCH SYSTEM), WATSON FURNITURE SYSTEMS (DISPATCH FURNITURE UNIT), BENDER COMMUNICATIONS, INC. (RADIO CONSOLES), AND CINCINNATI FLOORING COMPANY (ACCESS FLOORING SYSTEM), FOR THE NEW COMBINED DISPATCH CENTER 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, pursuant to Ordinance 2000-77, the Safety/Service Director was authorized to advertise for bids for the new Combined Dispatch Center at the Marion Police Department and

WHEREAS, Open Software Solutions Inc. (computer aided dispatch system), Watson Furniture Systems (dispatch furniture unit), Bender Communications Inc (radio consoles), and Cincinnati Flooring Co. (access flooring system) submitted the lowest and best base bids.

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

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with Open Software Solution Inc. for a computer aided dispatch system in the amount of \$80,825.00, Watson Furniture Systems for a 4 position dispatch furniture unit in the amount of \$36,981.00, Bender Communications Inc. for 3 radio consoles in the amount of \$29,910.00 and Cincinnati Flooring Co. for an access flooring system in the amount of \$14,675.00 for the new Combined Dispatch Center.

Section 2. That the Safety/Service Director be authorized to make miscellaneous purchases totaling \$47,407.00 from various vendors to complete the Combined Dispatch Center project, which are under the bid requirement of \$15,000.00.

Section 3. That this ordinance be declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; 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.

Keith A. Koshlun
PRESIDENT OF COUNCIL

APPROVED: August 15, 2000

Jack L. Kilby
MAYOR

ATTEST
Senora Mays
CLERK OF COUNCIL *Pro Tempore*

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000279

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-106

Passed August 14, 2000
YEAR

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,
2000.

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 \$47,086.86 as follows:

General Fund

Jail

Salaries	101.1112.510110	\$ (74,985.62)
Benefits	101.1112.510120	(22,108.84)
Prisoner Housing	101.1112.530352	(2,500.00)
Prisoner Medicals	101.1112.530353	(4,611.76)
Equipment Maintenance	101.1112.530360	(2,338.80)
Equipment Lease	101.1112.530361	(1,800.00)
Subscriptions	101.1112.540226	(167.40)
Prisoner Sustenance	101.1112.540350	(25,884.02)
Supplies	101.1112.540420	(3,680.70)
Equipment	101.1112.550450	(2,700.00)

Dispatch

Capital Improvements	101.1113.550520	\$ 179,581.00 178,081.00	REC
Service Contract	101.1113.530321	9,783.00	
TOTAL GENERAL FUND		\$ 47,086.86	

Capital Improvement Fund

FY 2K Contingency	401.9540.570624	\$ (40,000.00)
Communications Center	401.1113.550520	40,000.00

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

Kent A. Kocher
PRESIDENT OF COUNCIL

APPROVED: August 15, 2000

Josh L. Kelley
MAYOR

ATTEST:

Debra Mayes
CLERK Pro-Tempore

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

RECORD OF ORDINANCES

000281

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2000-107, Page One

Passed August 23, 2000
YEAR

ORDINANCE AUTHORIZING ALL ACTIONS
NECESSARY TO EFFECT A GOVERNMENTAL
ELECTRICITY AGGREGATION PROGRAM WITH
OPT-OUT PROVISIONS PURSUANT TO O.R.C.
4928.20 AND DIRECTING THE MARION COUNTY
BOARD OF ELECTIONS TO SUBMIT A BALLOT
QUESTION TO THE ELECTORS OF THE CITY OF
MARION, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation by the passage of Amended Substitute Senate Bill 3, effective July 26, 2000, which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity, and

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities, and

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually, and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to O.R.C. 4928.20 (Aggregation Program) for the residents, businesses and other electric consumers in the City and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law,

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

SECTION 1. This Council finds and determines that it is in the best interest of the City, its' residents, businesses and other electric consumers located within the corporate limits of the City to establish the Aggregation Program in the City. Provided that this Ordinance and the Aggregation Program is approved by the electors of the City pursuant to Section 2 of this Ordinance, the City is hereby authorized to aggregate in accordance with O.R.C. 4928.20 the retail electrical loads located within the City, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The City may exercise such authority jointly with any other municipal corporation, township or county or other political subdivisions of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Ordinance.

SECTION 2. The Board of Elections of Marion County, Ohio is hereby directed to submit the following question to the electors of the City at the general election on November 7, 2000:

Shall the City of Marion have the authority to aggregate the retail electric loads located in the City, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out?

The Clerk of this Council is instructed to immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not

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less than seventy-five (75) days prior to November 7, 2000. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Aggregation Program provided for herein at the election held pursuant to this section 2 and Section 4928.20 of the Ohio Revised Code.

SECTION 3. Upon the approval of a majority of the electors voting at the special election provided for in Section 2 of this Ordinance, this Council individually or jointly with any other political subdivisions shall develop a plan of operation and governance for the Aggregation program. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time and location of each hearing. No plan adopted by this Council shall aggregate the electrical load of any electric load center within the City unless it in advance clearly discloses to the person owning, occupying, controlling or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and condition of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two years, without paying a switching fee. Any such person that opts out of the aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under (a) of Section 4928.14 or division (d) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and related to the adoption 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 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that is Ordinance is required to be immediately effective in order to file a certified copy of this Ordinance and the proposed form of the ballot question with the Board of Elections of Marion County, Ohio not later than seventy-five (75) days prior to the November 7, 2000 election, as provided herein, wherefore, this Ordinance shall be in full force and effect immediately upon its adoption, provided it receives the affirmative vote of two-thirds of all members elected to Council, and approval by the Mayor.

Michael E Thomas
President Pro Tempore

Keith A. Kochheiser
Mayor (Acting)
Attest: *Cathy Chappin*
Clerk of Council

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

Approved As Submitted Pursuant
To Marion City Code
JACK L. KELLOGG KEITH A. KOCHHEISER
MAYOR ACTING RC 733.07
CITY OF MARION

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Form No. 30043

Ordinance No. 2000-108

Passed August 28, 2000
YEAR

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF
MARION BY REZONING THE PROPERTY AT 225 - 225 1/2 W.
PLEASANT STREET IN THE CITY OF MARION OHIO FROM C-1A
(NEIGHBORHOOD SHOPPING DISTRICT) TO AN R-3
(MULTI-FAMILY DISTRICT)

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from C-1A (Neighborhood Shopping District) to an R-3 (Multi-Family District), and

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

WHEREAS, due to 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 225 - 225 1/2 W. Pleasant 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:

Being Lot No. Two Thousand and Four (2004) in J.J. Hanes' Addition to Marion, Ohio.

Premises more commonly known as: 225 - 225 1/2 West Pleasant Street, Marion, Ohio 43302. Permanent Parcel No. 12-30410.0100

Said premises are conveyed subject to easements and restrictions of record, zoning regulations, taxes and assessments which shall be prorated as of the date of delivery of deed, using the last available tax duplicate.

Last Transfer: Deed Volume 324, Page 188 of the official records of the Marion County Recorder.

Heretofore zoned C-1A (Neighborhood Shopping District) is hereby zoned R-3 (Multi-Family District).

Section 2. 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.

APPROVED: August 29, 2000


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

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Form No. 30043

Ordinance No. 2000-109, Page One

Passed September 11, 2000
YEAR

ORDINANCE DECLARING THE CITY OF MARION'S SUPPORT FOR A DOWNTOWN ADMINISTRATOR/MANAGER, INCLUDING BUT NOT LIMITED TO FINANCIAL SUPPORT IN ORDER TO FACILITATE THE COMMUNITIES EFFORTS TO REVITALIZE THE DOWNTOWN AREA. *AS AMENDED*

WHEREAS, the Council has determined that the benefits arising from the City's relationship with the Downtown Economic Development Committee could be substantial, and

WHEREAS, the Downtown Economic Development Committee has provided the Council a business plan which includes the hiring of a Downtown Administrator/Manager, along with other items fostering development in the downtown area, and

WHEREAS, the Council finds it in the best interests of the City of Marion to continue support for downtown in every way possible in a sincere effort to revitalize it, improve it and create an atmosphere where the community can gather and interact to the benefit of all.

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

Section 1. The Council directs and authorizes the Mayor to enter into agreement with the Downtown Economic Development Group and provide the "start-up" funds contained below in order to foster growth and enhancement of the downtown area of the City. The Council desires to be an active participant in this "grass roots" community effort to revitalize the downtown.

AMENDED TO REMOVE SECTION 2 AND SECTION 3, ADDITION OF SECTION 2. BELOW:

~~Section 2. The Auditor is authorized to appropriate the necessary funds from the City's General Fund in order to carry out the directive contained in Section 1 above. The amount being \$12,000.00 which shall be placed into line item 101.4539.530.320 to be transferred to the Downtown Economic Development Committee when they indicate they are ready to move forward and provide a request for said monies.~~

AS AMENDED:

~~Section 3. The Council further directs that the Chairperson of the Jobs and Economic Development Committee of Council shall serve as a member of the Board governing the Downtown Economic Development Committee.~~

AS AMENDED:

Section 2. As it is the desire of the Council to provide continuing support of the Downtown area, just as it has provided support to Marion's CANDO, the Auditor is authorized to appropriate the necessary funds from the City's General Fund in order to carry out the directive contained in Section 1 above. The amount being \$4,000.00 for the balance of this year, to be paid monthly beginning September and continuing each month thereafter. Said amount to be placed in line item 101.4539.320 and paid when a proper notice or invoice is received. In addition, it is the expressed desire of this Council to continue funding throughout the fiscal year 2001 and direct that appropriate budgeting and appropriations are completed to continue said support at the rate of \$12,000.00 per annum, payable monthly. In addition, the Council mandates that it is a requirement that said support is contingent upon the Chairperson or his/her designee from the Jobs and Economic Development Committee of Council shall serve as a voting member of the Board governing the downtown Economic Development Committee.

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Passed September 11, 2000
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Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

APPROVED: September 12, 2000

Keith A. Kothheim
PRESIDENT OF COUNCIL

Jack L. Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C.
MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION