

Ordinance No. 2001-1, Page One

Passed January 2, 2001
YEAR

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, 2001.

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, 2001, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 278,000
Salaries - Uniformed	2,399,000
Benefits	1,214,000
Quartermaster	46,000
Travel	13,000
Schooling	35,000
Service Contracts	13,000
Equipment Lease	10,000
Equipment Maintenance	16,000
Insurance	65,000
Supplies	69,000
Fuel & Lubricants	50,000
Professional Service	18,000
Special Training	2,000
Membership Dues	1,700
Subscriptions/Publications	3,500
Equipment	17,225
Utilities	1,200
Legal Ads	2,500
Unclaimed Vehicles	200

Total Police Department\$4,254,325

Dispatch Department

Salaries	\$ 353,825
Benefits	123,800
Quartermaster	2,500
Travel	1,500
Schooling	10,000
Service Contracts	36,500
Equipment Maintenance	5,500
Supplies	1,000
Membership Dues	250
Subscriptions/Publications	400
Equipment	3,000

Total Dispatch Department\$ 538,275

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Fire Department

Salaries - Civilian	\$ 31,306
Salaries - Uniformed	2,901,667
Benefits	1,421,830
Quartermaster	41,525
Travel	3,500
Schooling	14,000
Utilities	50,307
Service Contracts	6,200
Equipment Maintenance	22,500
Building Maintenance	14,000
Insurance	26,000
Supplies	42,000
Fuel & Lubricants	11,900
Professional Service	10,000
Membership Dues	1,200
Subscriptions/Publications	1,700
Equipment	9,400
EMS (ODPS) Grant	<u>6,436</u>

Total Fire Department \$4,615,471

Disaster Services

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

Recreation Department

Salaries	\$ 114,339
Benefits	43,000
Travel	1,300
Professional Service	40,000
Insurance	3,000
Supplies	30,000
Utilities	25,500
Equipment Maintenance	2,500
Fuel	1,000
Equipment	10,900
Postage	2,000
Membership Dues	200
Subscriptions/Publications	100
Schooling	1,000
Service Contracts	1,500
Building Lease	8,000
Land & Bldg Maintenance	1,500
Janitorial Service	4,500
Promotional Advertising	<u>1,250</u>

Total Recreation Department \$ 291,589

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Senior Citizens Department

Salaries	\$ 105,571
Benefits	55,968
Utilities	25,000
Building Maintenance	8,000
Insurance	6,000
Professional Service	1,000
Equipment Maintenance	500
Membership Dues	<u>325</u>

Total Senior Citizens Dept. \$ 202,364

Planning Department

Marion Regional Planning	\$ 59,533
Building Code Expense	7,000
Building Code Refunds	<u>1,000</u>

Total Planning Department. \$ 67,533

Economic Development Department

Professional Service	\$ 108,000
Revenue Sharing	<u>130,000</u>

Total Economic Development. \$ 238,000

Street Lighting

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

Parking Meter Department

Taxes	\$ <u>1,450</u>
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Total Parking Meter Dept. \$ 1,450

Airport

Salaries	\$ 123,232
Benefits	47,492
Travel	1,300
Utilities	30,500
Service Contracts	17,500
Equipment Maintenance	7,000
Land/Bldg. Maintenance	28,000
Insurance	8,500
Taxes	4,500
Supplies	11,000
Fuel & Lubricants	3,000
Membership Dues	700
Professional Services	20,000
Postage	300
Subscriptions/Publications	700
Equipment	2,500
Quartermaster	572
Janitorial Service	3,000
Schooling	1,300
Equipment Rent/Lease	<u>1,000</u>

Total Airport Operations. \$ 312,096

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Mayor

Salaries	\$ 96,883
Benefits	35,536
Travel	700
Professional Service	500
Supplies	900
Utilities	700
Equipment	100
Membership Dues	125
Subscriptions/Publications	350
Schooling	<u>500</u>

Total Mayor's Office \$ 136,294

Auditor

Salaries	\$ 198,000
Benefits	77,000
Travel	500
Professional Services	4,000
Service Contracts	10,000
Supplies	6,000
Subscriptions/Publications	2,000
Schooling	1,000
Membership Dues	150
Equipment	<u>2,000</u>

Total Auditor's Office \$ 300,650

Income Tax

Salaries	\$ 136,635
Benefits	57,059
Travel	400
Professional Services	5,500
Supplies	14,500
Postage	6,100
Service Contracts	1,000
Schooling	2,500
Membership Dues	50
Subscriptions/Publications	1,000
Equipment	<u>1,500</u>

Total Income Tax Office \$ 226,244

Treasurer

Salary	\$ 5,780
Benefits	1,422
Professional Services	600
Supplies	300
Travel	100
Schooling	<u>100</u>

Total Treasurer's Office \$ 8,302

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Law Director

Salaries	\$ 205,474
Benefits	80,392
Travel	500
Professional Services	2,500
Supplies	2,500
Schooling	2,500
Membership Dues	500
Subscriptions/Publications	2,500
Equipment	5,000
Building Lease	<u>6,000</u>

Total Law Director's Office. \$ 307,866

Human Resource Director

Salaries	\$ 82,800
Benefits	32,000
Travel	500
Professional Services	25,000
Supplies	1,750
Membership Dues	250
Subscriptions/Publications	500
Schooling	750
Equipment	350
Service Contract	<u>300</u>

Total Human Resource Dir's Office. \$ 144,200

Safety/Service Director

Salaries	\$ 87,337
Benefits	36,001
Travel	500
Professional Services	5,000
Supplies	2,000
Demolition	20,000
Burials	4,000
Schooling	300
Service Contracts	2,000
Membership Dues	250
Litter Control	1,000
Subscriptions/Publications	900
Equipment	2,000
Equipment Rent/Lease	<u>1,500</u>

Total Safety/Service Dir's Office. \$ 162,788

Civil Service Commission

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

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City Council

Salaries	\$ 96,853
Benefits	23,147
Travel	400
Membership Dues	4,000
Legal Advertising	3,000
Supplies	3,000
Schooling	1,600
Contract Services	6,000
Professional Services	5,000
Equipment	<u>2,500</u>

Total City Council\$ 145,500

Municipal Court

Salaries	\$ 450,533
Benefits	155,000
Travel	500
Professional Services	11,000
Equipment	2,000
Equipment Maintenance	1,000
Supplies	17,000
Fuel & Lubricants	1,200
Utilities	2,200
Membership Dues	800
Subscriptions/Publications	500
Schooling	500
Court Security	<u>4,181.53</u>

Total Municipal Court\$ 646,514.53

City Hall

Salaries	\$ 63,103
Benefits	20,617
Utilities	165,000
Custodial Service	14,000
Postage Meter	48,000
Building Maintenance	20,000
Insurance	18,000
Supplies	17,000
Service Contracts	13,000
Professional Service	500
Equipment Lease	6,500
Property Tax	2,500
Equipment	2,500
Clothing	<u>375</u>

Total City Hall\$ 391,095

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Engineering Department

Salaries	\$ 228,992
Benefits	74,252
Travel	400
Equipment Maintenance	1,200
Supplies	2,500
Fuel & Lubricants	1,500
Membership Dues	20
Subscriptions/Publications	300
Schooling	1,000
Tree Care	10,000
Service Contracts	720
Clothing	350
Professional Services	2,700
Equipment	<u>1,350</u>

Total Engineering Department \$ 325,284

Statutory Accounts

Election Expense	\$ 7,000
Examiner Fees	32,500
City Auditor/Treasurer Fees	25,000
Income Tax Refunds	<u>230,000</u>

Total Statutory Accounts \$ 294,500

Transfers

DARE Grant	\$ 102,500
Violence Against Women	30,000
COPS Fast	390,500
Health	480,000
Transit	60,000
Swimming Pool	75,000
Parks	405,000
Law Enforcement Block Grant	1,850
DRIP Fund	<u>42,840</u>

Total Transfers \$ 1,587,690

Total General Fund \$15,324,113.53

SENIOR CITIZENS III-B GRANT FUND

Administration	\$ 4,776.39
Salaries	41,247
Travel	1,700
Postage	1,018
Equipment Maintenance	1,500
Vehicle Leases	7,200
Supplies	1,990
Fuel & Lubricants	7,000
Professional Services	<u>2,250</u>

Total Sr. Citizens III-B Grant Fund \$ 68,681.39

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STATE BLOCK GRANT FUND

Administration	\$ 2,338.07
Salaries	\$ 18,753.00

Total State Block Grant Fund\$ 21,091.07

STREET CONSTRUCTION MAINTENANCE & REPAIR FUND

Street Maintenance

Salaries	\$ 923,464
Benefits	366,175
Clothing Allowance	11,700
Travel	600
Professional Services	6,000
Service Contracts	2,500
Equipment Maintenance	24,000
Permissive Auto Tax	177,052
Insurance	17,000
Supplies	225,000
Fuel & Lubricants	50,000
Equipment	30,000
Streetscape	8,000
Schooling	2,500
Utilities	53,000
Land & Building Maintenance	3,500
Resurfacing Projects	324,905
Excavation Bonds	12,000
Pavement Bonds	5,000

TOTAL SCMR FUND \$ 2,242,396

STATE HIGHWAY IMPROVEMENT FUND

Resurfacing	\$ 35,000
Professional Services	45,000

Total State Highway Improvement \$ 80,000

COURT COMPUTERIZATION FUND

Supplies	\$ 15,000
Professional Services	20,000
Service Contracts	15,000
Equipment	10,000

Total Court Computerization Fund\$ 60,000

COPS FAST FUND

Salaries	\$ 389,700
Benefits	155,700

Total COPS Fast Fund\$ 545,400

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VIOLENCE AGAINST WOMEN FUND

Salaries	\$ 14,052.66
Benefits	6,337.96
Schooling	630.00
Supplies	600.00
Travel	1,368.51
Professional Services	22,637.38
Equipment	<u>534.17</u>

Total VAW Fund\$ 46,160.68

LAW ENFORCEMENT BLOCK GRANT FUND

FY00 Equipment	\$ 17,098
FY99 Equipment	<u>581.10</u>

Total Law Enf. Block Grant Fund\$ 17,679.10

HEALTH FUND

Administration

Salaries	\$ 274,000
Benefits	96,000
Travel	1,500
Professional Services	5,000
Service Contracts	2,250
Equipment Maintenance	500
Supplies	5,750
Fuel & Lubricants	300
State Reimbursements	20,000
Insurance	5,000
Books/Publications	450
Dues & Memberships	800
Schooling	2,750
Equipment	6,000
Land & Building Maintenance	8,000
Utilities	7,000
Tobacco Compliance	<u>2,777</u>

Total Health Administration\$ 438,077

Inspection

Salaries	\$ 160,297
Benefits	55,208
Travel	3,000
Professional Services	1,500
Weed Control	10,000
Blight Control	13,000
Mosquito Control	2,225
Supplies	2,000
Fuel & Lubricants	1,000
Insurance	300
Schooling	1,000
Dues	200
Equipment	<u>5,000</u>

Total Health Inspection\$ 254,730

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WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 154,115
Benefits	58,415
Travel	900
Equipment Maintenance	250
Supplies	6,051
Janitorial Services	3,960
Postage	1,700
Membership Dues	25
Utilities	2,142
Publications	<u>250</u>
<i>Total WIC Fund</i> \$ 227,808

D.A.R.E. GRANT FUND

Salaries	\$ 84,200
Benefits	<u>40,500</u>
<i>Total DARE Grant Fund</i> \$ 124,700

SMART PROGRAM FUND

Professional Services	\$ 15,000
Building Rent	1,500
Reimbursements	<u>20,000</u>
<i>Total Smart Program Fund</i> \$ 36,500

PARKS FUND

Salaries	\$ 170,435
Benefits	76,973
Clothing Allowance	2,180
Utilities	20,000
Service Contracts	1,000
Equipment Maintenance	9,000
Land/Bldg. Maintenance	33,000
Insurance	5,500
Supplies	38,500
Fuel & Lubricants	5,500
Professional Service	27,000
Equipment	6,000
Yard Waste Fees	2,000
Property Tax	3,000
Capital Improvements	<u>10,000</u>
<i>Total Parks Fund</i> \$ 410,088

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ENFORCEMENT AND EDUCATION FUND

Professional Services	\$ 12,500
Reimbursements	6,000
Supplies	<u>4,000</u>

Total Enforcement & Education Fund. \$ 22,500

INDIGENT ALCOHOL DRIVER FUND

Professional Services \$ 75,000

Total Indigent Alcohol Driver Fund. \$ 75,000

SMOKE DETECTOR FUND

Supplies \$ 5,000

Total Smoke Detector Fund. \$ 5,000

SENIOR CITIZENS ASSOCIATION FUND

Senior Citizens Program \$ 16,400

Total Sr. Citizens Association Fund. \$ 16,400

POLICE & FIREMEN PENSION FUND

Police Benefits	\$ 101,824.23
Fire Benefits	<u>101,824.23</u>

Total Police/Firemen Pension Fund. \$ 203,648.46

FIRE INSURANCE PROCEEDS FUND

Insurance Proceeds \$ 75,000

Total Fire Insurance Proceeds Fund. \$ 75,000

HEALTH LICENSE FUND

Trailer Park	\$ 500
Food Service	31,000
Vending Machines	1,300
Swimming Pool	2,500
Infectious Waste	300
Solid Waste	<u>2,000</u>

Total Health License Fund. \$ 37,600

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HOME HEALTH SERVICE FUND

Reimbursements \$ 7,500

Total Home Health Service Fund \$ 7,500

EARLY INTERVENTION GRANT FUND

Salaries	\$ 43,876.10
Benefits	25,448.14
Supplies	3,800.00
Schooling	1,000.00
Postage	215.76
Travel	1,500.00
Professional Services	1,500.00
Utilities	500.00
Equipment	<u>360.00</u>

Total Early Intervention Grant Fund \$ 78,200.00

WELCOME HOME FUND

Reimbursements \$ 15,615

Total Welcome Home Fund \$ 15,615

OHIO EARLY START FUND

Salaries	\$ 12,000
Benefits	8,000
Travel	500
Schooling	500
Supplies	1,000
Reimbursements	<u>300</u>

Total Ohio Early Start Fund \$ 22,300

WELLNESS BLOCK GRANT FUND

Reimbursements \$ 15,000

Total Wellness Block Grant Fund \$ 15,000

CARDIO HEALTH

Salaries	\$ 10,000
Benefits	<u>2,500</u>

Total Cardio Health Grant Fund \$ 12,500

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CHIP GRANT FUND

Emergency Rehab	\$ 50,000
Administration	38,000
Implementation	31,000
Rental Rehab	100,000
Rental Assistance	225,000
Public Service	<u>51,000</u>

Total CHIP Fund \$495,000

RENTAL REHABILITATION FUND

Implementation	\$ 1,000
Emergency Rehab	<u>\$ 25,000</u>

Total Rental Rehabilitation Fund \$ 26,000

REVOLVING FUND

Revolving Loans	\$ <u>44,200</u>
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Total Revolving Fund \$ 44,200

FORMULA GRANT FUND

Private Rehab	\$ 10,000
Administration	31,460.89
Fair Housing	1,000
Parks & Recr. Facilities	25,000
Curbs & Sidewalks	<u>133,000</u>

Total Formula Grant Fund \$ 200,460.89

UDAG LOAN REPAYMENT FUND

Revolving Loans	\$ <u>65,780</u>
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Total UDAG Loan Repayment Fund \$ 65,780

UNDERGROUND STORAGE TANK FUND

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

G.O. BOND RETIREMENT FUND

Interest	\$ 62,411
Principal	<u>30,000</u>

Total G.O. Bond Retirement Fund \$ 92,411

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S.A. BOND RETIREMENT FUND

S.A. Bond Interest \$ 6,913
S.A. Bond Principal 35,000

Total S.A. Bond Retirement Fund. \$ 41,913

LTV TIF FUND

Infrastructure Loan Interest \$ 83,210
Infrastructure Loan Principal 124,630

Total LTV TIF Fund. \$ 207,840

CAPITAL IMPROVEMENT FUND

FY 98 Airport Improvements \$ 6,177.42
FY 97 Airport Improvements 11,653.03
FY 99 Contingency 3,047.88
FY 2K Contingency 126,139.70
FY 98 Contingency 19,345.00
FY 01 Contingency 324,905.00

Total Capital Improvement Fund. \$ 491,268.03

AIRPORT INDUSTRIAL PARK FUND

Professional Services \$ 7,000
Property Tax 5,000
Capital Improvements 3,000

Total Airport Industrial Park Fund. \$ 15,000

SOFTBALL FIELD IMPROVEMENT FUND

Capital Improvements \$ 7,500

Total Softball Field Improvement Fund. \$ 7,500

YOUTH CENTER FUND

Equipment \$ 5,000
Skateboard Park 12,000

Total Youth Center Fund. \$ 17,000

HARDING CENTRE LOAN FUND

Principal \$ 19,000
Interest 30,060

Total Harding Centre Loan Fund. \$ 49,060

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AIRPORT IMPROVEMENT FUND

Professional Services ODOT	\$ 11,100.00
Capital Improvements Project 09	12,824.44
Professional Services Project 10	7,500.00
Capital Improvements Project 10	210,000.00
Capital Improvements LOC/DME	9,164.22
Capital Improvements ODOT	<u>63,500.00</u>

Total Airport Imp. Fund \$ 314,088.66

TRANSIT FUND

Salaries	\$ 387,000
Benefits	129,500
Travel	1,000
Utilities	35,500
Professional Services	4,000
Property Tax	1,100
Equipment Maintenance	23,000
Land/Bldg. Maintenance	5,000
Insurance	21,000
Supplies	5,000
Fuel & Lubricants	39,000
Equipment	56,655
Membership Dues	490
Promotional Advertising	2,000
Legal Advertising	1,000
Publications & Subscriptions	500
Greyhound Sales	<u>500</u>

Total Transit Fund \$ 712,245

SEWER SYSTEM IMPROVEMENT FUND

OWDA Loan	\$ 178,822
G.O. Bond Interest	146,031
G.O. Bond Principal	<u>75,000</u>

Total Sewer System Imp. Fund \$ 399,853

SEWER REPLACEMENT FUND

Equipment Maintenance	\$ 50,000
Land/Building Maintenance	150,000
Equipment	400,000
Capital Improvements	<u>300,000</u>

Total Sewer Replacement Fund \$ 900,000

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SEWER REVENUE FUND

Water Pollution Control

Salaries	\$1,112,500
Benefits	355,000
Clothing Allowance	9,000
Travel	5,000
Utilities	495,000
Professional Services	176,000
Equipment Maintenance	30,000
Land/Building Maintenance	15,000
Insurance	36,000
Supplies	370,000
Fuel & Lubricants	22,000
Equipment	25,000
Postage	2,000
Refunds	2,000
Transfer-Replacement	200,000
Utility Billing-Reimbursements	82,080
Subscriptions/Publications	2,000
Schooling	10,000
Dues	3,000
Service Contracts	10,500
Janitorial Services	<u>20,000</u>

TOTAL SEWER REVENUE FUND \$ 2,982,080

SANITATION FUND

Refuse Collection

Salaries	\$ 547,337
Benefits	185,244
Clothing Allowance	5,500
Equipment Maintenance	13,000
Insurance	15,000
Supplies	40,000
Fuel & Lubricants	50,000
Yard Waste Fees	13,000
Utility Billing Reimbursement	70,068
Service Contracts	3,000
Solid Waste Transfer Expense	461,000
Professional Service	5,000
Capital Equipment	70,000
Schooling	1,500
Travel	500
Building Rent	<u>12,000</u>

TOTAL SANITATION FUND \$ 1,492,149

LANDFILL MONITORING FUND

Utilities	\$ 2,500
Supplies	4,000
Professional Services	90,000
OWDA Loan	<u>205,075</u>

Total Landfill Monitoring Fund \$ 301,575

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RECYCLING FUND

Salaries	\$ 108,392
Benefits	39,203
Equipment Maintenance	3,500
Insurance	2,100
Supplies	10,000
Fuel	10,000
Clothing Allowance	975
Utility Billing Reimbursement	8,008
Schooling	500
Professional Services	500
Comingling Expense	15,000
Equipment	13,000
Service Contracts	1,500
Promotional Advertising	<u>2,000</u>

Total Recycling Fund \$ 214,678

STORM WATER UTILITY FUND

Salaries	\$ 130,000
Benefits	50,000
Professional Service	60,000
Equipment Maintenance	20,000
Equipment Lease	20,000
Supplies	60,000
Equipment	20,000
Utility Billing Reimbursement	40,039
Insurance	2,000
Refunds	3,000
Capital Improvements	10,000
Clothing	1,200
G.O. Bond Interest	267,310
G.O. Bond Principal	<u>130,000</u>

Total Storm Water Utility Fund \$ 813,549

SWIMMING POOL FUND

Salaries	\$ 54,300
Benefits	10,800
Utilities	10,500
Equipment Maintenance	1,500
Land/Building Maintenance	8,000
Insurance	750
Supplies	25,000
Schooling	300
Professional Services	700
Equipment	2,420
Membership Dues	150
Travel	100
Capital Improvements	<u>2,500</u>

Total Swimming Pool Fund \$ 117,020

SANITARY SEWER IMPROVEMENT FUND

97-3S Capital Improvements \$ 21,860.68

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NW INTERCEPTOR IMPROVEMENT FUND

OPWC Loan No. CP522 \$ 35,000
OPWC Loan No. CP18A 10,478

Total NW Interceptor Imp. Fund. \$ 45,478

STORM SEWER IMPROVEMENT FUND

98-43 Professional Services \$ 1,088.86
98-2S Capital Improvements 44,975.40
98-3S Professional Services 9,743.31
98-3S Capital Improvements 42,216.43

Total Storm Sewer Improvement Fund. \$ 98,024

UTILITY BILLING FUND

Salaries \$ 107,000
Benefits 39,000
Travel 300
Professional Services 6,000
Supplies 8,500
Service Contracts 13,000
Equipment Lease 2,520
Postage 17,500
Schooling 5,200
Publications 175
Equipment 1,000

Total Utility Billing Fund. \$ 200,195

EVELYN E. WALTER TRUST FUND

Recreation Expense \$ 4,261

Total Evelyn E. Walter Trust Fund. \$ 4,261

STATE PATROL FINES AGENCY FUND

State Patrol Fines \$ 120,000

Total State Patrol Agency Fund. \$ 120,000

YOUTH RECREATION TRUST FUND

Recreation Expense \$ 3,545

Total Youth Recreation Trust Fund. \$ 3,545

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SAFETY PATROL TRUST FUND

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

LAW ENFORCEMENT TRUST FUND

Law Enforcement \$ 13,000
Total Law Enforcement Trust Fund \$ 13,000

SAFETY CITY TRUST FUND

Safety City \$ 2,700
Total Safety City Trust Fund \$ 2,700

PARKING METER AGENCY FUND

Henney & Cooper \$ 3,000
Courthouse 3,000
Total Parking Meter Agency Fund \$ 6,000

ROTARY AGENCY FUND

Pass-Thru Payments \$ 20,000
Greyhound Fares 65,000
Total Rotary Agency Fund \$ 85,000

GRAND TOTAL \$31,099,422.49

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SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
General	\$13,505,423.53	\$231,000	\$1,587,690	\$15,324,113.53
<u>Special Revenue</u>				
Sr. Cit. III-B Grant	68,681.39			68,681.39
Sr. Cit. State Block Grant	21,091.07			21,091.07
SCMR	2,225,396	17,000		2,242,396
State Highway Improvement	80,000			80,000
Court Computerization	60,000			60,000
COPS Fast Grant	545,400			545,400
Violence Against Women	46,160.68			46,160.68
Law Enf. Block Grant	17,679.10			17,679.10
Health	672,807	20,000		692,807
WIC Grant	227,808			227,808
D.A.R.E Grant	124,700			124,700
SMART Program	16,500	20,000		36,500
Parks	410,088			410,088
Enforcement & Education	16,500	6,000		22,500
Indigent Alcohol Driver	75,000			75,000
Smoke Detector	5,000			5,000
Senior Citizens Association	16,400			16,400
Police & Firemen Pension	203,648.46			203,648.46
Fire Insurance Proceeds		75,000		75,000
Health License		37,600		37,600
Home Health Service		7,500		7,500
Early Intervention Grant	78,200			78,200
Welcome Home Grant		15,615		15,615
Ohio Early Start Grant	22,300			22,300
Wellness Block Grant		15,000		15,000
Cardio Health Grant	12,500			12,500
CHIP Grant	495,000			495,000
Housing Rehabilitation	26,000			26,000
Revolving Loan	44,200			44,200
Formula Grant	200,460.89			200,460.89
UDAG Loan Repayment	65,780			65,780
Underground Storage Tank	11,000			11,000
<u>Total Special Revenue Funds</u>	\$5,788,300.59	\$213,715		\$6,002,015.59
<u>Debt Service Funds</u>				
G.O. Bond Retirement	\$ 92,411			\$ 92,411
S.A. Bond Retirement	41,913			41,913
LTV T.I.F	207,840			207,840
Harding Centre Loan	49,060			49,060
<u>Total Debt Service Funds</u>	\$ 391,224			\$ 391,224

Ordinance No. 2001-1, Page Twenty-One Passed January 2, 2001
YEAR

SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
<u>Capital Project Funds</u>				
Capital Improvement	\$ 473,437.58		\$ 17,830.45	\$ 491,268.03
Airport Industrial Park	15,000			15,000
Softball Field Improvement	7,500			7,500
Youth Center Improvement	17,000			17,000
Airport Improvement	314,088.66			314,088.66
<u>Total Capital Project Funds</u>	\$ 827,026.24		\$ 17,830.45	\$ 844,856.69
<u>Enterprise Funds</u>				
Marion Area Transit	\$ 712,245			\$ 712,245
Sewer System Improvement	399,853			399,853
Sewer Replacement	900,000			900,000
Sewer Revenue	2,780,080	2,000	200,000	2,982,080
Sanitation	1,492,149			1,492,149
Landfill Monitoring	301,575			301,575
Recycling	214,678			214,678
Storm Water Utility	810,549	3,000		813,549
Swimming Pool	117,020			117,020
Sanitary Sewer Improvement	21,860.68			21,860.68
NW Interceptor Improvement	45,478			45,478
Storm Sewer Improvement	98,024			98,024
<u>Total Enterprise Funds</u>	\$ 7,893,511.68	\$ 5,000	\$200,000	\$ 8,098,511.68
<u>Internal Service Funds</u>				
Utility Billing	\$ 200,195			\$ 200,195
<u>Trust and Agency Funds</u>				
Evelyn E. Walter Trust	\$ 4,261			\$ 4,261
State Patrol Agency	120,000			120,000
Youth Recreation Trust	3,545			3,545
Safety Patrol Trust	4,000			4,000
Law Enforcement Trust	13,000			13,000
Safety City Trust	2,700			2,700
Parking Meter Agency	6,000			6,000
Rotary Agency	85,000			85,000
<u>Total Trust & Agency Fund</u>	\$ 238,506			\$ 238,506
GRAND TOTAL	\$28,844,187.04	\$449,715	\$1,805,520.45	\$31,099,422.49

Ordinance No. 2001-1, Page Twenty-Two Passed January 2, 2001
YEAR

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: January 3, 2001

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

Ordinance No. 2001-10.....

Passed January 22, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR VARIOUS CAPITAL EQUIPMENT AND IMPROVEMENT ITEMS.

WHEREAS, the fiscal 2001 general budget for the City of Marion made appropriations for the purchase of various capital improvement and equipment items, and;

WHEREAS, the purchase of many of 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.

- Fire Escape at Station #1
- Basement Access @ Station #1
- 3 Marked Police Cruisers
- Siding on Lincoln Park Pool House
- Tuck Pointing of Youth Center Phase II
- Leaf Vacuum for Park
- Re-Roof Lincoln Park Pool House
- Sweeper for Airport Runways
- Rescue Equipment for Fire Dept.
- HVAC System for Fire Station #1 (part 1 of 3)
- Command Vehicle for Fire Dept.
- Marked 4 Wheel Drive Vehicle for Police
- Community Room Renovations
- Training Projector for Fire Dept.
- Storage Building @ Kennedy Park
- Softball Field Groomed
- Unmarked Vehicle for Police Dept.
- Roof @ Fire Station #3
- Air Conditioning Unit for Youth Center Gym
- Pool Sprinkler for Kids at Lincoln Park Pool
- Blacktop for Fire Stations
- Mattresses for Fire Department
- Sawyer Ludwig Parking Lot Paving Project
- 2 Softball Fields @ Sawyer Ludwig
- Various Playground Equipment

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

Kevin G. Koehne
PRESIDENT OF COUNCIL

APPROVED: January 22, 2001

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

Ordinance No. 2001-11

Passed January 22, 2001
YEAR

ORDINANCE DECLARING A SPECIFIC PARCEL OF REAL PROPERTY OWNED BY THE CITY OF MARION TO BE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND AUTHORIZING THE MAYOR TO CONVEY SAME TO THE MARION COUNTY PARK DISTRICT WITH CONDITIONS AND DECLARING AN EMERGENCY

WHEREAS, On the 16th day of January, 2001 representatives from the Marion County Park District, a duly organized governmental entity under O.R.C. 1545 et. al., requested the City of Marion convey to them approximately four acres of real property owned by the City of Marion, Ohio adjacent to Holland Road and in the proximity of the former City Landfill in order to provide land for a public park, more specifically: For use as and the construction of facilities accessible to the public related to the on-going "Rails to Trials" program, and

WHEREAS, on the aforementioned date the Airport, Lands and Buildings committee heard the request, heard the Administration advise this parcel is not now or expected to be necessary for any public purpose, however the Administration did advise there are a number of concerns, such as but not limited to: existing monitoring wells, continuing landfill closure requirements, and the proximity to the former landfill, after which it was the consensus of the committee to approve the request with certain conditions, and

WHEREAS, the Council for the City of Marion, Ohio having first considered the matter on the 22nd of January, 2001 and after due deliberation did find that the parcel being requested to be given to the Marion County Park District, with conditions approved by the Law Director and the City Administration, being approximately four acres adjacent to Holland Road and the Marion County Landfill, to be no longer necessary for any municipal public purpose,

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

Section 1. Pursuant to the authority granted under O.R.C. 717.01 et.al. and other relevant authorities contained within the Ohio Revised Code, the Mayor is hereby authorized and directed to transfer the aforementioned property, declared herein to be no longer necessary for any public purpose, being approximately four acres of real property located adjacent to Holland Road and the former City Landfill with conditions approved by the Law Director. Said conditions shall contain a provision that for a period of years the property shall be utilized as a public park facility and if it fails to be utilized as such, the property shall revert back to the City of Marion, Ohio.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that the City of Marion has no use of said land and wishes to assist immediately with the progress of the County Park District's plan; 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. Kalkbrenner
President of Council

Approved: January 22, 2001

Jack B. Kelly
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. 2001-12

Passed February 26, 2001
YEAR

ORDINANCE AMENDING THE EXISTING ZONING CODE SECTION 1143.013 (A) (2), PERMITTED USES – C-3 CENTRAL CORE BUSINESS DISTRICT FOR THE CITY OF MARION, OHIO.

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

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

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

Section 1. Marion City Code Section 1143.013 (A) (2) now reading as follows:

Dwelling units of the types permitted and as regulated in the R-3 District, provided that they shall not be located on the first floor or basement floor; provided further that buildings occupied by both residential and non-residential uses shall comply with the development standards set forth in 1151.05.

shall be amended to read as follows:

Dwelling units of the types permitted and as regulated in the R-3 District, provided that they shall not occupy more than 50 percent of the first floor. However, development plans may utilize more than 50 percent of the first floor for dwelling units provided the entire frontage along at least one street is developed for retail, office, or other commercial uses. Also, buildings occupied by both residential and non-residential uses shall comply with the development standards set forth in 1151.05.

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

APPROVED: February 27, 2001

Keith A. Koehneiser
PRESIDENT OF COUNCIL

Jack L. Kellogg
MAYOR

ATTEST:

Cathy Chappie
CLERK

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

Ordinance No.2001-13.....

PassedFebruary 12, 2001...
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001

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 funds in
the amount of \$27,376,273.48 as follows:

DROP-IN PROGRAM FUND

SALARIES	222.1549.510110	\$	4,800.00	
BENEFITS	222.1549.510120		1,180.00	
PROF. SERVICES	222.1549.530320		2,365.00	
SUPPLIES	222.1549.540420		508.00	
EQUIPMENT	222.1549.550450		<u>1,200.00</u>	
	TOTAL			\$ 10,053.00

EDUCATION & ENFORCEMENT FUND

EQUIPMENT	227.1111.550450	\$	6,800.00	
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SEWER REPLACEMENT FUND

PROFESSIONAL SERVICE	504.5553.530320	\$	74,935.00	
WWTP IMPROVEMENT PROJECT	504.5555.530320		2,375,035.81	
	504.5555.550520		<u>\$18,742,782.67</u>	
ERIE METROPARKS	504.9750.570750	\$	<u>6,000,000.00</u>	
	TOTAL			\$27,192,753.48

AIRPORT IMPROVEMENT FUND

PROFESSIONAL SERVICE	446.6401.530320	\$	86,800.00	
MAINTENANCE	446.6401.530370		53,200.00	
EQUIPMENT	446.6401.550450		<u>26,667.00</u>	
	TOTAL			\$ 166,667.00

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

APPROVED: February 13, 2001

Keith A. Koepfner
PRESIDENT OF COUNCIL

Joseph L. Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK

Ordinance No. 2001-14

Passed February 12, 2001
YEAR

ORDINANCE APPROVING THE PURCHASE FOR ONE (1)
BUS FOR MARION AREA TRANSIT THROUGH THE OHIO
COOPERATIVE PURCHASING PROGRAM.

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

WHEREAS, Resolution No. 2001-3 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) Eldorado National Aerotech, 16-2 LTV (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.

Keith A. Kuehling
PRESIDENT OF COUNCIL

APPROVED: February 13, 2001

Jack L. Kilby
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. 2001-15

Passed February 12, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE (1) BUS PREVIOUSLY UTILIZED BY THE MARION AREA TRANSIT SYSTEM AND DECLARING SAME IS NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE

WHEREAS, the Council has been advised by the Director of the Marion Area Transit Authority that a previously utilized bus is no longer necessary within that department, and

WHEREAS, the Council has been advised by the Safety/Service Director that the bus mentioned herein is no longer necessary for any municipal purpose,

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

Section 1. The Safety/Service Director is hereby authorized and directed to dispose of the following bus previously used by the Marion Area Transit Authority which has been determined to have exceeded it's useful life and is no longer necessary for any municipal purpose, to wit:

A 1994 Ford Super Senator bus, Serial no. 1FDKE30G4RHB52362, Certificate of Title no. 5100076050 with an odometer reading on this date of approx. 187412 being lift equipped.

Section 2. That the disposal authorized herein shall be in compliance with the mandates contained within the Ohio Revised Code.

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

Keitha Koehn
President of Council

Approved: February 13, 2001

Josh L. Kellogg
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.2001-16.....

PassedFebruary 12....., 2001.....
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR DEMOLITION OF A GARAGE AT 285 W COLUMBIA STREET, AND DECLARING AN EMERGENCY.

WHEREAS, the Safety/Service Director has declared the garage at 285 W. Columbia 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 a garage at 285 W. Columbia Street.

Section 2. That the \$975.00 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 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. Kuehner
PRESIDENT OF COUNCIL

APPROVED: February 13, 2001

Jack L. Kellogg
MAYOR

ATTEST:
Cathy Chappie
CLERK OF COUNCIL

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

Ordinance No. 2001-17

Passed February 12, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SEVERN TRENT SERVICES FOR ANALYTICAL SERVICES AT THE MARION CITY LANDFILL FOR A PERIOD OF ONE (1) YEAR WITH AN OPTION YEAR

WHEREAS, Ordinance 2000-101 authorized the Safety/Service Director to advertise for bids for analytical services at the Marion City Landfill as required by the OEPA for a period of one (1) year with an option year, and

WHEREAS, Severn Trent Services submitted the best bid.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Severn Trent Services for analytical services at the Marion Landfill.

Section 2. That the maximum estimated cost based on the following bid prices should not exceed \$21,339.00 unless further tests are required by the OEPA and that said contract shall be payable from the Landfill Monitoring Fund Account 507.5563.530320.

Appendix I	Parameters (1-66)	\$330.00
Appendix I	Parameters (63-66)	\$ 80.00
Appendix I	Parameters (1-79)	\$420.00
Appendix I, II	Parameters (1-213)	\$1,119.00
Appendix II	Parameters (1-213)	\$974.00

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

Karla A. Kochhiser
PRESIDENT OF COUNCIL

APPROVED: February 13, 2001

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

Ordinance No. 2001-18, Page One

Passed February 12, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY IN ORDER TO ENTER INTO CONTRACT WITH FIRSTENERGY SERVICES FOR THE PROVISION OF ELECTRICITY FOR THE CITY OF MARION AGGREGATION PROGRAM 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 and the vote of the people of Marion, Ohio at the last general election, the City Government was authorized and directed to take advantage of recent legislation passed by the State Legislature as a part of the deregulation of the electric industry, specifically the creation and maintenance of an aggregation program pursuant to O.R.C. 4928.20 et al and,

WHEREAS, the City having selected a program consultant who possess a particular expertise within the industry and has evaluated the City's needs and available suppliers within the newly evolving market place, and

WHEREAS, the E Group being the City's expert consultant has advised there are currently no suppliers in the market other than First Energy Services and they have tendered an offer to provide service which is based upon a limited availability and is expected to be consumed by other users if action is not taken by the Council on behalf of the citizens at this time, and

WHEREAS the Council finds it to be in the best interests of the Citizens of Marion, Ohio recognizing an immediate need to move forward without delay, given that any delay will with almost certainty cause the loss of the savings available under the tendered offer and given the finding that no alternative suppliers have shown a willingness to tender an offer which is comparable, that is not tied to some factor such as obtaining Market Support Generation or a delayed service begin time,

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 City of Marion Aggregation project wherein after thorough evaluation by Administrative officials and the expert energy consultant hired by the City to evaluate and manage the Aggregation program, there exists only one "real" supplier within the market and that is FirstEnergy Services. This confirmed further by the failure of responses to the R.F.P. inquires made by the City's Law Director's office. Further, the tendered offer from FirstEnergy Services is submitted with the fact that it is limited to the first 100,000 individual users signed up and given the fact that any delay will almost certainly cause citizens of Marion to "miss-out" on this limited availability of lower priced electricity it is imperative to enter into a supply contract without delay in order to best ensure the most cost savings to the programs participants. Therefore the Safety/Service Director is authorized and directed to execute all documents necessary in order to enter into contract with FirstEnergy services for the supply and provision of electricity for the City of Marion, Ohio Aggregation Program.

Ordinance No. 2001-18, Page Two

Passed February 12, 2001
YEAR

Section 2. That due to the real likelihood that failure to find a real and present emergency exists will cause financial hardship upon the programs participants, especially given the fact that the price of electricity is already rising given the high demand season approaching and if the opportunity is not seized at this time, any additional savings will be lost forever and the community will suffer significantly given they will lose an additional choice under what has become a "non-competitive" deregulation endeavor. Further, the market has been such that some communities who have aggregated and went out with R.F.P.'s have received no offers or bids and that some have received offers have found them to be contingent on the receipt of obtaining M.S.G. and the fact is, M.S.G. is not available as it was only available in extremely limited supply to begin with as a result of the legislatures deregulation deal making. In fact, it has since been learned that there was only enough M.S.G. to power six City of Marion, Ohios in a service territory which has over half a million people. Further, a community which was able to obtain service with M.S.G. did so at the rate of .0368 kwh and another community who recently contracted for service without M.S.G. did so at the rate .0404 kwh and by acting now the standard rate customer would receive service at the effective rate of .0387 for the first year. Failure to act now would result in significant hardship upon the health, welfare and safety of the City residents and 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 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.

Keith A. Koshkover
President of Council

Approved: February 13, 2001

Jack L. Kelly
Mayor

Attest:

Cathy Chappi
Clerk of Council

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. 2001-19, Page One

Passed February 12, 2001
YEAR

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUIT-CLAIM DEED CONVEYING UNIMPROVED PORTIONS OF OAKLAND BOULEVARD, GLENDALE AVENUE, MAPLE LANE, PLAYGROUND, AND ALLEY LOCATED ON SILVER STREET SCHOOL GROUNDS TO THE MARION CITY BOARD OF EDUCATION, AND DECLARING AN EMERGENCY

WHEREAS, Council finds that on or about September 21, 1923, 1920, a plat of Oakland Heights Addition was re-platted and recorded in Plat Book 3, Page 250 et. seq., Recorder's Office, Marion County, Ohio, whereby the plat provided for the establishment of certain lots, public playground area, and streets, all of which were dedicated to and accepted by the City of Marion; and

WHEREAS, the Marion City Board of Education caused to be built a school, what is now known as Edison Middle School, and associated athletic facilities on grounds that consisted of lots in Oakland Heights Addition, unimproved public playground area, and unimproved streets; and

WHEREAS, the building of the school and development of its grounds removed any possibility of other uses of the lots, unimproved public playground area, and the unimproved streets abutting and running through the school's land; and

WHEREAS, since the re-platting of Oakland Heights Addition, the City of Marion has never improved the streets, except for using the area as a storm water drainage ditch; nor has the City of Marion improved or used the public playground which is part of the school grounds for Edison Middle School and now being used as the school's athletic field; and

WHEREAS, on or about January 17, 1899, a plat for Crissinger 3rd Addition to Marion, Ohio, was recorded in Plat Book 2, Page 279, Recorder's Office, Marion County, Ohio, which established lots, land for Silver Street School, streets, and alleys all of which were dedicated to and accepted by the City of Marion; and

WHEREAS, a platted alley, adjacent to the Silver Street School site, was never improved; and

WHEREAS, what is now known as Silver Street Elementary School occupies its original site and lots 4330, 4334, 4335, 4335, 4337, with the actual school building being constructed on the unimproved alley; and

WHEREAS, no evidence can be found that the alley was ever vacated, title transferred, or de-platted, therefore it being assumed that the alley still remains dedicated to the City of Marion; and

WHEREAS, on November 2, 1999, the citizens of the City of Marion, by majority vote, passed a bond issue authorizing the Marion City Board of Education to commence improvements of its public school facilities; and

WHEREAS, it has been determined by the Marion City Board of Education that the citizens of the City of Marion would benefit from the construction of a new elementary education building on the same site as the present Edison Middle School grounds; and

WHEREAS, it has been determined by the Marion City Board of Education that the citizens of the City of Marion would benefit from the remodeling and expansion of Silver Street Elementary School.

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

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-19, Page Two

Passed February 21, 2001
YEAR

Section 1. Edison Middle School Site. That the City of Marion having previously accepted the dedication of the plat of Oakland Heights with its identified streets and public playground, hereby finds:

a. The City of Marion, through dedication and acceptance, acquired ownership of the streets and public playground, as further described below in Section 3, Tracts I and II; and

b. The City of Marion, does not have any plans or intentions to ever improve the stated streets or public playground area for those uses as identified on the plat, and the parcels are not needed for any municipal purpose; and

c. That Tracts I and II have since been used as part of the school grounds for the Marion City Board of Education, and due to the present use are not viable for the original intended public use; and

d. That the City of Marion finds that the present and future uses of the land by the Marion City Board of Education is for the benefit of the citizens of the City of Marion at large; and

e. That the conveyance of Tracts I and II, described in Section 3, will promote the general interest of the municipality as a whole by enabling the public school system to fully development the grounds for an elementary school; and

Section 2. Silver Street Site. That the City of Marion having previously accepted the dedication of the plat of Crissinger 3rd Addition to Marion, Ohio, the alley described below in Section 3, Tract III, hereby finds:

a. The City of Marion, through dedication and acceptance, acquired ownership of Tract III; and

b. The City of Marion, does not have any plans or intentions to ever improve the alley for those uses as identified on the plat, and the parcel are not needed for any municipal purpose; and

c. That Tract III has since been used as part of a school building by the Marion City Board of Education, and therefore is not viable for its original intended public use; and

d. That the City of Marion finds that the present and future uses of the land by the Marion City Board of Education is for the benefit of the citizens of the City of Marion at large; and

e. That the conveyance of Tract III, described in Section 3, will promote the general interest of the municipality as a whole by enabling the public school system to fully development the grounds for an elementary school; and

Section 3. That the legal descriptions of the grounds generally described as being a part of and abutting the Edison Middle School site (Tracts I and II), and Silver Street Elementary School (Tract III) are as follows:

Tract I:

Being parts of Glendale Avenue (50 feet wide), Maple Lane (20 feet wide), and Oakland Boulevard (60 feet wide) in Oakland Heights Addition Re-platted as recorded in Plat Book 3, Page 250 of the Marion County Recorder's Office, City of Marion, Marion County, State of Ohio, and being more particularly described as follows:

Beginning at an existing concrete monument at the intersection of the west line of Bellefontaine Avenue (State Route 739), 60 feet wide, and the north line of Glendale Avenue (50 feet wide);

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Thence South 51 degrees 27 minutes 52 seconds West 38.58 feet along the west line of said Bellefontaine Avenue to a point on the north line of a certain tract now or formerly owned by the Marion City Board of Education as recorded in Deed Volume 185, Page 317;

Thence North 88 degrees 08 minutes 54 seconds West 456.77 along the north line of said Board of Education tract and the centerline of Glendale Avenue and the north line of Section 33 to a stone found at the northwest corner of Section 33;

Thence South 00 degrees 36 minutes 27 seconds West 25.00 feet along the west line of said Board of Education tract and the west line of Section 33 to an iron pipe found on the south line of Glendale Avenue;

Thence South 89 degrees 52 minutes 07 seconds West 736.97 feet along the south line of Glendale Avenue to a point;

Thence North 00 degrees 07 minutes 53 seconds West 25.00 feet to a point on the centerline of Glendale Avenue, said point being referenced by an iron pipe found 0.22 feet east;

Thence along the arc of a curve to the left (Radius = 771.34 feet, Delta = 28 degrees 04 minutes 26 seconds, Length = 377.94 feet), having a chord which bears North 13 degrees 30 minutes 10 seconds West 374.17 feet along the west line of Oakland Boulevard and the continuation thereof to a point of reverse curve, said point being referenced by an iron pipe found 1.42 feet south and 0.74 feet east;

Thence along the arc of a curve to the right (Radius = 540.05 feet, Delta = 15 degrees 25 minutes 36 seconds, Length = 145.41 feet), having a chord which bears North 19 degrees 49 minutes 36 seconds West 144.97 feet, continuing along the said west line of Oakland Boulevard to a point of reverse curve ;

Thence along the arc of a curve to the left (Radius = 28.00 feet, Delta = 76 degrees 51 minutes 29 seconds, Length = 37.56 feet), having a chord which bears North 50 degrees 32 minutes 32 seconds West 34.81 feet to a point of tangency and being on the south line of Merkel Avenue (50 feet wide);

Thence South 88 degrees 58 minutes 16 seconds East 116.98 feet along the tangent line of said Merkel Avenue extended easterly to a point on the east line of Oakland Boulevard;

Thence along the arc of a curve to the left (Radius = 70.00 feet, Delta = 61 degrees 25 minutes 32 seconds, Length = 75.04 feet), having a chord which bears South 10 degrees 47 minutes 42 seconds West 71.50 feet along the east line of said Oakland Boulevard to an iron pin set at a point of compound curvature;

Thence along the arc of a curve to the left (Radius = 480.05 feet, Delta = 07 degrees 37 minutes 17 seconds, Length = 63.86 feet), having a chord which bears South 23 degrees 43 minutes 45 seconds East 63.81 feet along the east line of Oakland Boulevard to an iron pin set at a point of reverse curve;

Thence along the arc of a curve to the right (Radius = 831.34 feet, Delta = 24 degrees 58 minutes 55 seconds, Length = 362.48 feet), having a chord which bears South 15 degrees 02 minutes 56 seconds East 359.61 feet along the east line of Oakland Boulevard to an iron pin set at a point of reverse curve;

Thence along the arc of a curve to the left (Radius = 20.00 feet, Delta = 87 degrees 34 minutes 20 seconds, Length = 30.57 feet), having a chord which bears South 46 degrees 20 minutes 38 seconds East 27.68 feet to an iron pin set on the north line of Glendale Avenue;

Thence North 89 degrees 52 minutes 07 seconds East 374.37 feet along the north line of Glendale Avenue to an iron pin set at a point of curvature;

Thence along the arc of a curve to the left (Radius = 10.00 feet, Delta = 90 degrees 00 minutes 00 seconds, Length = 15.71 feet), having a chord which bears North 44 degrees 52

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minutes 07 minutes East 14.14 feet to an iron pin set at a point of reverse curve and the west line of Maple Lane;

Thence along the arc of a curve to the right (Radius = 2448.12 feet, Delta = 06 degrees 58 minutes 56 seconds, Length = 298.34 feet), having a chord which bears North 04 degrees 19 minutes 00 seconds East 298.15 feet along the west line of Maple Lane to an iron pin set at a point of reverse curve;

Thence along the arc of a curve to the left (Radius = 10.00 feet, Delta = 86 degrees 11 minutes 44 seconds, Length = 15.04 feet), having a chord which bears North 35 degrees 17 minutes 25 seconds West 13.66 feet to an iron pin set on the south line of Chatfield Road (60 feet wide);

Thence along the arc of a curve to the left (Radius = 1259.96 feet, Delta = 01 degrees 48 minutes 33 seconds, Length = 39.78 feet), having a chord which bears South 78 degrees 16 minutes 01 seconds East 39.78 feet along the continuation of the south line of Chatfield Road to an iron pin set;

Thence along the arc of a curve to the left (Radius = 10.00 feet, Delta = 92 degrees 03 minutes 36 seconds, Length = 16.07 feet), having a chord which bears South 53 degrees 46 minutes 22 seconds West 14.39 feet to an iron pin set on the east line of Maple Lane and a point of compound curvature;

Thence along the arc of a curve to the left (Radius = 2428.12 feet, Delta = 06 degrees 54 minutes 20 seconds, Length = 292.65 feet), having a chord which bears South 04 degrees 17 minutes 24 seconds West 292.47 feet along the east line of Maple Lane to an iron pin set at a point of compound curvature;

Thence along the arc of a curve to the left (Radius = 10.00 feet, Delta = 90 degrees 58 minutes 07 seconds, Length = 15.88 feet), having a chord which bears South 44 degrees 38 minutes 50 seconds East 14.26 feet to an iron pin set on the north line of Glendale Avenue and a point of tangency;

Thence North 89 degrees 52 minutes 07 seconds East 243.95 feet along the north line of Glendale Avenue to an iron pin set on the west line of Section 28;

Thence South 88 degrees 08 minutes 54 seconds East 486.70 feet, continuing along the north line of Glendale Avenue to the point of beginning;

Containing 2.001 acres, more or less, and subject to easements, restrictions, and agreements of record.

This description was prepared from a Floyd Browne Associates, Inc. survey dated August 31, 2000.

The bearing South 89 degrees 52 minutes 07 seconds West is the same used and recorded for Glendale Avenue in Plat Book 7, Page 164. All other bearings were then calculated from field observations.

All 5/8 inch iron pins are 30 inch long rebars having orange caps stamped "FBA INC"

Tract II:

Being the Play Ground in Oakland Heights Addition re-platted in the City of Marion, Marion County, State of Ohio and further being more accurately and particularly described as follows:

Beginning at 5/8" dia. iron pin set on the West right-of-way line of Maple Lane (now 20.00 feet wide) at the Northeast corner of Lot 12764 in Oakland Heights Addition re-platted, as recorded in Plat Book 3, Page 250;

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Dayton Legal Blank Co.

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Thence along the South line of the Play Ground also being the North line of Lots 12764 through Lot 12769 in said Addition South 89 degrees 58 minutes 47 seconds West for a distance of 266.57 feet to a 5/8" dia. iron pin set;

Thence along the West line of the Play Ground also being the East line of Lot 12772 and Lot 12773 North 17 degrees 44 minutes 45 seconds West for a distance of 121.60 feet to a 5/8" dia. iron pin set;

Thence along the North line of the Play Ground also being the South line of Lots 12781 through 12786 and South 72 degrees 26 minutes 31 seconds East for a distance of 320.00 feet to a 5/8" dia. iron pin set on the West right-of-way line of Maple Lane;

Thence along the West right-of-way line of Maple Lane on a 02 degree 20 minute 25 second curve to the left having a radius of 2448.12 feet (Chord South 04 degrees 20 minutes 19 seconds West ~19.24 feet) for an arc distance of 19.24 feet to a 5/8" dia. iron pin set on the Northeast corner of Lot 12764 and the point of beginning.

Containing 0.423 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record.

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 and dated August 31, 2000.

The bearing South 89 degrees 52 minutes 07 seconds West is the same used and recorded for Glendale Avenue in Plat Book 7, Page 164. All other bearings were then calculated from field observations.

Tract III:

Situated in the northwest quarter of Section 21, Township 5 South, Range 15 East, City of Marion, County of Marion, State of Ohio, being a 20 foot wide alley as delineated in Crissingers 3rd Addition to Marion as recorded in Plat Book 4, Page 137 of the Marion County Recorder's Office and being more particularly described as follows:

Beginning at a mag nail set at the northeast corner of lot 4333, said nail being the southeast corner of a 20 foot wide alley and on the west line of Scranton Avenue (50 feet wide); Thence North 89 degrees 08 minutes 00 seconds West 98.00 feet along the south line of said alley and the north line of lots 4333 and 4334 to the southwest corner of said alley; Thence North 00 degrees 00 minutes 20 seconds East 20.00 feet along the west line of said alley and the east line of a 1.5 acre tract described in deed to the Marion City Board of Education as recorded in Deed Book 71, Page 235 to the northwest corner of said alley; Thence South 89 degrees 08 minutes 00 seconds East 98.00 feet along the north line of said alley and the south line of lot 4335 to a mag nail set at the northeast corner of said alley and the Southeast corner of lot 4335; Thence South 00 degrees 00 minutes 20 seconds West 20.00 feet along the west line of Scranton Avenue and the east line of said alley to the point of beginning.

Containing 1960 square feet (0.045 acres), more or less, subject to all easements, restrictions, rights of way, and agreements of record.

This description was prepared from a Floyd Browne Associates, Inc. survey dated January 5, 2001.

The bearing North 89 degrees 08 minutes 00 seconds West is the same used and recorded for the north line of Silver Street as recorded in Crissingers 3rd Addition to Marion (Plat Book 4, Page 137) of the Marion County Recorder's Office. All other bearings were then calculated from field observations.

All 5/8 inch iron pins are 30 inch long rebars having orange caps stamped "FBA INC".

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-19, Page Six

Passed February 21, 2001
YEAR

and

Section 4. That the Mayor is hereby authorized and directed to execute, on behalf of the City of Marion, a quit-claim deed conveying title to Tracts I, II, and III, described in Section 3 above, to the Marion City Board of Education, subject to those existing easements and matters of record, and rights of the City of Marion to maintain access and drainage rights to Tract I; and

Section 5. That this Ordinance is hereby declared to be an emergency measure for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that the City of Marion has no use of said land and wishes to assist immediately with the process of the Marion City School's facility improvement 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
Keith Kochheiser
President of Council

APPROVED:

Jack L. Kellogg
Jack Kellogg, Mayor

ATTEST:

Cathy Chaffin
Cathy Chaffin

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

Ordinance No.2001-100.....

Passed JUL 09 2001

YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES, MORE SPECIFICALLY PROFESSIONAL MANAGEMENT OF THE CITY'S NATURAL GAS AGGREGATION PROGRAM IN ORDER TO ENSURE AS NEAR AS POSSIBLE THE SUCCESS THAT OF THE CITY'S ELECTRIC AGGREGATION PROGRAM HAS REALIZED, WITH CONTINGENCY

WHEREAS, has immediately hereto considered and adopted an Ordinance to enable a ballot measure as to whether or not the City of Marion should create an opt-out natural gas aggregation program pursuant to the authority provided for in the O.R.C., and

WHEREAS, in contemplation of the measure being placed upon the ballot and providing for the management of the program in the event the measure passes,

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

SECTION 1. The Council finds the Citizens of the City would best be served by entering into a Professional Management Service Agreement for the City's Natural Gas Aggregation Program, if the measure is passed by the electorate at the general election to be held the 6th of November, 2001, and contingent upon passage the Council authorizes and directs the Safety/Service Director to enter into agreements and/or execute all necessary documents to enter into contract with the E-Group in order to carry out the intent of the Council in order to create a much cost savings as possible for natural gas consumers within the City upon terms and conditions equal to or better than contained within the E-Group's June 20, 2001 written proposal submitted.

SECTION 2. Contingent upon the passage of the issue referred to in Section 1 above and the Safety/Service Director's entering into contract with the E-Group the Council appropriates the sum of \$ 9, 000.00 from the General Fund to be paid to the E-Group as the fixed costs for the Service Agreement.

SECTION 3. This Ordinance shall take effect on the earliest date allowed by law.

Keith A. Koehlisch
President of Council

APPROVED: JUL 10 2001

Jack E. Kelly
Mayor

ATTEST:
Cathy Chappie
Clerk of Council

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

Ordinance No. 2001-101, Page One

Passed AUG 13 2001, YEAR

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY LOCATED NORTHWEST OF THE VILLAS OF HAMPTON WOODS, EAST OF FOREST HILL DRIVE, AND SOUTH OF THE CHATEAU RIDGE EIGHTH ADDITION TO THE CITY OF MARION, CONTAINING 13.971 ACRES MORE OR LESS. SUBJECT PROPERTY ALSO KNOWN AS HENSEL/ZACHMAN SUBDIVISION TO THE CITY OF MARION.

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from R1-A (Single Family District, Low Density) to an R-2 (General Dwelling District), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from R-1A to R-2, 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 the Hensel/Zachman Subdivision and being more particularly described as follows:

Being part of the Northwest Quarter of Section 35, Township 5 South, Range 15 East, City of Marion, Marion County, State of Ohio; Being part of a tract now or formerly owned by Hensel/Zachman Development, Inc. (O.R. 296 Pg. 618 and O.R. 401 Pg. 196); and being more particularly described as follows: Beginning at the Northeast Corner of Lot 17830 in Hensel/Zachman Subdivision; thence along the North Line of said Subdivision, Pheasant Run Addition and said line extended N 89° 02' 15" W for a distance of 1030.40 feet to a point; thence S 1 ° 09' 30" W for a distance of 220.71 feet to a point; thence Southwesterly along a curve to the left having a radius of 157.65 feet for an arc distance of 14.55 feet (chord S 48° 59' 15" W 14.54 feet) to a point; thence S 46° 20' 40" W for a distance of 366.00 feet to a point; thence S 43° 39' 20" E for a distance of 153.71 feet to a point; thence Southeasterly along a curve to the right having a radius of 242.53 feet for an arc distance of 49.65 feet (chord S 37° 47' 30" E 49.56 feet) to a point; thence N 89° 02' 15" W for a distance of 195.22 feet to a point; thence Southeasterly along a curve to the right having a radius of 872.25 feet for an arc distance of 60.04 feet (chord S 0° 54' 50" E 60.03 feet) to a point on Grantor's South line; thence along Grantor's South line N 89° 02' 15" W for a distance of 242.00 feet to a point on the East Line of C.H. Firstenberger's First Addition; thence along the East Line of C.H. Firstenberger's First and Second Additions N 1 ° 03' 30" E for a distance of 870.00 feet to a point; thence S 88°56' 30" E for a distance of 207.50 feet to a point; thence S 89° 02' 15" E for a distance of 1110.40 feet to a point; thence N 1 ° 09' 30" E for a distance of 75.91 feet to a point; thence S 89° 02' 15" E for a distance of 280.00 feet to a point on the West Line of Chateau Ridge Eighth Addition; thence along said West Line S 1 ° 09' 30" W for a distance of 250.00 feet to the Northeast Corner of Lot 17830 in Hensel/Zachman Subdivision and the point of beginning.

Containing 13.971 acres more or less and being subject to legal highways, easements, restrictions, and agreements of record.

Heretofore zoned R-1A (Single Family District, Low Density) is hereby rezoned R-2 (General Dwelling 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.

Ordinance No. 2001-1.01, Page Two

Passed AUG 13 2001, YEAR

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

APPROVED: AUG 14 2001

Keith A. Kotheiser
PRESIDENT OF COUNCIL

Jack L. Kellogg
MAYOR

ATTEST:
Cathy Chappin
CLERK

Ordinance No. 2001-102, Page One

Passed AUG 13 2001

YEAR

ORDINANCE AMENDING SECTIONS 1143.012 (A)(2) AND 1129.01 (A) and adding 1143.013 (A)(8) TO THE PLANNING AND ZONING CODE AS CONTAINED WITHIN THE MARION CITY CODE

WHEREAS, the Council finds it necessary to further refine the existing Planning and Zoning Code in order to provide a more accurate definition of the existing prohibitions enacted to control uses which cause blight and decay within the community , and

WHEREAS, the Council finds after due consideration, the following amendments to the already existing section of law to be fair, just and equitable to all citizens of the City and to ensure a more fair treatment of all parties and at the same time addressing the serious problems which these types of uses cause upon their immediate surroundings based upon the findings of other communities and Marion itself, including but not limited to secondary effects, but continuing to allow for reasonable alternative avenues of communication, and

WHEREAS, the Council by amending the existing Ordinance is not regulating the content, but rather addressing the aforementioned secondary effects and ensuring all efforts are taken to prevent crime, protect the City's retail trade, maintain property values and generally protect and preserve the quality of neighborhoods, commercial districts and the quality of urban life,

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

Section 1. Marion City Code Section § 1143.012 C-2 COMMUNITY SHOPPING DISTRICT, now reading, in part, as follows:

(A) PRINCIPAL PERMITTED USES.

(2) Any retail business whose principle activity is the sale or rental of new merchandise or genuine antiques, not including the sale of automobiles, trucks, boats, mobile homes, motorcycles, agricultural implements or building materials. Such retail business may include a work shop for servicing or repair of goods sold on the premises which shall not occupy more than 50% of the total usable floor area of the establishment. Video movie sales or rental are allowed, but not including the sale or rental of movies or films of a nature restricted to adult audiences within 1,500 feet of a residential district.

SHALL BE AMENDED TO READ AS FOLLOWS:

A) PRINCIPAL PERMITTED USES.

(2) Any retail business whose principle activity is the sale or rental of new merchandise or genuine antiques, not including the sale of automobiles, trucks, boats, mobile homes, motorcycles, agricultural implements or building materials. Such retail business may include a work shop for servicing or repair of goods sold on the premises which shall not occupy more than 50% of the total usable floor area of the establishment. Video movie sales, rentals, books, tapes, or performances are allowed, but not ADULT-ONLY ESTABLISHMENTS as defined within Section 1143.013 (A)(8) within 1,500 linear feet from any residential district or within 1,500 linear feet from any school, church, or public cemetery.

Section 2. Marion City Code Section § 1129.01 SCHEDULE OF USE DISTRICTS, now reading, in part, as follows:

1129.01 (A)

Code in Reference in Title VII	Abbreviation	Title
1139	O-I	Office and Institutional District

SHALL BE AMENDED TO READ AS FOLLOWS:

Ordinance No. 2001-102, Page Two

Passed AUG 13 2001 YEAR

1129.01 (A)

Code in Reference in Title VII

Abbreviation

Title

OFFICE DISTRICTS

1139

O-I

Office and Institutional District

Section 3. Marion City Code Section 1143.013 C-3 CENTRAL CORE BUSINESS DISTRICT, shall be amended to include the following:

A) PRINCIPAL PERMITTED USES.

(8) Adult-only entertainment establishments, which are defined as those containing each of the following elements:

- (a) A business or enterprise which presents material including but not limited to books, tapes, videos, or performances whose tendency is the selling, showing, exhibition, or presenting entertainment involving nudity or semi-nudity.
- (b) Nudity means the appearance of a human bare buttock, anus, male genitals, female genitals, or areola of the female breast.
- (c) Semi-nude or semi-nudity means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

APPROVED: AUG 14 2001

Jack L. Kelly
Mayor

Keith A. Kachere
President

Attest;

Crocker Chappin
Clerk of Council

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

Ordinance No. 2001-103, Page One

Passed JUL 23 2001

YEAR

ORDINANCE CREATING AND DESIGNATING MARION'S RECREATION PARK

WHEREAS, in the late 80's the City of Marion obtained title to the property which at the time was referred to as the Marion City Schools Freshman Building, and

WHEREAS, by successive bi-partisan acts the grounds have been continuously improved to their existing state, that being, a recreational facility which is enjoyed by youths and adults with favorable activities for each, and

WHEREAS, the Council now recognizes the benefits achieved by the improvements made to said property and does herein desire to take the official act of designating the aforementioned grounds as Marion's Recreation Park,

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

Section 1. The Council finds and determines that it is in the best interests of the City to officially create and designate the grounds which have been and will continue to be utilized as a recreation facility, these lands obtained from the Marion City Schools system in the late 80's, which has been continuously improved into a desirable recreational facility. For the reasons set forth herein, the property formerly known as the Harding Freshman Building site shall from this date forward be designated Marion's Recreation Park. (Description of said property attached hereto as Exhibit A) Said Park shall remain under the control of the City Recreation Department, as managed by the City's Recreation Board and their Director. Said Board shall continue to be responsible for all activities which take place thereon. Said Board having passed a Resolution consenting to and requesting the grounds be designated as such.

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

APPROVED: JUL 24 2001

Jack L. Kelly Mayor

Kevin A. Koehn President of Council

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. 2001-104

Passed JUL 23 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF THREE AUTOMOBILES PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE

WHEREAS, the Council has been advised by the Chief of Police that three automobiles previously utilized by his department are no longer necessary within that department, and

WHEREAS, the Council has been advised by the Safety/Service Director that the three automobiles mentioned herein are no longer necessary for any municipal purpose,

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

Section 1. The Safety/Service Director is hereby authorized and directed to dispose of the following automobiles previously used by Police Department which have been determined to have exceeded it's useful life and are no longer necessary for any municipal purpose, to wit:

- 1997 Ford Crown Victoria, VIN: 2FALP71W2VX178009
- 1997 Ford Crown Victoria, VIN: 2FALP71W7VX178006
- 1994 Ford Crown Victoria, VIN: 2FALP71W3RX136454

Section 2. That the disposal authorized herein shall be in compliance with the mandates contained within the Ohio Revised Code.

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

Keith A. Koehusen
President of Council

APPROVED: JUL 24 2001

Josh L. Kelly
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. 2001-1.05

Passed JUL 23 2001, YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2001.

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

Section 1. That there be additional appropriations made in the General Fund in the amount of \$23,000.00 as follows:

Police Department

Equipment Maintenance	101.1111.530360	\$ 14,000.00
Fuel	101.1111.540430	<u>9,000.00</u>
TOTAL		\$ 23,000.00

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

Keith A. Koehner
PRESIDENT OF COUNCIL

APPROVED: JUL 24 2001

Josh L. Kelley
MAYOR

ATTEST:

Cathy Chappin
CLERK

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

Ordinance No. 2001-106, Page One

Passed JUL 23 2001 YEAR

AN ORDINANCE REPEALING ORDINANCE NO. 1999-127 AND IMPLEMENTING SECTIONS 3735.65 THROUGH 3537.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF COMMUNITY REINVESTMENT AREA #3 IN THE CITY OF MARION AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL, AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

Section 2. That Council hereby repeals Ordinance No. 1999-127 and pursuant to O.R.C. Section 3735.66, Marion Community Reinvestment Area III is hereby established in the following described area:

GENERAL DESCRIPTION OF COMMUNITY REINVESTMENT AREA #3

Marion City, Marion County, Ohio

Exhibit A

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

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

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

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

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

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

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

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YEAR

thence west 130 feet along West Center Street to the centerline of Orchard Street;
thence south 500 feet along the centerline of Orchard Street to the place of beginning.

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

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

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

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

Section 4. Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on case by case basis in advance of construction or remodeling occurring according to the rules outlined in the ORC Section 3765.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC Section 3735.671.

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

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

Section 5. All commercial and industrial projects are required to comply with the state application fee requirements of O.R.C. Section 3735.672 and the local annual monitoring fee.

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

Section 7. That a "Community Reinvestment Area Housing Council" shall be created, consisting of two members appointed by the Mayor of Marion, two members appointed by the Council of the City of Marion, and one member appointed by the Planning Commission of Marion. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the Council shall be for three years. An

Ordinance No. 2001-1.06, Page Three Passed JUL 23 2001 YEAR

unexpired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made.

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

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

Section 9. The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the O.R.C. The Council shall also bear appeals under 3735.70, of the O.R.C.

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

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

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

Section 13. 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 Area application must be filed immediately in order for properties to be eligible for consideration; 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. Kalkbrenner
PRESIDENT OF COUNCIL

APPROVED: JUL 24 2001

Paul L. Kelley
MAYOR

ATTEST:

Cathy Chappin
CLERK

RECORD OF ORDINANCES

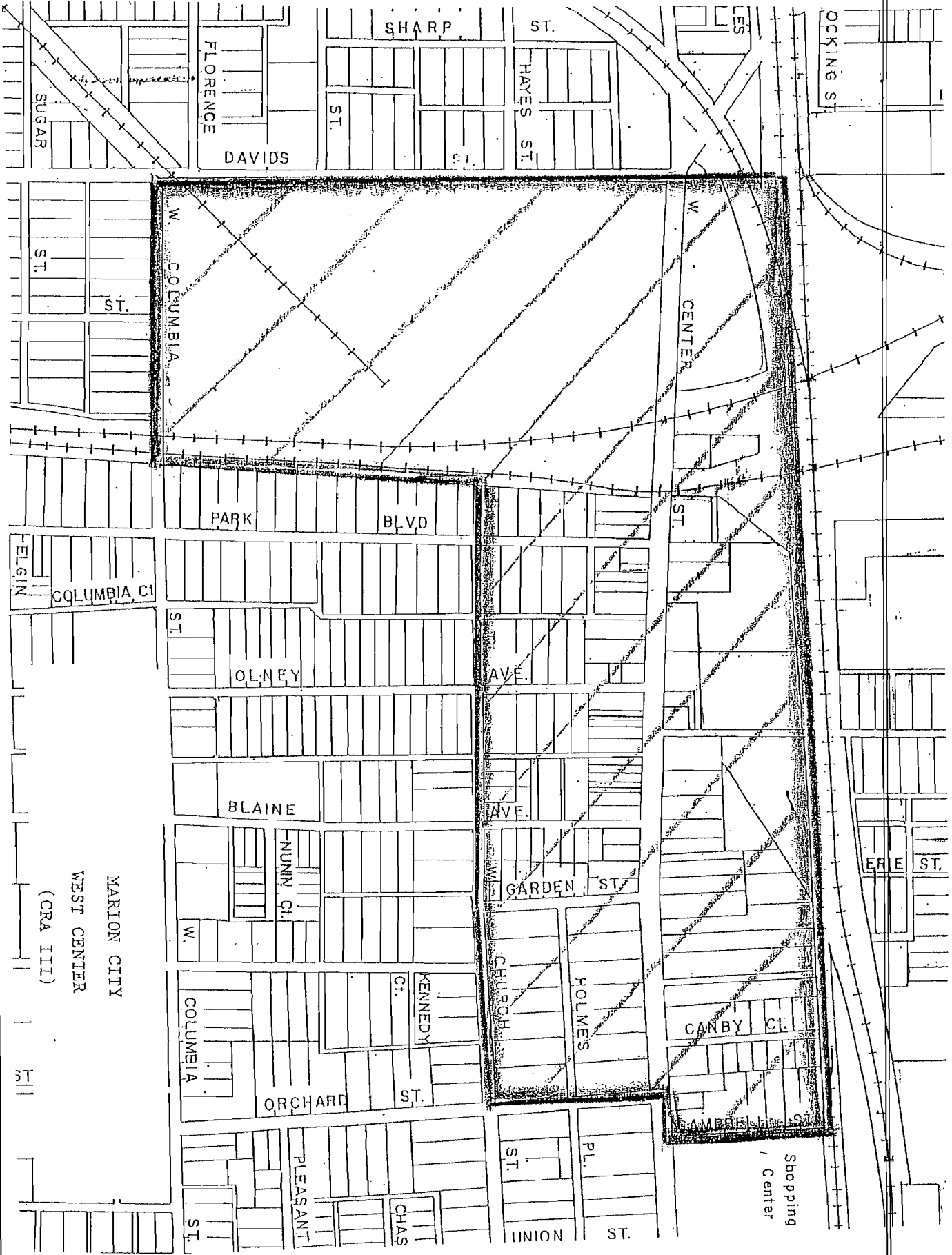
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Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-106, Page Four Passed JUL 23 2001 YEAR

EXHIBIT B



MARION CITY
WEST CENTER
(CRA III)

Shopping
Center

Ordinance No. 2001-107

Passed AUG 13 2001, YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE INNOVATION DRIVE EXTENSION, PROJECT 00-2P 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, advertise for bids and enter into contract contingent to funding approval from Ohio Department of Development and Community Development Block Grant Funds for the Innovation Drive Extension, Project 00-2P.

Section 2. That the cost of such contract shall be payable from the Airport Industrial Park Fund (410.4612.550.520).

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 during the 2001 construction 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.

Keith A. Kachhus
President of Council

Approved: AUG 14 2001

Jack L. Kelley
Mayor

Attest:

Cathy Chappin
Clerk of Council

Ordinance No. 2001-108

Passed AUG 13 2001 YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$194,003.63 as follows:

SCMR FUND

PERMISSIVE AUTO TAX	207.6612.530530	\$ 3,090.33
RESURFACING PROJECTS	207.6612.530531	\$ 39,013.37

STATE HIGHWAY IMPROVEMENT FUND

RESURFACING PROJECTS	208.6613.530531	\$ 7,799.93
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HELP ME GROW FUND

SALARIES	256.2542.510110	\$ 63,268.47
BENEFITS	256.2542.510120	\$ 33,301.53
TRAVEL	256.2542.520220	\$ 1,500.00
SCHOOLING	256.2542.530225	\$ 1,500.00
UTILITIES	256.2542.530310	\$ 1,500.00
SUPPLIES	256.2542.540420	\$ 10,400.00
POSTAGE	256.2542.540423	\$ 500.00
EQUIPMENT	256.2542.550450	\$ 1,000.00
REIMBURSEMENTS	256.2542.570721	\$ 31,130.00

TOTAL HELP ME GROW FUND \$144,100.00

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

Keith A. Koshinski
PRESIDENT OF COUNCIL

APPROVED: AUG 14 2001

Jack L. Killip
MAYOR

ATTEST:

Cathy Chappin
CLERK

Ordinance No. 2001-109

Passed AUG 13 2001, YEAR

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

WHEREAS, U.S. Concrete submitted the best bid of \$34.00 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 Buckeye Ready Mix 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 (505-05-552-240-000-420) and Storm Water Utility Supplies and Material Account (509-05-554-240-000-420).

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

Keith A. Kochmeister
PRESIDENT OF COUNCIL

APPROVED: AUG 14 2001

Jack L. Kellogg
MAYOR

ATTEST:
Cathy Chappin
CLERK OF COUNCIL

Ordinance No. 2001-110.....

Passed AUG 13 2001 YEAR

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PS CONSTRUCTION FABRICS INC. FOR PAVEMENT REHABILITATION AND P.M.C. FOR STRIPING SUBSEQUENT TO FEDERAL AVIATION ASSOCIATION GRANT OFFER AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, Council on June 11, 2001, by passage of Ordinance 2001-84, authorized the Safety/Service Director to prepare specifications and advertise for bid for pavement rehabilitation, striping, security fencing and signage for the Marion Municipal Airport.

WHEREAS, The City of Marion has been tentatively allocated \$150,000.00 FAA Entitlement Grant, toward an estimated cost of \$166,667.00.

WHEREAS, Based upon bid opening held August 6, 2001.

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

Section 1. That the Mayor is hereby authorized to enter into agreement with Federal Aviation Association to accept and administer grant.

Section 2. That the Safety/Service Director is hereby authorized and directed to enter into contract with PS Construction Fabrics Inc. 10361 Pifer Rd., Wadsworth, Ohio, 44281, for pavement rehabilitation, and P.M.C., St. Rt. 231, Tiffin, Ohio, 44883, for striping. Pending receipt and execution of grant agreement.

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

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

Keith A. Kolbherin

 PRESIDENT OF COUNCIL

APPROVED: AUG 14 2001

Jack L. Kelly

 MAYOR

ATTEST:
Cathy Chappin

 CLERK

Ordinance No. 2001-111

Passed _____, _____ YEAR

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LIMITED AGREEMENT WITH SPECIAL COUNSEL FOR SPECIFIC SERVICES RELATED TO THE CITY'S LEASE AGREEMENT WITH MARION GENERAL HOSPITAL BOARD, INC. APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the current duly elected Council recognizes the fact the two previous Councils were continuously engaged in an evaluation, review and negotiation in regard to the City's lease of the premises upon which the Marion General Hospital is located, and

WHEREAS, this Council has again reflected upon the actions of the previous legislators in regard to the Hospital matter, specifically having reviewed the documents and opinions related thereto, and

WHEREAS, it has been requested that this Council entertain a request to enter into a limited scope of service contract with a certain attorney who presents himself as an expert in hospital related matters, this attorney having outlined his offer of services before the Council on the 23rd day of July, 2001,

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

Section 1. The City of Marion, by its Council, hereby authorizes the Mayor to enter into a limited scope of service contract with Attorney Ed Emerson of the firm of Shumaker, Loop & Kendrick, L.L.P. of Toledo, Ohio. Said service and authority is limited to that which is expressly stated herein, to wit: Investigate the 1986 agreement between M.G.H. Inc. and Ohio Health; Evaluate the recent mergers, outsourcing and other items deemed to be appropriate; Compile recommendations including alternative plans of action and thereafter report back to the full Council within 30 days.

Section 2. The Auditor is authorized and directed to appropriate the necessary sum certain to provide for the employment as set forth in Section 1 above, up to \$ 25,000, through Council's professional services line item.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: 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. Koehne
President of Council

Mayor

Attest:

Clerk of Council

**

** By a majority vote of the members this legislation was defeated on August 27, 2001.

Cathy Chappin
Clerk of Council

RECORD OF ORDINANCES

000121

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-1.12.....

Passed AUG 27 2001

YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO TO ENTER INTO CONTRACT WITH BURRIS AND BEHNE ARCHITECTS FOR ARCHITECTURAL SERVICES NEEDED FOR THE CENTRALIZED GARAGE PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Architectural Services are needed for the design, construction documents, bidding services, and construction administration of a centralized garage facility to be located at 981 W. Center Street, and;

WHEREAS, the centralized garage facility will be designed to have a centralized garage facility, salt storage facility, and a 10,000 gallon above ground fuel tank, and;

WHEREAS, Burris and Behne Architects have proven to be qualified for the project.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Burris and Behne Architects for architectural services needed for the new centralized garage facility,

Section 2. That the cost of said contract will be paid from the Centralized Garage 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 as such, shall take effect and be in force immediately upon its passage and approval by the mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise shall become effective from and after the earliest period allowed by law.

Keith A. Koehnen
PRESIDENT OF COUNCIL

APPROVED: AUG 28 2001

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappie
CLERK

Ordinance No.2001-113.....

Passed AUG 27 2001
YEAR

ORDINANCE APPROVING THE PURCHASE OF ONE (1)
LEAF VACUUM FOR USE BY THE PARKS DEPARTMENT.

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

WHEREAS, Ordinance No. 2001-10 authorized the specing and bidding of certain items of capital equipment, and

WHEREAS, Miller Lawn and Power Equipment provided the best proposal for the leaf vacuum, therefore,

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

Section 1. That the purchase of one (1) leaf vacuum, Giant-Vac Model 1901-CHW for \$4,824.05 from Miller Lawn and Power Equipment is hereby approved.

Section 2. That said purchase shall be from the Capital Improvement Fund.

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

Keith A. Kuchner
PRESIDENT OF COUNCIL

APPROVED: AUG 28 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

000125

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-1.14

Passed AUG 27 2001
YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$326,871.00 as follows:

GENERAL FUND

Fire Dept.		
Supplies	101.1131.540420	\$ 12,000.00
Human Resources		
Professional Services	101.7715.530320	4,576.00
TOTAL GENERAL FUND		\$ 16,576.00

SCMR FUND

Transfer to Central Garage Fund	207.6612.580718	\$ 43,500.00
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DRIP INFRASTRUCTURE FUND

Marion Williamsport Road	430.6109.550520	\$ 35,000.00
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STREET IMPROVEMENT FUND

Resurfacing Project	461.6009.530531	\$146,250.00
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SEWER REVENUE FUND

Transfer to Central Garage Fund	505.5552.580718	\$ 22,500.00
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SANITATION FUND

Transfer to Central Garage Fund	506.5561.580718	\$ 28,500.00
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RECYCLING FUND

Transfer to Central Garage Fund	508.5564.580718	\$ 3,000.00
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STORM WATER UTILITY FUND

Transfer to Central Garage Fund	509.5554.580718	\$ 3,000.00
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SANITARY SEWER IMPROVEMENT FUND

Reed Avenue Project	550.5002.550520	\$ 28,545.00
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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. Koehner
PRESIDENT OF COUNCIL

APPROVED: AUG 28 2001

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappi
CLERK

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

RECORD OF ORDINANCES

000127

Ordinance No. 2001-115, Page One Passed SEP 24 2001 YEAR

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE ALLEY SOUTH OF WEST CHURCH STREET AND WEST OF SOUTH PROSPECT STREET TO THE FIRST NORTH/SOUTH ALLEY BETWEEN PROSPECT AND PEARL STREET, APPLICANT PROSPECT STREET UNITED METHODIST CHURCH.

WHEREAS, in the opinion of this Council, there is good cause for vacating the 16.5' alley south of West Church Street and West of South Prospect Street to the first north/south alley between Prospect and Pearl Street in the City of Marion, Ohio, and,

WHEREAS, the petition to vacate this alley was considered and approved by the Marion City Planning Commission with a vote of 6-0 at its meeting of August 7, 2001, 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 alley as described in the attached Exhibit "A", 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 fur 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.

Section 4. 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 become effective from and after the earliest period allowed by law.

APPROVED: SEP 25 2001

Keith A. Koehnke
PRESIDENT OF COUNCIL

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

Ordinance No. 2001-115, Page Two

Passed SEP 24 2001 YEAR

Exhibit A
ALLEY VACATION LEGAL DESCRIPTION
0.062 ACRES
CITY OF MARION, COUNTY OF MARION, OHIO

SITUATED IN THE STATE OF OHIO, COUNTY OF MARION, CITY OF MARION, BEING PART OF A 16.5' ALLEY BETWEEN LOTS 123 AND 122 OF THE ORIGINAL TOWN PLAT TO SAID CITY OF MARION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A PK NAIL SET AT THE SOUTHEAST CORNER OF LOT 123 AS CONVEYED TO PROSPECT STREET UNITED METHODIST CHURCH OF RECORD IN DEED BOOK 385, PAGE 8, AND ON THE WEST RIGHT-OF-WAY LINE OF PROSPECT STREET (66 FEET IN WIDTH);

THENCE SOUTH 01°01'27" WEST, A DISTANCE OF 16.50 FEET WITH THE WEST RIGHT-OF-WAY LINE OF SAID PROSPECT STREET TO AN IRON PIN SET AT THE NORTHEAST CORNER OF LOT 122 AS CONVEYED TO SAID PROSPECT STREET UNITED METHODIST CHURCH OF RECORD IN DEED BOOK 537, PAGE 582;

THENCE NORTH 88°31'49" WEST, A DISTANCE OF 164.28 FEET WITH THE NORTH LINE OF SAID LOT 122 TO A PK NAIL SET MARKING THE NORTHWEST CORNER OF SAID LOT 122;

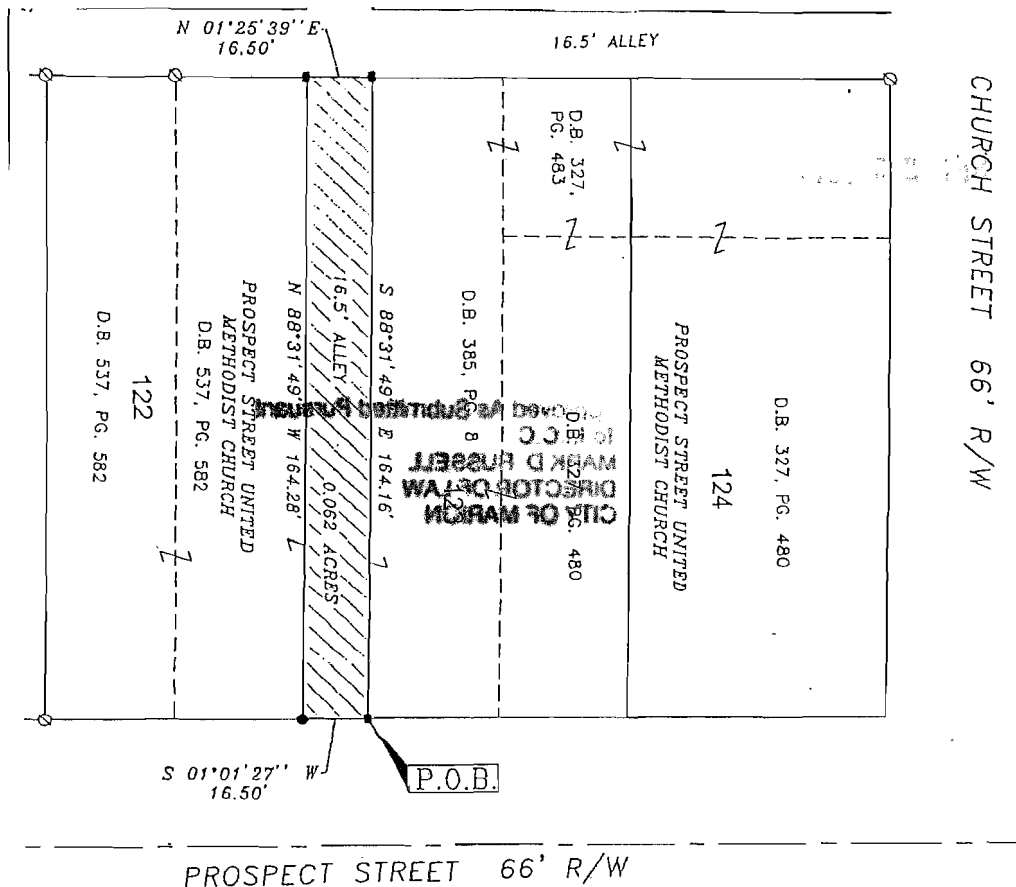
THENCE NORTH 01°25'39" EAST, A DISTANCE OF 16.50 FEET TO A PK NAIL SET MARKING THE SOUTHWEST CORNER OF SAID LOT 123;

THENCE SOUTH 88°31'49" EAST, A DISTANCE OF 164.16 FEET ALONG THE SOUTH LINE OF SAID LOT 123 TO THE POINT OF BEGINNING CONTAINING 0.062 ACRES OF LAND, MORE OR LESS.

THE ABOVE DESCRIPTION WAS BASED ON A SURVEY PREPARED BY MAKEEVER AND ASSOCIATES, INC. UNDER THE DIRECT SUPERVISION OF JEFFREY M. ROWE, P.S., PROFESSIONAL SURVEYOR NUMBER 7463, DATED JUNE, 2001, AND IS SUBJECT TO ALL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

ALL IRON PINS SET ARE 5/8" O.D. X 30" LONG REINFORCING RODS WITH YELLOW PLASTIC CAPS STAMPED "MAKEEVER & ASSOC." UNLESS OTHERWISE NOTED.

ALL BEARING SHOWN HEREIN ARE TO AN ASSUMED AZIMUTH AND ARE USED TO DENOTE ANGLES ONLY.



Ordinance No. 2001-1.1.6, Page One

Passed SEP 10 2001

YEAR

ORDINANCE DESIGNATING DEPOSITORIES OF PUBLIC MONEYS OF THE CITY OF MARION, AND DECLARING AN EMERGENCY.

WHEREAS, applications have been received from eligible institutions to serve as depositories of the public moneys of the City of Marion, which applications are presently on file with this City and in the office of the City Treasurer thereof and which are hereby incorporated herein by reference, and it is therefore essential that action be taken on such applications as in this ordinance provided:

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

Section 1. That the applications to serve as depositories of the active moneys of this City which have been received from the financial institutions referred to below, all of which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including Chapter 135 of the Ohio Revised Code, and the following financial institutions are hereby designated as public depositories of the active moneys under the control of this City for the period from September 14, 2001, to and including September 13, 2006, provided, however, that none of such institutions shall be permitted to receive and have on deposit at any one time a greater amount of active deposits of moneys of this City than that specified in its application for the same. That, on the basis of the operating needs of this City, the first \$25,000.00 of such moneys subject to the control of this City shall, in accordance with Section 135.04 of the Ohio Revised Code, be deposited in the Fahey Banking Co. and that the active moneys of this City in excess of such sum of \$25,000.00 shall be deposited in such institutions in proportion to their respective award quotas as determined pursuant to such Section 135.04. Said institutions and the amount of deposit in each are as follows:

<u>DEPOSITORY OF ACTIVE MONEYS</u>	<u>PERCENT TO BE DEPOSITED</u>
National City Bank of Columbus	14.171%
Bank One, NA	15.479%
The Fahey Banking Company	13.919%
The Commercial Savings Bank	22.279%
The Marion Bank	24.017%
Sky Bank	10.135%

Section 2. That the applications to serve as depositories of the interim funds of this City which have been received from the finance institutions referred to below, all of which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including Chapter 135, Ohio Revised Code, and the financial institutions referred to below are hereby designated as public depositories of the interim moneys under the control of this City for the period from September 14, 2001 to and including September 13, 2006:

NAME OF INSTITUTION

- The Commercial Savings Bank
- The Fahey Banking Company
- Bank One, NA
- National City Bank of Columbus
- Fifth Third Bank
- The Marion Bank
- Sky Bank
- United Bank, NA

Ordinance No. 2001-1.17

Passed SEP 10 2001, YEAR

ORDINANCE AMENDING APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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

Section 1. That the appropriations in various funds be amended in the amount of \$82,865.03 as follows:

GENERAL FUND

Revenue Sharing	101.4539.530751	\$ 36,794.18
Auditor Service Contracts	101.7711.530321	3,000.00
TOTAL GENERAL FUND		\$ 39,794.18

SANITATION FUND

Refunds	506.5561.570720	\$ 400.00
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RECYCLING FUND

Refunds	508.5564.570720	\$ 100.00
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CENTRAL GARAGE FUND

Professional Services	601.9601.530320	\$100,500.00
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DROP-IN PROGRAM FUND

Salaries	222.1540.510110	\$ 11,316.00
Benefits	222.1540.510120	2,197.98
Professional Services	222.1540.530320	494.00
TOTAL DROP-IN PROGRAM FUND		\$ 14,007.98

SANITARY SEWER IMPROVEMENT FUND

Avondale Ave. Project	550.5001.550520	\$ (49,770.68)
Reed Ave. Project	550.5002.550520	(22,166.45)
TOTAL SANITARY SEWER IMP. FUND		\$ (71,937.13)

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

Keith A. Koehner
PRESIDENT OF COUNCIL

APPROVED: SEP 11 2001

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

Ordinance No. 2001-118.....

Passed SEP 10 2001, YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH S.E. PARK ENTERPRISE INC. FOR DEMOLITION OF 182 PATTEN ST., APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Safety/Service Director has declared the structure at 182 Patten Street, to be dangerous in accordance with Chapter 1360 of the Marion Codified Ordinances: and,

WHEREAS, The structure located at 182 has experienced a fatal event, specifically the foundation gave causing the entire structure to shift to the south and west jeopardizing the safety and stability of the home located directly to its west; and,

WHEREAS, this Council has given consideration to the fact this is an immediate danger and must be abated at the earliest possible time, and;

WHEREAS, the owner who is the sole interest holder in the property has signed a consent a release agreement stating his approval for said demolition, and;

WHEREAS, S.E. Park Enterprise Inc. has 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 to enter into contract with S.E. Park Enterprise Inc. for the demolition of 182 Patten Street.

Section 2. That the necessary funding of \$3,700 shall be appropriated in the General Fund.

Section 3. That this Council has considered and has authorized the Safety/Service Director to take action immediate action to abate this nuisance.

Section 4. 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 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. Koehner
PRESIDENT OF COUNCIL

APPROVED: SEP 11 2001

Joel L. Kelly
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

000135

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-119

Passed SEP 10 2001, YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PETE MILLER INCORPORATED FOR THE REPLACEMENT OF STATION 3'S ROOF 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 specification and bid the replacement of the roof at Station # 3, and

WHEREAS, in response to said letting there was only one contractor who bid on the project and this contractor bid in addition to the specifications an alternate, and

WHEREAS, the bid received in response to the specifications has been rejected by the Administration and the Council now herein also acts to reject same, and

WHEREAS, the Council finds there to be a real and present emergency related to the immediate need to replace the roof at Station 3, further given the inclement fall and winter season which is imminently upon us and that the citizens of the City of Marion and the Firefighters who serve the citizens would best be served by forgoing a second round of bidding delaying the replacement until so late in the season that the project would not be completed successfully and this causing significant hardship upon the health, welfare and safety of the City residents,

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

Section 1. The Council having found a real and present emergency to exist within the Department of Public Safety, specifically given the immediate need to replace the roof at Station 3 and the fact that the inclement fall and winter season is imminently upon us. Further, the citizens of the City of Marion and the Firefighters who serve the citizens would best be served by forgoing a second round of bidding delaying the replacement until so late in the season that the project would not be completed successfully and the Council finding this to be a significant hardship upon the health, welfare and safety of the City residents.

Payable from the Capital Improvement Fund

The Council hereby authorizes and directs the Safety/Service Director to enter into contract with Pete Miller Incorporated upon the terms and conditions as were submitted in their offer.

Section 2. Due to the real that a second round of bidding would inhibit and not allow for the roof to be replaced in a timely manner given the immediate need and the upcoming inclement weather season and the failure to complete the project would result in significant hardship upon the health, welfare and safety of the City residents. 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 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.

Kevin A. Koshheiser
President of Council

Approved: SEP 11 2001

Jack I. Kellogg
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. 2001-120.....

Passed SEP 10 2001, YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A CONTRACT FOR THE LEASE OF CERTAIN FARM LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, on June 25, 2001, by passage of Ordinance # 2001-88, Council authorized the Safety/Service Director to advertise for bids to lease certain farm lands adjacent to the Marion Municipal Airport as shown and delineated on a plat on file in the office of Safety/Service Director, and

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

Section 1. That the Safety/Service Director is hereby authorized to enter into a lease for a period of five (5) crop years ending September 30, 2006, with the Kenny Williams, 6411 Linn Hipsher Rd., Caledonia, Ohio, 43314, for the above described farm land approximately 390 acres at a bid price of \$102.50 per acre.

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 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. Kuehner

President of Council

APPROVED: SEP 11 2001

Jack L. Killgore

Mayor

ATTEST:

Cathy Chappin

Clerk of Council

Ordinance No. 2001-121

Passed SEP 10 2001
YEAR

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF OF THE CITY OF MARION TO EXECUTE A LEASE/PURCHASE OPTION OF REAL PROPERTY TO SILVER LINE OHIO, LLC AND ITS AFFILIATES AND DECLARING AN EMERGENCY.

WHEREAS, Silver Line Ohio, LLC and its affiliates wishes to Lease/Purchase a parcel of land in the Marion Airport Industrial Park, and

WHEREAS, said real property is not otherwise required for the City's purposes; and such use thereof would benefit and promote the industrial and economic welfare of the City, and provide employment opportunities for its citizens, and

WHEREAS, The Marion Area Community Improvement Corporation (CIC) has previously been designated an agency of the City and the City now wishes to authorize CIC to enter into a lease/purchase option agreement on the City's behalf,

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

Section 1. That the City of Marion, by and through its Mayor and Safety/Service Director, is hereby authorized to enter into a written agreement with CIC as provided in Section 1724.10(B) of the Ohio Revised Code.

Section 2. That CIC is hereby authorized to enter into a lease/purchase agreement with Silver Line Ohio, LLC and its affiliates, on behalf of the City of Marion, for a certain parcel of real property, and described as follows:

Lot number will be determined by subdivision plat filing of the Marion Airport Industrial Park Subdivision consisting of 48.557 acres more or less, as surveyed and described by F.B.A. Inc., registered surveyor, July 20, 2001. The agreed price is \$10,000 per acre.

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 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.

Kevin A. Koehne
President of Council

APPROVED: SEP 11 2001

Josh L Kellogg
Mayor

ATTEST:

Cathy Chappin
Clerk of Council

Ordinance No.200.1-1.22.....

Passed **OCT 22 2001**,
YEAR

ORDINANCE CREATING AND ENACTING SECTION 750.12
WITHIN THE EXISTING PEDDLERS, CANVASSERS AND SOLICITORS
REQUIREMENTS OF CHAPTER 750, PART SEVEN - BUSINESS
REGULATION CODE OF THE MARION CITY CODE

WHEREAS, the Council has been contemplating and investigating the creation of a registry for the citizens of the community to have their address' placed upon a listing, and after having done so, being reassured they will not be solicited by peddlers, canvassers and solicitors, and

WHEREAS, the Council finds the need to protect the privacy interests of the residents of the City to be in the highest order, and further, the safety and welfare of the community to be at risk from unwarranted and intrusive peddlers, canvassers, solicitors and unwanted annoyance, and

WHEREAS, the Council finds the creation, enactment and subsequent enforcement of Prohibited Address' Listing to be the least obtrusive, fair and just manner to protect and comply with the communities over-whelming desire to not be caused unwarranted and unsolicited intrusions into their daily lives at the same time taking same into context in regard to time, place and manner,

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

Section 1. Marion City Code Section § 750.12 Prohibited Address' Listing is hereby created, adopted and enacted within the existing Marion City Code, Part Seven -Business Regulation Code, Chapter 750: Peddlers, Canvassers and Solicitors, as follows:

Sec 750.12 Prohibited Address' Listing

All Solicitors, Peddlers and Canvassers shall, prior to beginning to solicit, peddle or canvass, obtain from the Safety/Service Director his office's Prohibited Address' Listing and shall not solicit, peddle, sell or attempt to sell, attempt to or explain a product, attempt to or explain a service, attempt to or explain an organization or attempt to or explain a cause to or at any person located at or upon any address listed upon said Prohibited Address' Listing or in anyway enter upon those listed premises for any of the aforementioned purposes whatsoever.

Section 2. Within three (3) days after the passage of this Ordinance, the Safety/Service Director shall establish and make all necessary rules and guidelines in order to maintain a Prohibited Address' Listing. The Listing shall contain the name and address of all parties who have requested to be placed on the Prohibited Address' Listing and by doing so, affirmatively requested not to be solicited, peddled or canvassed. All parties wishing to be placed upon the Prohibited Address' Listing shall make their request in writing upon a form as required by the Safety/Service Director. Citizens within the City shall be entitled to, upon written request upon a form as required by the Safety/Service Director, request to be placed on the List or removed from the List. The Safety/Service Director or his designee shall maintain said Listing and keep it current. Said Listing shall be made available to every Solicitor, Peddler and Canvasser prior to their beginning any soliciting, peddling or canvassing. No rule or guideline shall allow for selective soliciting, peddling or canvassing, that is to say, if a party requests to be placed upon the list it indicates his/her clear indication that he/she desires to not be solicited, peddled or canvassed by any party. This latter directive necessary to ensure content neutrality and general applicability.

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

Approved: **OCT 23 2001**

Jack L. Kellogg
Mayor
Attest: Cathy Chapin
Clerk of Council

Keith A. Koehn
President

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

Ordinance No. 2001-123

Passed SEP 24 2001 YEAR

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LANNIS FENCE SYSTEMS FOR SECURITY FENCING SUBSEQUENT TO FEDERAL AVIATION ASSOCIATION GRANT OFFER AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, Council on June 11, 2001, by passage of Ordinance 2001-84, authorized the Safety/Service Director to prepare specifications and advertise for bid for pavement rehabilitation, striping, security fencing and signage for the Marion Municipal Airport.

WHEREAS, The City of Marion has been tentatively allocated \$150,000.00 FAA Entitlement Grant, toward an estimated cost of \$166,667.00.

WHEREAS, Based upon bid opening held August 6, 2001.

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

Section 1. That the Mayor is hereby authorized to enter into agreement with Federal Aviation Association to accept and administer grant.

Section 2. That the Safety/Service Director is hereby authorized and directed to enter into contract with Lannis Fence Systems, 999 Bonham Ave. Columbus, Ohio 43211. Pending receipt and execution of grant agreement and only to the extent funds are available.

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.

Keith A. Koehner
PRESIDENT OF COUNCIL

APPROVED: SEP 25 2001

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

Ordinance No. 2001-124, As Amended Passed SEP 24 2001 YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLEMING CONSTRUCTION CO., FOR THE NORTHSIDE SIDEWALKS AND DELAWARE AVENUE SIDEWALKS, PROJECT 00-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY. AS AMENDED.

WHEREAS, Ordinance No. 2001-37 authorized the preparation of plans, specifications and advertising for bids for the northside sidewalks and Delaware Avenue sidewalks, Project 00-1M for the City of Marion, Ohio, and

WHEREAS, Fleming Construction Co., Inc. submitted the lowest and best bid.

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

AS AMENDED:

Section 1. That the Safety/Service Director be directed to enter into contract with Fleming Construction Co., Inc. for the northside sidewalks and Delaware Avenue sidewalks, Project 00-1M.

Section 1. That the Safety/Service Director be directed to enter into contract with Fleming Construction Co., Inc. for the northside sidewalks and Delaware Avenue sidewalks, Project 00-1M, Option E as described in Exhibit A attached hereto.

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 2001, 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: SEP 25 2001

Keith A. Koehler
PRESIDENT OF COUNCIL

Jack L. Killip
MAYOR

ATTEST:

Courtney Chappin
CLERK

Ordinance No. 2001-125

Passed SEP 24 2001 YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF FIVE VEHICLES PREVIOUSLY UTILIZED BY THE STREETS/SANITATION & RECYCLING DEPARTMENTS, DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE

WHEREAS, the Council has been advised by the Superintendent of Streets and Sanitation that five vehicles previously utilized by his departments are no longer necessary within that department, and

WHEREAS, the Council has been advised by the Safety/Service Director that the five vehicles mentioned herein are no longer necessary for any municipal purpose.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to dispose of the following vehicles previously used by the Streets/Sanitation & Recycling Department which have been determined to have exceeded it's useful life and are no longer necessary for any municipal purpose, to wit:

- 1967 International VCO190, VIN: 231912G25934
1988 Chevrolet 3500, VIN: 1GCGC34K6E206740
1989 Chevrolet 2500, VIN: 1GCGC24K8E245096
1985 Ford E350, VIN: 1FBHS31G8FHB07189
1954 Jeep 38, VIN: G75680

Section 2. That the disposal authorized herein shall be in compliance with the mandates contained within the Ohio Revised Code.

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

Kevin A. Kousser
PRESIDENT OF COUNCIL

APPROVED: SEP 25 2001

Jack R. Kelly
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. 2001-126, As Amended Passed SEP 24 2001, YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001 *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 ~~\$38,398.24~~ *as amended \$38,919.64* as follows:

GENERAL FUND

Fire Dept.

FY '02 EMS (ODPS) Grant	101.1131.532223	\$	5,275.00
FY '01 EMS (ODPS) Grant	101.1131.531223		<u>(4,068.92)</u>
TOTAL GENERAL FUND		\$	1,206.08

SCMR FUND

~~Capital Improvements 207.6612.550520 \$ 15,592.16~~

As Amended:
Capital Improvements 207.6612.550520 \$ 16,113.56

RECYCLING FUND

Commingling Expense 508.5564.530318 \$ 8,000.00

SWIMMING POOL FUND

Salaries	516.3423.510110	\$	10,000.00
Benefits	516.3423.510120		4,500.00
Travel	516.3423.520220		(100.00)
Utilities	516.3423.530310		(300.00)
Supplies	516.3423.540420		(500.00)
TOTAL SWIMMING POOL FUND		\$	13,600.00

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

APPROVED: SEP 25 2001

Keith A. Kochbreier
PRESIDENT OF COUNCIL

Paul L. Kelley
MAYOR

ATTEST:

Cathy Chappin
CLERK

Ordinance No. 2001-1.27.....

Passed OCT 08 2001, YEAR

ORDINANCE ESTABLISHING A FAIR AND JUST WAGE AND COMPENSATION PACKAGE FOR ALL CITY EMPLOYEES, OTHER THAN SEASONAL, AND ADJUSTING CERTAIN EXISTING PROGRESSION SCHEDULES, AS AMENDED

WHEREAS, the Council has found numerous employees to be earning less than a "living wage", and

WHEREAS, the Council has also determined the progression schedule applicable to the employees in certain departments to be inconsistent with all other City departments, and

WHEREAS, the Council has and continues to believe all City workers are entitled to a "living wage",

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

Section 1. The Council finds it to be in the best interests of all parties to ensure the employees, other than seasonal, earn a fair and just wage and therefore, the Human Resource Director shall take all steps necessary to carry out this directive:

Each full time employee, after fifteen months of employment, other than seasonal, beginning with the first full pay period in 2002, shall earn no less than \$ 9.28 per hour.

Each employee, after fifteen months of employment, other than seasonal, working more than 1300 hours per year but less than 2080 hours per year shall be considered part-time and earn, beginning with the first full pay period in 2002, no less than \$ 9.28 per hour.

Each employee, other than seasonal, working less than 1300 hours per year and not considered seasonal or the like, shall be considered part-time and earn, beginning with the first full pay period in 2002, no less than \$ 7.70 per hour

Seasonal shall mean: Any employee working in a position which is not a position regularly staffed and manned for the entire length of a calendar year. The employee's pay is determined by the position he/she works. An employee who transfers between positions, where one of the positions is not staffed or manned for the entire length of a calendar year, shall be seasonal until such time as the employee works twelve consecutive months in a non-seasonal position. Seasonal includes all "Youth workers".

In addition, beginning with the effective date of this Ordinance which shall be applicable to all new hires or rehires, any non-bargaining (excluding seasonal employees) progression schedule which is inconsistent with the standard 15 month progression schedule shall be replaced with a 15 month schedule. The Transit Department's four year period progressions schedule shall be replaced with a 15 month progression schedule. The top hourly range shall be in accordance with this section's provisions and future wage adjustments will be made in accordance with all other non-bargaining unit employees.

Section 2. The Council has discovered there is a question as to whether or not each employee within the Transit Department and/or the Senior Center Department has a job classification with an accompanying job description within the Yarger report. Therefore, the Council directs the Human Resource Director, within 30 days of the effective date of this Ordinance, report to the Legislation, Codes and Regulations committee and offer proposed classifications and descriptions or present evidence the classifications and descriptions already exist.

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

Ordinance No. 2001-128

Passed SEP 24 2001

YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PETE MILLER, INC., TO INSTALL AIR CONDITIONING IN THE GYMNASIUM OF THE YOUTH CENTER FOR THE RECREATION DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, this council, by passage of Ordinance No. 2001-136 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, Pete Miller, Inc., 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 Pete Miller, Inc., to install air conditioning in the gymnasium of the Youth Center, for the Recreation Department.

Section 2. That the cost of \$12,000.00 shall be payable for the Capital Improvement Fund.

Section 3. 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.

Keith A. Kothman
PRESIDENT OF COUNCIL

APPROVED: SEP 25 2001

Paul L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK OF COUNCIL

Ordinance No. 2001-129

Passed OCT 08 2001 YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OHIO AMERICAN WATER COMPANY FOR INSTALLATION OF WATER LINE ON INNOVATION DRIVE AT THE MARION MUNICIPAL AIRPORT INDUSTRIAL PARK AND DECLARING AN EMERGENCY.

WHEREAS, the need to extend Innovation Dr. at the Marion Municipal Airport Industrial Park and to install utilities needed for completion of the roadway using Ohio Department of Development Grant and Community Development Block Grant money, and

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 an extension deposit contract with the Ohio American Water Company to install a water line for the extension of Innovation Drive for a estimated cost of \$99,372.00.

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

Section 3. That this ordinance 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.

Keith A. Kordhauer
PRESIDENT OF COUNCIL

APPROVED: OCT 09 2001

Jack L. Kell
MAYOR

ATTEST:

Cathy Chappin
CLERK

Ordinance No. 2001-130

Passed OCT 08 2001 YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF THREE VEHICLES PREVIOUSLY UTILIZED BY THE MARION MUNICIPAL AIRPORT DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE

WHEREAS, the Council has been advised by the Director of Aviation that three vehicles previously utilized by his department are no longer necessary within that department, and

WHEREAS, the Council has been advised by the Safety/Service Director that three vehicles mentioned herein are no longer necessary for any municipal purpose.

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 dispose of the following vehicles previously used by the Marion Municipal Airport which have been determined to have exceeded its useful life and are no longer necessary for any municipal purpose, to wit:

- 1985 Ford Crown Victoria VIN: 2FABP43F1FX209128
1978 Chevy Dump Truck VIN: CCE668V161530
1988 Chevy Pick-Up Truck VIN: 2GCDC14Z9J1212814

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

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

Keok A. Koepf
PRESIDENT OF COUNCIL

APPROVED: OCT 09 2001

Jack L. Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK

Ordinance No. 2001-131

Passed OCT 08 2001, YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$911,188.87 as follows:

GENERAL FUND

Transfer to Law Enforcement
Block Grant Fund 101.7745.580698 \$ 2,036.00

LAW ENFORCEMENT BLOCK GRANT FUND

FY01 Equipment 213.1541.550450 \$ 20,359.00

WIC FUND

Salaries 215.2542.510110 \$ 3,000.00
Benefits 215.2542.510120 1,000.00
TOTAL WIC FUND \$ 4,000.00

HEALTH LICENSE FUND

Vending Machines 247.2224.530725 \$ 500.00
Food Establishment 247.2224.530726 1,300.00
TOTAL HEALTH LICENSE FUND \$ 1,800.00

EARLY INTERVENTION FUND

Contingency 249.2542.570624 \$ (7,006.13)

AIRPORT INDUSTRIAL PARK

Innovation Park Project 410.4612.550520 \$890,000.00

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

Keith A. Koehler
PRESIDENT OF COUNCIL

APPROVED: OCT 09 2001

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

Ordinance No. 2001-132

Passed OCT 08 2001
YEAR

ORDINANCE AMENDING THE FY 2000 CDBG FORMULA GRANT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2000-83 as amended, authorized the application and administration of the Fiscal Year 2000 Community Development Block Grant, and

WHEREAS, a public hearing was held October 8, 2001 to discuss amending the grant projects, and

WHEREAS, it was determined beneficial to transfer \$27,866 from the North Neighborhood Sidewalk Project to the Delaware Avenue Sidewalk Project, and

WHEREAS, it was also necessary to correct the project outcomes listed in the grant agreement to reflect actual linear feet of sidewalk to be installed with funds available.

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

Section 1. That \$27,866 be transferred from the North Neighborhood Sidewalk Project to the Delaware Avenue Sidewalk Project.

Section 2. The outcomes for the sidewalk projects be corrected to 3,574 linear feet of sidewalk in the North Neighborhood Project and 2,551 linear feet of sidewalk in the Delaware Avenue Project.

Section 3. That this ordinance is hereby declared 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 that it receives the affirmative vote of two-thirds of all members elected to Council: otherwise it shall become effective from and after the earliest period allowed by law.

Keith A. Koehne
PRESIDENT OF COUNCIL

APPROVED: OCT 09 2001

Jack L. Kilgus
MAYOR

ATTEST:

Cathy Chappin
CLERK

Ordinance No. 200.1-133.....

Passed **OCT 0 8 2001**,
YEAR

~~ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH W.S. DARLEY & CO., CEPOTOOL CO., LOWE'S, FINDLEY FIRE, W. BORN & ASSOCIATES, AND QUALITY FARM & FLEET TO PURCHASE RESCUE EQUIPMENT FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.~~

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FINDLEY FIRE TO PURCHASE RESCUE EQUIPMENT FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY, AS AMENDED

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, W. S. Darley & Co., Cepcotool Co., Lowe's, Findley Fire, W./ Born & Associates, and Quality Farm & Fleet submitted the best and most responsive proposal for the needs of the Marion City Fire Department, therefore

AS AMENDED:

WHEREAS, Findley Fire 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.** The Safety/Service Director be authorized and is hereby directed to enter into contract with W. S. Darley & Co., Cepcotool Co., Lowe's, Findley Fire, W. Born & Associates, and Quality Farm & Fleet, to purchase Rescue Equipment; for use at the Fire Department.~~

~~**Section 2.** That the \$10,300.00 cost of said contract shall be payable from the Fire Department Fund Account No. 101.1131.550450.~~

AS AMENDED:

Section 1. *The Safety/Service Director be authorized and is hereby directed to enter into contract Findley Fire to purchase Rescue Equipment; for use at the Fire Department.*

Section 2. *That the \$5,342.80 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 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 the earliest period allowed by law.

Keith A. Koehlein
 President of Council

Approved: **OCT 0 9 2001**

Joseph L. Kilbuck
 Mayor

Attest:
Cathy Chappin
 Clerk of Council

RECORD OF ORDINANCES

000165

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-134

Passed _____, YEAR _____

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE AUTOMOBILE PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, DECLARING IT TO BE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE

WHEREAS, the Council has been advised by the Police Chief that one automobile previously utilized by his department is no longer necessary within that department, and

WHEREAS, the Council has been advised by the Safety/Service Director that the automobile mentioned herein is no longer necessary for any municipal purpose,

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

Section 1. The Safety/Service Director is hereby authorized and directed to dispose of the following automobile previously used by Police Department which has been determined to have exceeded it's useful life and is no longer necessary for any municipal purpose, to wit:

1994 Ford Crown Victoria, VIN: 2FALP71W3RX136454

Section 2. That the disposal authorized herein shall be in compliance with the mandates contained within the Ohio Revised Code.

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

President of Council

Mayor

Attest:

Clerk of Council

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

Upon request from the Mayor this item was removed from the Agenda of Council.

Cathy Chapin

Clerk of Council

Ordinance No. 2001-135

Passed OCT 22 2001 YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE AUTOMOBILE PREVIOUSLY UTILIZED BY THE FIRE DEPARTMENT, DECLARING IT TO BE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE

WHEREAS, the Council has been advised by the Fire Chief that one automobile previously utilized by his department is no longer necessary within that department, and

WHEREAS, the Council has been advised by the Safety/Service Director that the automobile mentioned herein is no longer necessary for any municipal purpose,

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

Section 1. The Safety/Service Director is hereby authorized and directed to dispose of the following automobile previously used by Fire Department which has been determined to have exceeded it's useful life and is no longer necessary for any municipal purpose, to wit:

1992 Chevy Caprice, VIN: 1G1BL537XNW138423

Section 2. That the disposal authorized herein shall be in compliance with the mandates contained within the Ohio Revised Code.

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

Approved: OCT 23 2001

Keith A. Koshewitz President of Council

Jack L. Kelly 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

000169

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-136

Passed OCT 22 2001 YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$11,910.00 as follows:

GENERAL FUND

FIRE DEPARTMENT 101.1131.540420 \$3,500.00
SUPPLIES

CIVIL SERVICE COMMISSION 101.7717.530320 \$7,000.00

RECYCLING FUND

SUPPLIES 508.5564.540420 \$1,410.00

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

Handwritten signature of Keith A. Koehn and printed name PRESIDENT OF COUNCIL

APPROVED: OCT 23 2001

Handwritten signature of Jack Y. Kelley and printed name MAYOR

ATTEST:

Handwritten signature of Cathy Chappin and printed name CLERK

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

Ordinance No. 2001-137

Passed OCT 22 2001
YEAR

ORDINANCE APPROVING THE PURCHASE OF A USED PICKUP TRUCK FOR USE BY THE PARKS DEPARTMENT.

Whereas, Ordinance No. 1991-136 requires Council approval of Marion City Council of all Capital Expenditures in excess of \$2,500.00

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

- Section 1: That the purchase of a 2000 Ford pickup truck for \$12,569.75 from Mathews Kennedy Ford L-M, Inc. is hereby approved.
- Section 2: That the cost of said purchase shall be payable from the Parks Fund.
- Section 3: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Kirsta A. Kachewin
PRESIDENT OF COUNCIL

APPROVED: OCT 23 2001

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

Ordinance No. 2001-138

Passed OCT 22 2001 YEAR

ORDINANCE APPROVING THE PURCHASE OF ONE TELEPHONE SYSTEM FROM MACKAY TELEPHONE FOR USE AT THE SENIOR CENTER.

Whereas, Ordinance No. 1991-136 requires Council approval of Capital Expenditures in excess of \$2,500, and,

Whereas, Mackay Telephone provided the best proposal for the phone system, therefore,

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

Section 1: That the purchase of one (1) telephone system for \$3,060 from Mackay Telephone is hereby approved.

Section 2: That said purchase shall be from the Senior Citizens III-B Fund

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

Kurt A. Koehn
PRESIDENT OF COUNCIL

APPROVED: OCT 23 2001

Jack L. Kellogg
MAYOR

ATTEST:
Cathy Chappis
CLERK

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

Ordinance No. 2001-139

Passed NOV 26 2001 YEAR

ORDINANCE APPROVING THE QUARRY PARK IMPROVEMENT PLAN SUBJECT TO FURTHER CHANGES AND AMENDMENTS THERETO, AUTHORIZING THE PREPARATION OF SPECIFICATIONS AND GOING OUT FOR BID ON THOSE ITEMS CONTAINED WITHIN PHASE 1, AND DECLARING AN EMERGENCY

WHEREAS, the Council has worked diligently to evaluate the use of the land, which has been commonly referred to as the Quarry Park area, and

WHEREAS, the Administration through diligent efforts obtained title to said lands and in addition thereto, obtained grant funding for development of said Park for the benefit of the Citizens of Marion, and

WHEREAS, numerous community meetings have taken place from which favorable suggestions from the community leaders and members of the community have been incorporated into the current engineers proposal,

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

Section 1. The Council finds and determines that it is in the best interests of the City to approve the Quarry Park Improvement Plan as submitted and reviewed by the joint meeting of the Airport, Lands and Buildings Committee and the Municipal Services, Parks and Recreation Committee on the 16th day of October, 2000, subject to further changes and amendments which may be found to be necessary. In addition, in order to proceed expeditiously, the Council hereby authorizes the Safety/Service Director or his designee to develop specifications and solicit bids to implement Phase 1.

Section 2. The Council desires that the Clerk schedule this matter to be heard and considered at a Public Hearing and directs that she publish the issue in the manner that CDBG issues are considered.

Section 3. The Council herein recognizes those citizens who have contributed funds towards the Quarry Park Improvement and encourages those who support the cause to direct whatever amount they believe to be appropriate to the Mayor's office so that said funds can be properly deposited with the Auditor for use only in the development of the Quarry Park. Further, community groups desiring to volunteer manpower, other services or items for the park should also coordinate same with the Office of the Mayor.

Section 4. 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 time restraint that the Administration is under to expend the grant funds; 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: NOV 27 2001
Jack L. Kellogg
Mayor

Keith A. Koehn
President of Council

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. 2001-140, Page One

Passed DEC 10 2001

YEAR

ORDINANCE AMENDING MARION CODIFIED ORDINANCE SECTION 105 RESUBDIVIDING THE CITY INTO WARD PURSUANT TO OHIO REVISED CODE 731.06, AND DECLARING AN EMERGENCY.

Be It Ordained by the Council of the City of Marion, Marion County, Ohio;

SECTION 1. That Chapter 105.02 through 105.06 of the Marion Codified Ordinances now reading;

§ 105.02 FIRST WARD.

The First Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of Marion Williamsport Road with the centerline of Fairwood Avenue (such point being on the existing corporation line of the City of Marion, Ohio); thence southerly along the centerline of Fairwood Avenue to a point on the centerline of Fairlane Avenue; thence easterly along the centerline of Fairlane Avenue to a point on the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to a point on the centerline of Fairground Street; thence westerly along the centerline of Fairground Street to a point on the centerline of Greenwood Street; thence southerly along the centerline of Greenwood Street to a point on the centerline of Mark Street; thence westerly along the centerline of Mark Street to a point on the centerline of Patterson Street; thence southerly along the centerline of Patterson Street to a point on the centerline of George Street; thence easterly along the centerline of George Street to a point on the centerline of Jefferson Street; thence southerly along the centerline of Jefferson Street to a point on the centerline of Wilson Avenue; thence westerly along the centerline of Wilson Avenue to a point on the centerline of Dix Avenue; thence southerly along the centerline of Dix Avenue to a point on the centerline of Center Street; thence easterly along the centerline of Center Street to a point on the corporation line of the City of Marion, Ohio; thence in a generally northerly and westerly direction along the corporation line of the City of Marion, Ohio to the place of beginning.

§ 105.03 SECOND WARD.

The Second Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of Marion Williamsport Road with the centerline of Fairwood Avenue (such point being on the existing corporation line of the City of Marion, Ohio); thence southerly along the centerline of Fairwood Avenue to a point on the centerline of Fairlane Avenue; thence easterly along the centerline of Fairlane Avenue to a point on the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to a point on the centerline of Fairground Street; thence westerly along the centerline of Fairground Street to a point on the centerline of Greenwood Street; thence southerly along the centerline of Greenwood Street to a point on the centerline of Mark Street; thence westerly along the centerline of Mark Street to a point on the centerline of Prospect Street; thence southerly along the centerline of Prospect Street to a point on the centerline of Huber Street; thence westerly along the centerline of Huber Street to a point on the centerline of Oak Street; thence northerly along the centerline of Oak Street to a point on the centerline of Chestnut Street; thence westerly along the centerline of Chestnut Street to a point on the centerline of Leader Street; thence southerly along the centerline of Leader Street to a point on the centerline of Center Street; thence westerly along the centerline of Center Street to a point on the centerline of Kenton Avenue; thence northwesterly along the centerline of Kenton Avenue to a point on the corporation line of the City of Marion, Ohio; thence in a generally northerly and easterly direction along the corporation line of the City of Marion, Ohio, to the place of beginning.

§ 105.04 THIRD WARD.

The Third Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of Kenton Avenue with the west corporation line of the City of Marion, Ohio; thence southeasterly along the centerline of Kenton Avenue to a point on the centerline of Center Street; thence easterly along the centerline of Center Street to a point on the centerline of the Norfolk and Western Railroad; thence southerly along the centerline of the Norfolk and Western Railroad to a point on the centerline of Darius Street; thence westerly along the centerline of Darius Street to a point on the centerline of Davids Street; thence southerly along

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the centerline of Davids Street to a point on the centerline of Bellefontaine Avenue; thence southwesterly along the centerline of Bellefontaine Avenue to a point on the corporation line of the City of Marion, Ohio; thence in a generally southwesterly and northerly direction along the corporation line of the City of Marion, Ohio to the place of beginning.

§ 105.05 FOURTH WARD.

The Fourth Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of Prospect Street with the south corporation line of the City of Marion, Ohio; thence northeasterly and northerly along the centerline of Prospect Street to a point on the centerline of Huber Street; thence westerly along the centerline of Huber Street to a point on the centerline of Oak Street; thence northerly along the centerline of Oak Street to a point on the centerline of Chestnut Street; thence westerly along the centerline of Chestnut Street to a point on the centerline of Leader Street; thence southerly along the centerline of Leader Street to a point on the centerline of Center Street; thence westerly along the centerline of Center Street to a point on the centerline of the Norfolk and Western Railroad; thence southerly along the centerline of the Norfolk and Western Railroad to a point on the centerline of Darius Street; thence westerly along the centerline of Darius Street to a point on the centerline of Davids Street; thence southerly along the centerline of Davids Street to a point on the centerline of Bellefontaine Avenue; thence southwesterly along the centerline of Bellefontaine Avenue to a point on the corporation line of the City of Marion, Ohio; thence in a generally southerly and easterly direction along the corporation line of the City of Marion, Ohio to the place of beginning.

§ 105.06 FIFTH WARD.

The Fifth Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of Prospect Street with the south corporation line of the City of Marion, Ohio; thence northeasterly and northerly along the centerline of Prospect Street to a point on the centerline of Mark Street; thence easterly along the centerline of Mark Street to a point on the centerline of Patterson Street; thence southerly along the centerline of Patterson Street to a point on the centerline of George Street; thence easterly along the centerline of George Street to a point on the centerline of Jefferson Street; thence southerly along the centerline of Jefferson Street to a point on the centerline of Wilson Avenue; thence westerly along the centerline of Wilson Avenue to a point on the centerline of Dix Avenue; thence southerly along the centerline of Dix Avenue to a point on the centerline of Center Street; thence easterly along the centerline of Center Street to a point on the centerline of Charles Street; thence southerly along the centerline of Charles Street to a point on the centerline of Church Street; thence easterly along the centerline of Church Street to a point on the centerline of Hane Avenue; thence southerly along the centerline of Hane Avenue to a point on the centerline of Mt. Vernon Avenue; thence northwesterly along the centerline of Mt. Vernon Avenue to a point on the centerline of Durfee Drive; thence southerly along the centerline of Durfee Drive to a point on the centerline of Presidential Drive; thence southeasterly along the centerline of Presidential Drive to a point on the centerline of Brightwood Drive; thence southerly along the centerline of Brightwood Drive to a point on the centerline of Shadyside Drive; thence easterly along the centerline of Shadyside Drive to a point on the centerline of Leetonia Road; thence southerly along the centerline of Leetonia Road to a point on the centerline of Virginia Avenue; thence easterly along the centerline of Virginia Avenue to a point on the centerline of Summit Street; thence southerly along the centerline of Summit Street to a point on the centerline of Vernon Heights Boulevard; thence westerly along the centerline of Vernon Heights Boulevard to a point on the centerline of Delaware Avenue; thence southeasterly along the centerline of Delaware Avenue to a point on the centerline of Community Drive; thence easterly along the centerline of Community Drive to a point on the corporation line of the City of Marion, Ohio; thence in a generally southerly and westerly direction along the corporation line of the City of Marion, Ohio to the place of beginning.

§ 105.07 SIXTH WARD.

The Sixth Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of the centerline of Community Drive with the corporation line of the City of Marion, Ohio; thence westerly along the centerline of Community Drive to a point on the centerline of Delaware Avenue; thence northwesterly along the centerline of Delaware Avenue to a point on the centerline of Vernon Heights Boulevard; thence easterly along the centerline of Vernon Heights Boulevard to a point on the centerline of Summit Street; thence

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northerly along the centerline of Summit Street to a point on the centerline of Virginia Avenue; thence westerly along the centerline of Virginia Avenue to a point on the centerline of Leetonia Road; thence northerly along the centerline of Leetonia Road to a point on the centerline of Shadyside Drive; thence westerly along the centerline of Shadyside Drive to a point on the centerline of Brightwood Drive; thence northerly along the centerline of Brightwood Drive to a point on the centerline of Presidential Drive; thence northwesterly along the centerline of Presidential Drive to a point on the centerline of Durfee Drive; thence northerly along the centerline of Durfee Drive to a point on the centerline of Mt. Vernon Avenue; thence southeasterly along the centerline of Mt. Vernon Avenue to a point on the centerline of Hane Avenue; thence northerly along the centerline of Hane Avenue to a point on the centerline of E. Church Street; thence westerly along the centerline of E. Church Street to a point on the centerline of Charles Street; thence northerly on the centerline of Charles Street to a point on the centerline of Center Street; thence easterly on the centerline of Center Street to a point on the corporation line of the City of Marion, Ohio; thence in a generally southerly and westerly direction along the corporation line of the City of Marion, Ohio, to the place of beginning.

IS HERBY AMENDED TO READ;

§ 105.02 FIRST WARD.

The First Ward shall be bounded and described as follows:

Beginning at the intersection of the north line of Marion Township and the south Line of Grand Prairie Township and the right of way of U. S. Route 23, (also known as the northeast Corporate border of the City of Marion) thence south along the west boundary of US 23 right of way (as further mentioned and described in Vol. Page of the Marion County Recorders office) and west to a point at the intersection of Likens Rd. at a railroad spike set at the south Line of Section Two of Marion Township; thence west along the centerline of Likens Rd. to the centerline of Victory Rd. thence south along the Centerline or Victory Road to a point where Victory Rd and the Northwest border of Marion Hardin Corrections Facility is presently located, this being a point some 690 feet north of the existing survey nail located at the centerline of Marion Williamsport Rd. and Victory Rd. ; thence East to the northeast corner of the of Marion Hardin Corrections Facility property thence south to the southeast corner of Marion Hardin Corrections Facility property, thence west along the centerline of Marion Williamsport Road and along the Corporate border of the City of Marion to a point where the Centerline of Marion-Williamsport Rd. and the East Corporate border intersect. Such point being on the existing corporation line of the City of Marion, Ohio); thence south along the Corporate Boundary Line to a point ; thence west along the Corporate border to a point ; thence south along the corporate line to a point; thence east to a point which intersects Likens Chapel Rd., thence south along the centerline of Likens Chapel Rd. to a point on the centerline of Fairground Street; thence west along the centerline of Fairground Street to a point on the centerline of Grand Ave; thence south along the centerline of Grand Ave. to a point on the centerline of Kentucky Ave. ; thence west along the centerline of Kentucky Ave. to a point on the centerline of Jefferson Street; thence south along the centerline of Jefferson Street to a point where it intersects with the north of the right of way owned by Conrail Railroad ; thence southwest along the north of the right of way of the Conrail Railroad to a point on the centerline of Greenwood Street; thence north along the centerline of Greenwood Street to a point on the centerline of Mark St.; thence west along the centerline of Mark St. to a point on the centerline of Park Street; thence north along the centerline of Park Street to a point on the centerline of Fairground Ave.; thence east along the centerline of Fairground Ave to a point at the intersection of the west lot line of Lot 14396 in the Fairpark Addition to the City of Marion , thence north along the west side of Lots 14396 through 14650 to a point where the west lot line of Lot 14650 (also known as 791 Richmond Ave.) and the south lot line of Lot 14681 (also known as 459 Fairlane ave.) intersect, thence West along the south lot lines of lots 14681 through 14686 including the parcel designated as " Fairlane Place" to the intersection of lot 14687, thence north along the west lots lines of lots 14687 and lot 14688 to a point where lot 14688 (also known as 426 Fairlane) and lot 14700 (also known as 375 Lynn) intersect thence west along the south lot lines of lots 14700 and lot 14701 to the point where Lot 14701 turns north , thence north along lot line 14701 and the west lot lines of lots 14701 through lots 14706 (also known as 408 Lynn Dr.) to the point where the lot line intersects with lot 14718 (also known as 399 Fairview), thence east along the north lot lines of lots 14706 through lots 14709 to a point where lot 14709 and lot 14711 intersect , thence along the northwest lot line of lot 14711 (also known as 877 Fairwood) to a point which intersects with the lot line of lot 14712 , thence north along the west lot line of lot 14712 to the centerline of Fairview St. , thence west along the centerline of Fairview St. to a point where the west lot line of lot 14811 intersects , thence north along the west lots line of lots 14811 through 14822 and from lots 15003 through 15016 and Lots 15175 backwards to lot 15147 to a point where lot 15147 intersects the centerline of Marion Williamsport Rd.; thence east along Marion Williamsport Rd. to a point where the existing Corporate border intersects: thence South along the existing corporate border; thence East along the existing corporate border; thence North along the existing corporate border to a point at the

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centerline of Marion Williamsport Rd; thence east along the centerline of Marion Williamsport Rd. to a point where Section 10 and Section 11 of Marion Township meet and Williamsport Rd. intersect, thence north along the Section line between Section 10 and Section 11 of Marion Township and Section 2 and Section 3 of Marion Township to the Corporate limits of the City of Marion, thence northeast along the Corporate limits to the place of beginning.

§ 105.03 SECOND WARD.

The Second Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of Marion Williamsport Road with a point 145.41 feet west of the centerline of Fairwood Avenue, said point being the northeast corner of the Fairpark 9th Addition to the City of Marion, thence southerly along the north south line on the west side of the Fairpark 9th Addition to the City of Marion, the centerline of Fairlane Avenue; thence easterly along the centerline of Fairlane Avenue to a point on the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to a point on the centerline of Fairground Street; thence westerly along the centerline of Fairground Street to a point on the centerline of Park Street; thence southerly along the centerline of Park Street to a point on the centerline of Mark Street; thence westerly along the centerline of Mark Street to a point on the centerline of Prospect Street; thence southerly along the centerline of Prospect Street to a point on the centerline of Silver Street; thence westerly along the centerline of Silver Street to a point on the West border of the existing corporate boundary of the City Of Marion; thence northerly along the Corporate boundary to a point on the centerline of Fairground Street; thence easterly along the centerline of Fairground Street to a point, east of the existing right of way owned by CSX Railroad, being approximately 429.31 feet east of the Section 16 and Section 17 lines in Marion Township, said point being the existing Corporate boundary of the City of Marion, thence northeasterly along the Corporate Boundary as established by the Dual Rail Industrial Park annexation dated September 3, 1997 to a point on the centerline of Hillman Ford Road, 1192.80 feet south of the intersection of Hillman-Ford Rd. and the centerline of Marion Williamsport Rd. ; thence easterly along the Corporate boundary 1277.76 feet to a point on the north south section line of Section 16 and Section 17 in Marion Township; thence north along said section line to a point on the Centerline of Marion Williamsport Rd. also being the corporation line of the City of Marion, Ohio; thence along said Corporate border of the City of Marion in a generally easterly direction (diverting to the south a distance of 660 feet at the square parcel of land immediately adjacent to the Road now known as Kellogg Parkway and back to the north 660 feet, along the centerline of Marion Williamsport Rd. to a point where the intersection of the Norfolk and southern Railroad right of way intersects: thence south along the corporation line of the City of Marion, Ohio, to the centerline of Fairground Street, thence east along the centerline of Fairground Street to a point where to southern boundary of Lincoln Park and Fairground St. intersect , thence north along the existing corporate boundary of the City of Marion to the a point on the centerline of Copeland Ave. and Hecker St., thence east along the centerline of Copeland Ave. and along the corporate border of the City of Marion. thence north along the corporate border of the City of Marion to the centerline of Marion Williamsport Rd. thence West along the centerline of Marion Williamsport Rd. to a point at the centerline of State Route 4 also known as Main St. thence north along the centerline of Main St. to a point at the south right of way of the Norfolk and southern Railroad right of way line; thence northeast along the corporate border of the City of Marion to a point where the north south section line of section 10 and section 11 intersect, thence south along said line to the centerline of Marion Williamsport Rd. , thence west along said centerline of Marion Williamsport Rd. and south along the Corporate border to the place of beginning.

§ 105.04 THIRD WARD.

The Third Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of Silver Street with the west corporation line of the City of Marion, Ohio; thence south along the west Corporation line to a point on the southern right of way line of the Conrail Railroad line, such line being just north of Center Street; thence west along the Railroad right of way , which is also the Corporate Boundary of the City of Marion to a point on the Western Boundary line of the City of Marion; thence southerly along the Western Boundary line of the City of Marion to a point on the southern boundary line of the city of Marion thence easterly along the southern boundary line of the city of Marion to a point on the west line of the CSX Railroad right of way line ; thence north along the west line or the CSX Railroad right of way line and continuing north along the west line of the CSX Railroad right of way line in a generally northerly direction to the place of beginning.

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§ 105.05 FOURTH WARD.

The Fourth Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of Prospect Street with the south corporation line of the City of Marion, Ohio; thence northeasterly and northerly along the centerline of Prospect Street to a point where the south Section line of Section 28 in Marion Township , intersect, thence east along said section line and continuing along the south side of Section 27 in Marion Township to a point where the section line and the centerline of Delaware Ave. intersect, thence north along the centerline of Delaware ave. to a point where the centerline of Delaware ave and the centerline of Main St. intersect thence north along the centerline of main St. to a point where the centerline of main St and the centerline of Hill St intersect thence west along the centerline of Hill St to a point where the centerline of Hill St and the centerline of Prospect t St intersect thence north along the centerline of Prospect St. to a point where the centerline of Prospect St and the centerline of Silver St intersect. Thence west along the centerline of Silver St. to a point where the centerline of Silver St. and the west line of the CSX Railroad right of way line intersect; thence south along said right of way to a point where the west line of the CSX Railroad right of and the centerline of Barks rd. intersect thence east on the centerline of Barks Rd. to the place of beginning.

§ 105.06 FIFTH WARD.

The Fifth Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of Prospect Street And the centerline of Hill St.; thence north along the centerline of Prospect Street to a point on the centerline of Mark Street; thence easterly along the centerline of Mark Street to a point on the centerline of Greenwood Street; thence southerly along the centerline of Greenwood Street to a point which intersects the north of the right of way owned by Conrail Railroad ; thence northeast along the north of the right of way of the Conrail to a point which intersects with the centerline of Jefferson St.; thence north along the centerline of Jefferson Street to a point on the centerline of Kentucky Avenue; thence east along the centerline of Kentucky Avenue to a point on the Eastern corporate border of the City of Marion; thence southerly along Said corporate border to a point on the north right of way owned by Conrail Railroad; thence easterly along the north right of way of the Conrail Railroad to a point on the centerline of Madison Ave. ; thence southerly along the centerline of Madison Ave. to a point where the centerline of Madison Ave and the north lot line of the property owned by the City Board of Education intersect thence along said boundary of the property owned by the City Board of Education (also being the Corporate Boundaries of the city of Marion to the point where the property boundary returns to the centerline Madison Ave. thence south along the centerline Madison ave. to a point where her centerline of Madison Ave and the north boundary of Garfield Park intersect thence along the outside of the boundary of Garfield Park (also existing corporate boundary of the City of Marion) to a point where the boundary intersects the eastern corporation line of the City of Marion, thence south to the centerline of Center St. ; thence west along the centerline of Center Street to a point on the centerline of Kensington Ave. ; thence south along the centerline Kensington Ave. to a point where the centerline of Kensington and church St intersect thence west along the centerline of Church St. to a point on the centerline of Seffner Avenue; thence South along the centerline of Seffner Avenue to a point on the centerline of Mt. Vernon Ave; thence northeast along the centerline of Mt. Vernon Ave. to a point on the centerline of Vine St; thence south along the centerline of Vine St to a point on the centerline of Walnut ; thence west along the centerline of Walnut Drive to a point on the centerline of Delaware Ave. to the place of beginning.

§ 105.07 SIXTH WARD.

The Sixth Ward shall be bounded and described as follows:

Beginning at the intersection of the centerline of the centerline of Barks Rd. and the centerline of Delaware Ave.; thence northwesterly along the centerline of Delaware Avenue to a point on the southern boundary of the corporate Boundary line of the City of Marion ; thence westerly and south along said southern corporate Boundary line to a point on the centerline of Prospect Street; thence northerly along the centerline of Prospect Street to a point where the south Section line of Section 28 in Marion Township intersect; thence east along said section line and continuing along the south side of Section 27 in Marion Township to a point where the section line and the centerline of Delaware Ave. intersect, thence north along the centerline of Delaware Ave. to a point where the centerline of Delaware Ave and the centerline of Walnut St. intersect ; thence easterly along the centerline of Walnut St. to a point on the centerline of Vine St. ; thence north along the centerline of Vine St. to a point on the centerline of Mt. Vernon Ave.; thence southeast along the centerline of Mt. Vernon Ave. to a point on the centerline of Seffner Ave.; thence north along the centerline of Seffner Ave. to a point on the centerline of Church St. ; thence east along the centerline of Church St. to a point on the centerline of Kensington Ave.; thence north along the centerline line of

Ordinance No. 2001-140, Page Six

Passed DEC 10 2001

YEAR

Kensington to a point on the centerline of Center Street, thence east along the centerline Center St. to a point where the East corporate Boundary of the City Of Marion intersect, thence south along the corporate Boundary of the city of Marion to a point where the centerline of Barks Rd. and the corporate boundary line of the City of Marion intersect, thence west along the centerline of Barks Rd. and following the south corporate boundary line of the City of Marion to the place of beginning. Said description does not include the Island located in the are of Laura and Harvey Drive which is not inside the Corporate limits of the City of Marion.

SECTION 2. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary due to closeness of the Council dates and the need to ensure this Resolution is enacted prior to the impending date, this resolution shall take effect and be enforced 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.

Keigh A. Koshkorian
President of Council

APPROVED:

Mayor Kellogg

Cathy Chaffin
Clerk of Council

On December 26, 2001, I, Cathy A. Chaffin, Clerk of Council received the Veto of Mayor Kellogg at 7:37 p.m. Said Veto is attached hereto.

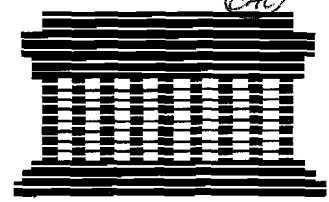
Cathy Chaffin
Cathy Chaffin, Clerk of Council

On December 27, 2001, the Marion City Council met in a special meeting to consider the override of the Mayoral Veto. By a majority vote of the members, the Veto of the Mayor was overridden.

Cathy Chaffin
Cathy Chaffin, Clerk of Council

City of Marion

Recd. 12/26/2001 1:37pm
(AC)



JACK L. KELLOGG
Mayor (740) 387-3591

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

STEVEN R. PYLES
Human Resources Director (740) 387-4705

December 24, 2001

To: All City Council Members
Clerk of Council
President of City Council

From: Jack L. Kellogg
Mayor

RE: Disapproval and/or Veto of Ordinance Number 2001-140

In accordance with Marion Codified Ordinance 111.06 (L) Rule 60, my objections to the above referenced ordinance are as follows:

- The impracticable amount of population displaced from the 5th ward to the 6th ward.
- The boundaries of wards 5 and 6 are not practicable.
- The ward map/boundaries presented and passed by the special committee was not the same map/boundaries presented and passed by City Council. There was a substantial change in the district boundaries. It is my belief the ordinance should be invalidated since it was not amended prior to passage.

It is also my opinion that my disapproving of this ordinance must follow Section 731.27 of the Ohio Revised Code that allows the legislative authority, after 10 days from my objections being filed, to reconsider the ordinance.

My opinion is based on the 1973 court decision between the Richland County Board of Elections and the City of Mansfield.

Sincerely,

Jack L. Kellogg
Mayor

Cc; Law Director
Safety/Service Director
HR Director



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

Ordinance No. 2001-1.41

Passed NOV 26 2001 YEAR

ORDINANCE ACCEPTING THE PLAT OF HENSEL/ZACHMAN DEVELOPMENT COMPANY, FOR THE EXTENSION OF VILLANDRY DRIVE TO THE CITY OF MARION, OHIO BEING A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, IN THE CITY OF MARION, COUNTY OF MARION, STATE OF OHIO AND CONFIRMING THE DEDICATION OF THE STREET THEREIN, AND DECLARING AN EMERGENCY.

WHEREAS, Hensel/Zachman Development Company, has hereunto submitted to the Planning Commission of the City of Marion, a plat for the extension of Villandry Drive, being a part of the northwest quarter of Section 35, Township 5 South, Range 15 East in the City of Marion, County of Marion, State of Ohio, and being the dimensions as shown on said Plat;

WHEREAS, on the 4th day of September, 2001, 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 Hensel/Zachman Development Company for the extension of Villandry Drive, being a part of the northwest quarter of Section 35, Township 5 South, Range 15 East in the City of Marion, County of Marion, State of Ohio, dated 09/20/2001 and dedicated September 4, 2001, be and the same is hereby approved and accepted and dedicated to the public use of the street shown therein be and the same is hereby accepted and confirmed.

Section 2. 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 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.

APPROVED: NOV 27 2001

Keith A. Karpovich
PRESIDENT OF COUNCIL

Paul R. Killings
MAYOR

ATTEST:

Cathy Chappin
CLERK

Ordinance No. 2001-142

Passed NOV 26 2001, YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE ORIGINAL MATTRESS FACTORY TO PURCHASE 58 MATTRESSES 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, The Original Mattress Factory 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 The Original Mattress Factory, to purchase 58 mattresses for use at the Fire Department.

Section 2. That the \$4771.00 cost of said contract shall be payable from the Fire Department Fund Account No 401.1131.551450

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. Krehbiel
PRESIDENT OF COUNCIL

APPROVED: NOV 27 2001

Jack S. Kellogg
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. 2001-143

Passed NOV 26 2001 YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THACKER'S CUSTOM METALWORKS, INC. TO PURCHASE AND INSTALL A BACK STAIRWAY FOR STATION #1 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, Thacker's Custom Metalworks, Inc. 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 Thacker's Custom Metalwork's, Inc., to purchase and install a back stairway for Station #1 for use at the Fire Department.

Section 2. That the \$13,850.00 cost of said contract shall be payable from the Fire Department Fund Account No. 401.1131.551520

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: NOV 27 2001

Joel L. Kellogg
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. 2001-144

Passed NOV 26 2001 YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$67,600.00 as follows:

GENERAL FUND

Police Insurance	101.1111.530380	\$ 3,000.00
Fire Insurance	101.1131.530380	13,000.00
Airport Insurance	101.1621.530380	1,000.00
City Hall Insurance	101.7741.530380	<u>4,000.00</u>
Total General Fund		\$ 21,000.00

SCMR FUND

Insurance	207.6612.530380	\$ 10,600.00
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PARKS FUND

Insurance	221.3421.530380	\$ 3,000.00
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SEWER REVENUE FUND

Insurance	505.5552.530380	\$ 1,000.00
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SANITATION FUND

Solid Waste Expense	506.5561.530319	\$ 32,000.00
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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 O. Koppelman
PRESIDENT OF COUNCIL

APPROVED: NOV 27 2001

Mayor signature

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

ATTEST:

Cathy Chappin
CLERK

RECORD OF ORDINANCES

000191

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-145

Passed NOV 26 2001 YEAR

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."

Airport Construction Fund \$ 19,736.40

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.

Keith A. Kaehlein
PRESIDENT OF COUNCIL

APPROVED: NOV 27 2001

Jack L. Kelley
MAYOR

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

ATTEST:

Cathy Chappin
CLERK

Ordinance No. ...2001-146.....

Passed **DEC 10 2001**,
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF THREE (3) POLICE VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of three new police vehicles.

Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary 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 received 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. Kerkheiser
PRESIDENT OF COUNCIL

APPROVED: DEC 11 2001

Jack L. Kelley
MAYOR

ATTEST:

Cathy Chappia
CLERK OF COUNCIL

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

Ordinance No. 2001-1.47

Passed DEC 10 2001 YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A USED 25 YARD PACKER FOR THE SANITATION DEPARTMENT AND DECLARING AN EMERGENCY

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

Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of a used 25-yard packer.

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 received 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. Koehneke
PRESIDENT OF COUNCIL

APPROVED: DEC 11 2001

Jack L. Kellogg
MAYOR

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

ATTEST:

Cathy Chappin
CLERK OF COUNCIL

Ordinance No. 2001-148

Passed YEAR

ORDINANCE ACCEPTING THE PROPOSAL OF CSXT FOR THE CLOSURE OF A CERTAIN GRADE CROSSING IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

To provide consent for the permanent closure to vehicle traffic of a public grade crossing as recommended by the Public Utilities Commission of Ohio (PUCO), the Ohio Rail Development Commission (ORDC), and CSX Transportation (CSXT);

WHEREAS, a proposal has been made to change the character of a public north-south alley between Prospect Street and Main Street by prohibiting through traffic over the at-grade, CSXT railroad crossing (518-420P) thereby benefiting the safety of the traveling public, and

WHEREAS, if vehicular traffic at the grade crossing is discontinued, CSXT has agreed to arrange for the accommodation and funding of improvements to the City of Marion's (CITY) highway system, as set forth upon the companion ordinance.

WHEREAS, the CITY agrees with the foregoing and desires to provide its consent to permit permanent closure of the aforementioned public grade crossing subject to the terms and conditions set forth herein; contingent upon the companion agreement being completed.

WHEREAS, the proposal has been submitted to the CITY and finds the proposal to be in the best interest of the community and will enhance the safety of the traveling public and will result in needed and substantial improvements to the CITY's highway system;

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

Section 1. That this Council hereby authorizes and approves changing the character of a public north-south alley between Prospect Street and Main Street by barricading and prohibiting traffic across the at-grade CSXT railroad crossing (518-420P) traversing the street.

Section 2. That this Council hereby accepts the offer of CSXT to provide funding to install or facilitate the following safety improvements to the CITY's highway system.

Resurfacing of 320 linear feet of public alley/CSXT property north of the crossing with 2 inches of asphalt concrete (\$3,500) and the completion of the companion ordinance.

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

PRESIDENT OF COUNCIL

APPROVED:

MAYOR

ATTEST:

CLERK

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

By a majority vote of the members Ordinance No. 2001-148 was defeated on December 26, 2001.

Cathy Chappin Clerk of Council

Ordinance No. 2001-149

Passed _____, _____ YEAR

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT FOR THE INSTALLATION OF CROSSING GATES CONCURRENT WITH THE CLOSURE OF RAILROAD CROSSING (518-420P), AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Rail Development Commission ("Rail Commission") has determined that a certain highway-railroad grade crossing in the City of Marion, is dangerous and hazardous to the traveling public, and

WHEREAS, the Rail Commission has determined, and the City of Marion agrees, that the public safety and interest would be served by the installation of flashing lights and roadway gates ("Improvement") at the following identified at-grade crossing at the Rail Commission's costs: NS Railroad intersection at Kellogg Parkway (US AAR-DOT No. 917022L).

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

Section 1. That the improvement be implemented where the track(s) of the NS Railroad siding intersect a highway at Kellogg Parkway, being more specially identified by a US AAR-DOT No. 917022L and consent is hereby given to the Rail Commission to proceed at their costs. All being contingent upon the concurrent closure of (518-420P).

Section 2. That the City of Marion agrees to place all advance warning signs and pavement markings on the approaches to the grade crossing in conformance with the Ohio Manual of Uniform Traffic Control Devices (OMUTCD) as adopted under 4511.11 of the Ohio Revised Code at such time as the Improvement described above is completed and maintain same thereafter.

Section 3. That the City agrees that in the event the City is exclusively responsible for causing the suspension or termination of the Improvement, the City of Marion hereby agrees to reimburse the Rail Commission for all costs incurred up to said time of suspension or termination. Said reimbursement shall be made to the Rail Commission within sixty (60) days of receipt of an invoice for the costs incurred resulting from said suspension or termination.

Section 4. That the City of Marion agrees to arrange for the relocation, rearrangement or alteration of all utilities of any nature which are located on public right-of-way and which will be affected by or interfere with the construction of said Improvement. Said relocation, rearrangement or alteration will be done at such time as requested by the Rail Commission and will be performed solely at the expense of the utility and at no cost to the Improvement or the railroad or the City. To the extent that the installation of curbing is required in conformance with OMUTCD requirements as part of the improvement, the City of Marion agrees to install and maintain such curbing at its sole expense.

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 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:

MAYOR

ATTEST:

CLERK

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

CITY OF MARION By a majority vote of the members Ordinance No. 2001-149 was defeated on December 26, 2001.

Cathy Chappin Clerk of Council

RECORD OF ORDINANCES

000201

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-150

Passed _____ YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CITY TELECOMMUNICATIONS CONSULTANTS, LTD.

WHEREAS, the current cable franchise will expire on November 1, 2004, and

WHEREAS, the existing Federal Communications Law requires notification be provided to the current franchisee within a limited window period and the City of Marion, Ohio is now within that window period, and

WHEREAS, the Council finds the real and present need to engage the services of City Telecommunications Consultants, Ltd who have extensive experience in this specialized industry and they posses the requisite expertise to ensure the citizens of Marion who utilize the cable system now or that may in the future be served by the cable franchisee receive the best service and product available,

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

Section 1. The Council having found a real and present need to retain the services of City Telecommunications, Ltd. does hereby authorize and direct the Safety/Service Director to enter into contract with City Telecommunications, Ltd. in order to complete all acts necessary on behalf of the City of Marion related to the re-negotiation of the cable franchise, conferring upon City Telecommunications, Ltd all necessary authority to act on behalf of the City of Marion in said negotiations, including but not limited to notifications, filings and applications related to the re-negotiations of the City's cable franchise.

Section 2. The Auditor is directed to appropriate the necessary funds to retain City Telecommunications, Ltd.

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

President of Council

Mayor

Attest:

Clerk of Council

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

By a majority vote of the members, this Ordinance was defeated on January 14, 2002.

Cathy Chappin

Ordinance No. 2001-151

Passed DEC 10 2001 YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARKER HANNIFIN CORPORATION FOR FURNISHING FIRE PROTECTION TO ITS PLANT IN GREEN CAMP TOWNSHIP, MARION COUNTY, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, in the usual daily operation of the Safety Department and for the preservation of public property and safety, it is necessary to enter into contract for fire protection with Parker Hannifin Corp., Cleveland, Ohio for its plant in Green Camp Township, Marion County, Ohio,

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 directed to enter into contract on behalf of the City of Marion, Ohio with Parker Hannifan Corporation for furnishing fire protection to its plant in Green Camp Township, Marion County, Ohio, for a period of three (3) years beginning January 1, 2002.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that the present contract has expired; 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 D. Kachhauer
President of Council

APPROVED: DEC 11 2001

Jack L. Kellogg
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

000205

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-152, Page One

Passed **DEC 10 2001**

YEAR

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,
2001.

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 \$103,000.00 as follows:

General Fund

Police

Benefits	101.1111.510120	\$(130,000)
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Dispatch

Salaries	101.1113.510110	(5,000)
Benefits	101.1113.510310	10,000

Fire

Salaries	101.1131.510111	125,000
Benefits	101.1131.510120	(15,000)
Service Contracts	101.1131.530321	100

Recreation

Salaries	101.3422.510110	17,000
Benefits	101.3422.510120	3,000

Senior Center

Salaries	101.3424.510110	(6,700)
Benefits	101.3424.510120	(6,000)
Utilities	101.3424.530310	900

City Hall

Benefits	101.7741.510120	4,500
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Airport

	101.6621.530310	1,100
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Auditor

Salaries	101.7711.510110	1,100
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TOTAL GENERAL FUND \$ -0-

SCMR FUND

Salaries	207.6612.510110	\$ 5,000
Benefits	207.6612.510120	3,000

TOTAL SCMR FUND \$ 8,000

COPS FAST

Salaries	211.1111.510111	\$ (13,000)
Benefits	210.1111.510120	19,000

TOTAL COPS FAST FUND \$ 6,000

HEALTH FUND

Salaries	214.2221.510110	\$ 2,000
Benefits	214.2221.510120	(2,000)

TOTAL HEALTH FUND \$ -0-

WIC FUND

Benefits	215.2542.510120	\$ 4,500	\$ 4,500
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RECORD OF ORDINANCES

000206

Ordinance No. 2001-152, Page Two

Passed _____, _____ YEAR

DARE FUND

Salaries 216.1111.510111 \$ 2,000
Benefits 216.1111.510120 2,500

TOTAL DARE FUND \$ 4,500

HEALTH LICENSE

Trailer Park 247.2224.530723 \$ 100
Food Service 247.2224.530724 (100)

TOTAL HEALTH LICENSE FUND \$ -0-

AIRPORT INDUSTRIAL PARK FUND

Professional Service 410.4539.530320 \$ 500
Capital Improvement 410.4539.550520 (500)

TOTAL AIRPORT IND'L PARK FUND \$ -0-

SEWER REVENUE FUND

Benefits 505.5552.510120 \$ 44,000 \$ 44,000

SANITATION FUND

Salaries 506.5561.510110 \$ (6,500)
Benefits 506.5561.510120 45,000
Insurance 506.5561.530380 (1,500)
Reimbursements(UB) 506.5561.570717 (9,000)
Equipment 506.5561.550450 (2,000)

TOTAL SANITATION FUND \$ 26,000

RECYCLING FUND

Benefits 508.5564.510120 \$ 10,000 \$ 10,000

SWIMMING POOL FUND

Salaries 516.3423.510110 \$ (100)
Benefits 516.3423.510120 100

TOTAL SWIMMING POOL FUND \$ -0-

GRAND TOTAL

\$103,000.00

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

Keith A. Koehne
PRESIDENT OF COUNCIL

APPROVED: DEC 11 2001

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

Ordinance No. ... 2001-153

Passed JAN 14 2002, YEAR

ORDINANCE VACATING CERTAIN UNIMPROVED PORTIONS OF CLINTON STREET WITHIN THE CITY OF MARION, OHIO BY COUNCIL PURSUANT TO OHIO REVISED CODE

WHEREAS, the Council for the City of Marion upon its' own initiative, pursuant to the authority provided in the Ohio Revised Code, does hereby find good cause for vacating certain unimproved portions of Clinton Street within the City of Marion, Ohio, said sections being set forth upon exhibit A attached hereto and made a part hereof, and

WHEREAS, the Council is satisfied that said vacation will not be detrimental to the general interest and should take place,

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

Section 1. Those unimproved portions of Clinton Street within the City of Marion, Ohio as described upon the attached Exhibit A made a part hereof are hereby vacated.

Section 2. The title to those unimproved portions of Clinton street vacated in Section 1 herein shall remain with the City of Marion, Ohio in accordance with the laws of the Ohio.

Section 3. The Clerk of Council is hereby authorized and directed to certify a copy of this Ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Approved: JAN 14 2002

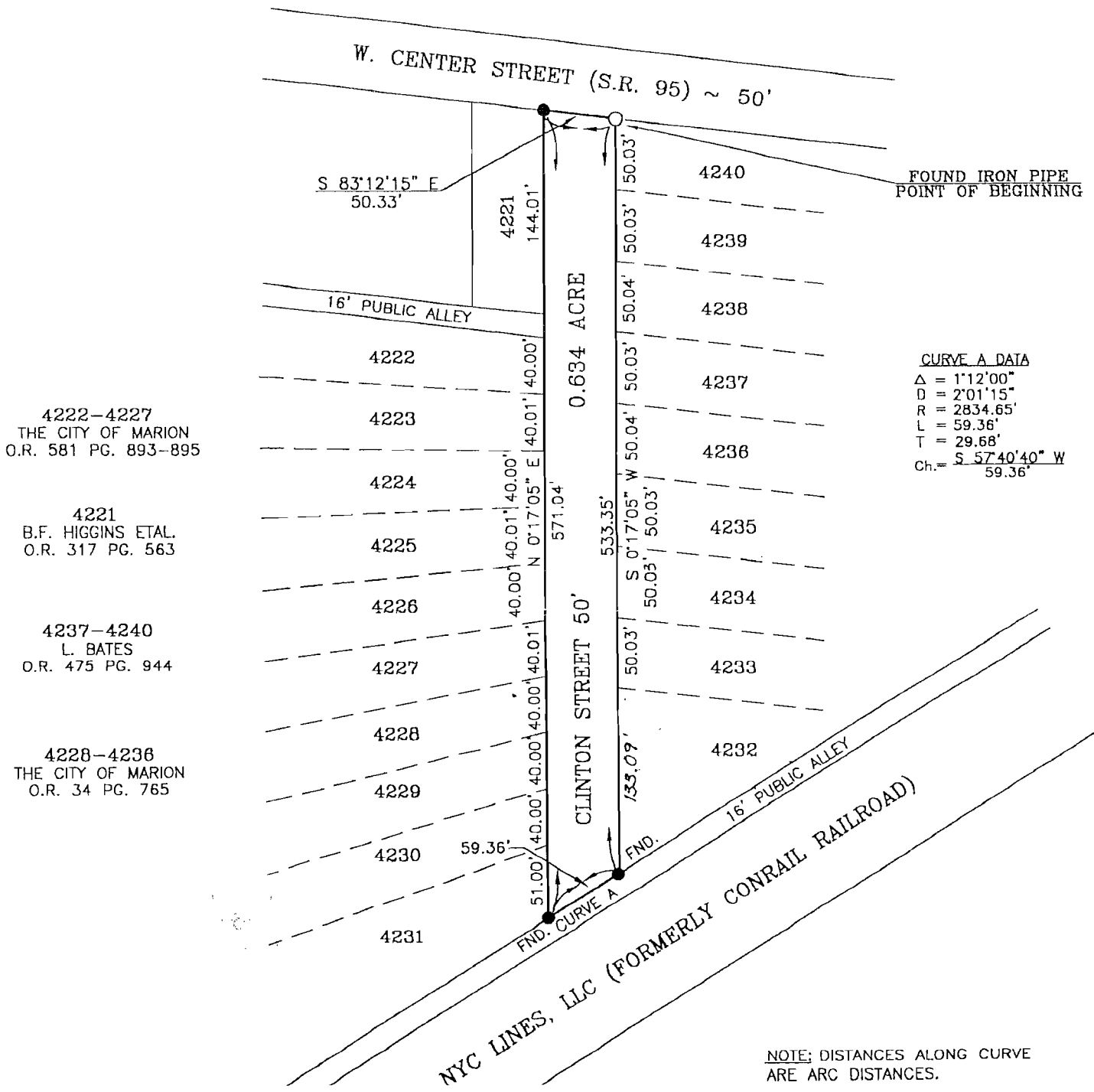
Kisha Kadhavin
President of Council

Joseph E. Kilgus
Mayor

Attest:
Cathy Chappin
Clerk of Council

PLAT OF SURVEY

BEING PART OF CLINTON STREET (NOW BEING 50' WIDE) BETWEEN NYC LINES, LLC (FORMERLY CONRAIL, FORMERLY PENN CENTRAL RAILROAD) AND W. CENTER STREET IN DWYER'S 5TH ADDITION TO THE CITY OF MARION, MARION COUNTY, STATE OF OHIO



Ordinance No. ...20.01-154.....

Passed DEC 26 2001
YEAR

ORDINANCE AMENDING SECTION 905.01 PLANTING TREES IN THE STREET LAWN AS CONTAINED WITHIN PART NINE OF THE MARION CITY CODE

WHEREAS, the Council finds it necessary to amend the existing section of law regarding the planting of trees within the "tree lawns" or "street lawns" of the City, and

WHEREAS, the Council finds after due consideration, the following amendments to the already existing section of law to be fair, just and equitable to all citizens of the City ensuring a fairer enforcement of the law,

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

Section 1. Marion City Code Section § 905.01 PLANTING TREES IN THE STREET LAWN now reading, in part, as follows:

905.01 No trees shall be planted on municipal-owned property between the sidewalk and the curb line on any street in the municipality without first obtaining permission from the Safety/Service Director.

SHALL BE AMENDED TO READ AS FOLLOWS:

905.01 No person shall plant any tree or shrub within the tree lawn, street lawn or that area located between the sidewalk and the curb line on any street without first obtaining a written permit to do so from the City Engineer and paying the fee required as set forth upon the fee schedule maintained within the City Engineer's Office.

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

APPROVED: DEC 27 2001

Keith A. Kochheiser

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

Ordinance No. 2001-155 Passed DEC 26 2001, YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$12,184.58 as follows:

GENERAL FUND

Police		
Insurance	101.1111.530380	\$ 35.20
Legal Ads	101.1111.530390	<u>(35.20)</u>
Total General Fund		-0-

POLICE & FIRE PENSION FUND

Police Pension	235.1111.510120	\$ 1,349.79
Fire Pension	235.1131.510120	<u>1,349.79</u>
Total Police & Fire Pension Fund		\$ 2,699.58

WELCOME HOME FUND

Reimbursements	250.2221.570721	\$ 1,985.00
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WELLNESS BLOCK GRANT FUND

Reimbursements	253.2542.570721	\$ 7,500.00
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ROTARY FUND

Greyhound Fares	788.6512.570269	\$ 4,919.39
Pass-Thru Payments	788.9750.570750	<u>(4,919.39)</u>
Total Rotary Fund		-0-

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

Keith A. Kothurst
 PRESIDENT OF COUNCIL

APPROVED: DEC 27 2001

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

Ordinance No. 2001-156

Passed DEC 26 2001, YEAR

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."

Health Fund \$ 2,130.95

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.

Keith A. Koshewitz
PRESIDENT OF COUNCIL

APPROVED: DEC 27 2001

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappie
CLERK

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

Ordinance No. 2001-157

Passed JAN 14 2002 YEAR

ORDINANCE AMENDING SECTION 1360.09 FIRE DAMAGED STRUCTURES; INSURANCE PROCEEDS WITHIN THE MARION CITY CODE TO MAKE SAME COMPATIBLE WITH PREVIOUS MODIFICATIONS

WHEREAS, by previous Ordinance the Council amended the Fire Damage Structure sections of the Marion City Code to require building owners to remediate or demolish fire damaged structures within one year after a fire event, and

WHEREAS, the Council now finds it necessary to further revise the section of City Code herein to make that section compatible with the previous amendments in order to carry-out the Council's original intent,

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

Section 1. Marion City Code Section § 1360.09 FIRE DAMAGED STRUCTURES; INSURANCE PROCEEDS , subsection (5), now reading, in relevant part, as follows:

1360.09 (5) When transferring the fund as required by this section, an insurance company shall provide the municipality with the name and address of the named insured or insureds whereupon the municipality shall contact the named insured or insureds, certify that the proceeds have been received by the municipality, and notify them that the following procedures will be followed: The fund shall be returned by the City Auditor to the named insured or insureds when repairs, or removal, or securing of the building or other structure have been completed, approved by the Fire Chief or his/her designee, and the required proof is received by the Safety/Service Director, provided that the municipality has not incurred any costs for such repairs, removal, or securing. If the municipality has incurred any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the municipality shall transfer the remaining funds to the named insured or insureds after repair, rebuilding or removal has been completed. Nothing in this section shall be construed to limit the ability of the municipality to recover any deficiency under R.C. § 715.261 or under any other municipal ordinance or state statute.

SHALL BE AMENDED TO READ AS FOLLOWS:

1360.09 (5) When transferring the fund as required by this section, an insurance company shall provide the municipality with the name and address of the named insured or insureds whereupon the municipality shall contact the named insured or insureds, certify that the proceeds have been received by the municipality, and notify them that the following procedures will be followed: The fund shall be returned by the City Auditor to the named insured or insureds when repairs or removal ----- of the building or other structure have been completed, approved by the Fire Chief or his/her designee, and the required proof is received by the Safety/Service Director, provided that the municipality has not incurred any costs for such repairs, removal, or securing. If the municipality has incurred any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the municipality shall transfer the remaining funds to the named insured or insureds after repair, rebuilding or removal has been completed. Nothing in this section shall be construed to limit the ability of the municipality to recover any deficiency under R.C. § 715.261 or under any other municipal ordinance or state statute.

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

Approved: JAN 14 2002

Mayor [Signature]

Attest: [Signature] Clerk of Council

[Signature] President

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

Ordinance No. 200.1-158

Passed DEC 26 2001 YEAR

ORDINANCE CONSENTING TO AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ALLOW CONSTRUCTION OF A NEW, APPROXIMATELY 1,300 SQUARE FOOT STRUCTURE, TO BE ATTACHED TO THE EXISTING MARION GENERAL HOSPITAL AND FURTHER CONSENTING TO THE SUBLEASE OF THE NEW STRUCTURE AND DECLARING AN EMERGENCY

WHEREAS, the Marion General Hospital Board did request this Council concur with its' counsel's opinion that a lease of existing facilities upon the premises for M.R.I. use was not outside the existing lease's authority and,

WHEREAS, the Airport, Lands and Buildings Committee met on the 2nd day of April, 2001 and after consideration took no action to contest the existing lease's authority granted to the Hospital to enter into a sublease related to M.R.I. services and,

WHEREAS, since that previous discussion the Hospital has advised no existing structure is sufficient to house the new equipment and therefore there is a real and present need for new construction to take place to provide for a suitable location for the state of the are equipment,

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

Section 1. The Council finds the real and present need to consent, to authorize and to direct the Mayor to execute all documents necessary to allow the Marion General Hospital to participate in the construction of a new structure, approximately 1,300 square foot in size. This structure to be attached to the existing structure and to be made a part thereof permanently. The purpose of said structure being to house new state of the art M.R.I. equipment. In addition, the Council consents, authorizes and allows the Hospital to enter into the proposed fair market value, sub-lease agreement with Marion Ancillary Services LLC for a term not to exceed the balance of the existing lease agreement and further directs the Mayor to execute any and all documents necessary to do so.

Section 3. 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 real and present need for the communities hospital to update their equipment in order to best serve the people of the community; 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: DEC 27 2001

Jack L. Kellie Mayor

Keith A. Koehner President of Council

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

000219

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-159

Passed DEC 26 2001 YEAR

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, TO ACCOUNT FOR AND ESTABLISH VARIOUS POSITIONS WITHIN THE RECREATION DEPARTMENT, MARION AREA TRANSIT AND THE SENIOR CENTER, AND TO PROVIDE JOB DESCRIPTIONS THEREFORE FOR THE CITY OF MARION.

WHEREAS, the Council of the City of Marion has passed an Ordinance entitled the Fair and Just Wage Ordinance that specified the creation of new wage schedules for City Employees, and

WHEREAS, in reviewing the impacted positions of this Ordinance it was discovered that some of the positions had not been incorporated into the Yarger Report,

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 account for and establish the positions of; Dispatcher, Bus Driver, MAT Custodian and MAT Mechanic within the Marion Area Transit Department; Homemaker, Custodian, Van Driver, Cook and Social Services Coordinator within the Senior Center Department and Youth Coordinator within the Recreation Department, to provide Job Descriptions therefore and further to establish the positions within a Wage Schedule. The Job Descriptions and Wage Schedule 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, Job Descriptions and Wage Schedule attached hereto as Exhibit A and B, respectively.

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

Keith A. Kuehner
President of Council

APPROVED: DEC 27 2001

Jack L. Killip
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. 2001-2

Passed January 2, 2001

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES, SPECIFICALLY PROFESSIONAL MANAGEMENT OF THE CITY'S ELECTRIC AGGREGATION PROGRAM DUE TO THE REAL AND PRESENT NEED TO HAVE ON-GOING EXPERTISE IN REGARDS TO THE ELECTRIC GENERATION INDUSTRY, AND DECLARING AN EMERGENCY.

WHEREAS, the Council did by previous Ordinance enable the ballot measure of whether or not the City of Marion should create an Opt-out electric aggregation program pursuant to O.R.C. 4928.20, and

WHEREAS, the aforementioned measure was passed by the voters of the City and the Administration has been continuing to move forward with the program, however it has now become evident that for the program to be as successful as possible it requires particular expertise in the ever increasing complex electric generation industry for the day to day evaluation of changes in production, shortages, usage and the like, and

WHEREAS, proposals have been received and reviewed thoroughly to determine the best provider of Professional Management Services as to Electric Aggregation,

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

Section 1. The Council finds that the citizens of the City to best be served by the entering into a Professional Management Service Agreement for the City's Electric Aggregation program and hereby authorizes and directs the Safety/Service Director to enter into all documents necessary to enter into contract with the E-Group in order to carry out the intent of the Council in order to create as much cost savings as possible for electric consumers within the City or at a minimum reduce any increased costs which may be experienced by consumers as a direct or indirect result of the State Legislature's deregulation of the electric industry.

Section 2. The Council appropriates the sum of \$7,500.00 from the General Fund to be paid to the E-Group as the fixed costs for the Service Agreement, the same being refundable if the City at a later date chooses to renew the Professional Management Service Agreement for a specified period.

Section 3. 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 need to move as quickly as possible in order to obtain MSG and the savings potential that may result, and as such shall take effect and be in force immediately upon it's passage and approval 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: January 3, 2001

Keith A. Koshnisk
PRESIDENT OF COUNCIL

Jack L. Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK

Ordinance No. 2001-3, Page One

Passed January 8, 2001
YEAR

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."

SCMR Fund \$16,695.15

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.

Keith A. Kuchewicz
PRESIDENT OF COUNCIL

APPROVED: January 9, 2001

Jack L. Kellogg
MAYOR

ATTEST:

Cathy Chappie
CLERK

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

Ordinance No. 2001-4

Passed January 8, 2001
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE LTV TIF FUND FOR THE YEAR ENDING DECEMBER 31, 2001.

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

Section 1. That there be additional appropriations made in LTV TIF Fund in the amount of \$5,188.00 as follows:

ADMINISTRATION FEE	345.8430.560324	\$5,188.00
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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. Koehne
PRESIDENT OF COUNCIL

APPROVED: January 9, 2001

Jack S. Killings
MAYOR

ATTEST:

Cathy Chappin
CLERK

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

Ordinance No. 2001-5, Page One

Passed

YEAR

ORDINANCE CREATING MARION CITY CODE SECTION
 109.03 ENTITLED "~~LIVING WAGE REQUIREMENTS~~" ADOPTING
 THE NECESSARY LAWS TO ADMINISTER AND ENFORCE SAME
 WITHIN THE CITY OF MARION, OHIO

working family ordinance

WHEREAS, the City of Marion has an interest in insuring that firms that receive City contracts or other benefits from the taxpayers are meeting minimum compensation levels for their employees, and

WHEREAS, such minimum compensation levels should allow citizens to support themselves and their families with dignity, and

WHEREAS, sub-poverty level wages do not serve the public interest and place an undue burden on taxpayers and the community, which must further subsidize employers who pay inadequate wages by providing their employees social services such as health care, housing, nutrition and energy assistance, and

WHEREAS, the City of Marion has a responsibility when spending public money to set a community standard that permits full-time workers to live above the poverty line, and

WHEREAS, the Council has studied the local economy and evaluated the needs of the community in regard to the wages being provided to Marion's work force and finding uncertainty as to whether or not all employers are providing a living wage to the local work force, and

WHEREAS, Council finds it in the best interests of the City of Marion to adopt a Living Wage Requirement by the adoption of necessary laws to administer and enforce same,

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

SECTION 1. There is hereby created Marion City Code Section 109.03 entitled "Living Wage Requirements": as follows:

109.03.01 Awarding of Contracts

(A) Contracts shall continue to be awarded pursuant to the requirements of the Ohio Revised Code and in addition thereto, all qualifying contracts shall also be made in compliance with subsection B herein.

(B) In the case of contracts involving personal services or labor no award shall be made until the successful bidder provides an affidavit that he or she will comply with the requirements herein and he/she pays and will continue to pay during the life of any such contract the prevailing rates of wages in the Marion area for the industry involved. Such prevailing rates of wages shall be deemed to be those filed for the Marion area with the Department of Industrial Relations of the State of Ohio, or in the event the prevailing rates of wages for such industry are not so filed, the prevailing rates of wages for the Marion area shall be deemed to be at least equal to the highest rates established by collective bargaining agreements between bona-fide labor organizations and employers in the Marion area for the particular industry or work involved.

This section shall not apply where the Federal government or any agency thereof furnishes, by loan or grant, any or all of the funds used in any contract for a public improvement or other contract involving personal services or labor and where the Federal government or any agency thereof prescribed predetermined minimum wages to be paid to those laborers employed under the terms of such contract.

This section shall not apply to any employer who has in place and in effect a bargaining agreement with the designated bargaining group on file with the Department of Labor or similar government entity.

Ordinance No. 2.0.0.1-5, Page Two

Passed _____, _____ YEAR

Provided further that in the case of contracts in excess of \$25,000.00, said amount being per contract and not accumulated expenditures made to any one supplier per annum, except where there is no reasonable basis for the breaking up of a purchase which otherwise would be in excess of the said limit contained herein, reasonableness to be determined by the Living Wage Review Committee who shall possess all discretion therein without review, the living wage requirements provided in Section 109.03.03 shall be applicable.

109.03.02 Living Wage definitions

(a) "City financial assistance recipient" means any entity that receives financial assistance in excess of \$25,000 said amount being per contract and not accumulated expenditures made to any one supplier per annum, except where there is no reasonable basis for the breaking up of a purchase which otherwise would be in excess of the said limit contained herein, reasonableness to be determined by the Living Wage Review Committee who shall possess all discretion therein without review.

(b) Financial assistance includes, but is not limited to, bond financing, tax increment financing, tax abatement assistance of any kind; and other funds, that are not governed by any federal or state regulations and are not excluded in this subsection and where the application of this section is consistent with laws authorizing the City to expend such other funds. Financial assistance is also understood to include any in-kind assistance that the recipient would otherwise have to pay. Loans shall not be considered assistance except to the extent they are forgiven or discounted below the available market rate over the life of the loan.

(c) "Contractor" means any entity that enters into a contract with the City to provide supplies, material or labor to the City in excess of \$ 25,000.00, or any entity that enters into multiple City contracts in a calendar year that exceed \$25,000 in total.

(d) "Employee" means any individual who may be required or directed by any employer, in consideration of direct or indirect financial gain or profit, to engage in any employment.

(e) "Employer" means any entity who is a City financial assistance recipient who employs at least 50 employees on the payroll within the last quarter prior to the effective date of the financial assistance; or any contractor or subcontractor who employs at least 50 employees on the payroll within the last quarter prior to the effective date of the contract.

(f) "Person" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts.

(g) "Subcontractor" means any person not an employee that enters into a contract with (1) a contractor to assist the contractor in performing the contract or (2) a City financial assistance recipient to assist the recipient in performing the work for which the assistance was given.

(h) "Volunteer" means a person who renders aid, performs a service, or assumes an obligation without compensation.

(i) "Seasonal" is an individual who works a certain regular season or period of the year, for a maximum of 32 weeks performing some work or activity limited to that season, or an individual who works as a school crossing guard.

(j) "Intern" is a college or university, full-time student enrolled in a two or four year degree program and who works on special projects in connection with his or her field of study; hours worked do not exceed 1500 hours per calendar year and termination of the internship occurs no later than 3 months after graduation from the college or university.

(k) "Regular Part-Time" means any person who works more than 25 hours per week and is not exempted under any other section or subsection in this Ordinance.

Ordinance No. 2001-5, Page Three

Passed

YEAR

109.03.03 Living Wage Requirements, payment by employer, exemptions

(a) Requirements.

(1) The following employees or persons shall be paid a "living wage":

- A. Any person who is an employee of a qualifying contractor or subcontractor on or under a contract for supplies, material or labor with the City and who is directly working under that contract;
- B. Any person who is an employee of a qualifying City financial assistance recipient, their contractor or subcontractor, and who works at a site or expends at least one half of his or her time working on the project or portion of business that receives City financial assistance;
- C. Any person who is an employee of a qualifying tenant who financially benefits from the City of Marion's financial assistance to the property.

b) Payment of a living wage and/or health benefits by employer.

(1) All employers governed by this section shall pay employees a "living wage" of no less than \$9.02 per hour, or 110% of the updated federal poverty level for a family of four, whichever is greater.

(2)A. Employers shall make available single coverage health benefits that do not cost their employees more than 15% of the employees' monthly wages, except to those employees within an established probationary period that does not exceed sixty work days.

B. Employers not providing single coverage health benefits as formulated in section 109.03.04 b(2)(A) shall pay a living wage of no less than \$ 10.82 or 130% of the updated federal poverty level for a family of four, whichever is greater.

(3) All employees working for the City of Marion shall be paid at least a living wage upon completion of their probationary periods. Work presently being performed by City of Marion bargaining unit employees may not be subcontracted out unless either (1) the contractor pays employees performing that work at least a living wage, or (2) the contractor meets greater requirements for subcontracting provided in the City of Marion collective bargaining agreement or elsewhere in the Marion Municipal Code.

(c) Exemptions. The following recipients are exempted from the requirements of this section: (1) contractors or subcontractors with fewer than 50 employees; (2) financial assistance recipients with fewer than 50 employees; (2) recipients of Community Development Block Grant funding; (3) seasonal employees; (4) Interns; (5) nonprofit organizations whose sole purpose is to provide cultural, social or educational services; (6) organizations whose primary mission is to provide job readiness and training services, and whose sole purpose of requesting funding is to provide those services; (7) businesses that pay their employees the prevailing wage rate, or pay their employees pursuant to the Davis Bacon Act; (8) Volunteers; (9) primary or secondary education students who have not been emancipated; (10) entities providing utilities which are registered with the State of Ohio Public Utilities Commission; (11) Employees working less than forty hours per week on average per annum, except for the who qualify as Regular Part-time employees; (12) Any person 65 years or older who has affirmatively elected in writing, on the form prescribe by the Human Resource Director or his/her designee, to be exempt here from due to a demonstrated basis related to benefits received in excess of any "earnings disregard" including but not limited to, social security, medicare or medicaid (13) any employee who has in place and in effect a bargaining agreement with the designated bargaining group on file with the Department of Labor or similar government entity.

Ordinance No. 2001-5, Page Three Passed _____, _____ YEAR

109.03.03 Living Wage Requirements, payment by employer, exemptions

(a) Requirements.

(1) The following employees or persons shall be paid a "living wage":

- A. Any person who is an employee of a qualifying contractor or subcontractor on or under a contract for supplies, material or labor with the City and who is directly working under that contract;
- B. Any person who is an employee of a qualifying City financial assistance recipient, their contractor or subcontractor, and who works at a site or expends at least one half of his or her time working on the project or portion of business that receives City financial assistance;
- C. Any person who is an employee of a qualifying tenant who financially benefits from the City of Marion's financial assistance to the property.

b) Payment of a living wage and/or health benefits by employer.

(1) All employers governed by this section shall pay employees a "living wage" of no less than \$9.02 per hour, or 110% of the updated federal poverty level for a family of four, whichever is greater.

(2)A. Employers shall make available single coverage health benefits that do not cost their employees more than 15% of the employees' monthly wages, except to those employees within an established probationary period that does not exceed sixty work days.

B. Employers not providing single coverage health benefits as formulated in section 109.03.04 b(2)(A) shall pay a living wage of no less than \$ 10.82 or 130% of the updated federal poverty level for a family of four, whichever is greater.

(3) All employees working for the City of Marion shall be paid at least a living wage upon completion of their probationary periods. Work presently being performed by City of Marion bargaining unit employees may not be subcontracted out unless either (1) the contractor pays employees performing that work at least a living wage, or (2) the contractor meets greater requirements for subcontracting provided in the City of Marion collective bargaining agreement or elsewhere in the Marion Municipal Code.

(c) Exemptions. The following recipients are exempted from the requirements of this section: (1) contractors or subcontractors with fewer than 50 employees; (2) financial assistance recipients with fewer than 50 employees; (2) recipients of Community Development Block Grant funding; (3) seasonal employees; (4) Interns; (5) nonprofit organizations whose sole purpose is to provide cultural, social or educational services; (6) organizations whose primary mission is to provide job readiness and training services, and whose sole purpose of requesting funding is to provide those services; (7) businesses that pay their employees the prevailing wage rate, or pay their employees pursuant to the Davis Bacon Act; (8) Volunteers;

(9) primary or secondary education students who have not been emancipated; (10) entities providing utilities which are registered with the State of Ohio Public Utilities Commission;(11) Employees working less than forty hours per week on average per annum, except for the who qualify as Regular Part-time employees; (12) Any person 65 years or older who has affirmatively elected in writing, on the form prescribe by the Human Resource Director or his/her designee, to be exempt here from due to a demonstrated basis related to benefits received in excess of any "earnings disregard" including but not limited to, social security, medicare or medicaid (13)any employee who has in place and in effect a bargaining agreement with the designated bargaining group on file with the Department of Labor or similar government entity.

Ordinance No. 2001-5, Page Five

Passed _____, _____
YEAR

109.03.05 Living Wage Review, Severability

(a) The Living Wage Review Committee shall conduct a review and collect data regarding the impact of this Ordinance. The Committee shall prepare a report to Council on the impact of the ordinance on the City of Marion three years from the date of enactment of this ordinance.

(b) If any provision of this section is declared legally invalid by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

109.03.07 Living Wage Effective Date

The provisions of this section shall apply to contracts consummated and financial assistance provided after the effective date of this ordinance; and to existing contracts amended after the effective date of this ordinance when the amendments provide supplemental financial assistance that triggers the requirements of the living wage.

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

President of Council

Mayor

ATTEST:

Clerk of Council

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

Ordinance No. 2001-6

Passed January 22, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH JOHNSON PROPERTY SERVICES, FOR SNOW REMOVAL AT MARION MUNICIPAL AIRPORT ON RUNWAYS, TAXIWAYS, RAMPS AND ANY OTHER DESIGNATED AREAS ON AIRPORT PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, on November 13, 2000, by passage of Ordinance # 2000-145, Council authorized the Safety/Service Director to prepare specifications and advertise for bids for snow removal at Marion Municipal Airport, and

WHEREAS, based upon bid opening held December 7, 2000, and after considerable evaluation, the lowest and best bid was thereby determined.

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 Johnson Property Services, W. Center St., Marion, Ohio, for a two year period and option for third year at mutual agreement.

SECTION 2 That cost per "unit" consisting of vehicle, plow and experienced operator, Bobcat loader, sweeper/vacuum, sand and salt application will be \$74.90 per hour with exception to Sicard Airport Snowmaster with 20 ft. blade at \$214.00 per hour, tractor loader and dump truck and snow blower at \$96.30 per hour,

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.

Keith A. Koshewski
PRESIDENT OF COUNCIL

PASSED: January 22, 2001

APPROVED: January 22, 2001

Jack L. Kelly
MAYOR

ATTEST:
Cathy Chappin
CLERK OF COUNCIL

Ordinance No. 2001-7

Passed January 22, 2001
YEAR

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

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

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

General Fund	\$ 2,406.42
SCMR Fund	<u>1,400.00</u>
GRAND TOTAL	\$ 3,806.42

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.

Keith A. Kochheiser
PRESIDENT OF COUNCIL

APPROVED: January 22, 2001

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

Ordinance No. 2001-8

Passed January 22, 2001
YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$32,999.60 as follows:

GENERAL FUND

Dispatch 101.1113.550520 \$ 32,239.04

TRANSIT FUND

Property Taxes 502.6541.540381 \$ 760.56

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

Keith A. Koehne
PRESIDENT OF COUNCIL

APPROVED: January 22, 2001

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

Ordinance No. 2001-9

Passed January 22, 2001
YEAR

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

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

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

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.

Approved: January 22, 2001

Keith A. Koehne
President of Council

Jack R. Kelly
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. 2001-20

Passed February 12, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE THREE POWERCAM IV VIDEO CAMERAS FOR USE IN POLICE CRUISERS IN THE POLICE DEPARTMENT.

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

WHEREAS, International Police Technologies, Inc., has supplied the exact same cameras in four (4) other departmental vehicles at this same price of \$3,400.00.

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 enter into contract with International Police Technologies Inc., to purchase THREE (3) POWERCAM IV video cameras for the Police Department.

Section 2. That the cost of \$6,800.00 be payable from the Education and Enforcement Fund and \$3,400.00 be payable from the 2000 Local Law Enforcement Block Grant.

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

Kevin A. Koehne
PRESIDENT OF COUNCIL

APPROVED: February 13, 2001

Jack L. Kilgus
MAYOR

ATTEST:

Cathy Chappell
CLERK

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

Ordinance No. 2001-21, Page One

Passed February 12, 2001
YEAR

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

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

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

General Fund \$ 3,097.79

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.

Keith A. Koehneiser
PRESIDENT OF COUNCIL

APPROVED: February 13, 2001

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

Ordinance No. 2001-22

Passed February 12, 2001
YEAR

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

WHEREAS, the City of Marion's Park and Recreation Department has been working with the public to develop a plan for a skateboard and wheeled equipment park along W. Church Street, and

WHEREAS, the Park and Recreation Department has been successful in raising public and private money to fund this proposed project, and

WHEREAS, in order for the park equipment to be ordered and installed in time for spring or summer use, the bidding process should begin as soon as possible.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare plans and specifications, and advertise for bids for the Parks & Recreation Departments' Skate Board park Project.

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 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.

Keth A. Koehlein
PRESIDENT OF COUNCIL

APPROVED: February 13, 2001

Jack L. Kilbegg
MAYOR

ATTEST:

Cathy Chappin
CLERK

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

Ordinance No. ~~2001-23~~, Page OnePassed March 26, 2001
YEAR

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY
REZONING THE PROPERTY AT 226 PATTEN STREET IN THE CITY OF MARION
FROM C-2 (COMMUNITY SHOPPING DISTRICT) TO AN R-1C
(SINGLE FAMILY DISTRICT - HIGH DENSITY).

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from C-2 (Community Shopping District) to an R-1C (Single Family District - High Density), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from C-2 to R-1C, and

WHEREAS, 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 226 Patten Street and being more particularly described as follows:

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

Tract 1: Being a part of Lot Number Five (5) in John Ballentine's Addition to Marion, Ohio bounded and described as follows: Commencing at the southeast corner of said Lot Number Five; thence west along the north line of Patten Street, a distance of fifty-seven and five tenths (57.5) feet to an iron pipe and the place of beginning; thence northerly parallel to the west line of Park Street, a distance of seventy-one and five-tenths (71.5) feet (passing an iron pipe at 43 feet) to an iron pipe; thence westerly on a line parallel to Patten Street, a distance of thirty-four (34) feet to an iron pipe; thence southerly a distance of twenty-one and five-tenths (21.5) feet to an iron pipe on the north line of the tract conveyed to Carlos R. and Laura E. Gibson by deed dated March 27, 1929 and recorded in Volume 179 at Page 179 of Marion County Deed Records; thence easterly on the said North line a distance of ten and eight tenths (10.8) feet to a stone being the northeast corner of said Gibson tract; thence southerly on the east line of said Gibson tract a distance of fifty (50) feet to an iron pipe in the north line of Patten Street; thence easterly on the north line of Patten Street a distance of twenty-four and three tenths (24.3) feet to an iron pipe and the place of beginning.

Reference is had to a Plat of Survey of South Part of Lot No. 5 in Ballentine's Addition to the City of Marion, Ohio, bounded and described as follows:

Tract II: Beginning at the Southeast corner of Lot Five (5) in Ballentine's Addition to the Village, now City of Marion, Ohio; thence Northward along the west line of Park Street, forty-three (43) feet; thence westward parallel with the north line of Patten Street fifty-seven and one-half (57 1/2) feet; thence Southward parallel with the west line of Park Street forty-three (43) feet to the North line of Patten Street; thence Eastward along the north line of Patten Street fifty-seven and one-half (57 1/2) feet to the place of beginning, reserving three (3) feet off of the north side thereof as an easement for ingress and egress only for the use and benefit of the Grantee and the owners of the property adjoining said above described property on the north and their successors in title only.

Ordinance No. 2001-23, Page Two

Passed March 26, 2001
YEAR

Grantee is also granted an easement for ingress and egress only over a strip of land five (5) feet wide adjoining the above forty-three (43) foot lot of land and extending from the west line of Park Street westward fifty-seven and one-half (57 1/2) feet for the use and benefit only of Grantee and the owners of the property adjoining said above described lot on the north and their successors in title.

Last Transfer: Deed Volume 208, Page 123 of the official records of the Marion County Recorder.

Heretofore zoned C-2 (Community Shopping District) is hereby zoned R-1C (Single Family District - High Density).

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.

Michael D. Ethors
PRESIDENT OF COUNCIL
Pro Tempore

APPROVED March 27, 2001

Keith A. Kueheiser
MAYOR - Acting 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

000508

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-24, Page One

Passed March 26, 2001
YEAR

ORDINANCE AMENDING MARION CODIFIED
ORDINANCE SECTIONS 1123.01, ADDING THE
DEFINITION OF YARD- SIDE (STREET SIDE CORNER
LOT) AND YARD-REAR (STREET SIDE CORNER LOT);
AND AMENDING SECTION 1151.065(C) TO INCLUDE
RESTRICTIONS RELATING TO FENCE HEIGHTS ON SIDE
AND REAR LOTS LOCATED ON CORNER LOTS.

Section 1. That Section 1123.01 of the Marion Codified Ordinances is hereby amended by adding the following definitions:

YARD, SIDE (STREET SIDE CORNER LOT). The required open space, extending from the front yard to the rear lot line, between the side lot line along the side street any building, reassured horizontally at right angles at the side lot line.

YARD, REAR (STREET SIDE CORNER LOT). The required open space, extending from the side street to the side lot line, between the rear lot line and any principal building, measured horizontally at right angles to the rear lot line.

Section 2. That Section 1151.065(C) of the Marion Codified Ordinances now reading:

(C) Required or permitted fences, walls and landscaping, provided that any fence, wall or hedge shall conform to the following locational and maximum height limitations:

<i>Yard</i>	<i>Location</i>	<i>Maximum Height in Feet</i>
Rear	If within ten feet of side or rear lot line	8
	If ten feet or more from side or rear lot line	12
Side	At any location	6
Front	No less than one foot from street right-of-way line in any case	4 feet except at intersection of street or alleys which maximum height shall be 3'6"

is hereby amended to read as follows:

(C) Required or permitted fences, walls and landscaping, provided that any fence, wall or hedge shall conform to the following locational and maximum height limitations:

RECORD OF ORDINANCES

000509

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-24, Page Two

Passed March 26, 2001
YEAR

<i>Yard</i>	<i>Location</i>	<i>Maximum Height in Feet</i>
Rear	If within ten feet of a side or rear lot line	8
	If ten feet or more from side or rear lot line	12
Rear or Side Yard (Corner Lot)	No less than one foot from street right-of-way line in any case	3'-6"
Side	At any location	6
Front	No less than one foot from street right-of-way line in any case	4 feet except at intersection of street or alleys which maximum height shall be 3'6"

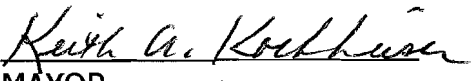
Fence height shall be measured from the average ground level.

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



PRESIDENT OF COUNCIL
Pro Tempore

APPROVED: March 27, 2001



MAYOR - Acting Mayor

ATTEST:



CLERK

Ordinance No. 2001-25.....

Passed March 26, 2001
YEAR

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY
REZONING THE PROPERTY AT 570 WEST CENTER STREET IN THE CITY OF
MARION FROM I-2 (GENERAL INDUSTRIAL DISTRICT) TO A C-4
(CENTRAL FRAME BUSINESS DISTRICT).

WHEREAS, Council finds that the real property described in Section 1 below
should be rezoned from I-2 (General Industrial District) to a C-4 (Central Frame
Business District), and

WHEREAS, the Marion City Planning Commission has considered and
approved the rezoning from I-2 to C-4, and

WHEREAS, 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 570 West Center Street and being
more particularly described in the attached Exhibit A.

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.

Michael E. Thomas
PRESIDENT OF COUNCIL
Pro Tempore

APPROVED March 27, 2001

Heidi A. Kochheiser
MAYOR - Acting Mayor

ATTEST:

Cathy Chappin
CLERK

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

ORDINANCE NO. 2001-25

EXHIBIT A

Tract 1:

Situated in the City of Marion, County of Marion and State of Ohio, and being part of the East half of the Southwest Quarter of Section 21, Township 5, South, Range 15 East, and being further described as follows:

Beginning at an Iron Bar in the North line of West Center Street, 30 feet North of the centerline of said street, and 35 feet West (measured at right angle) of the centerline of the main tract of the Chessie System Railroad (formerly Chesapeake and Ohio Railway Company):

Thence North 86 degrees -48 minutes -06 seconds West along the North Line of West Center Street a distance of 712.36 feet, more or less, to a "PR" Nail, said nail being the intersection of the North line of West Center Street and the East line of Kenton Avenue;

Thence North 54 degrees -49 minutes -06 seconds West along the Easterly line of Kenton Avenue a distance of 56.35 feet, more or less, to a cross-cut in concrete, said cross-cut being the South line of the right-of-way of the Conrail Railroad (formerly Erie-Lackawanna Railway, Dayton Branch, also formerly the N.Y.P. and O. Railway);

Thence Northeastwardly on a curve to the right, with a radius of 1382.5 feet (chord bearing North 71 degrees -14 minutes -06 seconds East, length of 714.87 feet) along the South line of said Conrail Railroad (formerly Erie-Lackawanna Railway, Dayton Branch), right-of-way a distance of 722 feet, more or less, to an iron bar in the West line of the Chessie System Railroad. Said point being 35 feet West (measured at right angle) of the centerline of the main track of said railroad, and being the intersection of the South line of the Conrail Railroad and the West line of the Chessie System Railroad;

Thence Southeastwardly on a curve to the right, with a radius of 2830 feet (chord bearing South 14 degrees -54 minutes - 21 seconds East, length of 312.70 feet) along the West line of the Chessie System Railroad, said line also being 35 feet West of, and parallel to, the centerline of said Railroad, a distance of 317 feet, more or less, passing over a concrete railroad right-of-way monument, (at 305.9 feet) to an iron bar in the North line of West Center street, and the place of beginning.

Said tract contains 3.25 acres, more or less.

Being the same tract as Tract No. 1 in the deed from Universal Marion Corporation to Power Shovel Inc., recorded in Vol. 415, Page 482 of the Deed Records of Marion County, Ohio.

Being the same tract as Tract No. 1 in the deed from Marion Power Shovel Company, Inc. to Dresser Industries, Inc., recorded August 2, 1977 in Vol. 538, Page 710 of the Deed Records of Marion County, Ohio.

Prior instrument Reference: Volume 298 at page 265 of the Official Deed Records of the Marion County Recorder, Marion County, Ohio.

Ordinance No. 2001-26

Passed February 26, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE ONE (1) GERMAN SHEPARD MALE DOG FOR THE MARION POLICE DEPARTMENT'S CANINE PROGRAM, AND DECLARING AN EMERGENCY.

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

WHEREAS, in 1995 the Marion Police Department created and implemented the Marion Police Department Canine Unit; and

WHEREAS, current canine "Ace" is suffering from arthritis and can no longer perform the duties as required;

WHEREAS, *Top Dogs Police K-9 Academy, LLC* has provided all the dogs and training for the canine program and will supply the Shepard and training for \$5,500.00;

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 *Top Dogs Police K-9 Academy, LLC*, for the purchase of one (1) German Shepard male canine and all related training, for the Marion Police Department.

Section 2. That the cost of \$5,500.00 be paid from the Capital Equipment fund of the Police Department.

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: February 27, 2001

Keith A. Koehne
PRESIDENT OF COUNCIL

Josh L. Kelley
MAYOR

ATTEST:

Cathy Chappin
CLERK

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

Ordinance No. 2001-27

Passed February 26, 2001
YEAR

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$(335.28) as follows:

General Fund

EMS (Cops) Grant 101.1131.531223 \$ 939.75

Violence Against Women Fund

Benefits 212.1549.510120 \$ (1,831.17)
Travel 212.1549.520220 (261.85)
Professional Services 212.1549.530320 (.17)

TOTAL \$ (2,093.19)

Law Enforcement Block Grant Fund

FY99 Equipment 213.1549.550450 \$ 818.16

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

Keith A. Krehbein
PRESIDENT OF COUNCIL

APPROVED: February 27, 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

Ordinance No. 2001-28

Passed February 26, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PC CONNECTION FOR THE PURCHASE OF A TRAINING PROJECTOR TO BE USED 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 City of Marion, Marion County, Ohio, and:

WHEREAS, PC Connection submitted the best bid of \$3,100.00.

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

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with PC Connection for the purchase of a Training Projector to be used at the Marion Fire Department.

Section 2. That the contract shall be payable from the Capital Improvement Fund Account No. 401.1131.550450.

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 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

APPROVED: February 27, 2001

Jack L. Killip
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. 2001-29

Passed February 26, 2001
YEAR

ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE OF THE CITY OF MARION AGGREGATION PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, this Council has by previous Ordinances moved forward with the City of Marion's Aggregation Project pursuant to O.R.C. 4928.20, and

WHEREAS, after proper notice, the City of Marion has conducted two public hearings at which time the Plan was the subject of comment and inquiry, and

WHEREAS, the Plan has been considered and the Council finds it's content to be in the best interest of the City of Marion, Ohio and its residents,

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

Section 1. The Council finds the Plan of Operation and Governance for the Marion Aggregation Project, attached hereto and made a part hereof, to be in the best interests of the Citizens of the City of Marion, Ohio and therefore hereby adopts same as the official Plan of Operation and Governance for the Marion Aggregation Project.

Section 2. That 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 move as quickly as possible in order to obtain the most savings for the citizens of the City as are possible; and as such shall take effect and be in force immediately upon its passage by two-thirds vote of all members elected and by approval of the Mayor; otherwise it shall become effective from and after the earliest period allowed by law.

Keith A. Krueger
President of Council

APPROVED: February 26, 2001

Joseph 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. 2001-30

Passed February 26, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC., FOR THE PURCHASE OF THREE (3) VEHICLES FOR THE POLICE DEPARTMENT AND WITH WALSTON MOTORS FOR THE PURCHASE OF TWO (2) POLICE VEHICLES; THE NECESSARY EQUIPMENT FOR THESE VEHICLES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 2001-10, 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 best bid for a 4-wheel drive vehicle and two (2) marked vehicles; and

WHEREAS, Walston Motors had the best bid for one (1) marked police vehicle and one (1) unmarked police vehicle;

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 two (2) Crown Victorias at a cost of \$42,804.00 and one (1) Ford Expedition 4-wheel drive at a cost of \$26,450.90, for a total contract of \$69,254.90. The vehicles purchased from Walston Motors, Inc., being two (2) Chevrolet Impalas at a cost of \$17,548.00 for a total contract of \$35,096.00. The total of both contracts is \$104,350.90 shall be payable from the Police Department Contingency Fund.

Section 3. That the necessary equipment for these five vehicles, such as light bars, sirens, radios, etc., be included in the Capital Equipment expenditure. This equipment totals approximately \$24,000.00, which when added to the total purchase price of the vehicles, is \$128,350.90.

Section 4. 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.

Keith A. Koehner
President of Council

APPROVED: February 27, 2001

Jack L. Kullback
Mayor

Cathy Chappin
Clerk

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

Ordinance No. 2001-31

Passed February 26, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO EXECUTE AN EASEMENT TO WILBUR AND LUCILLE ANDERSON THE RIGHT TO USE CERTAIN CITY OWNED PROPERTY SITUATED IN THE CITY OF MARION, COUNTY OF MARION AND STATE OF OHIO, AND BEING ADJACENT TO LOT NUMBERS 4409,4410 AND 4411 IN CLARK DIX'S FIRST ADDITION TO THE CITY OF MARION, OHIO.

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

Section 1. That the Safety/Service Director be authorized and is hereby authorized to sign on behalf of the City of Marion, an easement to Wilbert and Lucille Anderson, their successors and assigns certain rights as fully set forth in section 2 hereof;

Section 2. The easement referred to in Section 1 shall be attached as Exhibit "A";

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

APPROVED: February 27, 2001

Kirk A. Kohlman
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

Ordinance No. 2001-32

Passed February 26, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RON'S TREE SERVICE, MARION, OHIO, FOR THE 2001 TREE REMOVAL AND TRIMMING PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2001-9 authorized the preparation of specifications and advertising for bids for the 2001 Tree Removal and Trimming Project, and

WHEREAS, Ron's Tree Service submitted the lowest and best bid of \$7,553.66,

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

Section 1. That the Safety/Service Director be directed to enter into contract with Ron's Tree Service for the 2001 Tree Removal and Trimming Project.

Section 2. That said contract shall be payable from the Tree Care Fund (101.7743.530316)

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

Keith W. Koshlauer
President of Council

Approved: February 27, 2001

Joel 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

Ordinance No. 2001-33

Passed March 12, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PHIL LEAK CO. FOR THE PURCHASE OF A FLOOR LIFT FOR THE MAINTENANCE GARAGE AT 981 W. CENTER STREET 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, Phil Leak Co. submitted the best proposal for the purchase of a Floor Lift, 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 Phil Leak Co. to purchase one floor lift for use at the Maintenance Garage at 981 W. Center Street. The cost is \$6,295.00 funded from the Sanitation 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.

Keith A. Kochbauer
PRESIDENT OF COUNCIL

APPROVED: March 13, 2001

Jack E. Keller
MAYOR

ATTEST:
Cathy Chappie
CLERK OF COUNCIL

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

Ordinance No. 2001-34

Passed March 12, 2001
YEAR

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2001.

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

Section 1. That there be an additional made in the General Fund in the amount of \$1,800.00 as follows:

GENERAL FUND:

Mayor's Office

Capital Equipment	101.7710.550450	\$ 1,800.00
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Total		\$ 1,800.00
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Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: March 13, 2001

Keith A. Koehpense
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

Ordinance No. 2001-35, Page One

Passed April 9, 2001
YEAR

ORDINANCE TO ACCEPT THE AMENDED PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, CONTAINING 20.479 ACRES.

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Roger Hensel, Agent, a majority of owners of real estate in the territory, (Petitioners being Hensel Development Company, et al);

WHEREAS, the petition was amended and duly filed with the Board of County Commissioners of Marion County, Ohio on November 2, 2000; and

WHEREAS, the amended petition was duly considered by the Board of County Commissioners of Marion County, Ohio on November 21, 2000; and

WHEREAS, the Board of County Commissioners has approved the annexation of the territory to the City of Marion as hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map, the petition and amended petition as required in connection therewith to the Clerk of Council who received the same on January 26, 2001; and

WHEREAS, sixty days from the date of the filing have now elapsed in accordance with the provisions of R.C. 709.04, now, therefore,

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

Section 1. That the proposed annexation as applied for in the petition of Roger Hensel, as Agent, and a majority owners of real estate in the amended territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on August 11, 2000, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and which the petition was amended on November 2, 2000, and was approved for annexation to the City of Marion by the Board of County Commissioners on November 21, 2000, be and is hereby accepted. The territory is described as follows:

**DESCRIPTION
20.479 ACRES**

Being part of the Northeast Quarter of Section 15, Township 5 S, Range 15 E, Marion Township, Marion County, State of Ohio; Being tracts now or formerly owned by Hensel Development Company (O.R. 489 Pg. 247), National Development Corporation (D.B. 448 Pg. 450), S.L. Close (O.R. 272 Pg. 978), M.P. & M.A. Litell (surv.) (O.R. 378 Pg. 761), T.L. Darnell (O.R. 469 Pg. 600), W. & B.L. Bryant (D.B. 455 Pg. 486), B.D. & D.L. Starling (D.B. 502 Pg. 807), L.E. Peterson, Trustee (O.R. 441 Pg. 777) and being more particularly described as follows;

Beginning at a small spike set on the intersection of the East Line of Fairpark 9th. Addition (also being the East Corporation Line of the City of Marion) with the North Line of Section 15 & the original centerline of County Road 162 (also being the South Corporation Line of the City of Marion); thence along said North Line of Section 15 N 89° 46' 00" E for a distance of 413.83 feet to a small spike set on Grantor's East Line; thence along Grantor's East Line S 0° 02' 00" W for a distance of 924.00 feet to a 1" dia. iron pin set on Grantor's North Line (passing over a 1" dia. iron pin set at 30.00 feet); thence along Grantor's North Line N 89° 46' 00" E for a distance of 924.00 feet to a point on the West Line of Fairpark 16th Addition and the West Corporation Line of the City of Marion (passing over a 1" dia. iron pin set at 923.00 feet); thence along said West Corporation Line S 0° 02' 00" W for a distance of 390.42 feet to a point on the North Line of Fairpark 13th. Addition (also being the North Corporation Line of the City of Marion);

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Form No. 30043

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Passed April 9, 2001
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thence along said North Corporation Line S 89° 56' 00" W for a distance of 1322.56 feet to a 1" dia. iron pin set on the East Line of Fairpark 9th. Addition and the East Corporation Line of the City of Marion (passing over a 1" dia. iron pin set at 1.00 feet); thence along said East Corporation Line N 0° 38' 00" W for a distance of 1310.60 feet to a small spike set on the North Line of Section 15 (passing over a 1" dia. iron pin set at 1280.60 feet) and the point of beginning.

Containing 20.479 acres more or less and being subject to legal highways, easements, restrictions, and agreements of record (for basis of bearing, see Official Record 489 Pg. 247, Marion County Recorder's Office). This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated October 25, 2000. All 1" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, the amended petition for annexation, and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council and have been for more than sixty days.

Section 2. The Clerk of Council be and she is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all other things required by law.

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

APPROVED: April 9, 2001

Kath A. Koehne
PRESIDENT OF COUNCIL

Jack P. Kelley
MAYOR

ATTEST:

Cathy Chappin
CLERK

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

Ordinance No. 2001-36, Page One

Passed April 9, 2001
YEAR

ORDINANCE TO ACCEPT THE PETITION FOR
ANNEXATION OF CERTAIN TERRITORY LOCATED EAST OF
THE CITY OF MARION, CONTAINING 147.096 ACRES OWNED
BY THE MARION CITY BOARD OF EDUCATION.

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Robert H. Thiede, as Agent, (Petitioner being The Marion City Board of Education);

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on November 30, 2000; and

WHEREAS, the Board of County Commissioners has approved the annexation of the territory to the City of Marion as hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map, the petition as required in connection therewith to the Clerk of Council who received the same on February 2nd, 2001; and

WHEREAS, sixty days from the date of the filing have now elapsed in accordance with the provisions of R.C. 709.04, now, therefore,

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

Section 1. That the proposed annexation as applied for in the petition of Robert H. Thiede, Agent for the Marion City Board of Education, filed with the Board of County Commissioners of Marion County, Ohio on August 25, 2000, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and was approved for annexation to the City of Marion by the Board of County Commissioners on November 30, 2000, be and is hereby accepted. The territory is described as follows:

Being part of the West half of Section 24, part of the East half of Section 23, and part of the Southwest Quarter of Section 13, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio, and being more particularly described as follows:

Beginning at an existing railroad spike located at the intersection of the North line of W.R. Lawrence's First Addition as recorded in Plat Book 4, Page 22, with the centerline of Madison Avenue also being the West line of the East half of the Northeast Quarter of Section 23 and the existing Corporation line of the City of Marion;

Thence along the centerline of Madison Avenue and the West line of the East half of the Northeast Quarter of Section 23 also being the existing corporation line North 04 degrees 05 minutes 18 seconds West for a distance of 553.00 feet to an existing railroad spike on the South right-of-way line of the Conrail Railroad (formerly Penn Central Railroad);

Thence along the South right-of-way line of said Conrail Railroad North 63 degrees 54 minutes 29 seconds East for a distance of 3057.98 feet to an existing 1 inch dia. iron bar on the West right-of-way and limited access line of U.S. Route 23 (passing over an existing 5/8 inch dia. iron pin at 32.36 feet, an existing 1 inch dia. iron bar on the East line of Section 23 - West line of Section 24, at 1428.94 feet and an existing 1 inch dia. iron bar on the North line of Section 24 - South line of Section 13 at 2842.53 feet);

Thence along the West right-of-way and limited access line of U.S. Route 23 South 35 degrees 25 minutes 03 seconds East for a distance of 289.40 feet to an existing 1 inch dia. iron bar (passing over an existing 1 inch iron bar on the South line of Section 13 - North line of Section 24 at 94.46 feet);

Thence South 04 degrees 14 minutes 51 seconds East for a distance of 2399.28 feet to an existing railroad spike on the centerline of State Route 309 (Harding Highway East), passing

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over an existing iron pipe at 25.26 feet, an existing survey marker at 2259.01 feet, and an existing 5/8 inch dia. iron pin at 2362.56 feet;

Thence along the centerline of State Route 309 (Harding Highway East) South 50 degrees 53 minutes 00 seconds West for a distance of 549.49 feet to an existing railroad spike (passing over an existing railroad spike at 160.00 feet and an existing railroad spike at 260.00 feet);

Thence North 03 degrees 54 minutes 00 seconds West for a distance of 300.00 feet to an existing 3-1/2 inch dia. steel post (passing over an existing 5/8 inch dia. iron pin at 36.72 feet);

Thence South 50 degrees 53 minutes 00 seconds West for a distance of 100.00 feet to an existing 1 inch dia. iron bar;

Thence South 03 degrees 54 minutes 00 seconds East for a distance of 300.00 feet to an existing railroad spike on the centerline of State Route 309 (Harding Highway East), passing over an existing 5/8 inch dia. iron pin at 263.06 feet;

Thence along the centerline of State Route 309 (Harding Highway East) South 50 degrees 53 minutes 00 seconds West for a distance of 849.14 feet to an existing railroad spike (passing over an existing railroad spike at 205.70 feet, an existing railroad spike at 260.00 feet, and an existing railroad spike at 420.00 feet);

Thence continuing along the centerline of State Route 309 (Harding Highway East) on a curve to the right having a radius of 1145.55 feet (chord South 60 degrees 54 minutes 56 seconds West - 399.11 feet) for an arc distance of 401.16 feet to an existing PK nail and flasher on the East line of Garfield Park Addition as recorded in Plat Book 3, Page 72 (passing over an existing railroad spike at an arc distance of 294.12 feet);

Thence along the East line of said Garfield Park Addition North 09 degrees 50 minutes 56 seconds West for a distance of 856.55 feet to an existing iron pipe on the East-West half section line of Section 24 also being the South line of W.R. Lawrence's First Addition as recorded in Plat Book 4, Page 22 (passing over an existing 5/8 inch dia. iron pin at 46.11 feet);

Thence along the East line of Section 23 - West line of Section 24 also being the East line of W.R. Lawrence's First Addition North 03 degrees 53 minutes 51 seconds West for a distance of 141.98 feet to an existing 5/8 inch dia. iron pin on the North line of W.R. Lawrence's First Addition;

Thence along the North line of W.R. Lawrence's First Addition South 87 degrees 55 minutes 38 seconds West for a distance of 400.16 feet to an existing 1 inch dia. iron bar (passing over an existing iron pin at 100.16 feet and an existing iron pin at 245.16 feet);

Thence North 04 degrees 05 minutes 21 seconds West for a distance of 100.00 feet to an existing 1 inch dia. iron bar;

Thence South 87 degrees 55 minutes 38 seconds West for a distance of 100.00 feet to an existing 1 inch dia. iron bar on the East line of W.R. Lawrence's First Addition;

Thence along the East line of said W.R. Lawrence's First Addition North 04 degrees 05 minutes 21 seconds West for a distance of 836.00 feet to an existing 1 inch dia. iron bar on the North line of said Addition;

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Passed April 9, 2001
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Thence along the North line of said Addition South 87 degrees 55 minutes 38 seconds West for a distance of 818.60 feet to an existing railroad spike on the existing East Corporation line of the City of Marion also being the West line of the East half of the Northeast Quarter of Section 23 and the centerline of Madison Avenue and the point of beginning (passing over an existing iron pin at 158.59 feet and an existing railroad spike at 788.60 feet).

Containing 0.231 acres more or less in Section 13, 36.165 acres more or less in Section 23, and 110.700 acres more or less in Section 24 for a total of 147.096 acres more or less and subject to legal highways, easements, restrictions and agreements of record.

Grantor acquired title by instrument recorded in Official Record Volume 493, Page 635 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 and dated July 20, 2000.

The bearing North 50 degrees 53 minutes 00 seconds East is the same used and recorded for the centerline and tangent line of State Route 309 (Harding Highway East) by the Ohio Department of Transportation on right-of-way plan of ICH114, Section G through F, Sheet 1 of 4. All other bearings were then calculated from field observations.

All existing 1 inch dia. iron bars are 30 inch long steel bars having orange colored plastic tops stamped "FBA".
INC

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council and have been for more than sixty days.

Section 2. The Clerk of Council be and she is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all other things required by law.

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

APPROVED: April 9, 2001

Keith A. Kochreiner
PRESIDENT OF COUNCIL

Jack I. Kell
MAYOR

ATTEST:

Cathy Chappin
CLERK

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

Ordinance No. 2001-37

Passed March 26, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE NORTHSIDE SIDEWALKS AND DELAWARE AVENUE SIDEWALK PROJECT 00-1M

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 Northside Sidewalks and Delaware Avenue Sidewalk Project 00-1M

Section 2. That the cost of such contract shall be payable from a Community Development Block Grant (CDBG).

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

Michael E. Thomas
President of Council
Pro Tempore

Approved: March 27, 2001

Kevin A. Koehnen
Mayor - Acting 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. 2001-38

Passed March 26, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE MCKINLEY LAKE IMPROVEMENTS PROJECT

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the McKinley Lake Improvements Project 01-2S.

Section 2. That the cost of such contract shall be payable from the Storm Sewer Improvement Fund.

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

Michael E. Thomas

President of Council
Pro Tempore

Approved: March 27, 2001

Keith A. Krehbiel

Mayor - Acting 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. 2001-39

Passed March 26, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE AVONDALE AVENUE SANITARY AND STORM SEWER REPLACEMENT AND CATALINA DRIVE STORM SEWER PROJECT 00-1S

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 Avondale Avenue Sanitary and Storm Sewer Replacement and Catalina Drive Storm Sewer Project 00-1S.

Section 2. That the cost of such contract shall be payable from the Sanitary Sewer Improvement Fund and the Storm Sewer Improvement Fund.

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



President of Council
Pro Tempore

Approved: March 27, 2001



Mayor - Acting Mayor

Attest:



Clerk of Council

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

Ordinance No. 2001-40

Passed March 26, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE MARION WILLIAMSPORT ROAD IMPROVEMENTS PROJECT 00-1P 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 Marion Williamsport Road Improvements Project 00-1P.

Section 2. That the cost of such contract shall be payable from the Street Improvement Fund and the Dual Rail Industrial Park Tax Increment Financing (TIF) 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 during the 2001 construction 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.

Michael E. Thoms

President of Council
Pro Tempore

Approved: March 27, 2001

Keith W. Koehne

Mayor - Acting 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. 2001-41

Passed March 26, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE REED AVENUE SANITARY AND STORM SEWER REPLACEMENT PROJECT 00-2S 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 Reed Avenue Sanitary and Storm Sewer Replacement Project 00-2S.

Section 2. That the cost of such contract shall be payable from the Sanitary Sewer Improvement Fund and the Storm Sewer Improvement Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and for further reason that this project must be completed prior to the 2001 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
Pro Tempore

Approved: March 27, 2001



Mayor - Acting Mayor

Attest:



Clerk of Council

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

Ordinance No. 2001-42

Passed March 26, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RESOURCE INTERNATIONAL, INC. FOR PHASE I OF AN ENVIRONMENTAL SITE ASSESSMENT FOR THE CENTRAL GARAGE PROJECT AT 981 WEST CENTER STREET.

WHEREAS, in an effort to determine if 981 W. Center Street is suitable for building a centralized garage facility, a phase I environmental study is necessary, and

WHEREAS, Resource International, Inc. submitted the best proposal for the Phase I of an Environmental Site Assessment for the Central Garage Project at 981 West Center Street, 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 Resource International, Inc. for Phase I of an Environmental Site Assessment for the Central Garage Project at 981 West Center Street. The cost is \$5,400.00 funded from the General Fund.

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 this pricing is only available for a 30 day period; 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.

Michael E. Thomas

 PRESIDENT OF COUNCIL
 Pro Tempore

APPROVED: March 27, 2001

Keith A. Koehner

 MAYOR - Acting Mayor

ATTEST:

Cathy Chappie

 CLERK OF COUNCIL

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

Ordinance No. 2001-43

Passed March 26, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BOHL EQUIPMENT COMPANY, MARION, OHIO FOR THE PURCHASE OF A HYSTER 5,000 POUND FORKLIFT TRUCK TO BE USED AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY

WHEREAS, Bohl Equipment Company submitted the lowest and best bid of \$19,759.00, 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 enter into contract with Bohl Equipment Company for the purchase of a Hyster 5,000 Pound Forklift Truck.

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 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.

Michael E. Lucas
President of Council
Pro Tempore

APPROVED: March 27, 2001

Keith A. Koehler
MAYOR - Acting Mayor

ATTEST:

Cathy Chappin
CLERK OF COUNCIL
File:Ord.Hyster Forklift.cwp

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

Ordinance No. 2001-44

Passed March 26, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MIDWESTERN RAMP SUPPLY, LLC, CINCINNATI, OH FOR THE SKATE BOARD PARK PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2001-22 authorized the preparation of specifications and advertising for bids for the Skate Board Park Project in the City of Marion, Ohio, and


WHEREAS, Midwestern Ramp Supply, LLC, submitted the lowest and best bid of \$41,070.00,

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

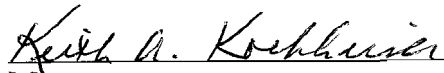
Section 1. That the Safety/Service Director be directed to enter into contract with Midwestern Ramp Supply, LLC, 3433 Berry Avenue, Cincinnati, OH 45208 for the Skate Board Park Project.

Section 2. That said contract shall be payable from the Community Development Block Grant FY 00 Formula Grant and the Skate Board Park Donation funds.


Section 3. That this ordinance is hereby declared 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 that it receives the affirmative vote of two-thirds of all members elected to Council: otherwise it shall become effective from and after the earliest period allowed by law.


Pro Tempore - President of Council

Approved: March 27, 2001


Mayor - Acting Mayor

Attest:


Clerk of Council

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

Ordinance No.2001-45.....

PassedMarch 26.....,2001.....
YEAR

ORDINANCE APPROVING THE DEMOLITION AND REMOVAL
OF TWO BUILDINGS LOCATED AT SAWYER-LUDWIG PARK
AND DECLARING AN EMERGENCY AS AMENDED.

WHEREAS, the Eagles and Moose Clubs terminated their leases for the cottages at Sawyer-Ludwig Park, and

WHEREAS, the Board of Park Commissioners and the Park's Superintendent have recommended demolition of these buildings due to the excessive cost to rehab them, and

WHEREAS, the mayor and Safety/Service Director concur with said decision.

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

Section 1. That The Safety/Service Director is hereby authorized and directed to enter into contract with H & H Excavating to demolish two buildings known as "Lotus" and "Ivy" located in Sawyer-Ludwig Park. Said contract shall be for \$8,200.00 payable from the Park's Fund.

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

AS AMENDED:

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 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.

Michael E. Thomas

President of Council
Pro Tempore

APPROVED: March 27, 2001

Keith A. Kochheiser

Mayor - Acting Mayor

ATTEST:

Cathy Chappin

Clerk of Council

Ordinance No. 2001-46

Passed March 26, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF (1) HEAVY DUTY ¾ TON PICKUP TRUCK FOR THE SANITATION/RECYCLING DEPARTMENT

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

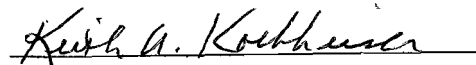
Section 1. That the Safety/Service director is hereby authorized and directed to prepare specifications and advertise for bids for the purchase of (1) Heavy Duty ¾ Ton Pickup Truck for the Sanitation/Recycling Department.

Section 2. That the cost of such contract shall be payable from the Sanitation & Recycling Fund.

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


President of Council
Pro Tempore

Approved: March 27, 2001


Mayor - Acting 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

000557

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-47

Passed March 26, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A CARGO VAN FOR THE STREETS DEPARTMENT

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

Section 1. That the Safety/Service director is hereby authorized and directed to prepare specifications and advertise for bids for the purchase of a Cargo Van for the Streets Department.

Section 2. That the cost of such contract shall be payable from the S.C.M.R. Fund.

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

Michael E. Thomas

President of Council
Pro Tempore

Approved: March 27, 2001

Keith A. Koehn

Mayor - Acting Mayor

Attest:

Cathy Chappie

Clerk of Council

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

Ordinance No. 2001-48

Passed March 26, 2001
YEAR

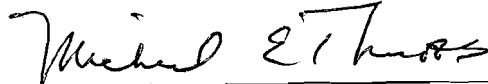
ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF (1) HEAVY DUTY ¾ TON PICKUP TRUCK FOR THE SANITATION DEPARTMENT

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

Section 1. That the Safety/Service director is hereby authorized and directed to prepare specifications and advertise for bids for the purchase of (1) Heavy Duty ¾ Ton Pickup Truck for the Sanitation Department.

Section 2. That the cost of such contract shall be payable from the Sanitation Fund.

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



President of Council
Pro Tempore

Approved: March 27, 2001


Mayor - Acting 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

000561

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-49

Passed March 26, 2001
YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$89,409.28 as follows:

GENERAL FUND

Tree Care	101.7743.530316	\$ 8,000.00
Design Engineering	101.6621.550520	10,000.00
Professional Service	101.7743.530320	5,400.00
TOTAL GENERAL FUND		\$ 23,400.00

SENIOR CITIZENS III-B FUND

Administration	203.3424.540324	\$ 5,161.41
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SENIOR CITIZENS STATE BLOCK FUND

Administration	205.3424.510342	\$ 947.87
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VIOLENCE AGAINST WOMEN

Salaries	212.1540.510110	\$ 10,000.00
Benefits	212.1540.510120	5,500.00
Professional Services	212.1540.530320	7,500.00
TOTAL V.A.W. FUND		\$ 23,000.00

PARKS FUND

Demolition of Buildings	221.3421.530323	\$ 8,200.00
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HEALTH LICENSE FUND

Food Establishments	247.2224.530726	\$ 8,700.00
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YOUTH CENTER FUND

Skateboard Park	442.3422.552520	\$ 20,000.00
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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.

Approved: March 27, 2001

Keith A. Koelbecker
Mayor - Acting Mayor

Attest:

Cathy Chappin
Clerk of Council

Michael E. Cross
President of Council
Pro Tempore

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

RECORD OF ORDINANCES

000563

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-50

Passed March 26, 2001
YEAR

**ORDINANCE AUTHORIZING THE SAFETY SERVICE
DIRECTOR TO ENTER INTO CONTRACT WITH ARCHITECTS,
JESTER JONES, SCHIFER & FELTHAM FOR DESIGN
SERVICES AND COST ESTIMATES FOR AN ADMINISTRATION
BUILDING AT MARION MUNICIPAL AIRPORT AND
DECLARING AN EMERGENCY.**

WHEREAS, the municipal airport administration building gives the first impression of the City to many visitors and is 50 years old and outdated, there is a need established to build a new administration building at Marion Municipal Airport.

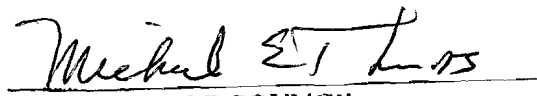
WHEREAS, City Council Finance Committee of Marion authorized Safety Service Director to advertise for "Request for Qualifications" for design services and cost estimates for an administration building at Marion Municipal Airport.

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


Section 1. City Council of Marion authorize the Safety Service Director to enter into contract with architects, Jester Jones, Schifer & Feltham for design services and cost estimates of an administration building at Marion Municipal Airport.

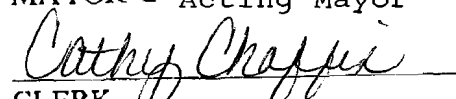
Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were 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 its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL
Pro Tempore

APPROVED: March 27, 2001


MAYOR - Acting Mayor


CLERK

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

Ordinance No. 2001-51

Passed April 23, 2001
YEAR

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED SOUTH OF FLEETWOOD AVENUE IN THE FLEETWOOD ADDITION TO THE CITY OF MARION, OHIO.

WHEREAS, in the opinion of this Council, there is good cause for vacating the east/west alley on the south side Fleetwood Avenue in the Fleetwood Addition to the City of Marion, Ohio, and,

WHEREAS, the petition to vacate this alley was considered and approved by the Marion City Planning Commission at its meeting of March 6, 2001, 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 alley as described in the attached Exhibit "A", 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 fur 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.

Section 4. 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 become effective from and after the earliest period allowed by law.

APPROVED: April 24, 2001

Keith A. Koehne
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

Ordinance No. 20.01- 52

Passed May 14, 2001
YEAR

AN ORDINANCE TO MODIFY THE TRAFFIC CONTROL MAP SPECIFICALLY IN REGARD TO CENTER STREET WITHIN THE DOWNTOWN, TO PROVIDE FOR DIAGONAL PARKING AND OTHER MODIFICATIONS AS DIRECTED BY THE CITY ENGINEER.

WHEREAS, there have been discussions for sometime regarding whether the existing traffic pattern is the optimal situation, and

WHEREAS, this Council finds after actual study and evaluation, the change proposed should take place as overseen by the City Engineer;

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

Section 1. The Council finds it to be in the best interests of the citizens of Marion and all those who may travel to downtown to modify the existing traffic control map to provide for in part, diagonal parking, parallel parking, and other items as directed by the City Engineer to address safety and function.

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

Keith A. Koehne
President of Council

APPROVED: May 15, 2001

Jack L. Kelley
Mayor

ATTEST:

Cathy Chappie
Clerk of Council

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

Ordinance No. 2001-5.3, Page One

Passed April 23, 2001
YEAR

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED WEST OF THE CITY OF MARION, CONTAINING 12.917 ACRES OWNED BY THE MARION CITY BOARD OF EDUCATION.

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Robert H. Thiede, as Agent, (Petitioner being The Marion City Board of Education);

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on December 28, 2000; and

WHEREAS, the Board of County Commissioners has approved the annexation of the territory to the City of Marion as hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map, the petition as required in connection therewith to the Clerk of Council who received the same on February 22nd, 2001; and

WHEREAS, sixty days from the date of the filing have now elapsed in accordance with the provisions of R.C. 709.04, now, therefore,

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

Section 1. That the proposed annexation as applied for in the petition of Robert H. Thiede, Agent for the Marion City Board of Education, filed with the Board of County Commissioners of Marion County, Ohio on October 23, 2000, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and was approved for annexation to the City of Marion by the Board of County Commissioners on December 28, 2000, be and is hereby accepted. The territory is described as follows:

Situated in the northeast Quarter of Section 29, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio; being part of original 132.5 acre tract now or formerly owned by Lynn M. Clabaugh as recorded in Official Record 434, Page 269, and being more particularly described as follows:

Commencing for reference at an iron pipe found at the southwest corner of Parkwood Addition (Lot 13927) as recorded in Plat Book 4, Page 76;

Thence South 00 degrees 14 minutes 00 seconds West 540.00 feet along the City of Marion Corporation Line to a 1" iron pin set at the true point of beginning of the tract herein to be described;

Thence South 89 degrees 47 minutes 07 seconds East 720.27 feet along the City of Marion Corporation Line to a 1" iron pin set; said iron pin being a corner of the City of Marion Corporation Line;

Thence South 00 degrees 14 minutes 00 seconds West 778.03 feet along an east line of said 132.5 acre tract and the City of Marion Corporation Line to a 1" iron pin set; said iron pin being the southeast corner of said 132.5 acre tract and the southeast corner of the west half of the northeast Quarter of Section 29;

Thence South 89 degrees 42 minutes 33 seconds West 720.30 feet along the south line of said 132.5 acre tract, the north line of Clover Dale Addition as recorded in Plat Book 3, Page 198, and the east-west half section line to a 1" iron pin set;

Thence North 00 degrees 14 minutes 00 seconds East 784.39 feet to the true point of beginning.

Ordinance No. 2001-53 Page Two

Passed April 23, 2001
YEAR

Containing 12.917 acres, more or less, and subject to all easements, restrictions and rights-of-way of record.

This description was prepared from a Floyd Browne Associates, Inc. survey performed August 22, 2000.

Basis of bearings: Clinton Heights First Subdivision as recorded in Plat Book 5, Page 48-50. All other bearings were then calculated from field observations.

All 5/8 " and 1" dia. iron pins set have orange colored plastic caps stamped FBA INC.

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council and have been for more than sixty days.

Section 2. The Clerk of Council be and she is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all other things required by law.

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

APPROVED: April 24, 2001

Keith A. Koehnen

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

000001

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-54 Page One

Passed March 26

2001
YEAR

ORDINANCE ACCEPTING THE TERMS AND CONDITIONS IMPOSED BY THE STATE DEPARTMENT OF TRANSPORTATION TO PERFORM A FEASIBILITY STUDY FOR THE CONSTRUCTION OF A GRADE SEPARATION LOCATED ON SR 309 (HARDING HIGHWAY) AT THE CSX RAIL CROSSING AND DECLARING AN EMERGENCY.

PID Number 23120
MAR-SR309-15.70

The following is an Ordinance enacted by the City of Marion, Marion County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the CITY has identified the need for the described project:

This project proposes to perform a feasibility study for the construction of a grade separation with the CSX Railroad. This project has been selected as part of Tier 2 of the Ohio Railroad Grade Separation Program. Project location is on SR309 (Harding Highway) at the CSX Rail crossing (approximately 0.10 miles north of SR95 [Center Street] in the City of Marion).

NOW THEREFORE, be it ordained by the City of Marion, Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State will fund one hundred percent of the cost of the feasibility study.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The Director of Public Service of said City is hereby empowered on behalf of the City of Marion to enter into contracts with the Director of Transportation necessary to complete the above described project.

RECORD OF ORDINANCES

000002

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-54 Page Two

Passed March 26, 2001
YEAR

This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Michael E. Ross

President of Council
Pro Tempore

APPROVED: March 27, 2001

Keith G. Koehner

Mayor - Acting 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. 2001-55

Passed April 9, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OHIO EDISON COMPANY FOR THE INSTALLATION OF STREET LIGHTS ON BROOKSIDE DRIVE AND APPROPRIATING THE NECESSARY FUNDS.

WHEREAS, the Marion City Schools are in the process of building a new elementary school on Brookside Drive, and;

WHEREAS, it has been determined that it is necessary for street lights to be installed along this roadway for the safety of the community and the safe operation of motor vehicles,.

THEREFORE, 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 with Ohio Edison Company for the installation of street lights on Brookside Drive.

Section 2. That the City Auditor appropriate the necessary funds not to exceed \$38,000 into the fund no. 101.1611.550520.

Section 3. That upon acceptance of said street lights they shall be added to the ESIP agreement between the City of Marion and the Ohio Edison Company.

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

Keith A. Kuehner
PRESIDENT OF COUNCIL

APPROVED:

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

000005

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-56, As Amended Passed April 9, 2001
YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001 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 \$935,113.95 as amended \$937,813.95 as follows:

GENERAL FUND

Fire Utilities	101.1131.530310	\$	6,000.00
Youth Center Utilities	101.3422.530310		1,500.00
Senior Center Utilities	101.3424.530310		1,000.00
Airport Utilities	101.6621.530310		1,000.00
City Hall Utilities	101.7741.530310		13,000.00
TOTAL GENERAL FUND		\$	22,500.00

SCMR FUND

Utilities	207.6612.530310	\$	2,000.00
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ANTI-DRUG PATROL FUND

Reimbursements	223.1541.570721	\$	138,000.00
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MARION AREA TRANSIT FUND

Utilities	502.6541.530310	\$	2,000.00
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SEWER SYSTEM IMPROVEMENT FUND

OWDA Loan Interest	503.8913.560639	\$	1,685.32
OWDA Loan Principal	503.8913.560640		768,928.63
TOTAL SEWER SYSTEM IMPROVEMENT		\$	770,613.95

AMENDED TO ADD:

Reed Avenue Sewer Project	550.5002.550520	\$	2,700.00
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Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: April 9, 2001

Keith A. Koehner
PRESIDENT OF COUNCIL

Jack L. Kellogg
MAYOR

ATTEST:
Cathy Chappin
CLERK

Ordinance No. 2001-57, Page One

Passed April 23, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO EXECUTE AN EASEMENT TO GRACE SYMANSIC, FORMERLY GRACE KRANER, FOR THE RIGHT TO USE CERTAIN CITY OWNED PROPERTY SITUATED IN THE CITY OF MARION, COUNTY OF MARION AND STATE OF OHIO, AND BEING ADJACENT TO LOT NUMBER 6873 IN CHRISTINE BOLANDER'S FIRST ADDITION TO THE CITY OF MARION, OHIO.

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

Section 1. That the Safety/Service Director be authorized and is hereby authorized to sign on behalf of the City of Marion, an easement to Grace Symansic, formerly Grace Kraner, her successors and assigns, certain rights as fully set forth in Section 2 hereof;

Section 2. The easement referred to in Section 1 shall be attached as Exhibit "A";

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

Keith A. Koehn

PRESIDENT OF COUNCIL

APPROVED: April 24, 2001

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. 2001-58

Passed _____, YEAR _____

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE NORTH/SOUTH ALLEY SITUATED SOUTH OF CHURCH STREET, NORTH OF KENNEDY COURT, EAST OF WINDSOR STREET AND WEST OF ORCHARD STREET, IN THE CITY OF MARION, OHIO, APPLICANT, THE SALVATION ARMY.

WHEREAS, in the opinion of this Council, there is good cause for vacating the North/South alley on the south side Church Street, North of Kennedy Court, East of Windsor Street, and West of Orchard Street in the City of Marion, Ohio, and,

WHEREAS, the petition to vacate this alley was considered and approved by the Marion City Planning Commission at its meeting of April 3, 2001, 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 alley as described in the attached Exhibit "A", 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 fur 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.

Section 4. 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 become effective from and after the earliest period allowed by law.

APPROVED:

PRESIDENT OF COUNCIL

MAYOR

ATTEST:

CLERK

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

*Defeated By a majority vote of the members.
Cathy Chappin,
Clerk of Council*

Ordinance No. 2001-59

Passed May 29, 2001
YEAR

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED SOUTH OF FLEETWOOD AVENUE, NORTH OF MICHIGAN AVENUE, EAST OF JEFFERSON STREET AND BEING THE WESTERN ONE HALF PORTION OF SAID ALLEY, IN THE FLEETWOOD ADDITION TO THE CITY OF MARION, OHIO.

WHEREAS, in the opinion of this Council, there is good cause for vacating the east/west alley on the south side Fleetwood Avenue, North of Michigan Avenue, East of Jefferson Street, and being the Western One-Half Portion of said alley in the Fleetwood Addition to the City of Marion, Ohio, and,

WHEREAS, the petition to vacate this alley was considered and approved by the Marion City Planning Commission at its meeting of April 3, 2001, 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 alley as described in the attached Exhibit "A", 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 fur 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.

Section 4. 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 become effective from and after the earliest period allowed by law.

APPROVED: May 30, 2001

Keir A. Koehne
PRESIDENT OF COUNCIL

Jack L. Kell
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. 2001-59.....

Passed May 29.....

2001
YEAR

EXHIBIT "A"

DESCRIPTION OF 0.0601 ACRE TRACT: (FOR THE PURPOSE OF VACATING AN ALLEY)

BEING A PART OF AN ALLEY, 15 FEET IN WIDTH, LOCATED IN THE FLEETWOOD ADDITION, RECORDED IN PLAT BOOK 3, PAGE 30; TO THE CITY OF MARION; MARION COUNTY; STATE OF OHIO; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN FOUND AT THE INTERSECTION OF THE SOUTH LINE OF FLEETWOOD AVENUE (40 FEET IN WIDTH) AND THE WEST LINE OF GRAND AVENUE (50 FEET IN WIDTH) IN THE CITY OF MARION; THIS ALSO BEING THE N.E. CORNER OF LOT 6496 IN FLEETWOOD ADDITION;

THENCE SOUTH 04 DEGREES, 15 MINUTES, 00 SECONDS EAST; WITH THE WEST LINE OF GRAND AVENUE AND THE EAST LINE OF LOT 6496, A DISTANCE OF 120.00 FEET TO AN IRON PIN FOUND AT THE S.E. CORNER OF LOT 6496 AND THE NORTH LINE OF A PUBLIC ALLEY;

THENCE NORTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST; WITH THE NORTH LINE OF SAID ALLEY, CROSSING THE S.E. CORNER OF LOT 6495 AT 44.50 FEET, CROSSING AN IRON PIN FOUND AT THE S.E. CORNER OF LOT 6494 AT 84.50 FEET, AND CROSSING THE S.E. CORNER OF LOT 6493 AT 124.50 FEET; A TOTAL DISTANCE OF 164.50 FEET TO AN IRON PIN FOUND AT THE S.E. CORNER OF LOT 6492 AND THE TRUE PLACE OF BEGINNING;

THENCE SOUTH 04 DEGREES, 15 MINUTES, 00 SECONDS EAST; CROSSING SAID ALLEY, A DISTANCE OF 15.00 FEET TO AN IRON PIN SET IN THE NORTH LINE OF LOT 6401;

THENCE NORTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST; WITH THE SOUTH LINE OF SAID ALLEY AND CROSSING THE N.W. CORNER OF LOT 6401 AT 55.00 FEET; A TOTAL DISTANCE OF 175.00 FEET TO AN IRON PIN SET IN THE EAST LINE OF JEFFERSON STREET (50 FEET IN WIDTH) AND AT THE N.W. CORNER OF LOT 6400;

THENCE NORTH 04 DEGREES, 15 MINUTES, 00 SECONDS WEST; WITH THE EAST LINE OF JEFFERSON STREET AND CROSSING SAID ALLEY, A DISTANCE OF 15.00 FEET TO AN IRON PIN SET AT THE S.W. CORNER OF LOT 6458;

THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST; WITH THE NORTH LINE OF SAID ALLEY, CROSSING THE S.E. CORNER OF LOT 6458 AT 120.00 FEET, AND CROSSING THE S.W. CORNER OF LOT 6492 AT 135.00 FEET; A TOTAL DISTANCE OF 175.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 0.0601 ACRE OF LAND, MORE OR LESS, AND SUBJECT TO ALL LEGAL HIGHWAYS, RIGHT-OF-WAYS, EASEMENTS, RESTRICTIONS, AND AGREEMENTS OF RECORD.

ALL SET IRON PINS ARE SOLID, 5/8 INCH, AND BEAR A PLASTIC CAP STAMPED "GARVERICK L.S. 6816".

PRIOR DEED: N/A.

BASIS OF BEARINGS: ASSUMED.

THE ABOVE DESCRIPTION IS BASED UPON A SURVEY BY JAN K. GARVERICK, L.S. 6816; DATED JANUARY 2001 (REVISED APRIL 2001).

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

Ordinance No. 2001-60

Passed May 14, 2001
YEAR

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO UNDER THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE FORMULA FUNDS AND ADMINISTER THE GRANT, AND DECLARING AN EMERGENCY.

WHEREAS, this Council recognizes the need for programs which remove slum and blight, benefit low- and moderate-income households or meet other urgent community development needs; and

WHEREAS, the CDBG Small Cities' Program makes funds available for projects which address these problems; and

WHEREAS, the Mayor must submit an application to the State of Ohio, Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the community and economic development problems.

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

Section 1. That this Council hereby authorizes the Mayor to submit an application for CDBG Small Cities' funds, including the following projects:

- 1. Housing Rehab, Marion Towers \$ 91,500
- 2. Glenwood Soccer Field 54,000
- 3. Roof Repairs, Union Station 33,000
- 4. Fair Housing 1,000
- 5. Environmental Review/Audit/
Admin./Legal Ads 29,500

TOTAL \$209,000

Section 2. That upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grant and administer the CDBG Small Cities's Program in the City of Marion with the City/County Planning Commission.

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.

Keith A. Koehne
PRESIDENT OF COUNCIL

APPROVED: May 15, 2001

Jack L. Kellogg
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

000012

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-61

Passed April 23, 2001
YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$629,300.00 as follows:

SANITARY SEWER IMPROVEMENT FUND

Reed Avenue Project 550.5002.550520 \$370,200.00

STORM SEWER IMPROVEMENT FUND

Reed Avenue Project 560.5002.550520 \$259,100.00

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

APPROVED: April 24, 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

Ordinance No. 2001-62

Passed April 23

2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BABE CHARAPP FORD FOR THE PURCHASE OF A YEAR 2000 FORD CROWN VICTORIA PURSUANT TO O.R.C. 125.04 AND DECLARING AND 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 City's carrier has offered a settlement package as the auto was covered under the City's insurance policy, 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 cruiser, specifically a year 2000 Ford Crown Victoria 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. The Safety/Service Director is authorized to complete the transaction and complete all documents necessary to do so.

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.

Jack L. Kelley

Mayor

Kurt A. Koehner

President of Council

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. 2001-63

Passed May 14, 2001
YEAR

ORDINANCE DIRECTING AND AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A SETTLEMENT AGREEMENT, FURTHER DIRECTING AND AUTHORIZING THE AUDITOR TO PAY THAT AMOUNT DISCUSSED FINDING SAME NECESSARY IN ORDER TO RESOLVE OUTSTANDING LIABILITY AGAINST THE CITY OF MARION AND DECLARING AN EMERGENCY

WHEREAS, The City of Marion through its' Council neither admits, nor concedes any liability whatsoever in this matter, and

WHEREAS a group which claims to be a consumer protection organization did bring suit against the City of Marion, Ohio in February of this year alleging the City's Solicitors and Peddlers Ordinance was, in part, unconstitutional, and

WHEREAS, the Council has defended the privacy rights of the Citizens of Marion, Ohio and has taken every reasonable step to allow every person the right to exercise his/her right to free speech, while at the same time promoting reasonable protections against fraudulent, undue annoyance or even criminal solicitations, not to mention protecting citizens from criminal attacks, and

WHEREAS, given all of the above the City of Marion herein finds the best interests of the Citizens of the City of Marion to be served by resolving the dispute based solely upon economic factors which make it more prudent to settle the claim rather than pursue a defense which most likely would be a successful one, however the cost of litigation would far exceed the cost of the proposal submitted by the Law Director given the Courts application of 42 U.S.C. 1988. This being so even though the City Law Director has been vigilant in avoiding nuisance settlements and the real and present belief of this Council that if the case was fully pursued, the City would be able to not only establish the existing Ordinance is not unconstitutional, but in addition thereto prove the facts as alleged in the complaint are not true. Review of the most recent case law on the matter reveals, Cities which have been successful in defending their Ordinances end up having to pay the alleged wronged party's attorney fees pursuant to the aforementioned federal statute, and

WHEREAS, in settling this claim the City admits no wrongful acts whatsoever and finds it regretful that an organization which claims to be a protectionist organization would victimize the Citizens of Marion in so many ways,

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

Section 1. The City of Marion by its' elected representatives hereby authorizes the Law Director to enter into a final settlement agreement resolving all claims against the City of Marion for a sum certain, pursuant to such terms and conditions as previously presented to the members of Council by the Law Director and upon the advice of his office.

Section 2. The Auditor is authorized and directed to appropriate the necessary sum certain to provide for payment and resolution of all potential liability.

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 to settle all claims immediately to avoid additional litigation costs to 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.

Jack L. Kellogg
Mayor

Attest:
Cathy Chappin
Clerk of Council

Keith A. Koehne
President of Council

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

Ordinance No. 2001-64

Passed April 23, 2001
YEAR

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

WHEREAS, Huron Lime Co. submitted the best bid of \$54.22 ton for High Calcium Pebble Quicklime.

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

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

Section 2. That the contract shall be payable from the Sewer Revenue Fund (505.5552.540420).

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

Keith A. Koehn
PRESIDENT OF COUNCIL

APPROVED: April 24, 2001

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

Ordinance No. 2001-65

Passed April 23, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING CO., INC. FOR THE REED AVENUE SANITARY AND STORM SEWER REPLACEMENT, PROJECT 00-2S, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2001-41 authorized the preparation of plans, specifications and advertising for bids for the Reed Avenue Sanitary and Storm Sewer Replacement, Project 00-2S for the City of Marion, Ohio, and

WHEREAS, Elite Excavating Co., Inc. submitted the lowest and best bid of \$572,087.00.

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 Elite Excavating Co., Inc. for the Reed Avenue Sanitary and Storm Sewer Replacement, Project 00-2S.

Section 2. That the cost of such contract shall be payable from the Sanitary Sewer Improvement Fund and the Storm Sewer Improvement Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and for further reason that this project must be completed prior to the 2001 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. Koehner
President of Council

Approved: April 24, 2001

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

Ordinance No. ...2001-66.....

PassedApril 23,....., 2001.....
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITIONS OF 667 NORTH STATE STREET, 363 SOUTH PROSPECT STREET, 218 EDWARDS STREET, 224 SHORT STREET AND 454 GRANT STREET THAT HAVE BEEN DECLARED DANGEROUS BUILDINGS IN ACCORDANCE WITH CHAPTER 1360 OF THE MARION CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that structures at 667 North State Street, 363 South Prospect Street, 218 Edwards Street, 224 Short Street, and 454 Grant Street are dangerous buildings in accordance with Chapter 1360.

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 demolition of 667 N. State Street, 363 South Prospect Street, 218 Edwards Street, 224 Short Street, and 454 Grant Street.

Section 2. 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 further reason these structures have been determined to be dangerous in accordance with Chapter 1360, 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. Koehner
PRESIDENT OF COUNCIL

APPROVED: April 24, 2001

Paul L. Kelly
MAYOR

ATTEST:

Cathy Chappell
CLERK OF COUNCIL

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

Ordinance No. 2001-67, Page One

Passed May 14, 2001
YEAR

ORDINANCE ENACTED BY THE COUNCIL OF THE CITY OF MARION, MARION COUNTY, OHIO IN THE MATTER OF RESURFACING IN THE CITY OF MARION, APPROXIMATELY 0.95 MILES OF PAVING ON STATE ROUTE 95 AND 0.39 MILES OF PAVING ON STATE ROUTE 309, REQUESTING COOPERATION BY THE OHIO DEPARTMENT OF TRANSPORTATION, AND DECLARING AN EMERGENCY.

PID Number 23304
MAR-SR95-14.26
(MAR-SR309-17.25)
(MAR-SR95D-0.00)

The following is an Ordinance enacted by the City of Marion, Marion County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

This project proposes to resurface pavement with asphalt concrete and replace loop detectors and pavement markings. This project is an ODOT District Six Urban Paving Project.

Project limits extend on Columbia Street (SR95) from the intersection of Davids Street easterly to the intersection of Blaine Avenue; Blaine Avenue (SR95) from the intersection of Columbia Street northerly to the intersection of West Church Street; West/East Church Street (SR95) from the intersection of Blaine Avenue easterly to the intersection of Mt. Vernon Avenue; East Church Street (SR309) from the intersection of Mt. Vernon Avenue easterly to the intersection of Sargent Street; Sargent Street (SR309) from the intersection of East Church Street northerly to the intersection of East Center Street; and Vine Street (SR95D) from the intersection of East Church Street northerly to the intersection of East Center Street.

NOW THEREFORE, be it ordained by the City of Marion, Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

That prior to the construction commencement date of the above-referenced project, the LPA shall install and/or repair all curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act and the LPA agrees to assume and bear one hundred percent (100%) of the cost of such installation and/or repair of curb ramps.

The City will assume and bear one hundred percent (100%) of the cost of construction less the amount of Federal and State funds set aside by the Director of Transportation and the Federal Highway Administration. The City will assume and bear one hundred percent (100%) of the cost of curbs, gutters, utility relocations, partial- and full-depth pavement repairs and other non-surface related items. The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

Ordinance No. 2001-67, Page Two

Passed May 14, 2001
YEAR

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The Director of Public Service of said City is hereby empowered on behalf of the City of Marion to enter into contracts with the Director of Transportation necessary to complete the above described project.

This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 14, 2001
(Date)

Attested: Cathy Chappin
(Clerk)

Jack R. Kelly
(Mayor)

Attested: Cathy Chappin
(Title)

Kirk A. Koehner
(President of Council)

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

ORDINANCE ENACTING A MUNICIPAL NOISE CONTROL ORDINANCE BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CURRENT CODIFIED ORDINANCE BY THE CREATION AND ADOPTION OF SECTION 634, ENTITLED NOISE CONTROL, INCLUDING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE, REPEALING ORDINANCE 1998-126 AND REPLACING SAME HEREWITH

WHEREAS, the Council for the City of Marion has found a need for the adoption of a Noise Control Ordinance within the Municipality, after much investigation and consideration the Council has found noise levels in excess of the limits contained herein to be declared public nuisances, as the limits contained herein are reasonable for our community and will combat the existing public nuisances, and

WHEREAS, considerable hearings and debate have been conducted regarding noise levels in order to determine what levels are acceptable in the community and finding, after considerable debate and evaluation that the levels setforth herein are those maximum levels above which the general public is impacted in negative ways, such as the peaceful enjoyment of their premises. Further, Council finds that public nuisances do exist in the community related to excess noise and that there is a real and present need to ensure the abatement of pre-existing public nuisances, along with future public nuisances, and

WHEREAS, the Council wishes no further delay in the enactment of Code restrictions, regulations and accompanying rules and expressly determines and declares that all existing nonconforming noise constitutes a public nuisance in need of abatement to ensure the continued health, safety, morals and general welfare of the public, wherefore

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

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

CHAPTER 634: NOISE CONTROL

Section

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

Cross-reference:

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

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§ 634.01 DEFINITIONS.

As used in this chapter:

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

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

(C) "Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or on public or private rights of way, structures, utilities or similar property.

(D) "Cyclically varying noise" means any sound which varies in sound level such that the same level is obtained repetitively at reasonably uniform intervals of time.

(E) "Decibel" means a unit for measuring the volume of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

(F) "Demolition" means any dismantling or intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

(G) "Gross vehicle weight rating" means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the maximum loaded weight of the combination vehicle, shall be used.

(H) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.

(I) "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(J) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

(K) "Industrial area" means any use which is contained in M.C.C. Section 1145 "Industrial Districts".

(L) "Motor vehicle" means every vehicle defined as a motor vehicle in Section 301 of the Marion City Traffic Code.

(M) "Motorcycle" means every vehicle defined as a motorcycle in Section 370 of the Marion City Traffic Code.

(N) "Motorized bicycle" means every vehicle defined as a motorized bicycle in Section 370 of the Marion City Traffic Code.

(O) "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

(P) "Noise disturbance" means any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or

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(3) Endangers or injures personal or real property.

(Q) "Person" means any individual, association, partnership or corporation and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

(R) "Place of public entertainment" means any commercial facility open to the general public for purposes of entertainment.

(S) "Powered model vehicle" means any self-propelled airborne, waterborne, or landborne plane, vessel, or vehicle, which is not designated to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

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

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

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

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

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

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

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

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

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

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

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§ 634.02 NOISE DISTURBANCES PROHIBITED.

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

§ 634.03 SPECIFIC ACTS PERMITTED.

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

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

(B) Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of **6:00 a.m. and 2:00 a.m.** such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by special variance. This subsection shall not apply to the use of domestic power tools subject to subsection (c) hereof.

(C) Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower or other similar device used outdoors, other than powered snow removal equipment, outdoors between the hours of **6:00 a.m. and 2:00 a.m.**, or Sunday after the hour of 9:00 a.m.

(D) Emergency Signaling Devices.

(1) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device, for emergency purposes or for testing, as provided in this section. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 6:00 a.m. or after 2:00 a.m. or the closing time of a commercial establishment, whichever shall occur later. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur before 6:00 a.m. or after 2:00 a.m. In no case shall such test exceed ten (10) minutes.

(2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm if such alarm is automatically terminated within two (2) minutes of activation, or within a reasonable time after notification of activation.

(3) The sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right of way or public space, as a warning of danger.

(E) Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 6:00 a.m. and 2:00 a.m.

(F) Loudspeakers/Public Address Systems.

(1) Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right of way or public space for any commercial purpose. Provided however, such use or operation shall require a permit prior to commencement of said activity.

(2) Using, operating or permitting for any noncommercial purpose any loudspeaker, public address system, mobile sound vehicle or similar device between the hours of

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6:00 a.m. and 2:00 a.m. so long as such sound therefrom does not create a unreasonably loud noise disturbance across a residential real property boundary.

(G) Places of Public Entertainment. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in any **INDOORS, WITH DOORS AND WINDOWS IN A CLOSED POSITION**, place of public entertainment at a sound level less than ninety-five (95) dBA as read with a slow response on a sound level meter at any point which is normally occupied by a customer, unless a conspicuous and legible sign is located inside such place near each public entrance, stating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT".

(H) Powered Model Vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of **6:00 a.m. and 2:00 a. m.**

(I) Radios, Television Sets, Musical Instruments and Similar Devices. Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device:

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

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

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

§ 634.04 MAXIMUM PERMISSIBLE SOUND LEVELS BY ZONING DESIGNATIONS.

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

TABLE I

SOUND LEVELS BY ZONING DESIGNATIONS

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

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

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

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

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

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

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

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

(F) If the zoning designation of the property on which the source of the noise is located differs from the zoning designation of the property on which the noise is measured, the maximum permissible noise level of the more restrictive zoning designation shall apply.

(G) The provisions of this section shall not apply to the following:

- (1) Activities covered by Section 755.03(b), (c) and (d);
- (2) Refuse collection vehicles.

§ 634.05 MOTOR VEHICLE NOISE.

(A) No person shall operate, cause to be operated, or permit a public or private motor vehicle, motorcycle, or motorized bicycle on a public right of way at any time in such a manner as to exceed the sound level for such motor vehicle, motorcycle, or motorized bicycle set forth in Table II.

TABLE II

MOTOR VEHICLE, MOTORCYCLE AND MOTORIZED BICYCLE SOUND LIMITS

<u>Vehicle Class</u>	<u>Maximum Number of Decibels Permitted</u>
Motor vehicles with a manufacturers' gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more, or any combination of vehicles towed by such motor vehicle	86
Any other motor vehicle, motorcycle, motorized bicycle, or any combination of vehicles towed by any motor vehicle	80

(B) For the purposes of this section, noise shall be measured at a distance of at least fifty (50) feet from the centerline of motor vehicles, and shall be measured at a height of at least four (4) feet above the immediate surrounding ground surface, and shall be made at least ten (10) feet from any large reflecting surfaces.

(C) The provisions of this section shall not apply to motor vehicles towing vehicles requiring service because of mechanical failure or accident.

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YEAR**§ 634.06 INSPECTIONS BY LAW ENFORCEMENT OFFICERS.**

Any City law enforcement officer, in addition to any other authority vested in him, has the power, upon presentation of proper credentials, to enter and inspect any dwelling, multi-family dwelling, building, structure or premises within the City as may be necessary to enforce the provisions of this chapter, provided permission is obtained from the occupant or, in the case of unoccupied property, from the owner or his/her agent. If such permission is refused, or is otherwise unobtainable, a search warrant must be obtained upon the showing of probable cause to believe that a violation of this chapter may exist, before such entry or inspection is made.

§ 634.07 SPECIAL VARIANCES.

(A) The Safety/Service Director or his/her designated representative, shall have the authority, consistent with this section, to grant special variances.

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

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

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

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

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

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

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§ 634.08 ABATEMENT ORDERS.

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

§ 634.09 NOTICE OF VIOLATION.

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

§ 634.10 OTHER REMEDIES.

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

§ 634.11 EXCEPTIONS.

The provisions of this chapter shall not apply to the following:

(A) The emission of sound for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work.

(B) Organized school or church related programs, activities or events, or parades or other public programs, activities or events authorized by the Mayor or his/her designated representative.

§ 634.12 APPLICABILITY.

Nothing in this chapter shall be construed to permit conduct prohibited by any other statute, ordinance or regulation, or to prohibit the enforcement thereof.

§ 634.13 SEVERABILITY.

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

§ 634.99 PENALTY.

Whoever violates any section of 634 is guilty of using unreasonable sound amplifying devices, a minor misdemeanor, except that if the offender persists in this violation after reasonable warning or request to desist, using unreasonable sound amplifying devices is a misdemeanor of the fourth degree.

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

Keith A. Kachur
PRESIDENT OF COUNCIL

Joseph L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

Approved As Submitted Pursuant
To M.C.C.

Ordinance No. 2001-69

Passed May 14, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 2001 STREET RESURFACING PROGRAM, PROJECT 01-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion, Ohio has been awarded a resurfacing grant from The Ohio Public Works Commission to finance a portion of the 2001 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 2001 Street Resurfacing Program consisting of the following streets:

2001 STREET RESURFACING

<u>STREET</u>	<u>SECTION</u>
1. Forest Lawn Drive	Mt. Vernon Avenue to Toulon Avenue
2. Grant Street	Entire
3. John Street	Entire
4. Leetonia Road	Vernon Heights Boulevard to Uhler Road
5. Oak Street	Entire
6. Rochelle Drive	Entire
7. Uncapher Avenue	Entire
8. Vernon Heights Boulevard	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. Koehn

President of Council

Approved: May 15, 2001

Jack L. Kellogg

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. 2001-70

Passed May 14, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY FOR THE PURCHASE OF ONE ¾ TON PICKUP TRUCK FOR THE SANITATION 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 Lincoln Mercury submitted the best proposal for the purchase of one ¾ ton pickup 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 Mathews Kennedy Ford Lincoln Mercury to purchase one ¾ ton pickup truck for the use in the Sanitation Department. The cost is \$18,626.95 funded from the Sanitation Fund.

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. Kuchewer

PRESIDENT OF COUNCIL

APPROVED: May 15, 2001

Jack L. Kelley

MAYOR

ATTEST:
Cathy Chappie

CLERK OF COUNCIL

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

Ordinance No. 2001-71

Passed May 14, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY FOR THE PURCHASE OF ONE CARGO VAN FOR 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 Lincoln Mercury submitted the best proposal for the purchase of one cargo van, 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 Lincoln Mercury to purchase one cargo van for the use in the Streets Department. The cost is \$18,729.45 funded from the S.C.M.R. Fund

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. Koehlein
PRESIDENT OF COUNCIL

APPROVED: May 15, 2001

Jack L. Kellogg
MAYOR

ATTEST:
Cathy Chappi
CLERK OF COUNCIL

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

Ordinance No. 2001-72

Passed May 14, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY FOR THE PURCHASE OF ONE ¾ TON PICKUP TRUCK FOR THE SANITATION/RECYCLING 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 Lincoln Mercury submitted the best proposal for the purchase of one ¾ ton pickup 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 Mathews Kennedy Ford Lincoln Mercury to purchase one ¾ ton pickup truck for the use in the Sanitation/Recycling Department. The cost is \$18,626.95 funded from the Sanitation/Recycling Fund. Sanitation - \$9,313.48 & Recycling - \$9,313.47

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. Krebber
PRESIDENT OF COUNCIL

APPROVED: May 15, 2001

Jack L. Kelly
MAYOR

ATTEST:
Cathy Chappi
CLERK OF COUNCIL

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

Ordinance No. 2001-73

Passed May 14, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR A PERIOD OF (1) ONE YEAR WITH OPTION YEAR WITH HOLLY'S PRO CLEAN FOR JANITORIAL SERVICES AT CITY HALL AND THE YOUTH CENTER, AND DECLARING AN EMERGENCY.

WHEREAS, It has been determined that Holly's Pro Clean has submitted the lowest and best bid for janitorial services at City Hall and the Youth 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 hereby directed to enter into contract with Holly's Pro Clean for the janitorial services at City Hall and Youth Center for a period of one year and one additional option year.

Section 2. That the City Hall contract of \$14,400/year and Youth Center contract of \$3,800/year shall be payable from each departments Land and Building Maintenance 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 the safety of the City of Marion and the inhabitants thereof, and for further reason that the current contract has expired, 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. Koehler
PRESIDENT OF COUNCIL

APPROVED: May 15, 2001

Jack L. Kelley
MAYOR

ATTEST:

Cathy Chappi
CLERK OF COUNCIL

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

Ordinance No. 2001-74

Passed May 14, 2001
YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$926,583.13 as follows:

VIOLENCE AGAINST WOMEN FUND

Salaries	212.1540.510110	\$ 50,891.00
Benefits	212.1540.510120	24,114.99
Travel	212.1540.520220	6,450.00
Schooling	212.1540.530221	10,700.00
Professional Services	212.1540.530320	24,061.16
Supplies	212.1540.540420	750.00
Equipment	212.1540.550450	<u>3,955.85</u>

TOTAL VIOLENCE AGAINST WOMEN FUND \$120,923.00

DRIP PARK FUND

Quarry Park	431.3421.550520	\$250,712.00
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STORM WATER UTILITY FUND

Qu Qua Ditch Assessment	509.5554.530382	\$532,948.13
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SWIMMING POOL FUND

Capital Improvements	516.3423.550520	\$ 7,000.00
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SANITARY SEWER IMPROVEMENT FUND

Avondale Ave.	550.5001.550520	\$ 5,000.00
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STORM SEWER IMPROVEMENT FUND

Avondale/Catalina	560.5001.550520	\$ 5,000.00
McKinley Lake	560.5012.550520	<u>5,000.00</u>

TOTAL STORM SEWER IMPROVEMENT FUND \$ 10,000.00

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

APPROVED: May 15, 2001

Jack L. Kilgus
MAYOR

ATTEST:
Cathy Chappin
CLERK

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

Ordinance No. 2001-75

Passed May 14, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE SIDING FROM MANNS SEAMLESS SIDING FOR THE LINCOLN POOL BUILDING 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, Manns Seamless Siding, 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 Manns Seamless Siding to purchase siding for the Lincoln Park Pool Building.

Section 2. That the cost of \$6,400.00 shall be payable from the Capital Equipment Fund.

Section 3. 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.

Keith A. Kochheiser
PRESIDENT OF COUNCIL

APPROVED: May 15, 2001

Jack L. Kelly
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. 2001-76, As Amended Passed May 29, 2001
YEAR

~~**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF DANGEROUS STRUCTURES LOCATED AT 365 N. PROSPECT ST., 369 N. PROSPECT ST., 369 1/2 N. PROSPECT ST., 180 LONDON ST., 182 HARRISON ST., AND A GARAGE AT 383 FIES AVE., AND DECLARING AN EMERGENCY.**~~

~~*WHEREAS*, the Safety/Service Director has declared the properties at 369 N. Prospect St., 369 1/2 N/ Prospect St., 365 N. Prospect St., 180 London St., 182 Harrison St., and garage at 383 Fies Avenue to be dangerous in accordance with Chapter 1360 of the Marion Codified Ordinances.~~

~~*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 demolition of 365 N. Prospect St., 369 N. Prospect St., 369 1/2 N. Prospect St., 180 London St., 182 Harrison, and a garage at 383 Fies Ave.~~

AS AMENDED:

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF DANGEROUS STRUCTURES LOCATED AT 182 HARRISON ST., AND A GARAGE AT 383 FIES AVE., AND DECLARING AN EMERGENCY.

WHEREAS, the Safety/Service Director has declared the properties at 182 Harrison St., and garage at 383 Fies Avenue to be dangerous in accordance with Chapter 1360 of the Marion Codified Ordinances.

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 demolition of 182 Harrison, and a garage at 383 Fies Ave.

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 as such, shall take effect and be in force 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.

Kevin A. Koehner
 PRESIDENT OF COUNCIL

APPROVED: May 30, 2001

Jack L. Kelly
 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. 2001-77, As Amended Passed May 29, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR DEMOLITION OF 363 S. PROSPECT ST., 454 GRANT ST., 224 SHORT ST., 218 EDWARDS ST. AND WITH FRAYER FARMS FOR 667 N. STATE ST., AND DECLARING AN EMERGENCY, AS AMENDED.

WHEREAS, the Safety/Service Director has declared the structures at 363 S. Prospect St., 454 Grant St., 224 Short St., 218 Edwards St., and 667 N. State St., to be a dangerous buildings according to Chapter 1360 of the Marion Codified Ordinances; and,

WHEREAS, J & J Renovations and Frayer Farms submitted the lowest and best bids, and therefore;

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

Section 1. That the Safety/Service Director be authorized to enter into contract with J & J Renovations for the demolition of 363 S. Prospect St., 454 Grant St., 224 Short St., 218 Edwards St. and Frayer Farms for 667 N. State Street.

~~**Section 2.** That funding is currently available for each property except 224 Short Street and shall be payable from General Fund Account No. 101.7716.530323.~~

AS AMENDED:

Section 2. That funding is currently available for each property except 224 Short Street and shall be payable from General Fund Account No. 101.7716.530323. Also excepting 363 South Prospect Street which shall be paid from the insurance proceeds fund.

Section 3. It will be necessary for Council to approve the additional funding for 224 Short Street under separate legislation that may be proposed in the future.

Section 4. 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 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. Koehse
 PRESIDENT OF COUNCIL

APPROVED: May 30, 2001

Jack L. Kelly
 MAYOR

ATTEST:
Cathy Chappi
 CLERK OF COUNCIL

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

Ordinance No. 2001-78, As Amended

Passed May 29, 2001
Year

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001 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 ~~\$10,100.00~~ as amended \$11,100.00 as follows:

HEALTH FUND

Supplies	214.2221.540420	\$	3,000.00
Blight Control	214.2222.530427		<u>7,000.00</u>
TOTAL HEALTH FUND		\$	10,000.00

PARKS FUND

Refund	221.3421.570720	\$	100.00
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AMENDED TO ADD:

STREET IMPROVEMENT FUND

Street Construction (Marion Williamsport Rd.)	461.6109.550520	\$	1,000.00
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Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: May 30, 2001

Keith A. Koehlein
PRESIDENT OF COUNCIL

Josh L. Kelly
MAYOR

ATTEST:

Cathy Chappie
CLERK

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

Ordinance No. 2001-79

Passed May 29, 2001
YEAR

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."

Storm Sewer Improvement Fund \$ 3,500.00

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

Keith G. Koskiewicz
PRESIDENT OF COUNCIL

APPROVED: May 30, 2001

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

000055

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-80

Passed May 29

2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD L-M TO PURCHASE (1) 2002 FORD EXCURSION 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, Mathews Kennedy Ford L-M 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 is hereby directed to enter into contract with Mathews Kennedy Ford L-M, to purchase (1) 2002 Ford Excursion for use at the Fire Department.

Section 2. That the \$33,000.00 cost of said contract shall be payable from the Capital Improvement Fund Account No. 401.1131.551450

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

Kirk A. Koehner
President of Council

APPROVED: May 30, 2001

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

Ordinance No. 2001-81, Page One

Passed _____, _____ YEAR

ORDINANCE AMENDING SECTIONS 351.16 BACKING FOR LOADING LIMITED; 351.17 LOADING HOURS RESTRICTED IN BUSINESS DISTRICT; AND 351.05 MANNER OF ANGLE PARKING OF THE MARION CITY CODE IN ORDER TO REFINE THE EXISTING CODE AND ENSURE THE FREE FLOW OF TRAFFIC WITHIN THE DOWNTOWN AREA

WHEREAS, the Council has recently enacted legislation providing for angled parking within the downtown, and

WHEREAS, during the discussion of diagonal or angled parking it was recognized that modifications would be necessary to accommodate the aforementioned change in order to, in part, enable the free flow of traffic within the downtown area, and

WHEREAS, the Council finds it necessary to modify the following Marion City Code sections to enhance the safety and welfare of the citizens of Marion and finds the following laws to be the best possible for the circumstances at hand,

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

Section 1. Marion City Code Section § 351.16 BACKING FOR LOADING LIMITED.

now reading as:

Except as otherwise provided by law, no vehicle shall remain backed up to a curb unless it is actually loading or unloading and, in such case, no longer that fifteen minutes, unless a permit has been procured from the Chief of Police allowing an extension of time.

shall be amended to read as follows:

Except as otherwise provided by law, no vehicle shall remain backed up to a curb unless it is actually loading or unloading and, in such case, no longer that fifteen minutes, unless a permit has been procured from the Chief of Police allowing an extension of time. HOWEVER, AT NO TIME SHALL A VEHICLE BE BACKED UP TO A CURB IN THE DOWNTOWN BUSINESS DISTRICT WITHOUT HAVING PROCURED A PERMIT FROM THE CHIEF OF POLICE.

Section 2. Marion City Code Section § 351.17 LOADING HOURS RESTRICTED IN BUSINESS DISTRICT

now reading as:

§ 351.17 LOADING HOURS RESTRICTED IN BUSINESS DISTRICT

No vehicles shall back up to the curb or double park for the purpose of loading or unloading on Main Street from George Street to the second alley south of Church Street, on Prospect Street and State Street from the first alley south of Church Street to Huber Street, on Center Street from the Conrail Railway to Vine Street and on Church Street from Prospect Street to Vine Street between the hours of 11:30 a.m. and 7:30 p.m. on Sunday to Thursday, inclusive, and between the hours of 11:30 a.m. and 10:00 p.m. on Friday and Saturday.

shall be amended to read as follows:

§ 351.17 PROHIBITION AGAINST STOPPING, STANDING OR LOADING IN DOWNTOWN

No vehicles shall at any time stop, halt or stand, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, nor shall any vehicle back up to the curb or double park for the purpose of loading or unloading on Main Street from George Street to the second alley south of Church Street, on Prospect Street and State Street from the first alley south of Church Street to

Ordinance No. 2001-81, Page Two Passed JUN 25 2001 YEAR

Huber Street, on Center Street from the CSX Railway to Vine Street and on Church Street from Prospect Street to Vine Street, EXCEPT IN DESIGNATED LOADING ZONES. UNLESS A PERMIT HAS BEEN PROCURED FROM THE CHIEF OF POLICE ALLOWING FOR SPECIAL CIRCUMSTANCES TO WARRANT THE LOADING OR UNLOADING OF A VEHICLE IN CONFLICT HEREWITH.

Section 3. Marion City Code Section § 351.05 MANNER OF ANGLE PARKING.

now reading as:

Upon streets and municipal property where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.

shall be amended to read as follows:

Upon streets and municipal property where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings AND SAID VEHICLE SHALL STOP, STAND OR PARK WITH NO MORE THAN 12 INCHES BETWEEN THE VEHICLES CLOSEST MOST CORNER AND THE CURB.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Keith A. Kochheiser
MR. KEITH KOCHHEISER
PRESIDENT OF COUNCIL

APPROVED: JUN 26 2001

Jack L. Kellogg
MAYOR JACK L. KELLOGG

ATTEST:

Cathy Chaffin
CATHY A. CHAFFIN
CLERK OF COUNCIL

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

Ordinance No. 2001-82.....

Passed YEAR

ORDINANCE AMENDING SECTION 750.11 TITLED "HOURS; BUSINESS ON SUNDAY PROHIBITED" CONTAINED WITHIN THE EXISTING PEDDLERS, CANVASSERS AND SOLICITORS REQUIREMENTS OF THE MARION CITY CODE IN ORDER TO BRING SAID SECTION INTO COMPLIANCE WITH FEDERALLY DICTATED CONSTITUTIONAL STANDARDS

WHEREAS, the Council recently authorized legislation providing for settlement of a suit which alleged the existing Solicitors/Peddlers Ordinance contained various unconstitutional provisions, and

WHEREAS, Ordinance 2001-63 contained the Council's state of mind regarding the alleged citizens action group's tactics, and

WHEREAS, the Council finds it necessary to modify the following Marion City Code section in order to bring said section into with the Federal Court's dictated constitutional compliance, however Council firmly believes the suit and the Federal mandate to be an unconstitutional infringement upon its' right to home rule,

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

Section 1. Marion City Code Section § 750.11 HOURS; BUSINESS ON SUNDAY PROHIBITED.

now reading as:

All soliciting, canvassing or peddling done under registration issued hereunder shall be done between the hours of 9:00 a.m. and 7:00 p.m. on weekdays, including Saturday, and no such soliciting, canvassing or peddling shall be done on Sundays.

shall be amended to read as follows:

All soliciting, canvassing or peddling done under registration issued hereunder shall be done between the hours of 9:00 a.m. and 9:00 p.m. on weekdays, including Saturday, and no such soliciting, canvassing or peddling shall be done on Sundays.

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

Keith A. Kochheiser

MR. KEITH KOCHHEISER
PRESIDENT OF COUNCIL

APPROVED:

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

Jack L. Kellogg
MAYOR JACK L. KELLOGG

ATTEST:

Cathy Chaffin
CATHY A. CHAFFIN
CLERK OF COUNCIL

Ordinance No. ~~2001-83~~, Page One

Passed _____, _____
YEAR

ORDINANCE AMENDING SECTIONS 660.07 (A)(1)(4) AND 660.07 (B)(1) OF THE JUNK VEHICLE STORAGE/JUNK YARD AND SCRAP METAL PROCESSING FACILITY REQUIREMENTS CONTAINED WITHIN THE MARION CITY CODE

WHEREAS, the Council finds it necessary to further refine the existing Junk Motor Vehicle Storage/Junk Yar & Scrap Metal Processing Facility Requirements of the Marion City Code in order to make same consistent with Ohio Revised Code and enhance the service provisions to make same more compatible for all parties, and

WHEREAS, the Council finds after due consideration, the following amendments to the already existing section of law to be fair, just and equitable to all citizens of the City and to ensure a more fair enforcement of the Code section,

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

Section 1. Marion City Code Section § 660.07 JUNK VEHICLE STORAGE/JUNK YARD AND SCRAP METAL PROCESSING FACILITY REQUIREMENTS

now reading, in part, as follows:

660.07 (A)1. As used in this section JUNK MOTOR VEHICLES mean any motor vehicle meeting any three of the following criteria:

1. Five years old or older,
2. Partially dismantled,
3. Inoperable,
4. Fair Market value of less than three hundred dollars (\$ 300.00),
5. Unlicensed, improperly licensed or not displaying a valid license plate.

SHALL BE AMENDED TO READ AS FOLLOWS:

660.07 (A)1. As used in this section JUNK MOTOR VEHICLES mean any motor vehicle meeting any three of the following criteria:

1. Five years old or older,
2. Partially dismantled,
3. Inoperable,
4. Fair Market value of less than **FIFTEEN** hundred dollars (\$ **1,500.00**),
5. Unlicensed, improperly licensed or not displaying a valid license plate.

Section 2. Marion City Code Section § 660.07 JUNK VEHICLE STORAGE/JUNK YARD AND SCRAP METAL PROCESSING FACILITY REQUIREMENTS

now reading, in part, as follows:

660.07 (B)(1) No person in charge or control of any private or commercial property within the City, whether as an owner, tenant, occupant, lessee or otherwise, or the registered owner of the motor vehicle, shall allow a Junk Motor Vehicle to remain on such property longer than ten (10) days after receipt of written notice to remove the junk motor vehicle from such premises. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor continues to be so left constitutes a separate offense. (ORC § 4513.65) The written notice shall be issued to the property owner and the owner of such vehicle by an officer of the Police Department or a designee of the Safety/Service Director by either personal or certified mail service with return receipt requested. In the event no return is received when service is attempted upon the owner of such vehicle by certified mail, or personal service has not been made after diligent attempts, notice shall be made by publication once in a daily newspaper for general circulation within the City. Such junk motor

Ordinance No. 2001-83, Page Two Passed JUN 26 2001 YEAR

vehicle shall be removed within ten (10) days after publication. If the owner of the property cannot be found, a copy of the notice posted upon the premises shall be sufficient. Such notice shall contain:

- (1) The name of the property owner and the address at which the junk motor vehicle is located,
(2) The make and model of the vehicle,
(3) The license plate number, if any,
(4) A description of the condition of said vehicle,
(5) A statement to the effect that the person charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally responsible for the removal of the subject junk motor vehicle,

Except as allowed in subsections (B)(2) herein, parking, storage, maintenance or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of the City.

SHALL BE AMENDED TO READ AS FOLLOWS:

660.07 (B)(1) No person in charge or control of any private or commercial property within the City, whether as an owner, tenant, occupant, lessee or otherwise, or the registered owner of the motor vehicle, shall allow a Junk Motor Vehicle to remain on such property longer than ten (10) days after receipt of written notice to remove the junk motor vehicle from such premises. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor continues to be so left constitutes a separate offense. (ORC § 4513.65) The written notice shall be issued to the property owner and the owner of such vehicle by an officer of the Police Department or a designee of the Safety/Service Director by either personal service, certified mail return receipt requested, publication or posting consistent herewith. In the event no return is received within twenty days (20) of certified mailing or is received back and indicates unclaimed, moved or undeliverable and personal service has not been made after diligent attempts, notice may be provided by either of the following methods: By publication once in a daily newspaper for general circulation within the City; or By posting the notice upon the real property upon which the vehicle is located and upon the vehicle itself, either of which methods of service shall be sufficient. Such junk motor vehicle shall be removed within ten (10) days after service or the last date of publication which ever is applicable. Such notice shall contain:

- (1) The name of the property owner and the address at which the junk motor vehicle is located,
(2) The make and model of the vehicle,
(3) The license plate number, if any,
(4) A description of the condition of said vehicle,
(5) A statement to the effect that the person charge or in control of the private property upon which such vehicle is located and the titled owner of such vehicle are jointly and severally responsible for the removal of the subject junk motor vehicle,

Except as allowed in subsections (B)(2) herein, parking, storage, maintenance or collection of junk motor vehicles on private property is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the residents of the City.

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

APPROVED: JUN 26 2001

MR. KEITH KOCHHEISER
PRESIDENT OF COUNCIL

MAYOR JACK L. KELLOGG

CATHY A. CHAFFIN

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

Ordinance No. 2001-84

Passed June 11, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR PAVEMENT REHABILITATION, STRIPING, SECURITY FENCING AND SIGNAGE AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion has been tentatively allocated \$150,000.00 FAA Entitlement Grant, known as Project 11, toward construction estimate of \$166,667.00

WHEREAS, The final grant award is offered as a result of these bids and bids must be submitted to granting agency in July, 2001.

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 advertise for bids for pavement rehabilitation, striping, security fencing to Runway 6/24 and associated taxiways and apron and signage at the Marion Municipal Airport.

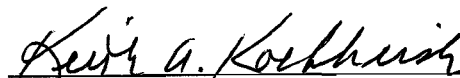
Section 2. The specifications were prepared by Yager and Associates of Toledo, Ohio, who was selected per FAA guidelines and authorized by Ordinance 1997-111.

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

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


MR. MICHAEL THOMAS
PRESIDENT OF COUNCIL PRO TEMPORE

APPROVED: June 11, 2001


MR. KEITH KOCHHEISER
ACTING MAYOR

ATTEST:


CATHY A. CHAFFIN
CLERK OF COUNCIL

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

Ordinance No. 2001-85.....

Passed June 11, 2001
YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH URS CORPORATION FOR ENGINEERING SERVICES IN CONNECTION WITH THE DEVELOPMENT AND EXTENTION OF INNOVATION DRIVE AT THE AIRPORT INDUSTRIAL PARK AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to prepare final construction plans for the extension of Innovation Drive, and;

WHEREAS, the City of Marion has determined URS Corporation to be the most qualified firm for this project, and;

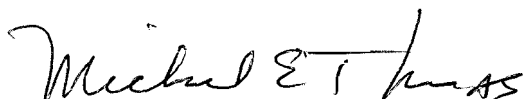
WHEREAS, any costs associated with this contract will be reimbursed to the City through a 629 Ohio Department of Development Grant when a final decision has been made by a prospective tenant.

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 URS Corporation for design engineering and inspection services for Innovation Drive.

Section 2. That the cost of said project shall be payable from the Airport Industrial Park 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 further reason this project must be completed by November 1, 2001; and as such, shall take effect and be in force 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.


MR. MICHAEL THOMAS
PRESIDENT OF COUNCIL PRO TEMPORE

APPROVED: June 11, 2001


MR. KEITH KOCHHEISER
ACTING MAYOR

ATTEST:


CATHY A. CHAFFIN
CLERK OF COUNCIL

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

Ordinance No. 2001-86

Passed June 11, 2001
YEAR

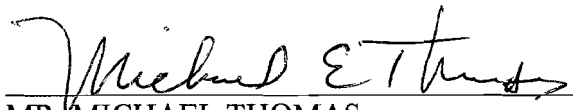
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE AIRPORT INDUSTRIAL PARK FUND FOR THE YEAR ENDING DECEMBER 31, 2001.

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

Section 1. That there be additional appropriations made in the Airport Industrial Park Fund in the amount of \$110,000.00 as follows:

Capital Improvements	410.4612.550520	\$100,000.00
Capital Improvements	410.4539.550520	<u>10,000.00</u>
TOTAL		\$110,000.00

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


MR. MICHAEL THOMAS
PRESIDENT OF COUNCIL PRO TEMPORE

APPROVED: June 11, 2001


MR. KEITH KOCHHEISER
ACTING MAYOR

ATTEST:


CATHY A. CHAFFIN
CLERK OF COUNCIL

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

Ordinance No. 2001-87

Passed June 11, 2001
YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CONTINGENCIES FOR THE PURCHASE OF SIX LOTS WITHIN DWYER'S FIFTH ADDITION TO THE CITY OF MARION FOR MUNICIPAL PURPOSES THROUGH THE COMMUNITY IMPROVEMENT CORPORATION, AND DECLARING AN EMERGENCY

WHEREAS, the administration has for sometime been pursuing negotiations to expand the existing Municipal property located on W. Center St. within the City and the Mayor having advised that an offer of sale has been tendered to which he wishes to accept and complete the purchase of six lots within Dwyer's fifth addition to the City to be utilized by the Municipality,

WHEREAS the Council for the City of Marion, Ohio after due deliberation and consideration finds the offer tendered and the proposed purchase in the best interests of the citizens of the City and the property is necessary for a municipal purpose,

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

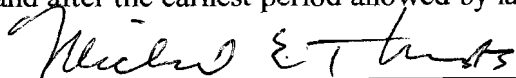
Section 1. The Mayor is authorized and directed to enter into agreement, approved as to form by the Law Director, providing for the acceptance of the tendered offer and purchase of said property, specifically Lots numbered 4222, 4223, 4224, 4225, 4226 and 4227 in Dwyer's Fifth Addition to the City of Marion, Ohio, with the following contingencies:

- A. Completion of a site survey at the City's expense and acceptance of the said survey and the boundaries identified therein,
- B. Completion of a site assessment at the City's expense and acceptance of the findings contained within said report at the City's sole discretion,
- C Approval of the purchase by the City's agent the Community Improvement Corporation

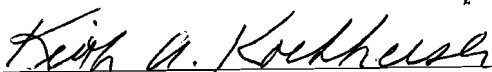
And, the Mayor being further authorized and directed to do all acts necessary to complete the purchase once all contingencies having been fulfilled.

Section 2. The Auditor is directed to appropriate the sum of \$ 10,000.00 to be applied toward the purchase of those properties listed in Section 1 above and is directed to complete all acts necessary to complete the transaction authorized herein.


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: in order to obtain the property in an expedient manner in order allow for more efficient manner of providing municipal services; 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.


MR. MICHAEL THOMAS
PRESIDENT OF COUNCIL PRO TEMPORE

APPROVED: June 11, 2001


MR. KEITH KOCHHEISER
ACTING MAYOR

ATTEST:


CATHY A. CHAFFIN
CLERK OF COUNCIL

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

Ordinance No. 2001-88, Page One Passed JUL 23 2001 YEAR

ORDINANCE ADOPTING CHANGES TO THE EXISTING SUBDIVISION REGULATIONS FOR THE CITY OF MARION, OHIO REPEALING ALL PREVIOUS REGULATIONS WHICH CONFLICT WITH THE CHANGES HEREIN ADOPTED

WHEREAS, in October 1966 the City of Marion, Ohio, along with the County adopted initial Subdivision Regulations, and

WHEREAS a committee comprised of representatives of the County Engineer, City Engineer, County Health Department, County Prosecutor, County Sanitary Engineer and City Law Director's Office participated in some way to create an update of the aforementioned Regulations, and

WHEREAS, the Marion County Regional Planning Commission adopted the proposed changes on May 27, 1998 with the exception of Section 4.522 Performance Bond which they kept the same as was in the prior regulations and the Marion City Planning Commission adopted these same changes on July 7, 1998, and

WHEREAS On May 25, 2000 the County Commissioners for Marion County, Ohio after proper publication of a public hearing held the 27 day of April, 2000 adopted the proposed changes, and

WHEREAS the Council for the City of Marion, Ohio has properly published notice of the proposed changes and in addition there thereto have reviewed said changes and finds same to be in the best interest of the citizens of the City of Marion, Ohio

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

Section 1. The Council finds a real and present need to update the Subdivision Regulations previously adopted and herein accepts and adopts the revisions made thereto as are contained within Exhibit A attached hereto and made a part hereof. All conflicting provisions contained within the previous Subdivision Regulations are hereby repealed, those not in conflict are retained and those items contained within the Exhibit attached hereto which were not a part of the previous Subdivision Regulations are adopted.

Section 2. The changes include, but are not limited to, the following as compiled by the Regional Planning Commission:

1. Elimination of preliminary plan section. This section is redundant because it almost has the same requirements as the final plan section.
2. Elimination of three-mile jurisdiction for City (required due to changes in State law).
3. Increase of lot size of single- family and two- family home in Cou-ty to one acre (no sanitary sewer or water). Present lot size requirement is 25,000 square feet. County HO likes to see one acre as a general rule of thumb.
4. Requiring sidewalks in all major subdivisions.
5. Adding erosion control requirements. Subdivisions disturbing less than five acres shall follow standards and specifications outlined in Water Management and Sediment Control for

RECORD OF ORDINANCES

000072

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-88, Page Two

Passed JUL 23 2001, YEAR

Urbanized Areas. Subdivisions disturbing five or more acres shall submit a soil erosion plan to the Ohio EP A.

6. Amending flood plain regulations. Regulations allow development in 100-year flood plain with stipulations.

7. Bringing public improvement standards up to current ODOT requirements.

8. Redefining available sanitary sewer. Sanitary sewer lines shall be deemed available if within 1,000 feet Of a subdivision. Current requirements allow County Sanitary Engineer and County HO to make determination if available.

9. Requiring the installation of fire hydrants in all major subdivisions. Fire hydrants shall be installed in all major subdivisions that have public water.

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

APPROVED: JUL 24 2001

Keith A. Koehner
President

Jack L. Kelly
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. 2001-89

Passed _____, _____ YEAR

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."

Sewer Replacement Fund \$ 1,492.69

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.

Keith A. Kuehner
PRESIDENT OF COUNCIL

APPROVED:

Paul Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

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

Ordinance No. 2001-90

Passed _____, _____ YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF MARION AND THE STATE OF OHIO TO FACILITATE THE RECEIPT OF AN ECONOMIC COMPETITIVE COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT THE FUNDING TO BE UTILIZED FOR THE AIRPORT INDUSTRIAL PARK PHASE II PROJECT - SILVER LINE BUILDING PRODUCTS CORP. AND DECLARING AN EMERGENCY

WHEREAS, the Council has been kept abreast of the City of Marion's efforts to openly receive and accommodate Silver Line Building Products Corp. and their contemplated locating within the existing City of Marion Airport Industrial Park, and

WHEREAS, the project and whether it comes to fruition is contingent upon a number of variables one of which includes the request for and receipt of an Economic Competitive Community Development Block Grant from the Ohio Department of Development to be utilized for public infrastructure necessary for Silver Line Building Products Corp., and

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

SECTION 1. The Council declares it to be in the citizens of Marion, Ohio's best interest to authorize and direct the Mayor to complete all documents, reports, applications and agreements necessary to ensure the receipt of Economic Competitive Community Development Block Grant funding for the Airport Industrial Park Phase II Project, including but not limited to an agreement between the City and the County of Marion, in order to accommodate Silver Line Building Products Corp. and their anticipated location within the aforementioned Park to be utilized for public infrastructure improvements related thereto. This funding having already been approved according to the Marion Regional Planning Commission office in the amount of \$ 400,000.00.. Said authorization contingent upon the documents, reports, application and/or agreements having been pre-approved as to terms and conditions by the Director of Law,

SECTION 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediacy of the project and the need to secure all pieces to ensure this substantial enterprise locating at the Park; 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. Koehner
President of Council

APPROVED:

Jack L. Kelly
Mayor

ATTEST: *Cathy Chapin*
Clerk of Council

Ordinance No. 2001-91

Passed JUL 23 2001 YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO FACILITATE SILVER LINE BUILDING PRODUCTS CORP. REQUEST FOR A REAL ESTATE IMPROVEMENT TAX ABATEMENT WITHIN THE CITY'S AIRPORT INDUSTRIAL PARK

WHEREAS, the Council has reviewed the materials provided related to the request by Silver Line Building Products Corp.'s for a real estate improvement tax abatement, and

WHEREAS, the Council continues to support development and expansion of opportunities for all of the citizens of the entire community, and

WHEREAS, the Council has considered the request of Silver Line and finds same to be in the best interests of the Citizens of the City and the entire community,

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

SECTION 1. The Mayor on behalf of the citizens of the City of Marion is authorized and directed to join in Silver Line's request for a real estate improvement tax abatement and support said request before all governmental entities before which the request is considered. Further, the Mayor is authorized and directed to complete all documents, reports, applications and agreements necessary to facilitate the request for a 100 % abatement on the real estate improvement for 15 years. Said authorization contingent upon the documents, reports, application and/or agreements having been pre-approved as to terms and conditions by the Director of Law,

SECTION 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediacy of the project and the need to secure all pieces to ensure this substantial enterprise locating within the Airport Park; 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. Koepfman
President of Council

APPROVED: JUL 24 2001

Jack L. Kelley
Mayor

ATTEST:
Cathy Chappin
Clerk of Council

Ordinance No. 2001-92

Passed YEAR

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR THE LEASE OF CERTAIN FARM LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, Council authorizes the Safety/Service Director to advertise for bids to lease certain farm lands adjacent to the Marion Municipal Airport as shown and delineated on a plat on file in the office of Safety/Service Director, and

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 advertise for bids for lease for a period of five (5) crop years ending September 30, 2006, for certain farm lands adjacent to the Marion Municipal Airport as shown and delineated.

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 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.

Keith A. Koehn
PRESIDENT OF COUNCIL

APPROVED:

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

Ordinance No. 2001- 93

Passed _____, _____ YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$120,066.00 as follows:

Community Corrections Fund

Salaries	224.7542.510110	\$ 72,311.00
Benefits	224.7542.510120	24,174.00
Travel	224.7542.520220	489.00
Schooling	224.7542.530221	460.00
Professional Services	224.7542.530320	10,690.00
Service Contracts	224.7542.530321	990.00
Supplies	224.7542.540420	2,262.00
Equipment	224.7542.550450	2,690.00
	TOTAL	\$114,066.00

Enforcement & Education Fund

Professional Services	227.1111.530320	\$ 6,000.00
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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. Kochman
PRESIDENT OF COUNCIL

APPROVED:

Paul L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

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

Ordinance No. 2001-94

Passed _____, YEAR _____

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/ SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE AVONDALE AVENUE SANITARY AND STORM SEWER REPLACEMENT AND CATALINA DRIVE STORM SEWER, PROJECT 00-1S, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2001-39 authorized the preparation of plans, Specifications and advertising for bids for the Avondale Avenue Sanitary and Storm Sewer Replacement and Catalina Drive Storm Sewer, Project 00-1S for the City of Marion, Ohio, and

WHEREAS, Underground Utilities, Inc. submitted the lowest and best bid of \$1,076,295.00.

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

Section 1. That the Safety/Service Director be directed to enter into contract with Underground Utilities, Inc. for the Avondale Avenue Sanitary and Storm Sewer Replacement and Catalina Drive Storm Sewer, Project 00-1S.

Section 2. That the cost of such contract shall be payable from the Storm Sewer Improvement Fund and 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 for the further reason that this project must be completed during the 2001 construction 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.

Keith A. Koehne

President of Council

Approved:

Paul 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

Ordinance No. 2001-95

Passed _____ YEAR

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH
MANSFIELD ASPHALT PAVING COMPANY FOR THE MARION
WILLIAMSPORT ROAD IMPROVEMENT, PROJECT 00-1P, FOR
THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 2001-40 authorized the preparation of plans, Specifications and advertising for bids for the Marion-Williamsport Road Improvements, Project 00-1P, for the City of Marion, Ohio, and

WHEREAS, Mansfield Asphalt Paving Company submitted the lowest and best bid of \$486,163.76.

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 Mansfield Asphalt Paving Company for the Marion-Williamsport Road Improvements, Project 00-1P.

Section 2. That the cost of such contract shall be payable from the Street Improvement Fund and the Dual Rail Industrial Park Tax Increment Financing (TIF) 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 during the 2001 construction 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.

Keith A. Koshburn

President of Council

Approved:

Jack E. Kelly

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. 2001-96, Page One

Passed JUL 09 2001
YEAR

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUIT-CLAIM DEED CONVEYING IMPROVED PORTIONS OF AN ALLEY LOCATED ON SILVER STREET SCHOOL GROUNDS NORTH OF SILVER STREET AND WEST OF SCRANTON AVENUE AND DECLARING AN EMERGENCY

WHEREAS, on or about January 17, 1899, a plat for Crissinger 3rd Addition to Marion, Ohio, was recorded in Plat Book 2, Page 279, Recorder's Office, Marion County, Ohio, which established lots, land for Silver Street School, streets, and alleys all of which were dedicated to and accepted by the City of Marion; and

WHEREAS, a platted and improved alley is located adjacent to and between Lots 4337 and 4338, both parcels being owned by the Marion City Board of Education and being used what is now known as Silver Street Elementary School; and

WHEREAS, on November 2, 1999, the citizens of the City of Marion, by majority vote, passed a bond issue authorizing the Marion City Board of Education to commence improvements of its public school facilities; and

WHEREAS, it has been determined by the Marion City Board of Education that the citizens of the City of Marion would benefit from the remodeling and expansion of Silver Street Elementary School; and

WHEREAS, it is necessary for the health, safety, and welfare of the children attending Silver Street Elementary School, to close that portion of the alley separating the school properties and convey title to the alley to the Marion City Board of Education; and

WHEREAS, the closing of this alley will not prevent adjoining residents from access to their respective properties.

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

Section 1. That the City of Marion having previously accepted the dedication of the plat of Crissinger 3rd Addition to Marion, Ohio and the alley described below in Section 2 hereby finds:

- a. The City of Marion, through dedication and acceptance, acquired ownership of the alley described herein; and
- b. The City of Marion, does not have any use for the alley described herein for any municipal purpose; and
- c. That the alley no longer is viable for its original intended public use; and
- d. That the City of Marion finds that the present and future uses of the land by the Marion City Board of Education is for the benefit of the citizens of the City of Marion at large, and will promote the health, safety and welfare of children attending Silver Street Elementary School and the public at large; and
- e. That the conveyance of the alley described herein will promote the general interest of the municipality as a whole by enabling the public school system to fully development the grounds for an elementary school; and

Section 2. That the legal descriptions of the alley generally described as being a part of and Silver Street Elementary School is described as follows:

Situated in the Northwest Quarter of Section 21, Township 5 South, Range 15 East, City of Marion, County of Marion, State of Ohio, being part of a 12 foot wide alley as delineated in Crissinger's 3rd Addition to Marion as recorded in Plat Book 4, Page 137 of the Marion County Recorder's Office and being more particularly described as follows:

Ordinance No. 2001-96, Page Two

Passed JUL 09 2001

YEAR


Beginning at an iron pin set at the northeast corner of Lot 4337, said iron pin being the southeast corner of a 12 foot wide alley and on the west line of Scranton Avenue (50 feet wide); thence North 89 degrees 08 minutes 00 seconds West 142.00 feet (passing a stone monument found at 98.00 feet) along the south line of said alley and the north line of Lot 4337 and the north line of a 1.5 acre tract described in deed to the Marion City board of Education as recorded in Deed Book 71, Page 235 to an iron pin set; thence North 00 degrees 00 minutes 20 seconds East 12.00 feet along the prolongation southerly on the west line of Lot 4338 to a railroad spike set at the southwest corner of said Lot 4338; thence South 89 degrees 08 minutes 00 seconds East 142.00 feet along the north line of said alley and the south line of Lot 4338 to an iron pin set at the southeast corner of Lot 4338; thence South 00 degrees 00 minutes 20 seconds West 12.00 feet along the west line of Scranton Avenue and the east line of said alley to the point of beginning.

Containing 1703.81 square feet (0.039 acre), more or less, subject to all easements, restrictions, rights of way, and agreements of record. This description was prepared from a Floyd Browne Associates, Inc. survey dated January 5, 2001. The bearing North 89 degrees 08 minutes 00 seconds West is the same used the recorded for the north line of Silver Street as recorded in Crissingers 3rd Addition to Marion (Plat Book 4, page 137) of the Marion County Recorder's Office. All other bearings were then calculated from field observations. All 5/8 inch iron pins are 30 inch long rebars having orange caps stamped "FBA INC".

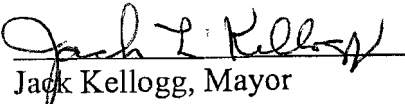
and

Section 3. That the Mayor is hereby authorized and directed to execute, on behalf of the City of Marion, a quit-claim deed containing the legal description as identified herein and as to be approved by the Marion County Engineer, conveying title of the alley to the Marion City Board of Education, subject to those existing easements and matters of record; and

Section 4. That this Ordinance is hereby declared to be an emergency measure for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that the City of Marion has no use of said land and wishes to assist immediately with the process of the Marion City School's facility improvement 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 Kochheiser
President of Council

APPROVED: JUL 10 2001


Jack Kellogg, Mayor

ATTEST:


Cathy Chaffin

Ordinance No. 2001-97

Passed JUL 23 2001 YEAR

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/ SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR THE DEMOLITION OF 224 SHORT ST., APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY

WHEREAS, by previous act of the Safety/Service Director, the structure located on the premises known as 224 Short St., Marion, Ohio was declared to be a dangerous building in accordance with Chapter 1360 of the Marion Codified Ordinances, and

WHEREAS, a review of the record indicates all formal requirements have been satisfied, and

WHEREAS, the matter first came before the Council at the request of the Safety/Service Director to authorize the demolition of the structure and after hearing from all principal parties, the Council permitted the owner of said property the 30 additional days he requested to bring the building into compliance with the Code requirements, and

WHEREAS, since the 29th day of May, 2001, the date the matter was last before the Council, thirty days have elapsed and an examination reveals continuing non-compliance with the applicable sections of City Code and in fact, the Council members recognize a significant lapse on the part of the owner to keep the structure secured and the property maintained, and

WHEREAS, the Council has again heard from the property owner who has again asked for additional time to restore the structure which was damaged by fire and has remained in non-compliance since the fall of 1999 and after due consideration believes the Citizens of Marion would best be served by proceeding with the process to authorize the Director to enter into contract to demolish the structure, however if the property owner follows through with his promise made to the Committee on the 2nd day of July, 2001 in specific regard to making the surrounding area safe, removing the unsightly debris and dangerous objects from the yard and securing the property prior to the meeting of Council on July 9, 2001 the Council will consider allowing this authorization to go three readings and review the state of the structure and any progress the homeowner may have made or failed to make prior to acting upon this request of the Safety/Service Director, and

WHEREAS, the Director has complied with all requirements as to bidding or letting the project and advises J & J Renovations has submitted the lowest and best bids, therefore

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

Section 1. The Safety/Service Director is authorized and directed to enter into contract with J & J Renovations for the demolition of 224 Short St., Marion, Ohio.

Section 2. The necessary funding of \$ 3,500.00 shall be appropriated from the General Fund.

Section 3. 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 to secure the dangerous property and ensure the safety and welfare of the immediate public; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

APPROVED: JUL 24 2001

Mayor [Signature]

[Signature] President of Council

ATTEST:

[Signature] Clerk of Council

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

Ordinance No. 2001-98

Passed JUL 09 2001 YEAR

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

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 \$1,810,049.00 as follows:

GENERAL FUND

SENIOR CITIZEN LAND & BLDG MAINTENANCE 101.3424.530370 \$13,149.00

TRANSFERS CENTRAL GARAGE FUND 101.7745.580718 \$50,000.00 TOTAL GENERAL FUND \$63,149.00

SENIOR CITIZENS III-E FUND

SALARIES 204.3541.510110 \$ 1,000.00 UTILITIES 204.3541.530310 201.00 SUPPLIES 204.3541.540420 1,000.00 POSTAGE 204.3541.540423 600.00 EQUIPMENT 204.3541.550450 799.00 TOTAL III-E FUND \$ 3,600.00

STREET IMPROVEMENT FUND

MARION-WILLIAMSPORT RD. 461.6109.550520 \$509,300.00

SANITARY SEWER IMPROVEMENT FUND

AVONDALE AVENUE 560.5001.550520 \$464,000.00

STORM SEWER IMPROVEMENT FUND

AVONDALE/CATALINE 560.5001.550520 \$720,000.00

CENTRAL GARAGE FUND

PROFESSIONAL SERVICE 601.9601.530320 \$ 50,000.00

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

Keith A. Koehlman PRESIDENT OF COUNCIL

APPROVED: JUL 10 2001

Jack I. Kellogg MAYOR

ATTEST:

Cathy Chappis CLERK

Ordinance No. 2001-99, Page One

Passed JUL 09 2001

YEAR

ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO CREATE A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO THE AUTHORITY CONFERRED BY THE OHIO REVISED CODE AND DIRECTING THE MARION COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF THE CITY OF MARION, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Legislature has enacted provisions within the Ohio Revised Code which permit legislative authorities to aggregate natural gas consumption in the respective jurisdictions and to enter in to service agreements to facilitate those loads the purchase and sale of natural gas, 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 natural gas deregulation through better bargaining power which they would not otherwise be able to do individually, and

WHEREAS, the Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to the authority contained within the O.R.C. for the resident, business and other natural gas consumers in the City, which may include a collected or joint effort with any other municipal corporation, township, county or other political subdivision of the State of Ohio,

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

Section 1. The Council finds and determines that it is in the best interests of the City, its' residents, businesses and other natural gas consumers located within the corporate limits of the City to establish a Natural Gas Aggregation Program. Provided that this Ordinance and the Natural Gas Aggregation Program Issue 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 the authority contained within the O.R.C. all the natural gas usage located within the City, and, for that purpose, to enter in to service agreements to facilitate for that usage the sale and purchase of natural gas. The City may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying and/or controlling any premise using natural gas and will provide for 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 6, 2001:

Shall the City of Marion have the authority to aggregate the natural gas usage located in the City, and, for that purpose, enter into service agreements to facilitate the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt-out?

The Clerk of Council is instructed to immediately file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to November 6, 2001. The Natural Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Natural Gas Aggregation Program provided for herein at the election held pursuant to this section and the authority granted under the O.R.C..

Section 3. Upon the approval of a majority of the electors voting at the election provide for in Section 2, this Council shall develop a plan of operation and governance for the Natural Gas

Ordinance No. 2001-99, Page Two

Passed JUL 09 2001, YEAR

Aggregation Program. Before adopting this plan, the Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearing 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 natural gas usage unless it in advance discloses to the person owning, occupying, controlling or using the natural gas that the person will be enrolled automatically in the Natural Gas Aggregation Program and will remain so enrolled unless the person affirmatively elects by a state procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the 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 Program pursuant to the stated procedures shall default to the standard service offer until the person chooses an alternative supplier.

Section 4. 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 to place the matter on the ballot and the deadlines related thereto; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

APPROVED: JUL 10 2001
Jack R. Kelly
 Mayor

Keith A. Koehler
 President of Council

ATTEST:
Cathy Chappin
 Clerk of Council

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