

RECORD OF ORDINANCES

049

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-1, Page 1

Passed JAN 01 2004, 2004

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, 2004.

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, 2004, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 215,437
Salaries - Uniformed	3,160,489
Benefits	1,614,683
Quartermaster	38,000
Travel	10,000
Schooling	25,000
Service Contracts	11,700
Equipment Lease	4,500
Equipment Maintenance	90,000
Insurance	75,000
Supplies	48,700
Fuel & Lubricants	66,000
Professional Service	18,000
Membership Dues	1,400
Subscriptions/Publications	3,000
Utilities	<u>9,300</u>

Total Police Department\$5,391,209

Dispatch Department

Salaries	\$ 453,544
Benefits	208,504
Quartermaster	1,000
Travel	1,000
Schooling	5,000
Service Contracts	36,900
Equipment Maintenance	2,000
Supplies	1,500
Membership Dues	100
Subscriptions/Publications	<u>100</u>

Total Dispatch Department\$ 709,648

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Fire Department

Salaries - Civilian	\$ 17,323
Salaries - Uniformed	3,201,495
Benefits	1,898,534
Quartermaster	38,000
Travel	4,000
Schooling	10,000
Utilities	58,000
Service Contracts	4,800
Equipment Maintenance	50,000
Building Maintenance	20,000
Insurance	45,000
Supplies	41,000
Fuel & Lubricants	12,000
Professional Service	8,300
Membership Dues	1,200
Subscriptions/Publications	2,000
EMS (ODPS) Grant	29.60
Equipment Lease	1,800
Administration	<u>3,544.26</u>

Total Fire Department \$5,417,025.86

Disaster Services

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

Recreation Department

Salaries	\$ 161,889
Benefits	69,150
Travel	1,500
Professional Service	38,000
Insurance	3,500
Supplies	24,000
Utilities	26,875
Equipment Maintenance	2,500
Fuel	900
Postage	150
Membership Dues	600
Subscriptions/Publications	200
Schooling	1,500
Service Contracts	3,300
Building Lease/Rent	7,000
Land & Bldg Maintenance	800
Promotional Advertising	500
Equipment Lease	<u>1,500</u>

Total Recreation Department \$ 343,864

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Senior Citizens Department

Salaries	\$ 151,000
Benefits	73,000
Utilities	28,000
Building Maintenance	6,000
Insurance	7,000
Professional Service	750
Equipment Maintenance	2,000
Membership Dues	<u>350</u>

Total Senior Citizens Dept......\$ 268,100

Planning Department

Marion Regional Planning	<u>\$ 60,000</u>
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Total Planning Department......\$ 60,000

Economic Development Department

Professional Service	\$ 108,000
Revenue Sharing	<u>190,000</u>

Total Economic Development......\$ 298,000

Street Lighting

Utilities	<u>\$ 104,000</u>
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Total Street Lighting......\$ 104,000

Parking Meter Department

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

Airport

Salaries	\$ 152,739
Benefits	66,904
Travel	600
Utilities	34,250
Service Contracts	16,500
Equipment Maintenance	8,000
Land/Bldg. Maintenance	23,000
Insurance	11,000
Taxes	7,000
Supplies	10,000

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Treasurer

Salary	\$ 6,646
Benefits	1,774
Professional Services	600
Supplies	300
Travel	100
Schooling	<u>150</u>

Total Treasurer's Office. \$ 9,570

Law Director

Salaries	\$ 234,746
Benefits	106,849
Travel	200
Professional Services	1,980
Supplies	2,500
Schooling	1,400
Membership Dues	700
Subscriptions/Publications	2,400
Building Lease	5,500
Utilities	970
Equipment Lease	<u>1,050</u>

Total Law Director's Office. \$ 358,295

Human Resource Director

Salaries	\$ 89,305
Benefits	42,386
Travel	100
Professional Services	24,000
Supplies	850
Membership Dues	200
Subscriptions/Publications	300
Schooling	<u>75</u>

Total Human Resource Dir's Office. \$ 157,216

Safety/Service Director

Salaries	\$ 96,000
Benefits	47,600
Travel	100
Professional Services	3,000
Supplies	2,500
Demolition	10,000
Burials	1,500
Service Contracts	500
Membership Dues	185
Litter Control	1,000
Utilities	<u>500</u>

Total Safety/Service Dir's Office. \$ 162,885

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Civil Service Commission

Salaries	\$ 4,100
Benefits	1,100
Professional Services	6,000
Supplies	<u>750</u>

Total Civil Service Commission. \$ 11,950

City Council

Salaries	\$ 100,800
Benefits	27,000
Membership Dues	4,400
Legal Advertising	2,000
Supplies	1,500
Subscriptions/Publications	360
Contract Services	2,000
Professional Services	4,280
Internet	<u>220</u>

Total City Council. \$ 142,560

Municipal Court

Salaries	\$ 453,109
Benefits	206,148
Travel	700
Professional Services	8,500
Equipment Maintenance	2,000
Supplies	17,500
Fuel & Lubricants	1,200
Utilities	2,100
Membership Dues	880
Subscriptions/Publications	400
Schooling	700
Court Security	<u>3,961.53</u>

Total Municipal Court. \$ 697,198.53

Community Corrections

Benefits	\$ <u>9,000</u>
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Total Community Corrections. \$ 9,000

City Hall

Salaries	\$ 48,000
Benefits	19,900
Utilities	175,100
Custodial Service	25,000
Postage Meter	72,000
Building Maintenance	16,000
Insurance	25,000
Supplies	15,000
Service Contracts	13,900
Equipment Lease	6,000

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Clothing	450
Property Tax	<u>464.68</u>

Total City Hall. \$ 416,814.68

Engineering Department

Salaries	\$ 297,200
Benefits	109,600
Travel	600
Equipment Maintenance	1,200
Supplies	1,900
Fuel & Lubricants	2,800
Membership Dues	10
Subscriptions/Publications	300
Schooling	1,300
Tree Care	12,000
Service Contracts	580
Clothing	450
Utilities	2,420
Professional Services	<u>1,000</u>

Total Engineering Department. \$ 431,360

Statutory Accounts

Election Expense	\$ 5,000
Examiner Fees	33,000
City Auditor/Treasurer Fees	32,000
Income Tax Refunds	220,000
Flexible Spending	<u>30,000</u>

Total Statutory Accounts. \$ 320,000

Transfers

School Resource Officer	\$ 15,000
Violence Against Women	48,057
Health	525,000
Swimming Pool	100,000
Parks	485,000
DRIP Fund	25,228.56
Marion Area Transit	55,774
Airport Improvement	<u>88,517</u>

Total Transfers. \$ 1,342,576.56

Total General Fund. \$1,785,206.63

Equipment Lease	500
Building Rent	<u>12,000</u>

Total SCMR Fund. \$ 2,292,200.65

Professional Services	5,000
Weed Control	15,000
Blight Control	15,500
Mosquito Control	7,500
Supplies	1,250
Fuel & Lubricants	1,000
Insurance	1,000
Schooling	500
Dues	<u>300</u>

Total Health Inspection..... \$ 316,390

WIC Administration

Salaries	\$ 32,348
Benefits	17,038
Travel	200
Utilities	9,000
Professional Services	3,000
Land & Bldg. Maintenance	3,500
Supplies	4,000
Postage	<u>800</u>

Total Wic Administration..... \$ 69,886

TOTAL HEALTH FUND..... \$ 946,199.01

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 157,136
Benefits	84,548
Travel	200
Equipment Maintenance	600
Supplies	2,003
Postage	2,061
Utilities	2,100
Janitorial Services	<u>2,580</u>

Total WIC Fund..... \$ 251,228

SCHOOL RESOURCE OFFICER FUND

Salaries	\$ 46,887
Benefits	<u>24,428</u>

Total School Resource Officer Fund..... \$ 71,315

PARKS FUND

Salaries	\$ 262,683
Benefits	126,664
Clothing Allowance	2,700
Utilities	21,000
Service Contracts	400

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Equipment Maintenance	15,500
Land/Bldg. Maintenance	23,000
Insurance	8,000
Supplies	30,500
Fuel & Lubricants	7,000
Professional Service	1,900
Yard Waste Fees	3,000
Property Tax	500
Janitorial Services	6,600
Administration	<u>2,539.50</u>

Total Parks Fund. \$ 511,986.50

COMMUNITY CORRECTIONS FUND

Salaries	\$ 87,546
Benefits	36,040
Travel	330
Service Contracts	2,100
Supplies	<u>724</u>

Total Community Corrections Fund. \$ 126,740

ASAP PROGRAM FUND

Schooling	\$ 5,000
Professional Service	9,880
Building Rent	400
Supplies	<u>692</u>

Total ASAP Program Fund. \$ 15,972

ENFORCEMENT AND EDUCATION FUND

Professional Services	\$ <u>15,000</u>
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Total Enforcement & Education Fund. \$ 15,000

INDIGENT ALCOHOL DRIVER FUND

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

SMOKE DETECTOR FUND

Supplies	\$ 5,000
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Total Smoke Detector Fund. \$ 5,000

SENIOR CITIZENS ASSOCIATION FUND

Senior Citizens Program	\$ <u>16,000</u>
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Total Sr. Citizens Association Fund. \$ 16,000

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POLICE & FIREMEN PENSION FUND

Police Benefits \$ 115,791.50
Fire Benefits 115,791.50

Total Police/Firemen Pension Fund. \$ 231,583

FIRE INSURANCE PROCEEDS FUND

Insurance Proceeds \$ 150,000

Total Fire Insurance Proceeds Fund. \$ 150,000

HEALTH LICENSE FUND

Tattoo & Body Piercing \$ 500
Trailer Park 350
Food Service 35,000
Vending Machines 3,000
Swimming Pool 2,500
Infectious Waste 300
Solid Waste 2,000
Food Establishment 10,000

Total Health License Fund. \$ 53,650

HELP ME GROW FUND

Reimbursements \$ 34,496
Salaries 117,296
Benefits 50,617
Supplies 10,500
Schooling 1,000
Postage 600
Travel 2,000
Utilities 320

Total Help Me Grow Fund. \$ 216,829

COMMUNITY DISTRESS GRANT FUND

Curbs & Sidewalks \$ 963.42

Total Community Distress Grant Fund. \$ 963.42

CHIP GRANT FUND

Emergency Rehab \$ 6,895
Administration 11,924
Implementation 7,137.50
Rental Assistance 86,640
Public Service 1,000
Rental Rehab 100,000

Total CHIP Fund. \$ 213,596.50

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RENTAL REHABILITATION FUND

Implementation \$ 1,000
Emergency Rehab \$ 14,000

Total Rental Rehabilitation Fund. \$ 15,000

REVOLVING FUND

Administration \$ 3,000
Revolving Loans \$ 18,000

Total Revolving Fund. \$ 21,000

FORMULA GRANT FUND

Public Service \$ 24,100
Fair Housing 500
Administration 27,500
Street Improvements 53,200
Curbs & Sidewalks 12,700
Water & Sewer Facilities 39,900
Flood & Drainage Facilities 31,100

Total Formula Grant Fund. \$ 189,000

UDAG LOAN REPAYMENT FUND

Revolving Loans \$ 66,000

Total UDAG Loan Repayment Fund. \$ 66,000

UNDERGROUND STORAGE TANK FUND

Professional Services \$ 11,000

Total UST Fund. \$ 11,000

G.O. BOND RETIREMENT FUND

Bond Interest \$ 52,985
Bond Principal 40,000
Note Interest 20,025
Note Principal 1,780,000

Total G.O. Bond Retirement Fund. \$1,893,010

LTV TIF FUND

Administrative Fee \$ 4,205
Infrastructure Loan Interest 67,271
Infrastructure Loan Principal 141,038

Total LTV TIF Fund. \$ 212,514

Equipment \$ 5,734.60
Skateboard Park 11,803.13
Total Youth Center Fund. \$ 17,537.73

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HARDING CENTRE LOAN FUND

Principal	\$ 22,000
Interest	<u>26,880</u>

Total Harding Centre Loan Fund. \$ 48,880

AIRPORT IMPROVEMENT FUND

Project 15 Contingency	\$ 166,667
Capital Improvements Project 12	11,369.25
Land Acquisition Project 13	50,132.50
Professional Services 14	9,726.70
Capital Improvements Project 14	<u>46.02</u>

Total Airport Imp. Fund. \$ 237,941.47

TRANSIT FUND

Salaries	\$ 398,530
Benefits	176,698
Utilities	7,000
Professional Services	2,900
Equipment Maintenance	55,000
Land/Bldg. Maintenance	4,000
Insurance	12,000
Supplies	5,000
Fuel & Lubricants	45,000
Subscriptions/Publications	500
Membership Dues	550
Promotional Advertising	1,000
Legal Advertising	1,000
Service Contracts	1,000
Building Lease	12,000
Equipment Lease	600
Janitorial Service	500
Equipment	59,456
Capital Improvements	<u>10,000</u>

Total Transit Fund. \$ 792,734

SEWER SYSTEM IMPROVEMENT FUND

OWDA Loan Interest	\$ 485,000
OWDA Loan Principal	1,290,000
G.O. Bond Interest	123,790
G.O. Bond Principal	95,000
OPWC Loan	<u>7,102</u>

Total Sewer System Imp. Fund. \$2,000,892

Transfer-Replacement	675,000
Utility Billing-Reimbursements	82,400
Subscriptions/Publications	1,500
Schooling	16,000
Dues	3,000
Service Contracts	9,500

Salaries	\$ 668,935
Benefits	326,145
Clothing Allowance	7,525
Equipment Maintenance	93,000
Insurance	20,000
Supplies	16,000
Fuel & Lubricants	42,000
Yard Waste Fees	30,000
Utility Billing Services	78,000
Service Contracts	2,600
Solid Waste Transfer Expense	576,000

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Professional Service	13,500
Equipment Lease	1,050
Schooling	400
Travel	500
Utilities	1,350
Commingling Expense	21,000
Building Rent	12,000
Refunds	600
Garage Fire Expense	<u>23,144.33</u>

TOTAL SANITATION FUND \$ 1,933,749.33

LANDFILL MONITORING FUND

Equipment Maintenance	\$ 4,000
Utilities	4,000
Supplies	4,800
Professional Services	73,000
OWDA Loan Interest	81,384
OWDA Loan Principal	<u>123,691</u>

Total Landfill Monitoring Fund \$ 290,875

STORM WATER UTILITY FUND

Salaries	\$ 217,784
Benefits	89,052
Professional Service	34,500
Equipment Maintenance	10,300
Equipment Lease	1,000
Supplies	70,000
Equipment	37,000
Utility Billing Services	44,364
Insurance	7,000
Refunds	1,500
Capital Improvements	15,000
Clothing	2,025
G.O. Bond Interest	226,490
G.O. Bond Principal	175,000
OPWC Loan No. CP10F	6,349
OPWC Loan No. CP16E	5,960
Qu Qua Ditch Assessment	<u>48,472.85</u>

Total Storm Water Utility Fund \$ 991,796.85

SWIMMING POOL FUND

Salaries	\$ 78,747
Benefits	16,681
Utilities	13,000
Equipment Maintenance	800
Land/Building Maintenance	3,000
Insurance	1,000
Supplies	29,000
Professional Services	800
Travel	<u>100</u>

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Total Swimming Pool Fund. \$ 143,128

NW INTERCEPTOR IMPROVEMENT FUND

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

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

CENTRAL GARAGE FUND

Salaries \$ 183,198
Benefits 76,312
Clothing 1,800
Travel 300
Schooling 500
Utilities 40,000
Professional Services 6,000
Service Contracts 4,600
Equipment Maintenance 5,000
Land & Bldg. Maintenance 2,000
Insurance 7,000
Supplies 180,000
Fuel & Lubricants 170,000
Equipment 6,000
Garage Fire Expense 54,062.29
Janitorial Services 3,000

Total Central Garage Fund. \$ 739,772.29

UTILITY BILLING FUND

Salaries \$ 113,700
Benefits 46,623
Travel 250
Professional Services 4,000
Supplies 5,000
Service Contracts 12,780
Postage 17,500
Schooling 700
Publications 300
Equipment 2,200
Internet 220
Equipment Lease 1,000

Total Utility Billing Fund. \$ 204,273

CENTRAL GARAGE CONSTRUCTION FUND

Professional Services \$ 2,016.89

Total Central Garage Construction Fund. \$ 2,016.89

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EVELYN E. WALTER TRUST FUND

Recreation Expense \$ 2,000

Total Evelyn E. Walter Trust Fund.\$ 2,000

STATE PATROL FINES AGENCY FUND

State Patrol Fines \$ 130,000

Total State Patrol Agency Fund.\$ 130,000

YOUTH RECREATION TRUST FUND

Recreation Expense \$ 1,000

Total Youth Recreation Trust Fund.\$ 1,000

SAFETY PATROL TRUST FUND

Safety Patrol Program \$ 1,000

Total Safety Patrol Trust Fund.\$ 1,000

LAW ENFORCEMENT TRUST FUND

Law Enforcement \$ 29,000

Safety City 25,000

Total Law Enforcement Trust Fund.\$ 54,000

PARKING METER AGENCY FUND

Jenkins & Jenkins \$ 4,000

Total Parking Meter Agency Fund.\$ 4,000

ROTARY AGENCY FUND

Pass-Thru Payments \$ 20,000

Greyhound Fares 85,000

Total Rotary Agency Fund.\$ 105,000

GRAND TOTAL.\$39,535,020.19

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Dayton Legal Blank, Inc.

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Passed JAN 01 2004, 20

SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
General	\$16,222,630.07	\$220,000.00	\$1,342,576.56	\$17,785,206.63
<u>Special Revenue</u>				
Sr. Cit. III-B Grant	72,382.57			72,382.57
Sr. Cit. III-E Grant	5,000.00			5,000.00
Sr. Cit. State Block Grant	12,277.00			12,277.00
SCMR	2,270,200.65	22,000.00		2,292,200.65
State Highway Improvement	70,000.00			70,000.00
Court Computerization	60,000.00			60,000.00
Violence Against Women Grant	108,057.00			108,057.00
Law Enf. Block Grant	2.57			2.57
Health	926,199.01	20,000.00		946,199.01
WIC Grant	251,228.00			251,228.00
SRO Grant	71,315.00			71,315.00
Parks	511,986.50			511,986.50
Community Corrections Grant	126,740.00			126,740.00
ASAP Program Grant	15,972.00			15,972.00
Enforcement & Education	15,000.00			15,000.00
Indigent Alcohol Driver	75,000.00			75,000.00
Smoke Detector	5,000.00			5,000.00
Senior Citizens Association	16,000.00			16,000.00
Police & Firemen Pension	231,583.00			231,583.00
Insurance Proceeds	150,000.00			150,000.00
Health License	53,650.00			53,650.00
Help Me Grow Grant	182,333.00	34,496.00		216,829.00
Community Distress Grant	963.42			963.42
CHIP Grant	213,596.50			213,596.50
Rehab Income	15,000.00			15,000.00
Revolving Loan	21,000.00			21,000.00
Formula Grant	189,000.00			189,000.00
UDAG Loan Repayment	66,000.00			66,000.00
Underground Storage Tank	11,000.00			11,000.00
<u>Total Special Revenue Funds</u>	<u>\$5,542,836.22</u>	<u>\$280,146.00</u>		<u>\$5,822,982.22</u>
<u>Debt Service Funds</u>				
G.O. Bond Retirement	\$1,893,010.00			\$1,893,010.00
Dofasco T.I.F.	212,514.00			212,514.00
DRIP T.I.F. Ridgedale Schools	3,206.00			3,206.00
DRIP T.I.F. Mrn. City Schools	3,206.00			3,206.00
Harding Centre Loan	48,880.00			48,880.00
<u>Total Debt Service Funds</u>	<u>\$2,160,816.00</u>			<u>\$2,160,816.00</u>

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SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
<u>Capital Project Funds</u>				
Capital Improvement	\$452,948.89	\$452,948.89		
Airport Industrial Park	18,000.00			18,000.00
Softball Field Improvement	7,500.00			7,500.00
DRIP Infrastructure	12,891.49			12,891.49
DRIP Park (Quarry)	1,645.29			1,645.29
Youth Center Improvement	17,537.73			17,537.73
Airport Improvement	237,941.47			237,941.47
<u>Total Capital Project Funds</u>	<u>\$748,464.87</u>			<u>\$748,464.87</u>
<u>Enterprise Funds</u>				
Marion Area Transit	792,734.00			792,734.00
Sewer System Improvement	2,000,892.00			2,000,892.00
Sewer Replacement	1,567,776.11			1,567,776.11
Sewer Revenue	3,330,059.00	3,000.00	675,000.00	4,008,059.00
Sanitation	1,933,149.33	600.00		1,933,749.33
Landfill Monitoring	290,875.00			290,875.00
Storm Water Utility	990,296.85	1,500.00		991,796.85
Swimming Pool	143,128.00			143,128.00
NW Interceptor	45,478.00			45,478.00
<u>Total Enterprise Funds</u>	<u>\$11,094,388.29</u>	<u>\$5,100.00</u>	<u>\$675,000.00</u>	<u>\$11,774,488.29</u>
<u>Internal Service Funds</u>				
Central Garage	\$739,772.29			\$739,772.29
Utility Billing	204,273.00			204,273.00
Central Garage Construction	2,016.89			2,016.89
<u>Total Internal Service Funds</u>	<u>\$946,062.18</u>			<u>\$946,062.18</u>
<u>Trust and Agency Funds</u>				
Evelyn E. Walter Trust	\$2,000.00			\$2,000.00
State Patrol Agency	130,000.00			130,000.00
Youth Recreation Trust	1,000.00			1,000.00
Safety Patrol Trust	1,000.00			1,000.00
Law Enforcement Trust	54,000.00			54,000.00
Parking Meter Agency	4,000.00			4,000.00
Rotary Agency	105,000.00			105,000.00
<u>Total Trust & Agency Funds</u>	<u>\$297,000.00</u>			<u>\$297,000.00</u>
GRAND TOTAL	\$37,012,197.63	\$505,246.00	\$2,017,576.56	\$39,535,020.19

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-2Passed JAN 13 2004, 20

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CAN DO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA AND DECLARING AN EMERGENCY

WHEREAS, a request has been made upon the Council for the City of Marion to continue its' support for CAN DO!, and

WHEREAS, the Council finds it in the best interests of the City of Marion to continue its' financial support to the organization commonly known as CAN DO! and the need to ensure its' economic well-being in order to allow it to perform its' function within the greater Marion community,

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

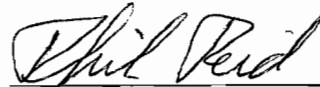
SECTION 1. The Council directs and authorizes the Mayor to ensure that the economic development organization commonly referred to as CAN DO! continues to receive support, including but not limited to financial support in the amount of \$ 6,500 per month, beginning the first day of the month following the expiration of the current financial support and continuing until the 1st day of December, 2005. CAN DO! shall provide the Council with an annual report in the last quarter of each year and at such other times as the Council requests or CAN DO! believes it to be appropriate.

This support shall be renewable upon the commencement of each new term of Council. As was stated in previous Ordinance, it was the desire of Council to provide support for an initial period of five years, however the current Council has seen the real need to continue to foster economic growth and opportunities. The support in the future conditioned upon subsequent Councils adopting similar appropriation legislation to provide for funding, if they believe it to be appropriate.

SECTION 2. If necessary, the Auditor is authorized to appropriate the necessary funds to fulfill the responsibility as contained in Section 1. above, from the following fund:

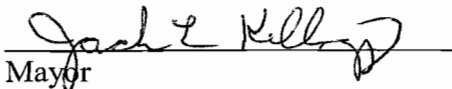
Professional Services 101.4539.530320 \$ 78,000.00

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 community's continual support of the economic development sector; 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.



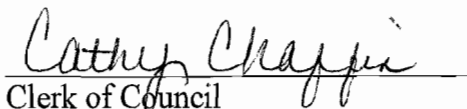
President of Council

APPROVED: **JAN 14 2004**



Mayor

ATTEST:



Clerk of Council

Ordinance No. 2004-4, Page 1

Passed JAN 13 2004 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,780,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING A CENTRAL GARAGE BUILDING AND RELATED SALT STORAGE DOME, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2003-23 passed March 24, 2003, a note in anticipation of bonds in the amount of \$1,780,000 dated April 22, 2003 (the "Outstanding Note") was issued for the purpose stated in Section 1, to mature on January 22, 2004;

WHEREAS, this Council finds and determines that the City should retire the Outstanding Note with the proceeds of the Notes described in Section 3; and

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds is April 24, 2021.

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,780,000 (the "Bonds") to pay the costs of constructing, equipping and furnishing a central garage building and related salt storage dome, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2004, shall bear interest at the now estimated rate of five percent per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2005.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,780,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Note. The Notes shall be dated January 22, 2004 and shall mature October 21, 2004. The Notes shall bear interest at a rate or rates not to exceed six percent per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes (the "Certificate of Award") in accordance with Section 6.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Auditor in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile.

Ordinance No. 2004-4, Page 2

Passed JAN 13 2004 20

Section 6. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Auditor will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this Ordinance:

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

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

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

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

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

The Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book

payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 11. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or bonds described in Sections 141, 148, or 149 of the Internal Revenue Code of 1986, as

among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Ordinance No. 2004-4, Page 4

Passed **JAN 13 2004**, 20

The City hereby represents that the Outstanding Note was designated or are treated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Note from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating the Notes as "qualified tax-exempt obligations" and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefitted from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

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

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

Section 12. The Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

Section 13. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

RECORD OF ORDINANCES

0037

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-5

Passed JAN 13 2004, 20

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

WHEREAS, the fiscal 2004 budget for the City of Marion made appropriations for the purchase of various capital improvements and equipment items, and;

WHEREAS, the bidding of these items is required due to the anticipated purchase price exceeding \$15,000.

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 prepare specifications and advertise for bids for various equipment and improvement items as listed.

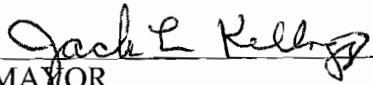
Dump Truck for Airport
Two Thermal Imaging Cameras for Fire Department
Three Marked Police Cars
One Unmarked Police Car
Repaint Pool and Shower Area
Four Wheel Drive Truck with Plow for Parks
Three Remote Antennas for Dispatch

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

APPROVED: JAN 14 2004



PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

6063

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-6

Passed JAN 13 2004, 2004

ORDINANCE MAKING APPROPRIATIONS IN THE ECONOMIC DEVELOPMENT INITIATIVE (EDI) FUND FOR THE YEAR ENDING DECEMBER 31, 2004.

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

Section 1. That there be appropriations made in the EDI Fund in the amount of \$201,184.00 for the year ending December 31, 2004 as follows:

EDI FUND

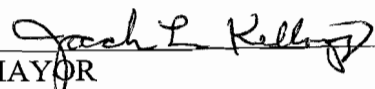
Engineering/Environmental Review	278.4543.550320	\$ 13,000.00
Land Acquisition	278.4543.550455	102,000.00
Capital Improvement	278.4543.550520	<u>86,184.00</u>
TOTAL		\$201,184.00

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




PRESIDENT OF COUNCIL

APPROVED: JAN 14 2004



MAYOR

ATTEST:



CLERK

Ordinance No. 2004-7, Page One

Passed JAN 26 2004, 20

~~As Amended~~

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM FOR A COMMUNITY DISTRESS GRANT, ALLOCATING \$41,000 OF ANTICIPATED FY 2004 FORMULA FUNDS AND \$10,000 OF REVOLVING LOAN FUNDS CONTINGENT ON RECEIVING THE COMMUNITY DISTRESS GRANT AND TO AUTHORIZE THE MAYOR TO APPLY FOR SAID FUNDS AND ADMINISTER THE GRANT IF RECEIVED, AND DECLARING AN EMERGENCY, *As Amended*

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 Community Distress Grant makes funds available for projects which address these problems in areas with high numbers of low- and moderate-income residents; and

WHEREAS, the Mayor must submit an application to the State of Ohio Department of Development, to receive funds for the City of Marion to be used on eligible activities which address the community 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 a Community Distress Program CDBG Small Cities funds, including the following projects:~~

Blake St. Park:	
Equipment	\$40,000
Sidewalks:	
Center St.	40,000
Silver St.	50,000
Cass Ave.	20,000
Waterloo St. (Between Center and York):	
 Sewers, curbs & sidewalks	238,000
Blake St.:	
Sewers, curbs & sidewalks	290,000
Environmental/Admin.	20,000
TOTAL	\$ 698,000

Section 2. ~~That the sources of funding be committed contingent on receiving the grant as follows:~~

Community Distress Grant	\$ 300,000
Storm Sewer Utility Fund	347,000
FY 2004 Formula	41,000
Revolving Loan Fund	10,000
TOTAL	\$ 698,000

Ordinance No. 2004-7, Page Two Passed JAN 26 2004, 2004
~~As Amended~~

SECTION ONE AND SECTION TWO AS AMENDED:

Section 1. That this Council hereby authorizes the Mayor to submit an application for a Community Distress Program CDBG Small Cities funds, including the following projects:

<i>Blake St. Park:</i>	
<i>Equipment</i>	\$40,000
<i>Sidewalks:</i>	
<i>Center St.</i>	28,000
<i>Silver St.</i>	17,000
<i>Cass Ave.</i>	14,000
<i>Waterloo St. (Between Center and York):</i>	
<i>Sewers, curbs & sidewalks</i>	308,200
<i>Blake St.:</i>	
<i>Sewers, curbs & sidewalks</i>	304,500
<i>Environmental/Admin.</i>	<u>20,000</u>
<i>TOTAL</i>	\$ 731,700

Section 2. That the sources of funding be committed contingent on receiving the grant as follows:

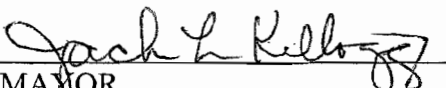
<i>Community Distress Grant</i>	\$ 300,000
<i>Storm Sewer Utility Fund</i>	380,700
<i>FY 2004 Formula</i>	41,000
<i>Revolving Loan Fund</i>	<u>10,000</u>
<i>TOTAL</i>	\$ 731,700

Section 3. That upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grant and administer the CDBG Small Cities Program in the City of Marion through the Marion City/County Regional Planning Commission.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; it shall become effective from and after the earliest period allowed by law.


 PRESIDENT OF COUNCIL

APPROVED: JAN 27 2004


 MAYOR

ATTEST:


 CLERK OF COUNCIL

RECORD OF ORDINANCES

6667

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-8

Passed FEB 09 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MACKAY TELEPHONE SYSTEMS OF MARION FOR THE PURPOSE OF CONDUCTING A NEEDS ANALYSIS FOR VOICE AND DATA SYSTEMS WITHIN THE FACILITIES OWNED AND OPERATED BY THE CITY OF MARION, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, in an effort to reduce the overall cost of voice and data systems within City Buildings a needs analysis needs to be completed, and;

WHEREAS, MacKay Telephone Systems of Marion has presented a proposal not to exceed \$9,000 for such needs analysis, and;

WHEREAS, to go forward with the analysis it is necessary for Council to appropriate the necessary funds.

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

Section 1. That Council authorize the Safety/Service Director to enter into contract with MacKay Telephone systems for a needs analysis of voice and data systems in City owned buildings.


Section 2. That \$9,000 be appropriated from the General Fund account no. 101.7741.530320.

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



President of Council

APPROVED: FEB 10 2004



Mayor

Attest



Clerk of Council

Ordinance No. 2004-9

Passed JAN 26 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LOWE'S TO PURCHASE AN 18.5 HP TRACTOR FOR CITY HALL 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, Lowe's submitted the best proposal for the purchase of a tractor, 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 an agreement with Lowe's, to purchase one (1) 18.5 HP Tractor for use at City Hall.

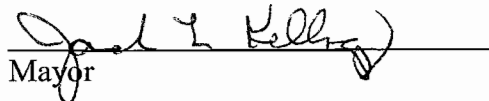
Section 2. That the \$4,745.58 cost of said agreement shall be payable from the City Hall Fund Account No.401.7741.553450 in the amount of \$4,745.58.

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



President of Council

APPROVED: **JAN 27 2004**



Mayor

Attest



Clerk of Council

RECORD OF ORDINANCES

0021

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-10

Passed JAN 26 2004, 20

ORDINANCE AUTHORIZING THE PURCHASE OF A NEW 2004 3/4 TON 4X4 TRUCK WITH SNOW PLOW AND A TORO COMMERCIAL MOWER FROM THE CAPITAL EQUIPMENT FUND, WITH EMERGENCY CLAUSE FOR USE BY THE PARIS 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

BE IT ORDAINED BY THE council of the City of Marion, Marion County, Ohio;

Section 1. That the purchase of a new 2004 Ford F250, 4x4, truck for \$18,469.98 from Mathews Ford, Marion, Ohio, is hereby approved.

Section 2. That the purchase of a new Blizzard Power Snow Plow for \$3,955.00 from E.E. Johnson, Marion, Ohio, is hereby approved.

Section 3. That the purchase of a new Toro 2557 Commercial Mower for \$6,423.65 from Miller Lawn and Power, Marion, Ohio, is hereby approved.

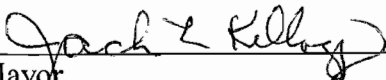
Section 4. That the cost of \$28,848.63 shall be payable from the Capital Improvement Fund.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the safety and welfare of the City of Marion and the inhabitants thereof and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

APPROVED: **JAN 27 2004**



Mayor

Attest



Clerk of Council

RECORD OF ORDINANCES

0207

Ordinance No. 2004-100

Passed SEP 13 2004, 20

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 July 12, 2004, by passage of Ordinance # 2004-79, 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 August 25, 2004, 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 \$79.98 per hour with exception to Sicard Airport Snowmaster with 20 ft. blade at \$228.51 per hour, tractor loader and dump truck and snow blower at \$102.83 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.

Michael E. Thoms
PRESIDENT OF COUNCIL
PRO TEMPORE

APPROVED: **SEP 14 2004**

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

6206

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-101

Passed SEP 13 2004, 20

**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,
2004.**

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 \$1,149,984.23 for the year ending December 31, 2004 as follows:

GENERAL FUND

FIRE DEPARTMENT		
UTILITIES	101.1131.530310	\$ 1,674.00
RECREATION		
UTILITIES	101.3422.530310	765.00
SENIOR CENTER		
UTILITIES	101.3424.530310	1,244.00
ECONOMIC DEVELOPMENT		
REVENUE SHARING	101.4539.530751	(14,744.01)
TRANSFERS		
TO HEALTH FUND	101.7745.580711	<u>14,637.20</u>
	TOTAL GENERAL FUND	\$ 3,576.19

PARKS FUND

ADMINISTRATION	221.3421.540324	\$ 400.00
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HELP ME GROW FUND

SALARIES	256.2544.510110	\$(2,330.70)
BENEFITS	256.2544.510120	(2,217.16)
TRAVEL	256.2544.520220	(3.68)
SUPPLIES	256.2544.540420	(.85)
POSTAGE	256.2544.540423	(2.22)
REIMBURSEMENTS	256.2544.570721	<u>(141.40)</u>
	TOTAL HELP ME GROW FUND	\$(4,696.01)

COMMUNITY DISTRESS FUND

CURBS & SIDEWALKS	271.4541.530337	\$(963.00)
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BOND RETIREMENT FUND

NOTE INTEREST	343.8911.560609	\$ 19,285.81
NOTE PRINCIPAL	343.8911.560610	<u>1,780,000.00</u>
	TOTAL BOND RETIREMENT FUND	\$1,799,285.81

CAPITAL IMPROVEMENT FUND

FY'02 CONTINGENCY	401.9542.570624	\$ 3,500.00
FY'04 CONTINGENCY	401.9544.570624	<u>(70.25)</u>
	TOTAL CAPITAL IMPROVEMENT FUND	\$ 3,429.75

SEWER REPLACEMENT FUND

PROFESSIONAL SERVICES	504.5555.550320	\$(30,839.71)
ERIE METRO PARKS	504.9750.570750	<u>\$(633,044.51)</u>
	TOTAL SEWER REPLACEMENT FUND	\$(663,884.22)


CENTRAL GARAGE FUND

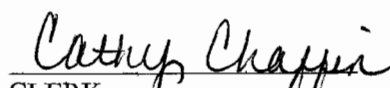
GARAGE FIRE EXPENSE	601.9601.530385	\$ 12,835.71
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL
PRO TEMPORE

APPROVED: **SEP 14 2004**


MAYOR

ATTEST:

CLERK

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

RECORD OF ORDINANCES

6285

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-102

Passed OCT 11 2004, 20

ORDINANCE AMENDING MARION CITY CODE PART SIX
CHAPTER 618 TO INCLUDE THEREIN NEWLY CREATED SECTION
618.20 PROHIBITED USE OF CHOKER COLLAR OR LIKE DEVICES
AND PROVIDING FOR THE PENALTY RELATED THERETO

WHEREAS, the Council for the City of Marion finds a real and present need, given great investigation and deliberation, to enhance the existing animal cruelty provisions of the City Code by adopting a prohibition as to certain uses of choker collars, logging chains and/or like devices finding abuse cases actually have occurred within the community, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion, Ohio to include within the City Code the provision contained below due to existing nuisances found within the community and the prevalence of abusive use of certain devices beyond their intended purpose.

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

SECTION 1. The Marion City Code shall be modified to include Section 618.20

PROHIBITED USE OF CHOKER COLLAR OR LIKE DEVICES

(A) No person shall use a choker collar or similar device which is constructed, made or able, when placed upon any animal, to close like a noose while the animal is tethered or tied-up without direct adult human supervision. Direct adult human supervision is further defined as being within fifty (50) feet of the animal. This section also prohibits the use of "logging chains" on any dog at any time.

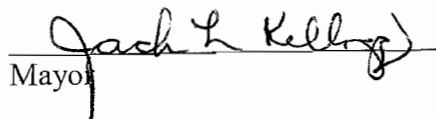
(B) Whoever violates this section is guilty of illegal use of a choker collar or like device a misdemeanor of the fourth degree. If the person has been convicted of a similar offense within the prior twelve month period, the offense shall be a misdemeanor of the first degree.

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

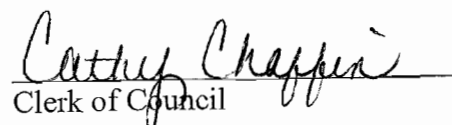


President of Council

APPROVED: OCT 12 2004


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

0207

Ordinance No. 2004-103

Passed SEP 27 2004, 20

ORDINANCE ACCEPTING THE PLAT OF BUCKEYE ACRES INC., OF 13 LOTS, NUMBERED 18265 THROUGH 18277 OF THE BUCKEYE ACRES SUBDIVISION TO THE CITY OF MARION, OHIO BEING PART OF O.L. 456 IN THE NORTHWEST ONE QUARTER OF SECTION 21, T-5-S, R-15-E, CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF LAND FOR ADDITIONAL STREET RIGHT OF WAY THEREIN SHOWN.

WHEREAS, Buckeye Acres, Inc., has hereunto submitted to the Planning Commission of the City of Marion, a Plat of 13 lots, numbered 18265 through 18277 of the Buckeye Acres subdivision to the City of Marion, Ohio being part of O.L. 456 in the northwest one quarter of Section 21, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, and being of the dimensions as shown on said Plat, and the land for additional street right of way therein shown,

WHEREAS, on the 6th day of July, 2004, 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 Buckeye Acres, Inc., of 13 lots, numbered 18265 through 18277 of the Buckeye Acres subdivision to the City of Marion, Ohio being part of O.L. 456 in the northwest one quarter of Section 21, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, dated August 30, 2004, and dedicated July 6th, 2004, be and the same is hereby approved and accepted and dedicated to the public use of the additional land right of way shown therein by and the same is hereby accepted and confirmed.

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



President of Council

APPROVED: **SEP 28 2004**



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0269

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-104 Passed SEP 27 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004

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 \$269,118.06 for the year ending December 31, 2004 as follows:

SENIOR CITIZENS III-B FUND

SALARIES AND WAGES	203.3544.510110	\$ 2,700.00
EQUIPMENT MAINTENANCE	203.3544.530601	1,800.00
SUPPLIES	203.3544.540420	200.00
TOTAL SC III-B FUND		\$ 4,700.00

SENIOR CITIZENS STATE BLOCK GRANT FUND

SALARIES AND WAGES	205.3544.510110	\$ (807.00)
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WIC FUND

SALARIES AND WAGES	215.2545.510110	\$164,796.00
BENEFITS	215.2545.510120	73,536.00
TRAVEL	215.2545.520220	73.00
UTILITIES	215.2545.530310	7,200.00
EQUIPMENT MAINTENANCE	215.2545.530360	500.00
LAND AND BUILDING MAINTENANCE	215.2545.530370	1,000.00
JANITORIAL SERVICE	215.2545.530424	1,520.00
SUPPLIES	215.2545.540420	1,503.00
POSTAGE	215.2545.540423	1,100.00
CONTINGENCY	215.2545.570624	(49,252.94)
TOTAL WIC FUND		\$201,975.06

PARKS FUND

DONATION- ADMINISTRATION	221.3421.540324	\$ 600.00
FOUNDERS PARK IMPROVEMENT	221.3421.554520	7,650.00
TOTAL PARKS FUND		\$ 8,250.00

CENTRAL GARAGE FUND

FUEL	601.9601.540430	\$ 55,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: SEP 28 2004


MAYOR

ATTEST:


CLERK

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

RECORD OF ORDINANCES

0290

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-105, Page One

Passed SEP 27 2004, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,780,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING A CENTRAL GARAGE BUILDING AND RELATED SALT STORAGE DOME, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2004-4 passed January 13, 2004, a note in anticipation of bonds in the amount of \$1,780,000 dated January 22, 2004 (the "Outstanding Note") was issued for the purpose stated in Section 1, to mature on October 21, 2004;

WHEREAS, this Council finds and determines that the City should retire the Outstanding Note with the proceeds of the Notes described in Section 3; and

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds is April 24, 2021;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,780,000 (the "Bonds") to pay the costs of constructing, equipping and furnishing a central garage building and related salt storage dome, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2005, shall bear interest at the now estimated rate of five percent per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2006.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,780,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Note. The Notes shall be dated October 21, 2004 and shall mature October 19, 2005. The Notes shall bear interest at a rate or rates not to exceed six percent per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes (the "Certificate of Award") in accordance with Section 6.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Auditor in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the

RECORD OF ORDINANCES

Ordinance No. 2004-105, Page Two

Passed SEP 27 2004, 20

City and that proper procedures and safeguards are available for that purpose (the "Paying Agent").

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

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

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

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

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

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

RECORD OF ORDINANCES

Ordinance No. 2004-105, Page Three

Passed SEP 27 2004, 20

(including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

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

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

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

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

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

Section 10. This Council covenants that the City will restrict the use and investment of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary after taking in the reasonable expectations at the time the Notes are issued, so that the Notes will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the Code) and will, to the extent possible, comply with all applicable provisions of the Code and the regulations thereunder in order for the interest on the Notes to remain exempt from federal income taxation, including any expenditure requirements, investment limitations, rebate requirements or use restrictions. The Auditor or any other officer of the City is authorized and directed to give an appropriate certificate of the City for inclusion in the transcript of proceedings regarding the issuance of the Notes setting forth the facts, estimates, circumstances and reasonable

RECORD OF ORDINANCES

Ordinance No. 2004-105, Page Four

Passed SEP 27 2004, 20

expectations pertaining to the use of the proceeds of the Notes and the provisions of the Code and the regulations thereunder.

The City hereby finds and determines that the Outstanding Note was designated or is treated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Note from proceeds of, and within 90 days after the issuance of the Notes, and represents that all other conditions are met for treating the Notes as "qualified tax-exempt obligations".

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

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

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

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



President of Council

Approved: SEP 28 2004

Mayor: 

Attest: 
Clerk of Council

RECORD OF ORDINANCES

0291

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-106, Page OnePassed SEP 27 2004, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,297,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF CONSTRUCTING A MAIN TRUNK SANITARY SEWER, IMPROVING NORTH GREENWOOD STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, IMPROVING UHLER ROAD, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS, AND IMPROVING STATE STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS, AND DECLARING AN EMERGENCY.

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

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,297,000 (the "Bonds") to pay the costs of constructing a main trunk sanitary sewer, improving North Greenwood Street, between certain termini, by constructing sanitary sewers and storm water sewers, improving Uhler Road, between certain termini, by constructing storm water sewers, and improving State Street, between certain termini, by constructing sanitary sewers, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2005, shall bear interest at the now estimated rate of five percent per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2006.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,297,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 21, 2004 and shall mature October 19, 2005. The Notes shall bear interest at a rate or rates not to exceed six percent per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes (the "Certificate of Award") in accordance with Section 6.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Auditor in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by

RECORD OF ORDINANCES

Ordinance No. 2004-106, Page Two

Passed SEP 27 2004, 20

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

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

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

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

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

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

The Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book

RECORD OF ORDINANCES

Ordinance No. 2004-106, Page Three

Passed SEP 27 2004, 20

entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

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

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

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

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

In each year to the extent money from the City's sanitary sewer system is available for the payment of the debt charges on the portion of the Notes or Bonds issued to pay for sanitary sewer improvements and is appropriated for that purpose, the tax to be levied shall be reduced by the amount of money so available and appropriated. In each year to the extent money from the City's storm water sewer system is available for the payment of the debt charges on the portion of the Notes or Bonds issued to pay for storm water sewer improvements and is appropriated for that purpose, the tax to be levied shall be reduced by the amount of money so available and appropriated.

Section 10. This Council covenants that the City will restrict the use and investment of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary after taking in the reasonable expectations at the time the Notes are issued, so that the Notes will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the Code) and will, to the extent possible, comply with all applicable provisions of the Code and the regulations thereunder in order for the interest on the Notes to remain exempt from federal income taxation, including any

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-106, Page Four

Passed SEP 2 2004, 2004

expenditure requirements, investment limitations, rebate requirements or use restrictions. The Auditor or any other officer of the City is authorized and directed to give an appropriate certificate of the City for inclusion in the transcript of proceedings regarding the issuance of the Notes setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds of the Notes and the provisions of the Code and the regulations thereunder.

The Notes are hereby designated as "qualified tax-exempt obligations" to the extent permitted by Section 265(b)(3) of the Code. This Council finds and determines that the reasonably anticipated amount of obligations designated as "qualified tax-exempt obligations" issued and to be issued by the City during this calendar year (including the Notes) does not, and this Council hereby covenants that during this calendar year the amount of obligations issued by the City and designated as "qualified tax-exempt obligations" for such purposes will not, exceed \$10,000,000.

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

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

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

Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to permit the Notes to combine the Notes with one or more other note issues of the City into a consolidated note issue to achieve savings in the costs of the issuance of the Notes; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.


President of Council

Approved: SEP 2 2004

Mayor: Paul R. Kilgus

Attest: Caryn Chappin
Clerk of Council

RECORD OF ORDINANCES

0292

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-107, Page One

Passed SEP 27 2004, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,025,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING THE QU QUA DITCH, MARY STREET, HIGH STREET AND VINE STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

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

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,025,000 (the "Bonds") to pay the costs of improving the Qu Qua Ditch, Mary Street, High Street and Vine Street, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2005, shall bear interest at the now estimated rate of five percent per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2006.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,025,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 21, 2004 and shall mature October 19, 2005. The Notes shall bear interest at a rate or rates not to exceed six percent per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes (the "Certificate of Award") in accordance with Section 6.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Auditor in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Auditor will

RECORD OF ORDINANCES

Ordinance No. 2004-107, Page Two

Passed SEP 27 2004, 20

serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Auditor that the issuance of the Notes as fully registered securities or in book entry or other uncertificated form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this Ordinance:

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

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

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

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

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

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

RECORD OF ORDINANCES

Ordinance No. 2004-107, Page Three

Passed SEP 27 2004, 20

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

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

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

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

In each year to the extent money from the City's sanitary sewer system is available for the payment of the debt charges on the portion of the Notes or Bonds issued to pay for sanitary sewer improvements and is appropriated for that purpose, the tax to be levied shall be reduced by the amount of money so available and appropriated. In each year to the extent money from the City's storm water sewer system is available for the payment of the debt charges on the portion of the Notes or Bonds issued to pay for storm water sewer improvements and is appropriated for that purpose, the tax to be levied shall be reduced by the amount of money so available and appropriated.

Section 10. This Council covenants that the City will restrict the use and investment of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary after taking in the reasonable expectations at the time the Notes are issued, so that the Notes will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the Code) and will, to the extent possible, comply with all applicable provisions of the Code and the regulations thereunder in order for the interest on the Notes to remain exempt from federal income taxation, including any expenditure requirements, investment limitations, rebate requirements or use restrictions. The Auditor or any other officer of the City is authorized and directed to give an appropriate certificate of the City for inclusion in the transcript of proceedings regarding

RECORD OF ORDINANCES

Ordinance No. 2004-107, Page Four

Passed SEP 27 2004 20

the issuance of the Notes setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds of the Notes and the provisions of the Code and the regulations thereunder.

The Notes are hereby designated as "qualified tax-exempt obligations" to the extent permitted by Section 265(b)(3) of the Code. This Council finds and determines that the reasonably anticipated amount of obligations designated as "qualified tax-exempt obligations" issued and to be issued by the City during this calendar year (including the Notes) does not, and this Council hereby covenants that during this calendar year the amount of obligations issued by the City and designated as "qualified tax-exempt obligations" for such purposes will not, exceed \$10,000,000.

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

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

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

Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to permit the Notes to combine the Notes with one or more other note issues of the City into a consolidated note issue to achieve savings in the costs of the issuance of the Notes; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.



President of Council

Approved: SEP 27 2004

Mayor: Jack I. Kelley

Attest: Cathy Chappin
Clerk of Council

RECORD OF ORDINANCES

0505

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-108, Page OnePassed OCT 11 2004, 20

**ORDINANCE ENACTED BY THE COUNCIL OF THE CITY OF MARION,
MARION COUNTY, OHIO IN THE MATTER OF PLANING AND
RESURFACING IN THE CITY OF FAIRGROUND STREET AND A PORTION
OF DAVIDS STREET, REQUESTING COOPERATION BY THE OHIO
DEPARTMENT OF TRANSPORTATION, AND DECLARING AN
EMERGENCY.**

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 plane and resurface pavement and perform limited base repair. Project limits extend along Fairground Street from the Marion west corporation limit to the Marion east corporation limits and on Davids Street from West Columbia Street to 500 feet south of Bellefontaine Avenue.

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 City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;

As part of the project, the LPA shall install and/or repair all curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act;

The City agrees to assume and bear one hundred percent (100%) of the costs of right of way acquisition and utility relocation, if applicable. Further, the City agrees to assume and bear one hundred percent (100%) of the total cost of preliminary engineering and construction less the amount of federal funds set aside by the Director of Transportation;

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.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Consultants and Authority to Sign

The Safety/Service Director of said City is hereby empowered on behalf of the City of Marion to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the project and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Safety/Service Director is also empowered to assign all rights, title, and interests of the City of Marion to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

RECORD OF ORDINANCES

Ordinance No. 2004-108, Page Two

Passed OCT 11 2004, 20

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section VI. This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislation 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.



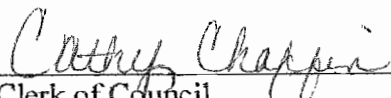
President of Council

APPROVED: OCT 12 2004



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0207

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-109 Passed OCT 11 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004

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

Section 1. That there be additional appropriations made in various funds in the amount of \$2,416,861.17 for the year ending December 31, 2004 as follows:

GENERAL FUND

Table with 3 columns: Description, Amount, Total. Rows include FIRE DEPARTMENT (LEASE INTEREST, LEASE PRINCIPAL), POLICE DEPARTMENT (SMART CAMP), STATUTORY (INCOME REFUNDS), and TOTAL GENERAL FUND.

PARKS FUND

Table with 3 columns: Description, Amount, Total. Row: FOUNDERS PARK IMPROVEMENTS.

SANITATION FUND

Table with 3 columns: Description, Amount, Total. Row: CENTRAL GARAGE.

SANITARY SEWER IMPROVEMENT FUND

Table with 3 columns: Description, Amount, Total. Rows include MARY/HIGH/VINE/QU QUA REIMBURSE FUND 504, MAIN TRUNK GREENWOOD, and TOTAL SANITARY SEWER IMPROV.

STORM SEWER IMPROVEMENT FUND

Table with 3 columns: Description, Amount, Total. Rows include MARY/HIGH/VINE/QU QUA REIMBURSE FUND 509, GREENWOOD/UHLER, and TOTAL STORM SEWER IMPROVEMENT.

OPWC SANITARY/STORM SEWER FUND

Table with 3 columns: Description, Amount, Total. Row: MAIN TRUNK/GREENWOOD.

CENTRAL GARAGE FUND

Table with 3 columns: Description, Amount, Total. Row: PROFESSIONAL SERVICE.

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

Signature of Phil Reid, PRESIDENT OF COUNCIL

APPROVED: OCT 12 2004

Signature of Jack L. Kelly, MAYOR

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

ATTEST:

Signature of Cathy Chappin, CLERK

RECORD OF ORDINANCES

0009

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-110

Passed _____, 20____

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING A 1.9 ACRE PARCEL OF REAL PROPERTY LOCATED ON THE NORTHWEST CORNER OF DELAWARE AVENUE AND EXECUTIVE DRIVE IN THE CITY OF MARION, OHIO FROM AN O-I OFFICE INSTITUTIONAL TO A C-2 COMMUNITY SHOPPING DISTRICT. (Applicant Meadowood Development)

WHEREAS, Council finds that the real property described below, should be rezoned from an O-I Office Institutional to a C-2 Community Shopping District, and

WHEREAS, the City Planning Commission voted not to recommended a change to the existing zoning code,

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

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

SECTION 1. That the property known as a 1.9 acre parcel located on the northwest corner of Delaware Avenue and Executive Drive, in the City of Marion, Ohio and being more particularly described in the attached Exhibit A. Said parcel currently zoned as O-I Office Institutional and shall rezoned as C-2 Community Shopping District, and

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

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

President of Council

APPROVED:

Mayor

ATTEST:

Clerk of Council

RECORD OF ORDINANCES

0093

Ordinance No. 2004-11, Page 1 Passed JAN 26 2004, 20

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$(53,089.52) as follows:

<u>GENERAL FUND</u>		
COURT SECURITY	101.7731.550452	\$ (302.00)
FIRE ADMIN	101.1131.540324	(196.98)
ODPS 04 GRANT	101.1131.534223	(5.00)
HEALTH FUND	101.7745.580711	(81,624.28)
TRANSIT	101.7745.580704	(55,774.00)
SMART CAMP EXPENSE	101.1111.530219	6,695.42
PROPERTY TAX	101.7741.540381	<u>2,525.31</u>
TOTAL GENERAL FUND		\$(128,681.53)
 <u>SCMR FUND</u>		
RESURFACING	207.6612.530531	\$ 35,331.21
 <u>LAW ENFORCEMENT BLOCK GRANT</u>		
FY 02 EQUIPMENT	213.1542.550450	\$ (2.57)
 <u>HEALTH FUND</u>		
SALARIES	214.2221.510110	\$ (32,348.00)
BENEFITS	214.2221.510120	(17,038.00)
ADMINISTRATION	214.2221.540324	<u>(100.00)</u>
TOTAL HEALTH FUND		\$ (49,486.00)
 <u>PARKS FUND</u>		
PROPERTY TAX	221.3421.540381	\$ 379.18
 <u>ASAP FUND</u>		
YOUTH SUSTENANCE	225.1543.540350	\$ 560.00
 <u>POLICE & FIRE PENSION FUND</u>		
POLICE	235.1111.510120	\$ (463.08)
FIRE	235.1131.510120	<u>(463.08)</u>
TOTAL P&F PENSION FUND		\$ (926.16)
 <u>HEALTH LICENSE FUND</u>		
TATTOO	247.2224.530722	\$ 287.32
TRAILER PARK	247.2224.530723	500.00
FOOD SERVICE	247.2224.530724	<u>2,250.27</u>
TOTAL HEALTH LICENSE		\$ 3,037.59
 <u>HOUSING REHAB FUND</u>		
HOUSING REHAB	273.4539.530328	\$ (504.05)
 <u>SPECIAL ASSESSMENT FUND</u>		
GO BOND	344.8912.580719	\$ 133.79
 <u>CAPITAL IMPROVEMENT FUND</u>		
FY 03 CONTINGENCY	401.9543.570624	\$ 4,309.43
 <u>SOFTBALL FIELD IMPROVEMENT FUND</u>		
CAPITAL IMPROVEMENTS	420.3421.550520	\$ 16,403.17
 <u>TRANSIT FUND</u>		
TRAVEL	502.6544.520220	\$ 1,000.00
UTILITIES	502.6544.530310	<u>1,500.00</u>
TOTAL TRANSIT FUND		\$ 2,500.00
 <u>SEWER REVENUE FUND</u>		
UTILITIES	505.5552.530310	\$ 20,000.00

RECORD OF ORDINANCES

Ordinance No. 2004-11, Page 2 Passed JAN 26 2004, 20

<u>RECYCLING FUND</u>		
TRANSFER TO SANITATION	508.5564.580506	\$ 25,757.18
<u>SWIMMING POOL FUND</u>		
SALARIES	516.3423.510110	\$ (747.00)
<u>CENTRAL GARAGE CONSTRUCTION FUND</u>		
PROFESSIONAL SERVICES	651.9601.6550320	\$ 1.81
<u>YOUTH RECREATION TRUST FUND</u>		
TRUST EXPENSE	732.3422.570731	\$ 3,929.83
<u>SAFETY PATROL TRUST FUND</u>		
TRUST EXPENSE	736.1822.570731	\$ 395.27
<u>LAW ENFORCEMENT TRUST FUND</u>		
TRUST EXPENSE	737.1823.570731	\$ 17,350.43
SAFETY CITY	737.1824.570731	(3,020.48)
TOTAL LAW ENFORCEMENT		\$ 14,329.95
<u>PARKING METER FUND</u>		
JENKINS & JENKINS	740.1827.570732	\$ 368.94
<u>ROTARY FUND</u>		
GREYHOUND FARES	788.6512.570769	\$ (179.56)

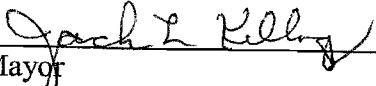
GRAND TOTAL \$(53,089.52)

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



President of Council

APPROVED: JAN 27 2004



Mayor

Attest



Clerk of Council

RECORD OF ORDINANCES

0075

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-12

Passed JAN 26 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE A 2004 F450 4X4 TRUCK FROM MATHEWS-KENNEDY, A DUMP BED FROM DEXTER COMPANY AND A SNOW PLOW FROM E.E. JOHNSON PROPERTY SERVICES, LLC., FOR USE AT THE MARION MUNICIPAL AIRPORT.

WHEREAS, there is a new 2004 F450 4x4 Truck available through Mathews Kennedy, a dump bed from Dexter Company and a snow plow from E.E. Johnson Property Services, LLC.

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

Section 1. The Safety/Service Director is hereby authorized and directed to enter into contract with the following vendors for the purchase of the following items:

Mathews-Kennedy, Marion, Ohio - new 2004 F450 4x4 truck
Dexter Company, Bucyrus, Ohio - new dump bed
E.E. Johnson Services, LLC., Marion, Ohio - new snow plow

all for use at the Marion Municipal Airport or as the Director otherwise directs.

Section 2. The contract price for each shall be:

Mathews-Kennedy, Marion, Ohio - \$ 24,052.81
Dexter Company, Bucyrus, Ohio - \$ 5,110.00
E.E. Johnson Services, LLC., Marion, Ohio - \$ 3,955.00

Section 3. Each of the aforementioned purchases shall be payable from the Capital Equipment Fund account 101.6621.550450.

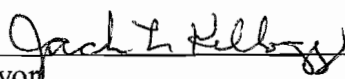
Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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



President of Council

APPROVED: **JAN 27 2004**



Mayor

Attest



Clerk of Council

Ordinance No. 2004-13, Page 1

Passed JAN 26 2004, 20

ORDINANCE AMENDING SECTIONS 309.01 AND 309.02 PENALTIES FOR MISDEMEANOR OFFENSES AND DECLARING AN EMERGENCY

WHEREAS, the Council has been advised, the State Legislature has recently, with the enactment of House Bill 490 and Senate Bill 123 both effective 1/1/2004, modified the penalties applicable to misdemeanor offenses, and

WHEREAS, the Council recognizes the benefits of incorporating the State Legislature's changes within the City of Marion Code, and

WHEREAS, the Council finds the following amendments to the existing Code to be in the best interests of the citizens of the City of Marion having concluded the basis the Legislature determined to be driving the need for change to be applicable to the local community,

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

Section 1. Marion City Code Section § 309.01 PENALTIES FOR MISDEMEANOR, specifically section 309.01 (D), now reading as follows:

(D) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than \$ 100. (R. C. 2929.21)

SHALL BE AMENDED TO READ:

309.01 (D) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than **\$ 150.00; COMMUNITY SERVICE, OR A FINANCIAL SANCTION OTHER THAN A FINE.** (O.R.C. 2929.24(A))

Section 2. Marion City Code Section § 309.02 GENERAL CODE PENALTY, specifically section 309.02, now reading as follows:

(A) Whoever violates any provision of this Traffic Code for which no penalty is otherwise provided is guilty of one of the following:

(1) Except as otherwise provided below in this section, a minor misdemeanor;

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one violation of any provision of this Traffic Code for which no penalty is otherwise provided or of a state law or municipal ordinance that is substantially similar to any provisions of this Traffic Code for which no penalty is otherwise provided, a misdemeanor of the fourth degree;

(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of any provision described in this Traffic Code or any state law or municipal ordinance that is substantially similar to those provisions, a misdemeanor of the third degree.

(B) When any person is found guilty of a first offense for a violation of § 333.03 upon a finding that he or she operated a motor vehicle faster than 35 miles an hour in a business district of the municipality, or faster than 50 miles an hour in other portions, or faster than 35 miles an hour while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, such person is guilty of a misdemeanor of the fourth degree.

Ordinance No. 2004-13, Page 2 Passed JAN 26 2004, 20

SHALL BE AMENDED TO READ:

(A) Whoever violates any provision of this Traffic Code for which no penalty is otherwise provided is guilty of one of the following:

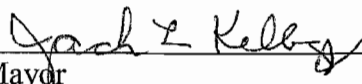
- (1) Except as otherwise provided below in this section, a minor misdemeanor;
- (2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this Traffic Code for which no penalty is otherwise provided or any state law or municipal ordinance that is substantially similar to those provisions, a misdemeanor of the fourth degree;
- (3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this Traffic Code for which no penalty is otherwise provided or any state law or municipal ordinance that is substantially similar to those provisions, a misdemeanor of the third degree.
- (4) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section or of any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof given the immediacy of the project and the need to proceed without delay; given the need to implement the same changes made by the State Legislature as to applicable penalties for misdemeanor offenses creating equitability among state citizens ; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

APPROVED: JAN 27 2004



Mayor

Attest



Clerk of Council

RECORD OF ORDINANCES

6099

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-14

Passed JAN 26 2004, 20

ORDINANCE TO ESTABLISH A COMMUNITY HOUSING INVESTMENT PROGRAM (CHIP) POLICY PROCEDURE MANUAL AND TO AUTHORIZE THE MAYOR AND MARION CITY/COUNTY REGIONAL PLANNING COMMISSION TO SUBMIT THE MANUAL, AND DECLARING AN EMERGENCY.

WHEREAS, this Council recognizes the need for programs which make affordable housing available to its citizens; and

WHEREAS, the state of Ohio's Small Cities Program makes funds available for projects which address these problems; and

WHEREAS, the Mayor must submit a Housing Policy and Procedures Manual on how to implement said housing program to the State of Ohio Department of Development, in order for the City of Marion to be eligible to apply for grants which address the local housing problems.

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

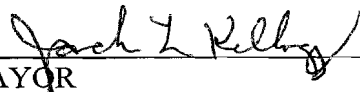
Section 1. Council adopts the Housing Policy and Procedures Manual for the City of Marion for up to five (5) years.

Section 2. That the Mayor and Marion City/County Regional Planning Commission is hereby authorized to submit the Policy and Procedure Manual to the State Dept. of Development.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: **JAN 27 2004**


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0 10 1

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-15

Passed FEB 09 2004, 20

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO
PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FOUR
SANITATION PACKERS**

WHEREAS, this vehicle will be added to our fleet;

WHEREAS, this vehicle will be purchased from the Sanitation Fund

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

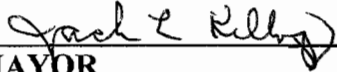
Section 1. That the Safety/Service Director is hereby authorized to
prepare specifications and advertise for bids for the purchase of four
Sanitation Packers.

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



PRESIDENT OF COUNCIL

APPROVED: FEB 10 2004


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

0105

Ordinance No. 2004-16

Passed FEB 09 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR ONE DUMP TRUCK AND SNOWPLOW

WHEREAS, this vehicle will be added to our fleet;

WHEREAS, this vehicle will be purchased from the Capital Improvement Fund

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 one Dump Truck and Snowplow.

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




PRESIDENT OF COUNCIL

APPROVED: FEB 10 2004



MAYOR

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

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0100

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-17

Passed FEB 09 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER
31, 2004.

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 \$21,474.50 as follows:

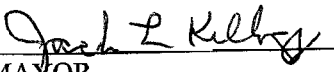
<u>GENERAL FUND</u>		
RECREATION		
UTILITIES	101.3422.530310	\$ 1,000.00
REFUNDS	101.3422.570720	200.00
SENIOR CENTER		
UTILITIES	101.3424.530310	200.00
AIRPORT		
UTILITIES	101.6621.530310	1,500.00
CITY HALL		
CLOTHING	101.7741.510140	50.00
ENGINEERING		
CLOTHING	101.7743.510140	50.00
	TOTAL GENERAL FUND	\$ 3,000.00
 <u>SENIOR CITIZENS IIIB FUND</u>		
ADMINISTRATION	203.3424.540324	\$ 7,125.44
 <u>SCMR FUND</u>		
UTILITIES	207.6612.530310	\$ 5,000.00
CLOTHING	207.6612.510140	950.00
	TOTAL SCMR FUND	\$ 5,950.00
 <u>SEWER REVENUE FUND</u>		
CLOTHING	505.5552.510140	\$ 1,100.00
 <u>SANITATION FUND</u>		
CLOTHING	506.5561.510140	\$ 850.00
 <u>RECYCLING FUND</u>		
TRANSFER TO SANITATION	508.5564.580506	\$ 3,099.06
 <u>STORM WATER UTILITY FUND</u>		
CLOTHING	509.5554.510140	\$ 150.00
 <u>CENTRAL GARAGE CONSTRUCTION FUND</u>		
CLOTHING	601.9601.510140	\$ 200.00

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




PRESIDENT OF COUNCIL

APPROVED: FEB 10 2004



MAYOR

ATTEST:



CLERK

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

Ordinance No. 2004-18, Page One

Passed FEB 09 2004, 20

ORDINANCE AMENDING ORDINANCE NO. 1969-29 (YARGER REPORT), AS AMENDED, REESTABLISHING POSITIONS WITHIN THE FIRE DEPARTMENT, SPECIFICALLY THE POSITIONS OF INSPECTOR AND TRAINING OFFICER AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 1969-29 adopted a standard classification system and included a standardized system of compensation, with Regulation 111, Section 6. provided as follows:

That from and after January 1, 1969, the personnel of the Fire Department shall consist of one Chief, three Platoon Chiefs, five Captains, four Lieutenants, one Mechanic, one Alarm Technician, one Fire Inspector (Lieutenant) and thirty-six (36) Fire Fighters, total personnel: fifty-two (52).

That one of the six existing Captains may serve without change in pay in the position of Lieutenant until such time as there is a total of not more than five Captains; however, exclusive of the Fire Inspector, a total of only three (3) Lieutenants shall be appointed so long as there exists more than five (5) Captains.

and,

WHEREAS, Ordinance 1978-41 amended that section of Ordinance 1969-29 contained above as follows:

That from and after July 1, 1978, the personnel of the Fire Department shall consist of one Chief, three Platoon Chiefs, five Captains, four Lieutenants, one Mechanic, one Alarm Technician, one Fire Inspector (Lieutenant) and forty-two (42) Fire Fighters, total personnel: fifty-eight (58)

That one of the six existing Captains may serve without change in pay in the position of Lieutenant until such time as there is a total of not more than five Captains; however, exclusive of the Fire Inspector, a total of only three (3) Lieutenants shall be appointed so long as there exists more than five (5) Captains

and,

WHEREAS, Ordinance 1983-127 amended that section of Ordinance 1969-29 contained above as follows:

That from and after December 15, 1983, the personnel of the Fire Department shall consist of one Chief, three Platoon Chiefs, five Captains, four Lieutenants, one Mechanic, one Fire Inspector (Lieutenant) and forty-three (43) Fire Fighters, total personnel: fifty-eight (58)

and,

WHEREAS, Ordinance 1989-31 amended that section of Ordinance 1969-29 contained above as follows:

That from and after March 15, 1989, the personnel of the Fire Department shall be authorized to consist of one Chief, three Platoon Chiefs, five Captains, four Lieutenants, one Mechanic, one Fire Inspector (Captain), one Fire Inspector (Lieutenant) and forty-three (43) Fire Fighters, total personnel: fifty-nine (59)

and,

WHEREAS, Ordinance 1989-116 amended that section of Ordinance 1969-29 contained above

Ordinance No. 2004-18, Page TwoPassed FEB 09 2004, 20

as follows:

That from and after January 1, 1990, the personnel of the Fire Department shall be authorized to consist of one Chief, three Platoon Chiefs, five Captains, four Lieutenants, one Mechanic, one Fire Inspector (Captain), and fifty (50) Fire Fighters, total personnel: sixty-five (65)

and,

WHEREAS, Ordinance 1998-105 amended that section of Ordinance 1969-29 contained above as follows:

That from and after July 13, 1998 the personnel of the Fire Department shall be authorized to consist of one (1) Chief, three (3) Platoon Chiefs, seven (7) Captains, four (4) Lieutenants, and fifty (50) Firefighters; total personnel: sixty-five (65)

and,

WHEREAS Ordinance 1998-106 provided for updated job descriptions for each of the classes provided for in Ordinance 1998-105 and included therein a separate description for 40 hour Captains and 48 hour Captains,

and,

WHEREAS, the Administration, after numerous successful defenses upholding the previous treatment of the Captains positions, to wit: every Captain whether 40 or 48 hour is of equal rank and possessive of equal benefits in everyway including but not limited to the right to test for the next higher rank, has found it necessary to enter into agreement with the I.A.F.F. , attached hereto as Exhibit A, providing for the creation of the positions of Fire Inspector and Fire Training Officer each being designated as Special positions within the Fire Department pursuant to O.R.C. 124.47. (See attached Exhibit B)

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

SECTION 1. Ordinance 1998-105 having amended the relevant sections of Ordinance 1969-29 related to the composition of the Fire Department reading as follows:

That from and after July 13, 1998 the personnel of the Fire Department shall be authorized to consist of one (1) Chief, three (3) Platoon Chiefs, seven (7) Captains, four (4) Lieutenants, and fifty (50) Firefighters; total personnel: sixty-five (65)

IS HEREBY AMENDED TO READ:

That from and after the effective date of this Ordinance the personnel of the Fire Department shall be authorized to consist of one (1) Chief, three (3) Platoon Chiefs, six (6) Captains (however once the present Captain assigned to Fire Inspector no longer serves in his current capacity the number shall revert five (5) , four (4) Lieutenants, one (1) Fire Inspector – Special Position (established once the present Captain assigned to Fire Inspector no longer serves in his current capacity), one (1) Fire Training Officer – Special Position, and fifty (50) Firefighters; total personnel: sixty-five (65).

Each person occupying the Special Positions, to wit: Fire Inspector and Fire Training Officer shall be entitled to the benefits afforded the Captains class, including but not limited to wages and benefits. Any person occupying either of the positions known as Fire Inspector or Training Officer with an appointment date prior to November 1, 2003 shall be eligible to test to the equal or next higher rank, including the position of Chief if there are insufficient numbers of Platoon Chiefs sitting for a test

RECORD OF ORDINANCES

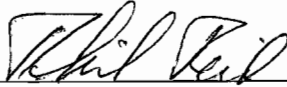
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Ordinance No. 2004-18, Page Three

Passed FEB 09 2004, 20

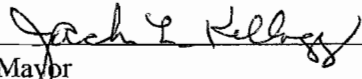
for the Chief's position, pursuant to O.R.C. and shall retain all previous benefits including but not limited to wages and the like. (present occupiers also shall receive any increases in any benefit afforded to other Captains irrespective of 40 vs. 48 hour) However, any person appointed to the newly created Special Positions of Fire Inspector or Fire Training Officer shall retain his/her previous rank during his/her service in that position, but shall not be counted in the personnel count from the rank from which he/she came. That person shall be eligible to "sit" for the next higher rank from which he/she holds.

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 proceed without delay; given the need to fill much needed positions within the Department of Fire; 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

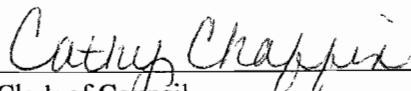
APPROVED: **FEB 10 2004**



Mayor

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

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

611

Ordinance No. 2004-19

Passed FEB 24 2004, 2004

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS FORD INC., FOR THE PURCHASE OF THREE (3) FORD CROWN VICTORIA POLICE VEHICLES AND ONE (1) FORD EXPLORER UTILITY VEHICLE FOR USE IN THE POLICE DEPARTMENT, THE EQUIPMENT NEEDED FOR THESE VEHICLES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 2004-5, the Safety/Service Director was authorized to advertise for bids for the purchase of three marked police vehicles and one unmarked utility vehicle for the police department, and

WHEREAS, the police department is in need of new marked police vehicles and an unmarked utility vehicle, and;

WHEREAS, the purchase of these vehicles was budgeted for FY 2004, and

WHEREAS, Mathews Ford Inc., submitted the lowest price for these vehicles, 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 Ford Inc., to purchase 3 Ford Crown Victoria police vehicles and 1 Ford Explorer utility vehicle for use in the police department.

Section 2. That the vehicles purchased from Mathews Ford Inc., at a cost totaling \$84,244.24, shall be payable from the Police Department Contingency Fund.

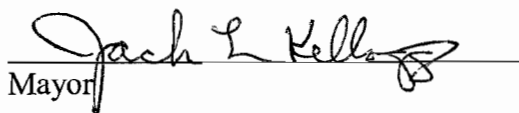
Section 3. That the necessary equipment for these four vehicles, such as sirens, markings, lights, etc., be included in the Contingency Fund expenditure. This equipment totals approximately \$12,650.00

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 shall take effect and be in force immediately upon it's passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

Approved: FEB 25 2004



Mayor

Clerk

RECORD OF ORDINANCES

013

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-20

Passed FEB 24 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BENDER COMMUNICATIONS INC., FOR THE PURCHASE OF ONE MTR2000 REPEATER AND ASSOCIATED EQUIPMENT NEEDED FOR THE POLICE DISPATCH CENTER, AND DELCARING AN EMERGENCY.

WHEREAS, the current repeater used by the police dispatch is more than 25 years old, and;

WHEREAS, Bender Communications Inc., had the lowest and best bid for the repeater, and

WHEREAS, this team was budgeted for FY 2004,

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

Section 1. That the Safety/Service Director be, and he is hereby authorized to enter into contract with Bender Communications Inc., for the purchase of one radio repeater and associated equipment.

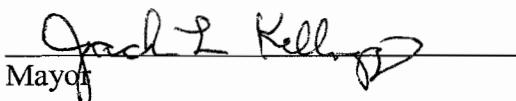
Section 2. That the purchase price of the repeater and related equipment is \$7,863.00 and shall be payable from the Contingency Fund.

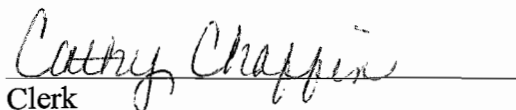
Section 3. That this ordinance is hereby declared an emergency measure necessary for the immediate preservation of health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of said City; and shall take effect and be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



President of Council

Approved: **FEB 25 2004**



Mayor

Clerk

RECORD OF ORDINANCES

0011

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-111

Passed OCT 8 5 2004, 2004

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$379,550.00 for the year ending December 31, 2004 as follows:

Airport Improvement Fund

Project 14

Land Acquisition	446.6404.550455	\$ 378,250.00
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Senior Citizens IIB Fund


Salaries	203.3544.510110	\$ 1,300.00
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Section 2. That this ordinance shall take effect and be in force from and
after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: **OCT 27 2004**


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0016

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-112

Passed DEC 27 2004, 20

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT WITH ADELPHIA, AUTHORIZING AND RATIFYING ALL NECESSARY ACTS RELATED THERETO INCLUDING BUT NOT LIMITED TO AMENDING THE MARION CITY CODE BY REPLACING THOSE SECTIONS WHICH HAVE BEEN MODIFIED OR AMENDED AS CONTAINED WITHIN THE ATTACHED NON-EXCLUSIVE FRANCHISE AGREEMENT

WHEREAS, the existing cable franchise agreement will expire November 1, 2004. The City and the cable provider have been actively engaged in renewal negotiations for a number of years, and

WHEREAS, the Council has given due consideration to all comments regarding the proposed terms, comments from users of the system and the state of the cable programming industry as a whole and has determined that the terms and conditions contained within the documents attached hereto and made a part hereof are best suited to serve the community

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

SECTION 1. The Mayor is authorized to execute the non-exclusive cable franchise agreement with Adelphia as the provider in a form substantially similar to that which is attached hereto. Further the Council ratifies all acts related to the new non-exclusive cable franchise and authorizes the Mayor to complete all additional acts necessary to continue the relationship with the cable provider upon the terms and conditions substantially similar to those contained within the attached document which is incorporated herein by reference.

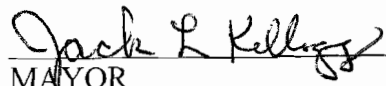
Those existing sections of the Marion City Code which are modified, altered or replaced by the newly revised provisions contained within the attached contract shall be amended and/or replaced to reflect the new provision. If any existing Code section is found to conflict with a section contained within the contract attached hereto, the provision contained in the attached contract shall control.

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



PRESIDENT OF COUNCIL

APPROVED: DEC 28 2004



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0017

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-113

Passed OCT 25 2004, 20

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT PROVIDING FOR A THIRTY (30) DAY EXTENSION OF THE EXISTING NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT WITH ADELPHIA. THIS EXTENSION BEING AT THE REQUEST OF ADELPHIA'S REPRESENTATIVES AND DECLARING AN EMERGENCY

WHEREAS, the existing cable franchise agreement will expire November 1, 2004. The City and the cable provider have been actively engaged in renewal negotiations for a number of years, more specifically with the current representative of the cable provider for approximately eight (8) months, and

WHEREAS, the City has held a series of three Committee meetings, one of which was published and persons from the Community attended and offered productive comments, all consistent with the schedule outline agreed to by the negotiating representatives in September, and

WHEREAS, although the City is ready, willing and able to proceed with the terms and conditions as have been newly bargained, Adelphia now states they need additional time to obtain the necessary approvals on their end,

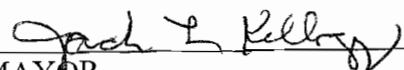
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio

SECTION 1. The Mayor is authorized to execute an agreement providing for a thirty (30) day extension of the existing non-exclusive cable franchise agreement with Adelphia, requested by the aforementioned cable provider.

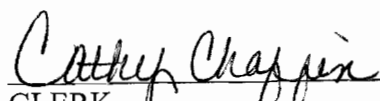
SECTION 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval by the Mayor given the need to delay the vote on the proposed cable franchise renewal agreement until the cable provider has sufficient time to obtain its necessary approvals; 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: **OCT 27 2004**


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0015

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-114

Passed OCT 25 2004, 20

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE NECESSARY LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT TO FACILITATE LONG TERMS PLANS AND COMPLYING WITH ALL FEDERAL REQUIREMENTS TO ENSURE THE RECEIPT OF ASSISTANCE FROM THE FAA AND DECLARING AN EMERGENCY.

WHEREAS, the Marion Municipal Airport has continued to prosper and benefit from the direct efforts of its' Commission, the Administration and the Council, and

WHEREAS, as a part of the Airport's Master Plan Layout there has been identified a certain parcel of real property which has been declared necessary for municipal purposes and, in addition thereto, has been approved by the FAA for acquisition for numerous beneficial reasons, including but not limited to protecting the viability of all four runway approaches by expansion of runway protection zones, and

WHEREAS, the FAA funding assistance has been previously approved, with final approval expected after the execution of the contemplated purchase agreement herein,

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

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

Section 1. The Mayor is authorized to enter into agreement with Homer Blevins and other interested parties, for the purchase of a certain parcel of real property declared to be necessary for a public purpose, located adjacent to the Marion Municipal Airport. Said lands being southeast of the Marion Municipal Airport and containing approximately 30.00 acres. Said purchase contemplates the use of FAA and City matching funds in the ratio of 90%, 10%. The entire acquisition being a part of the Airport's Master Plan Layout and in furtherance of expansion of the existing runway protection zones. This purchase having been approved by the FAA, subject only to final approval once the real estate purchase contract is executed. The aforementioned contract to be upon terms and conditions as approved by the Director of Law.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, given the restricting time frame as contained within the purchase contract and the fact that time is of the essence; 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 vote of all members elected to Council, otherwise, it shall become effective from and after the earliest period allowed by law.

APPROVED: **OCT 27 2004**



PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0519

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-115

Passed NOV 08 2004, 20

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT WITH LUTHERAN SOCIAL SERVICES OF CENTRAL OHIO PLACE I HOUSING, INC. AND DECLARING AN EMERGENCY.

WHEREAS, this Council passed Ordinance No. 2004-95 on September 27, 2004 (the "TIF Ordinance") creating a Barks Road Incentive District (the "District"); and

WHEREAS, this Council in the TIF Ordinance exempted the value of Improvements (as defined in the TIF Ordinance) on the property located in the District; and

WHEREAS, this Council in the TIF Ordinance authorized tax increment financing agreements with the then owners of the property in the District; and

WHEREAS, the authorization in the TIF Ordinance to enter into those tax increment financing agreements became effective on October 27, 2004; and

WHEREAS, prior to that effective date and the execution and delivery of the tax increment financing agreement with Center Park Center of Marion Ltd. authorized by the TIF Ordinance, Center Park of Marion Ltd. conveyed a portion of its property to Lutheran Social Services of Central Ohio Place I Housing, Ltd. ("Lutheran Social Services"); and

WHEREAS, this Council desires to insure that Improvements will be constructed on the property owned by Lutheran Social Services and that Lutheran Social Services shall pay service payments in lieu of taxes on those Improvements as contemplated by the TIF Ordinance;

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

Section 1. The Tax Increment Financing Agreement with Lutheran Social Services (the "Lutheran Social Services TIF Agreement") in the form presently on file with this Council providing for, among other things, the payment of Service Payments with respect to Improvements to the property owned by Lutheran Social Services is hereby approved, and the Mayor is authorized to execute and deliver that Lutheran Social Services TIF Agreement with such changes that are not inconsistent with this ordinance, are not substantially adverse to the City and are approved by the Mayor. The approval of any changes to the Lutheran Social Services TIF Agreement, and the character of the changes as not being substantially adverse to the City, shall be evidenced conclusively by the Mayor's execution of the Lutheran Social Services TIF Agreement. This Council hereby authorizes the Auditor and Treasurer to make such arrangements as are necessary and proper for the collection from Lutheran Social Services and any subsequent owner of that property of the service payments in lieu of taxes, plus any applicable penalties and interest, as provided in the TIF Ordinance and in the Lutheran Social Services TIF Agreement.

Section 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of this City, and for the further reason that this ordinance is required to be immediately effective in order to secure the payments in lieu of taxes related to the property owned by Lutheran Social Services; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

APPROVED: NOV 09 2004


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0021

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-116

Passed NOV 08 2004, 20

ORDINANCE MAKING APPROPRIATIONS IN THE FORMULA GRANT FUND FOR THE YEAR ENDING DECEMBER 31, 2004.

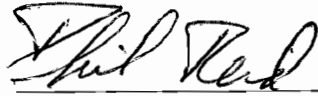
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be appropriations made in the Formula Grant Fund in the amount of \$188,000.00 for the year ending December 31, 2004 as follows:

FY '04 FORMULA GRANT FUND

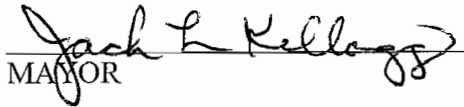
Private Rehab	275.4544.530322	\$ 48,000.00
Administration	274.4544.530324	27,500.00
Water & Sewer Facilities	275.4544.530330	41,000.00
Curbs & Sidewalks	275.4544.530337	30,000.00
Fair Housing	275.4544.530339	500.00
Neighborhood Facilities	275.4544.530344	<u>41,000.00</u>
TOTAL FORMULA GRANT		\$188,000.00

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



PRESIDENT OF COUNCIL

APPROVED: **NOV 09 2004**


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0026

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-117

Passed NOV 08 2004, 20

ORDINANCE TO ESTABLISH A COMMUNITY HOUSING INVESTMENT PROGRAM (CHIP) POLICY PROCEDURE MANUAL AND TO AUTHORIZE THE MAYOR AND MARION CITY/COUNTY REGIONAL PLANNING COMMISSION TO SUBMIT THE MANUAL, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion recognizes the need for programs which make affordable housing available to its citizens; and

WHEREAS, the state of Ohio's Small Cities Program makes funds available for projects which address these problems; and

WHEREAS, the Mayor must submit a Housing Policy and Procedures Manual on how to implement said housing program to the State of Ohio Department of Development, in order for the City of Marion to be eligible to apply for grants which address the local housing problems, and

WHEREAS, minor changes and revisions have been made to the City's current Housing Policy and Procedures Manual, per the request of the Office of Housing and Community Partnerships.

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

Section I. Council adopts the updated Housing Policy and Procedures Manual for the City of Marion through July 1, 2008.

Section 2 That the Mayor and Marion City/County Regional Planning Commission is hereby authorized to submit the Policy and Procedure Manual to the State Dept. of Development, as updated and approved by the Dept. of Development.

Section 3 This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: **NOV 09 2004**


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0525

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-118

Passed NOV 22 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE STATE OF OHIO COOPERATIVE PURCHASING, FOR THE PURCHASE OF TWENTY-FIVE (25) TASER MODEL X26, AND THE ACCESSORIES FOR THOSE TASERS, FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the police department is in need of TASER'S for the protection of the citizens of Marion and the officers of the Marion Police Department; and

WHEREAS, the State of Ohio cooperative purchasing program (state bid) has the contract to provide these TASERS, at the lowest price,

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

Section 1. That the Safety/Service Director be, and he is hereby authorized to enter into contract with the State of Ohio cooperative purchasing for the purchase of said TASERS and related accessories.

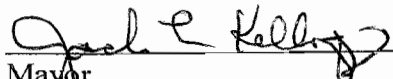
Section 2. That the TASERS and related equipment purchased from the State of Ohio cooperative purchasing at a cost of \$30,077.08, and shall be paid from the Capital Improvement and Law Enforcement Trust Funds.

Section 3. That this ordinance is hereby declared an emergency measure necessary for the immediate preservation of health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of said City; and 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: **NOV 23 2004**



Mayor



Clerk

RECORD OF ORDINANCES

0527

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-119

Passed NOV 22 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FIRST ENERGY SOLUTIONS CORPORATION FOR A FIRM SUPPLY OF ELECTRIC POWER FOR MEMBERS OF THE CITY OF MARION AGGREGATION PROGRAM.

Whereas, the City of Marion has an approved Aggregation Plan with the Public Utilities Commission of Ohio, and;

Whereas, First Energy solutions has submitted the best proposal for the supply of electric power, and;

Whereas, the contract pricing shall be for period beginning in May of 2005 and will expire on December 31, 2008.

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 First Energy Solutions through 2008 for a firm supply of electric power for City of Marion residents that are members of the Aggregation Program.

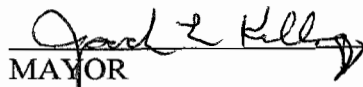
Section 2. That the pricing shall be set at a 4% discount off the shopping credit for residential customers and 2% off the shopping credit for commercial customers.

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



PRESIDENT OF COUNCIL

APPROVED: NOV 23 2004



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0029

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-120

Passed NOV 22 2004, 20

**ORDINANCE AMENDING MARION CITY CODE SECTION 351.15
NIGHT PARKING IN RESIDENTIAL DISTRICTS TO ALLEVIATE AN
EXISTING ENFORCEMENT PROBLEM**

WHEREAS, the Council has been made aware of an enforcement problem with the current City Code related to the parking of certain vehicles in residential districts, and

WHEREAS, the Council finds it necessary to modify the relevant Marion City Code section in order to ensure an equal enforcement of our laws on each street or the like within the City in order to enhance the safety and welfare of the citizens of Marion,

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

**Section 1. Marion City Code Section § 351.15 NIGHT PARKING IN
RESIDENTIAL DISTRICTS**

No person shall park a school bus, commercial tractor, agricultural tractor, truck of more than one ton capacity, bus, trailer, semi trailer, pole trailer or moving van on any street within the residential districts of the municipality between one-half hour after sunset and one-half hour before sunrise.

('70 Code, § 351.15) Penalty, see §§ 309.01, 309.01 and 351.19

shall be amended to read as follows:

**Marion City Code Section § 351.15 NIGHT PARKING IN RESIDENTIAL
DISTRICTS.**

No person shall park a school bus, commercial tractor, agricultural tractor, truck of more than one ton capacity, bus, trailer, semi trailer, pole trailer or moving van on any street OR WITHIN TEN (10) FEET OF ANY STREET within the residential districts of the municipality between one-half hour after sunset and one-half hour before sunrise.

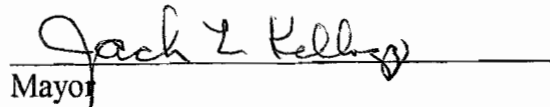
('70 Code, § 351.15) Penalty, see §§ 309.01, 309.01 and 351.19

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



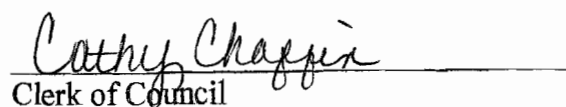
President

APPROVED: NOV 23 2004



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

0051

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-121Passed NOV 22 2004, 20

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
CONTRACT FOR THE PURCHASE OF CERTAIN LANDS AS A PART
OF THE EXPANSION OF THE EXISTING QUARRY PARK, AND
DECLARING AN EMERGENCY

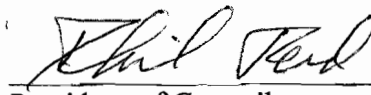
WHEREAS, the Council previously authorized the Mayor to make application for a Clean Ohio Conservation Fund Grant for the purchase of additional real property located adjacent to the existing Quarry Park, and

WHEREAS, the Mayor has reported, the City's request for grant funding has been approved and it is desirable that an agreement with the current property owner be obtained in order to proceed with the contemplated project,

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

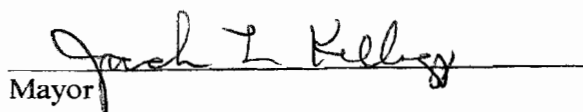
SECTION 1. The Mayor is hereby authorized and directed to enter into contract for the purchase of real property, being approximately 44.03 acres, adjacent to the City of Marion's existing Quarry Park in order to provide for the expansion of said Park as previously contemplated upon terms consistent with those as were presented at Committee on the 16th day of November, 2004. All in order to take advantage of the Clean Ohio Conservation Fund Grant extended to the City for said purpose. Further, the Mayor is granted full authority to ensure the project is successful and to complete any and all documents necessary to achieve said end.

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 proceed without delay, as delay will cause the potential loss of the grant funding and the willingness of the current owner to accept the reasonable terms which have been negotiated; 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.



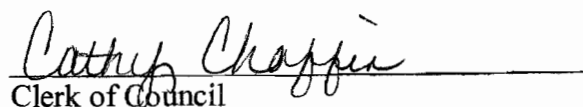
President of Council

APPROVED: NOV 23 2004



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0333

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-122

Passed DEC 27 2004, 20

ORDINANCE AUTHORIZING THE ADMINISTRATION TO RENEW THE STREET LIGHTING CONTRACT WITH OHIO EDISON COMPANY, AND DECLARING AN EMERGENCY

WHEREAS, the Council, by adoption of Ordinance 1999-158, did extend the then existing contract for Street Lighting with Ohio Edison, and

WHEREAS, the Council has been advised by the Administration the current contract is set to expire with the last day of this year. Further, Ohio Edison has tendered an offer to continue providing services related to the lighting of streets, ways and public places, however, this contract provides for stepped increases over the intended life of the contract. The Administration has advised, it is best to renew the contract and continue to investigate any and all alternatives, especially given that the contract for 2005 will be at the current price and the contract provides for a termination without cause with 60 days notice.

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

Section 1. The Council hereby finds and determines that the public safety and welfare continues to require the lighting of certain streets, ways and public places within the City. Therefore, the Council hereby authorizes the Safety/Service Director to renew, enter into a new contract, and/or continue to negotiate the contract with Ohio Edison Company for the lighting of certain streets, ways and public places for a period not to exceed five (5) years commencing January 1, 2005 upon such favorable terms and conditions as said Director is able to achieve.

Section 2. The cost of lighting provided for herein shall be assessed by the same method by as was utilized in the immediately preceding contract.


Section 3. No petition seeking discontinuance of the artificial lighting has been filed.

Section 4. 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 given the immediate need to move forward without delay for the protection and safety of the community ; 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.



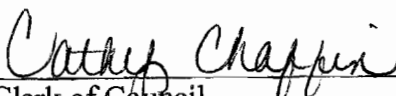
President

APPROVED: DEC 28 2004



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

0055

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-123

Passed NOV 22 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$542,500.00 for the year ending December 31, 2004 as follows:

GENERAL FUND

FIRE DEPT

DONATIONS 101.1131.540324 \$ 13,200.00

HEALTH FUND

DONATIONS 214.2221.540324 \$ 1,500.00

PARKS FUND

DONATION-ADMINISTRATION 221.3421.540324 \$ 5,000.00
FOUNDERS PARK IMPROVEMENT 221.3421.554520 800.00
TOTAL PARKS FUND \$ 5,800.00

CHIP GRANT FY 2004

ADMINISTRATION 272.4544.530324 \$ 37,500.00
IMPLEMENTATION 272.4544.530326 36,000.00
HOME/BUILDING REPAIR 272.4544.530328 100,000.00
RENTAL REHAB 272.4544.530329 80,000.00
FAIR HOUSING 272.4544.530339 500.00
RENTAL ASSISTANCE 272.4544.530340 200,000.00
PUBLIC SERVICE 272.4544.530342 46,000.00
TOTAL CHIP FY 2004 \$ 500,000.00

SANITATION FUND

YARD WASTE FEES 506.5561.530317 \$ 15,000.00
PROF SERVICES 506.5561.530320 \$ 7,000.00
TOTAL SANITATION FUND \$ 22,000.00

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

Signature of Phil Keril, PRESIDENT OF COUNCIL

APPROVED: NOV 23 2004

Signature of Jack L. Kelly, MAYOR

ATTEST:

Signature of Cathy Chappin, CLERK

RECORD OF ORDINANCES

0537

Ordinance No. 2004-124

Passed NOV 22 2004, 20

ORDINANCE ACCEPTING THE PLAT OF CENTER PARK LTD., WELLNESS DRIVE PHASE II, LOCATED IN OUT LOT 734, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, IN SAID CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN.

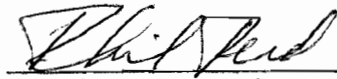
WHEREAS, Center Park of Marion Ltd., has hereunto submitted to the Planning Commission of the City of Marion, a Plat of the Wellness Drive Phase II roadway extension located in Out Lot 734, being part of the Southwest Quarter of Section 35, Township 5 South, Range 15 East, in Said City of Marion, County of Marion, State of Ohio, containing said extension of Wellness Drive and Road "A", and

WHEREAS, on the 2nd day of November, 2004, said Commission approved said Plat.

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

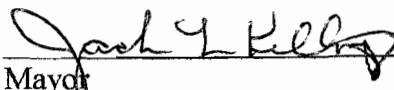
Section 1. That the Plat of Center Park Ltd., Wellness Drive Phase II roadway extension located in Out Lot 734, being part of the Southwest Quarter of Section 35, Township 5 South, Range 15 East, in Said City of Marion, County of Marion, State of Ohio, dated _____, 2004, and dedicated November 2, 2004, be and the same is hereby approved and accepted and dedicated to the public use of the streets shown therein, be and the same is hereby accepted and confirmed. (See attached Exhibit A)

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



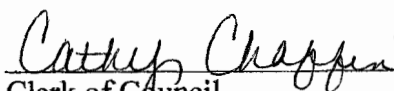
President of Council

APPROVED: NOV 23 2004



Mayor

ATTEST:



Clerk of Council

Exhibit A
Ordinance No. 2004-124
Dated: November 2, 2004

DESCRIPTION OF A 2.606 ACRE TRACT OF LAND

Situated in the State of Ohio, County of Marion, City of Marion, located in Out Lot 734 in said City of Marion, being part of the Southwest Quarter of Section 35, Township 5 South, Range 15 East, being 2.606 acres out of the remainder of a tract of land deeded to Center Park of Marion, Ltd. in Official Record 723, Page 890, said 2.606 acres being more particularly bounded and described as follows:

Beginning at an iron pin found at the southeasterly corner of the existing right-of-way of Wellness Drive as shown and delineated in the plat of "RIGHT-OF-WAY DEDICATION PLAT FOR WELLNESS DRIVE" as recorded in Plat Book 13, Pages 12 & 13, said iron pin being the TRUE PLACE OF BEGINNING for the tract herein to be described;

Thence the following four (4) courses and distances across and through said Center Park of Marion, Ltd. tract;

1. S 00° 56' 51" W a distance of 191.61 feet to a 1/4" iron pin set ("Advanced 7661" cap) at a point of curvature to the right;
2. Along said curve to the right having a Radius of 425.00 feet, a Delta of 46° 57' 45", an Arc Length of 348.35 feet, and a chord which bears S 24° 25' 43" W a distance of 388.68 feet to a 1/4" iron pin set ("Advanced 7661" cap) at a point of reverse curve;
3. Along said reverse curve having a Radius of 20.00 feet, a Delta of 83° 32' 55", an Arc Length of 29.16 feet, and a chord which bears S 06° 08' 09" W a distance of 26.65 feet to a 1/4" iron pin set ("Advanced 7661" cap) at a point of tangency;
4. S 35° 38' 19" E a distance of 230.45 feet to a 1/4" iron pin set ("Advanced 7661" cap) on the northerly line of a tract deeded to Fetter Farms, Inc. in Official Record 90, Page 340;

Thence N 89° 41' 23" W along said northerly line a distance of 36.47 feet to a 1/4" iron pin set ("Advanced 7661" cap) at the northwest corner of said Fetter Farms, Inc. tract;

Thence S 01° 09' 49" W along the westerly line of said Fetter Farms, Inc. tract a distance of 50.87 feet to a 1/4" iron pin set ("Advanced 7661" cap);

Thence the following ten (10) courses and distances across and through said Center Park of Marion, Ltd. tract;

1. N 35° 38' 19" W a distance of 249.78 feet to a 1/4" iron pin set ("Advanced 7661" cap) at a point of curvature to the left;

2. Along said curve to the left having a Radius of 20.00 feet, a Delta of 83° 32' 55", an Arc Length of 29.16 feet, and a chord which bears N 77° 24' 47" W a distance of 26.65 feet to a 1/4" iron pin set ("Advanced 7661" cap) at a point of reverse curve;
3. Along said reverse curve having a Radius of 425.00 feet, a Delta of 29° 50' 54", an Arc Length of 221.40 feet, and a chord which bears S 75° 44' 13" W a distance of 218.91 feet to a 1/4" iron pin set ("Advanced 7661" cap) at a point of tangency;
4. N 89° 20' 20" W a distance of 573.93 feet to a 1/4" iron pin set ("Advanced 7661" cap) at a point of curvature to the right;
5. Along said curve to the right having a Radius of 425.00 feet, a Delta of 38° 14' 16", an Arc Length of 283.63 feet, and a chord which bears N 70° 13' 12" W a distance of 278.40 feet to a 1/4" iron pin set ("Advanced 7661" cap);
6. N 89° 53' 56" E a distance of 60.00 feet to a 1/4" iron pin set ("Advanced 7661" cap) on a curve to the left;
7. Along said curve to the left having a Radius of 365.00 feet, a Delta of 38° 14' 16", an Arc Length of 243.59 feet, and a chord which bears S 70° 13' 12" E a distance of 239.10 feet to a 1/4" iron pin set ("Advanced 7661" cap) at a point of tangency;
8. S 89° 20' 20" E a distance of 573.93 feet to a 1/4" iron pin set ("Advanced 7661" cap) at a point of curvature to the left;
9. Along said curve to the left having a Radius of 365.00 feet, a Delta of 89° 42' 49", an Arc Length of 571.52 feet, and a chord which bears N 45° 48' 15" E a distance of 514.90 feet to a 1/4" iron pin set ("Advanced 7661" cap);
10. N 00° 56' 51" E a distance of 191.61 feet to a 1/4" iron pin set ("Advanced 7661" cap) at the southwest corner of said Wellness Drive right-of-way;

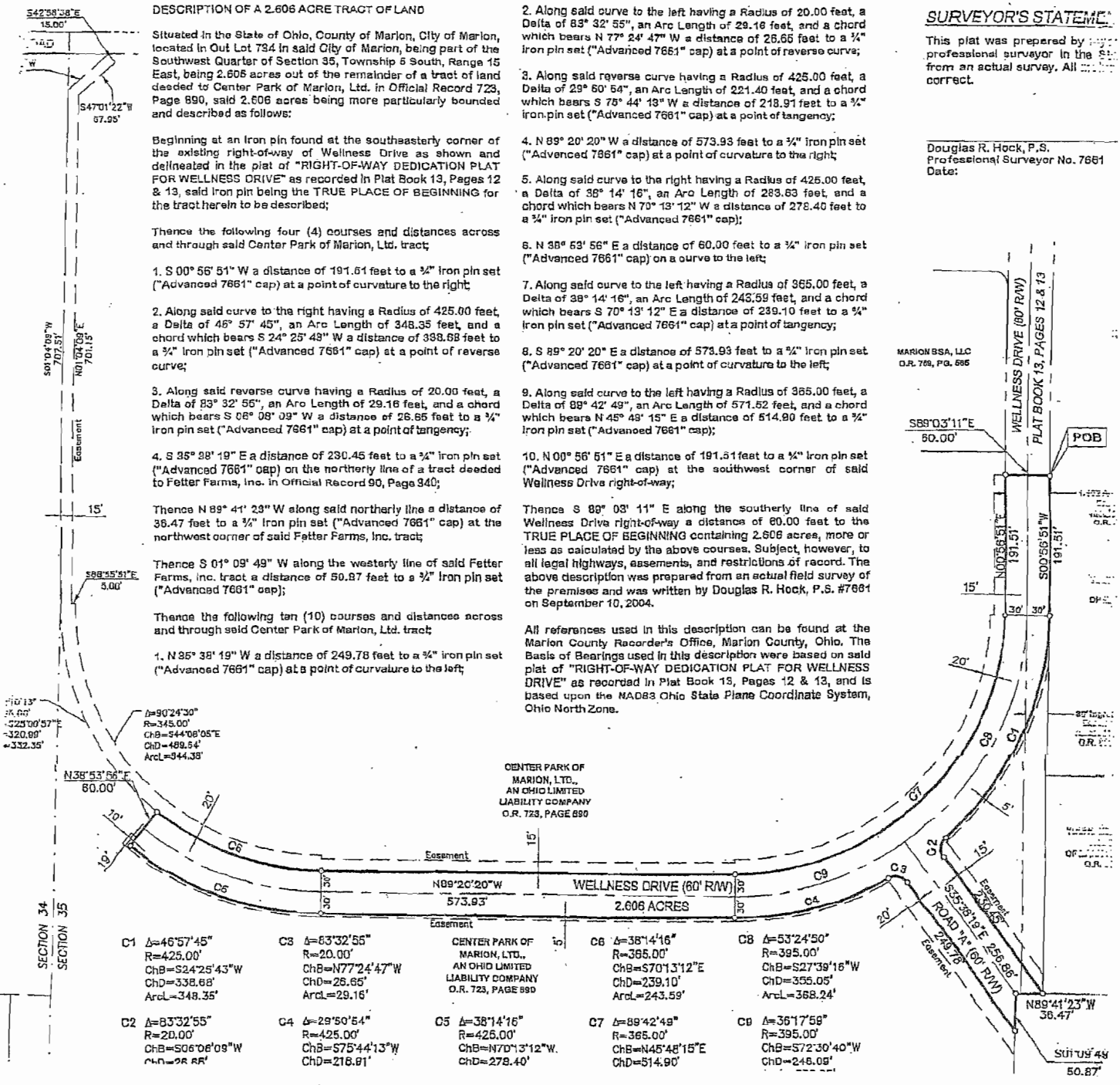
Thence S 89° 03' 11" E along the southerly line of said Wellness Drive right-of-way a distance of 60.00 feet to the TRUE PLACE OF BEGINNING containing 2.606 acres, more or less as calculated by the above courses. Subject, however, to all legal highways, easements, and restrictions of record. The above description was prepared from an actual field survey of the premises and was written by Douglas R. Hock, P.S. #7661 on September 10, 2004.

All references used in this description can be found at the Marion County Recorder's Office, Marion County, Ohio. The Basis of Bearings used in this description were based on said plat of "RIGHT-OF-WAY DEDICATION PLAT FOR WELLNESS DRIVE" as recorded in Plat Book 13, Pages 12 & 13, and is based upon the NAD83 Ohio State Plane Coordinate System, Ohio North Zone.

SURVEYOR'S STATEMENT

This plat was prepared by Douglas R. Hock, P.S. #7661, a professional surveyor in the State of Ohio, from an actual survey. All measurements are correct.

Douglas R. Hock, P.S.
 Professional Surveyor No. 7661
 Date:



C1 Δ=46°57'45" R=425.00' ChB=S24°25'43"W ChD=388.68' ArcL=348.35'	C2 Δ=83°32'55" R=20.00' ChB=S06°08'09"W ChD=26.65'	C3 Δ=63°32'55" R=20.00' ChB=N77°24'47"W ChD=26.65' ArcL=29.16'	C4 Δ=29°50'54" R=425.00' ChB=S75°44'13"W ChD=218.91'	C5 Δ=38°14'16" R=425.00' ChB=N70°13'12"W ChD=278.40'	C6 Δ=38°14'16" R=365.00' ChB=S70°13'12"E ChD=239.10' ArcL=243.59'	C7 Δ=89°42'49" R=365.00' ChB=N45°48'15"E ChD=514.90'	C8 Δ=53°24'50" R=395.00' ChB=S27°39'16"W ChD=355.05' ArcL=368.24'	C9 Δ=36°17'58" R=395.00' ChB=S72°30'40"W ChD=246.08'
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RECORD OF ORDINANCES

0039

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-125

Passed DEC 13 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$46,232.40 for the year ending December 31, 2004 as follows:

Police & Fire Pension Fund

Police Pension	235.1111.510120	\$ 4,658.70
Fire Pension	235.1131.510120	<u>4,658.70</u>
		\$ 9,317.40


Central Garage

Wages	601.9601.510110	\$ 2,000.00
Benefits	601.9601.510120	5,000.00
Insurance	601.9601.530380	3,915.00
Fuel	601.9601.540430	<u>26,000.00</u>
		\$ 36 ,915.00

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


PRESIDENT OF COUNCIL

APPROVED: DEC 14 2004


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0047

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-126

Passed DEC 13 2004, 20

ORDINANCE MAKING AN APPROPRIATION REDUCTION IN THE
HEALTH FUND FOR THE YEAR ENDING DECEMBER 31, 2004.

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

Section 1. That there be a reduction in the Health Fund appropriations in the amount of \$15,000.00 for the year ending December 31, 2004 as follows:

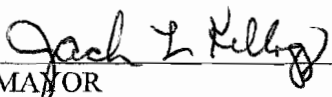
Health Inspection

Wages	214.2222.510110	\$ (6,000.00)
Benefits	214.2222.510120	<u>(9,000.00)</u>
Total Health Fund		\$(15,000.00)


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


PRESIDENT OF COUNCIL

APPROVED: DEC 14 2004


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0046

Ordinance No. 2004-127

Passed DEC 27 2004, 20

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF CERTAIN LANDS AT THE SOUTHEAST CORNER OF CENTER AND PROSPECT STREETS WITHIN THE CITY FOR DEVELOPMENT OF PARK LAND, THE FUNDING BEING PROVIDED BY OTHER THAN GENERAL FUND DOLLARS

WHEREAS, the Council previously authorized the Mayor to make application for funding via state grants which are set aside for creation and preservation of park lands, and

WHEREAS, the Mayor has reported, the City's request for grant funding has been approved and it is desirable that an agreement with the current property owner be obtained in order to proceed with the contemplated project,

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

SECTION 1. The Mayor is hereby authorized and directed to enter into contract for the purchase of real property located at the southeast corner of Center and Prospect Streets within the City of Marion, the property being the former location of the Kresge Building, in order to provide additional green space and public land preservation for the benefit of the community. Also, in order to take advantage of the Grant funding extended to the City for said purpose. Further, the Mayor is granted full authority to ensure the project is successful and to complete any and all documents necessary to achieve said end.

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 proceed without delay, as delay will cause the potential loss of the grant funding and the willingness of the current owner to accept the reasonable terms which have been negotiated; 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.

Phil Reid

President of Council

APPROVED: DEC 28 2004

Jack L Kellogg

Mayor

ATTEST:

Cathy Chappin

Clerk of Council

RECORD OF ORDINANCES

0045

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-128

Passed DEC 27 2004, 2004

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$52,394.10 for the year ending December 31, 2004 as follows:

GENERAL FUND

Fire Department

Administration 101.1131.540324 \$ 1,089.10

City Council

Wages 101.7721.510110 5.00
Total General Fund \$ 1,094.10

Parks Fund

Administration 221.3421.540324 \$ 400.00
Founders Park 221.3421.554520 900.00
Total Parks Fund \$ 1,300.00


Storm Water Utility Fund

Professional Services 509.5554.530320 \$ 50,000.00

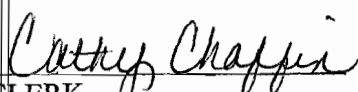
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: DEC 28 2004


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0047

Ordinance No. 2004-129

Passed DEC 27 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2004 TREE TRIMMING/REMOVAL PROGRAM, PROJECT 04-1M, 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 directed to prepare plans and specifications and advertise for bids, for the 2004 Tree Trimming/Removal Program.


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 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: DEC 28 2004



Mayor

Attest:



Clerk of Council

Ordinance No. 2004-130

Passed DEC 27 2004, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2004 SEWER IMPROVEMENTS PROJECT 03-1S AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the 2004 Sewer Improvements Project 03-1S, which consists of the following:

- A. 42" sanitary trunk sewer replacement (behind Whirlpool)
- B. N. Greenwood Street sanitary and storm sewer replacement
- C. Uhler Road storm sewer improvements
- D. N. State Street sanitary sewer replacement


Section 2. That the cost of such contract shall be payable from the Sanitary Sewer Improvement Fund, the Storm Sewer Improvement Fund, and a State Issue 2 grant.

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



President of Council

Approved: **DEC 28 2004**



Mayor

Attest:


Clerk of Council

RECORD OF ORDINANCES

0.15

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-21

Passed FEB 24 2004, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE SUGAR STREET PAVEMENT AND ADAMS STREET SIDEWALK IMPROVEMENTS,

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the Sugar Street Pavement and Adams Street Sidewalk Improvements,

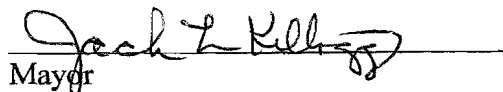
Section 2. That the cost of such contract shall be payable from the Formula Grant and the Storm Water Utility Fund.

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 this project must be completed during the 2004 construction season, 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.



President of Council

Approved: **FEB 25 2004**



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

6.17

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-22

Passed FEB 24 2004, 20

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,
2004.

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 \$(285,015.46) for the year ending December 31, 2004 as follows:

WIC Fund

Telephone	215.2544.530310	\$ 372.03
Supplies	215.2544.540420	<u>77.85</u>
Total WIC Fund		\$ 449.88

Sewer Replacement Fund

CAP Improvements	504.5555.550520	\$ 52,043.34
Erie Metroparks	504.9750.570750	<u>(337,508.68)</u>
Total Sewer Replacement Fund		\$(285,465.34)

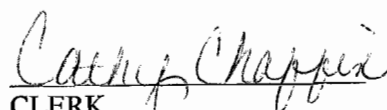
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: FEB 25 2004


MAYOR

ATTEST:


CLERK

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

RECORD OF ORDINANCES

0.19

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-23

Passed FEB 24 2004, 20

ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION TO THE OHIO RAIL DEVELOPMENT COMMISSION FOR FINANCIAL ASSISTANCE FOR THE DEVELOPMENT OF A CSX MAINLINE TURNOUT, LEAD AND SPUR AND APPURTENANCES IN THE DUAL RAIL INDUSTRIAL PARK AND DECLARING AN EMERGENCY

WHEREAS, the Council by previous acts created and developed the Dual Rail Industrial Park with the cooperation of various entities and in order to complete development has provided for Tax Increment Financing Agreements within the Park each providing for the development and funding thereby of mainline turnouts, leads and spurs related to the rail lines adjacent to the park, and

WHEREAS, the Mayor has advised of the need to proceed with the development of the rail project within the Park and the desire to obtain suitable financing to assist the projects success,

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

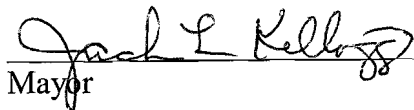
SECTION 1. The Mayor is hereby authorized to complete all acts necessary to make application with the Ohio Rail Development Commission for financial assistance related to the development of a CSX mainline turnout, lead and spur and any and all related appurtenances thereto. It being anticipated that the Commission's assistance would be in the form of a low interest loan and/or grant with some amount of contribution from the existing TIFs related to the Park.

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 need to proceed without delay due to the real and present need to proceed to allow for economic growth and opportunities for the citizens of Marion; 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: FEB 25 2004


Mayor

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


Clerk of Council

RECORD OF ORDINANCES

0.21

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-24

Passed FEB 24 2004, 20

ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR A CLEAN OHIO CONSERVATION FUND GRANT FOR THE PURCHASE OF AND PRELIMINARY DESIGN IMPROVEMENTS TO THE SOUTH LAKE ADJACENT TO THE QUARRY PARK, APPROPRIATING FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the Council by previous acts with cooperation of various entities created and developed the Quarry Park and is now desirous of expanding the Park as was originally contemplated with the acquisition of lands lying to the south, and

WHEREAS, the Mayor has advised the timing is right to proceed with an application for a Clean Ohio Conservation Fund Grant which would assist in the acquisition and design of the south lands,

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

SECTION 1. The Mayor is hereby authorized to complete all acts necessary to make application for a Clean Ohio Conservation Fund grant related to the purchase and design improvements for the lands lying to the south of the existing Quarry Park.

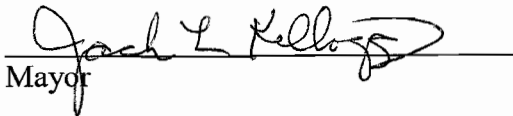
SECTION 2. The Auditor is authorized and directed to appropriate the necessary funds in the amount not to exceed \$ 5,000.00 from the general fund to enable the Mayor to complete the acts set forth above. Upon receipt of grant funding or any other available source the aforementioned funds having been appropriated shall be reimbursed to the General Fund.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof given the need to proceed without delay due to the real and present need to proceed to allow for economic growth and opportunities for the citizens of Marion; 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: **FEB 25 2004**



Mayor

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



Clerk of Council

RECORD OF ORDINANCES

6.23

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-25

Passed MAR 0 8 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SHERWIN WILLIAMS FOR THE PURCHASE OF (1) L LAZER III LINE STRIPER FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

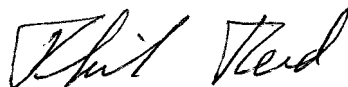
WHEREAS, this Council by passage of Ordinance No. 1991-136, requires approval of all capital expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio and

WHEREAS, Sherwin Willaims submitted the best proposal for the purchase of a Line Striper, 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 Sherwin Williams to purchase one L Lazer III Line Striper for the use in the Streets Department. The cost is \$7,100.00 funded from the S.C.M.R. Fund.

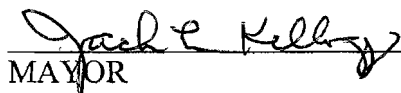
Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its 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.



PRESIDENT OF COUNCIL

PASSED: **MAR 0 8 2004**

APPROVED: **MAR 0 9 2004**


MAYOR

ATTEST:


CLERK OF COUNCIL

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

Ordinance No. 2004-26

Passed MAR 0 8 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$2,553.07 for the year ending December 31, 2004 as follows:

GENERAL FUND

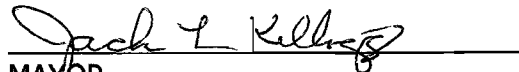
Fire Department		
Administrative	101.1131.540324	\$ 922.46
Statutory		
Election Expense	101.7744.530621	\$ <u>1,630.61</u>
Total General Fund		\$ 2,553.07

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

APPROVED: MAR 0 9 2004

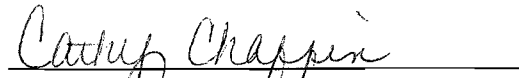


PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

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

RECORD OF ORDINANCES

6.27

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-27

Passed APR 12 2004, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE SUGAR STREET PAVEMENT AND ADAMS STREET SIDEWALK IMPROVEMENTS, PROJECT 03-2P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2004-21 authorized the preparation of plans, specifications and advertising for bids for the Sugar Street Pavement and Adams Street Sidewalk Improvements, Project 03-2P for the City of Marion, Ohio, and

WHEREAS, Underground Utilities, Inc. submitted the lowest and best bid of \$131,483.00.

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 Sugar Street Pavement and Adams Street Sidewalk Improvements, Project 03-2P.

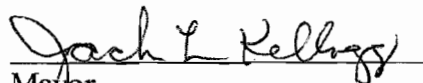
Section 2. That said contract shall be payable from the Formula Grant and the Storm Water Utility Fund.

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



President of Council

Approved:



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0.29

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-28

Passed MAR 22 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT 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 Marion County Farm Services Office, 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 and enter into contract for lease for a period of five (5) crop years ending September 30, 2008, for certain farm lands adjacent to the Marion Municipal Airport as shown and delineated by the Marion County Farm Services Office

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.




PRESIDENT OF COUNCIL

PASSED: **MAR 22 2004**

APPROVED: **MAR 23 2004**

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


MAYOR

ATTEST:


CLERK

ORDFARMBID enter contract 2004.wps

RECORD OF ORDINANCES

0.01

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-29

Passed MAR 22 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD TRUCK SALES & SERVICE, INC. FOR THE PURCHASE OF (1) INTERNATIONAL CAB & CHASSIS WITH GLEDHILL EQUIPMENT (DUMP BODY, SNOWPLOW & SALT SPREADER AT A COST OF \$74,975.00 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, Mansfield Truck Sales & Service, Inc. submitted the best proposal for the purchase of (1) International Cab & Chassis with Gledhill Equipment (Dump Body, Snowplow & Salt Spreader)

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 Mansfield Truck Sales & Service, Inc. to purchase one International Cab, Chassis, Dump Body, Snowplow & Salt Spreader for the use in the Streets Department. The cost is \$74,975.00 funded from the Capital Improvement 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.



PRESIDENT OF COUNCIL

APPROVED: **MAR 23 2004**


MAYOR

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

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0.03

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-30

Passed MAR 22 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$133,588.11 for the year ending December 31, 2004 as follows:

GENERAL FUND

TRANSFERS

SCHOOL RESOURCE OFFICER 101.7745.580694 \$23,977.85

HEALTH FUND

ADMINISTRATION 214.2221.540324 \$ 2,185.25
STATE REIMBURSEMENT 214.2221.570722 2,278.32
TOTAL HEALTH FUND \$ 4,463.57

PARKS FUND

ADMINISTRATION 221.3421.540324 \$ 3,900.00

COMMUNITY DISTRESS GRANT

ADMINISTRATION 271.4541.530324 \$ 2,280.69

DRIP INFRASTRUCTURE FUND

RAILROAD LOOP PROJECT 430.6033.550520 \$19,700.00

SEWER SYSTEM IMPROVEMENT FUND

OPWC LOAN - CP33E 503.8913.560655 \$53,540.00

STORM WATER UTILITY

UHLER AVE PROJECT 04-1S 509.5041.550320 \$ 5,000.00
QUQUA DITCH MAINT. 509.5554.530382 301.00
TOTAL STORM WATER UTILITY \$ 5,301.00

SWIMMING POOL FUND

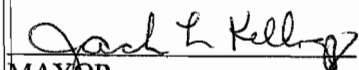
EQUIPMENT 516.3423.550450 \$ 4,425.00
CAPITAL IMPROVEMENTS 516.3423.550520 16,000.00
TOTAL SWIMMING POOL \$20,425.00

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



PRESIDENT OF COUNCIL

APPROVED: **MAR 23 2004**


MAYOR

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

ATTEST:


CLERK

RECORD OF ORDINANCES

6.35

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-31

Passed MAR 22 2004, 20

ORDINANCE APPROVING THE PURCHASE OF 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:

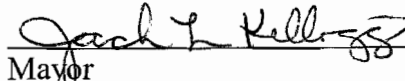
Section 1. That the Safety/Service Director is hereby authorized to enter into contract for the purchase of one (1) Bus from Whitworth Bus Sales through the Ohio Department of Transportation Cooperative Purchasing Program for Marion Area Transit.

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



President of Council

APPROVED: **MAR 23 2004**



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

6.57

Ordinance No. 2004-32

Passed MAR 22 2004, 20

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR JANITORIAL SERVICES AT CITY HALL AND WASTEWATER TREATMENT PLANT.

WHEREAS, the current contract for Janitorial Services will be expiring on July 1, 2004, and;

WHEREAS, the Wastewater Treatment Plant had suspended their janitorial services until such time construction was completed at the plant.

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

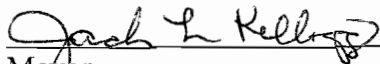
Section 1. That the Safety/Service Director be authorized to prepare specifications and advertise for bids for Janitorial Services at City Hall and the Wastewater Treatment Plant.

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



President of Council

APPROVED: MAR 23 2004



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

6.59

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-33

Passed MAR 22 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FUEL, ASPHALT, ROAD SALT, AND ROAD PAINT FOR THE PURPOSE OF CITY OPERATIONS.

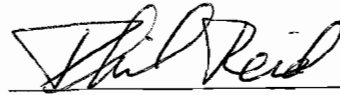
WHEREAS, the contracts for Fuel, Road Salt, Asphalt, and Road Paint will be expiring on November 1, 2004, and;

WHEREAS, it is required by Ohio Law that these items be bid due to the cost of each item being in excess of \$25,000 on an annual basis.

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 prepare specifications and advertise for bids for Fuel, Asphalt, Road Salt, and Road Paint to be used in the operation of the City.

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




President of Council

APPROVED: **MAR 23 2004**



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

67

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-34

Passed MAR 22 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THOMPSON PUMP & MFG. CO. INC. FOR THE PURCHASE OF ONE (1) DIESEL POWERED PORTABLE PUMP FOR USE IN THE WATER POLLUTION CONTROL DIVISION

WHEREAS, Thompson Pump & Mfg. Co., Inc. submitted the best bid of \$31,770.00.

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

Section 1. That the Safety/Service Director be and is hereby authorized and is directed to enter into contract with Thompson Pump & Mfg. Co. Inc. for the purchase of One (1) Diesel Powered Portable Pump for use in the Water Pollution Control Division.

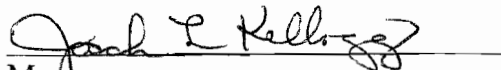
Section 2. That the cost of said contract shall be payable from the Sewer Replacement Fund (504.5553.550450).

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



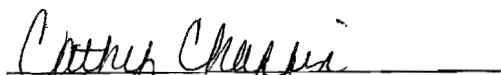
President of Council

APPROVED: **MAR 23 2004**



Mayor

ATTEST:



Clerk of Council

Ordinance No. 2004-35, Page One
As Amended

Passed APR 26 2004, 20

ORDINANCE CREATING THE CITY OF MARION EMERGENCY MEDICAL SERVICES BILLING PROGRAM, ESTABLISHING RATES, FEES AND CHARGES AND AUTHORIZING THE IMPLEMENTATION OF THE AFOREMENTIONED PROGRAM, *AS AMENDED*

WHEREAS, the City provides Emergency Medical Service to the citizens of Marion and those persons who are in need of assistance while in the City, and

WHEREAS, the Administration has determined after investigation the residents of the City would best be served by the establishment of an Emergency Medical Services Billing Program, and

WHEREAS, the Council having heard the benefits of instituting such a program and having deliberated the merits of the endeavor find the people of Marion would best be served by putting in place a Emergency Medical Services Billing Program finding same to be necessary for the well being of the citizens,

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

SECTION 1. There is hereby created a Emergency Medical Services Billing Program to be administered by the Safety/Service Director who shall create a Program Plan consistent with the directives contained herein. The Plan shall be compliant with the Federal Department of Health and Human Services' Office of the Inspector General opinion commonly referred to as OIG Advisory Opinion No. 01-10, more specifically the Director shall ensure the City does not subcontract for Emergency Medical Services whatsoever, excepting the existing mutual aid agreement with Marion Township. The City shall continue to treat the local taxes collected from users of the service who are bona fide residents as copayments and deductibles. The Plan shall provide for billing of individuals and insurers to the extent of their insurance coverage. Commonly referred to as insurance only billing. The Plan shall provide for collecting from non-residents. The plan shall ensure compliance with CMS Carrier Manual section 2309.4.. Any contract with a Billing agent must expressly provide for the agent complying with all applicable laws and regulations which exist now or may exist in the future and for a termination provision without penalty if the program ever becomes non-viable.

~~SECTION 2. The Plan provided for in Section 1 above shall utilized the following rates, fees and charges:~~

Basic Life Support	\$ 400.00
Advance Life Support 1	\$ 550.00
Advance Life Support 2	\$ 650.00
Extrication	\$ 250.00
Mileage	\$ 10.50/mile

~~Rates, fees and charges shall be reviewed annually or at such other times found to be necessary and shall be adjusted by the percentage change in the CPI-U index for the previous 12 months:~~

~~Rates, fees and charges shall be deposited into the City's General Fund. It is expressly provide the City is hereby authorized to take all actions necessary to become an authorized Medicare provider.~~

Ordinance No. 2004-35, Page Two
As Amended

Passed APR 26 2004, 20

AS AMENDED:

SECTION 2. The Plan provided for in Section 1 above shall utilized the following initial rates, fees and charges:

Basic Life Support	\$ 456.00
Advance Life Support 1	\$ 756.00
Advance Life Support 2	\$ 832.00
Extrication	\$ 250.00
Mileage	\$ 10.21 /mile

The above rates, fees and charges shall be reviewed annually and may be adjusted by the Safety/Service Director or the Council taking into consideration the actual costs associated with providing these services and after consideration of adjustments made to the prevailing medicare part B individual/annual disclosure report provided by the Federal Government.

Rates, fees and charges shall be deposited into the City's General Fund. It is expressly provide the City is hereby authorized to take all actions necessary to become an authorized provider with major insurance carriers.

The plan as established pursuant to Section 1. above shall include specific provisions for addressing mutual aid agreements in effect and rights of appeal for users.

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

Phil Reid

President of Council

APPROVED: APR 27 2004

Jack L. Kellogg

Mayor

ATTEST:

Linda K. Styczinski

Clerk of Council Pro Tempore

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

Emergency Medical Services Billing Program

In compliance with Ordinance 2004-~~35~~ the Safety/Service Director hereby adopts the following rules and regulations which may be amended from time to time as the Safety/Service Director finds to be necessary.

RULES AND REGULATIONS

The City shall continue to treat the local taxes collected from users of the service who are bona fide residents as copayments and deductibles. Where the City provides services to a taxpayer of a governmental entity with which the City has a mutual aid agreement in effect at the time and that person is not a taxpayer of the City, the City shall make reasonable efforts to collect those amounts above insurance coverages from the other local governmental entity or provide for a method of reconciling same.

The Plan shall provide for billing of individuals and insurers to the extent of their insurance coverage. Commonly referred to as insurance only billing. A person employed by the City, who is provided services during the course of his/her employment, shall not be billed.

Non-taxpayers shall be responsible for all charges. All charges shall be applicable unless the user provides sufficient documentation to enable the Director of Public Safety to conclude, in his/her sole discretion, that the payment or some portion thereof would create an undue financial hardship upon the user. Charges or portions thereof may only be waived by the Director of Public Safety.

Any person who is charged for services may appeal said charges, balances, or deductibles whether covered by insurance or not by making a written request for reconsideration to the Safety/Service Director of the City of Marion within 60 days of the date of mailing via regular U.S. Mail of the first notification of the charges for service. If the appellant is not satisfied with the conclusion of the Safety/Service Director he/she may make one final appeal to the EMS Billing Appeals Panel within 30 days of the answer of the Safety/Service Director by delivering a written request for reconsideration of the Safety/Service Director's conclusion to the EMS Billing Appeals Panel. Delivery of said written request shall be perfected when served upon the Mayor or his secretary. The appeals panel shall consist of the Marion City Law Director, Mayor, and Fire Chief and a majority decision of no less than three members acting as a quorum shall be final and binding on both parties.

All parties shall ensure compliance with CMS Carrier Manual section 2309.4 and any authority related thereto. All Billing agents shall comply with all applicable laws and regulations which exist now or may exist in the future.

RECORD OF ORDINANCES

0145

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-36

Passed APR 26 2004, 20

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OHIO BILLING, INC. OF BOLIVAR, OHIO FOR SERVICES ASSOCIATED WITH THE CITY OF MARION'S EMERGENCY MEDICAL SERVICES BILLING PROGRAM

WHEREAS, the City has created an Emergency Medical Services Billing Program, and

WHEREAS, the Administration has conducted a RFP process to find the best firm possible to provide professional services to the City associated with the aforementioned program, and

WHEREAS, the Council after due consideration finds Ohio Billing, Inc. to be the best professional services firm available to provide necessary services associated with the City's Emergency Medical Services Billing Program,

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


SECTION 1. The Safety/Service Director is authorized to enter into contract with Ohio Billing, Inc. for professional services associated with the City of Marion's Emergency Medical Services Billing Program as the Council has found after the completion of the Administration's RFP process that Ohio Billing Inc. is best able to provide the needed professional services. The contract shall provide for a fee of no more than \$ 18.00 per claim for billing and state run reporting services with a one-time set up fee of \$ 1,000.00.. The contract shall comply with all other available law.

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



President of Council

APPROVED: **APR 27 2004**



Mayor

ATTEST:



Clerk of Council pro Tempore

RECORD OF ORDINANCES

0147

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-37

Passed MAR 22 2004, 20

ORDINANCE APPROVING THE PURCHASE OF THREE GOALS,
SEVEN NETS AND TWO BLEACHERS FROM NEW ENGLAND
CAMP (BSN SPORTS) WITH EMERGENCY CLAUSE

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

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 New England Camp (BSN Sports), three goals, seven nets and two bleachers for \$4446.27

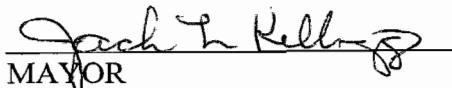
Section 2. That the cost \$4446.27 shall be payable from the Capital Improvement Fund, Account 401.3422.554450

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.



PRESIDENT OF COUNCIL

APPROVED: **MAR 23 2004**



MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0149

Ordinance No. 2004-38

Passed MAR 22 2004, 20

ORDINANCE APPROVING THE PURCHASE OF THREE LIFEGUARD CHAIRS FROM BROCK ENTERPRISE, INC. FOR USE AT LINCOLN POOL WITH EMERGENCY CLAUSE

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

BE IT ORDAINED BY TILE 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 Brock Enterprise, Inc., for the purchase of three lifeguard chairs for a total of \$4425.00

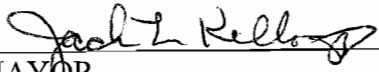
Section 2. That the cost \$4425.00 shall be payable from the Capital Improvement Fund, Account 516.3423.550450

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.



PRESIDENT OF COUNCIL

APPROVED: **MAR 23 2004**


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0157

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-39

Passed MAR 22 2004, 20

**ORDINANCE APPROVING THE PAINTING OF LINCOLN POOL
BY PLASTALL SERVICE CO., INC. WITH EMERGENCY CLAUSE**

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

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 Plastall Service Co., Inc. for the painting of Lincoln Pool for a total of \$14,741.00

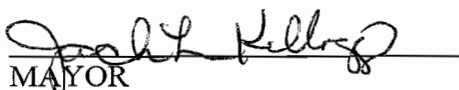
Section 2. That the cost of \$14,741.00 shall be payable from the Capital Improvement Fund, Account 516.3423.550520

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.



PRESIDENT OF COUNCIL

APPROVED: **MAR 23 2004**


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

6.53

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-40

Passed APR 12 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$12,349.46 for the year ending December 31, 2004 as follows:

GENERAL FUND

Fire Department

Administration	101.1131.540324	\$ 2,249.46
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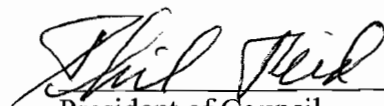
SCMR FUND

Administration	207.6612.540324	\$10,000.00
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HEALTH FUND

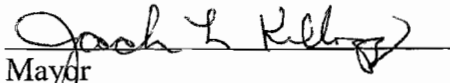
Administration	214.2221.540324	\$ 100.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



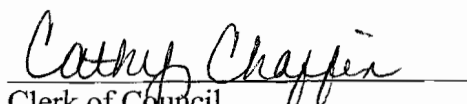
President of Council

APPROVED:



Mayor

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



Clerk of Council

RECORD OF ORDINANCES

0155

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-41

Passed APR 12 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR CONSTRUCTION AND APPLY FOR FAA/ODOT GRANT FUNDS, AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion has been tentatively allocated \$1,049,222.00 FAA Grant and \$175,000.00 ODOT Grant, known as Project 15, toward a total project estimate of \$1,279,444.00

WHEREAS, 95% grant funds are available through Federal Aviation Administration and \$175,000.00 available through ODOT and the City Council supports the application for any such grant funds.

WHEREAS, The grant application and final grant award is offered as a result of these bids.

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 to taxiways A,B,C,D, and to install phase II fencing at the Marion Municipal Airport.

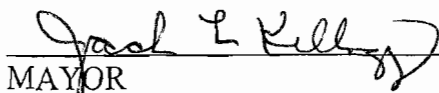
Section 2. That the Mayor is hereby authorized to apply for FAA/ODOT FY 2004, Project 15 Grant.

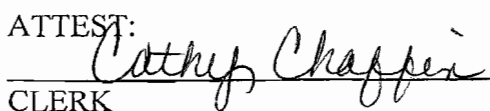
Section 3. The specifications were prepared by Yager and Associates of Toledo, Ohio, who was selected per FAA guidelines and authorized by Ordinance 1997-111.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL


MAYOR

ATTEST:

CLERK

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

RECORD OF ORDINANCES

0137

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-42

Passed APR 12 2004, 20

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

WHEREAS, the Council has been advised by the Safety/Service Director that Ladder Truck 24 previously utilized by the Fire department 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 Ladder Truck 24 (Serial No. CE-6853) it having been declared to be no longer necessary for any municipal purpose.

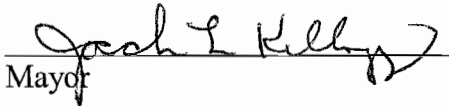
Section 2. That the disposal authorized herein shall be in compliance with the mandates contained within the Ohio Revised Code.

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



President of Council

APPROVED: **APR 13 2004**



Mayor

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



Clerk of Council

RECORD OF ORDINANCES

0.59

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-43

Passed APR 26 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD TRUCK SALES & SERVICE, INC. FOR THE PURCHASE OF (4) SANITATION PACKER AND TRADE IN (4) USED PACKERS AT A COST OF \$405,334.00 FOR THE SANITATION DEPARTMENT AND DECLARING AN EMERGENCY.

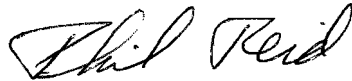
WHEREAS, this Council by passage of Ordinance No. 1991-136, requires approval of all capital expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio and

WHEREAS, Mansfield Truck Sales & Service, Inc. submitted the best proposal for the purchase of (4) Sanitation Packers with the trade in of (4) used packers

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

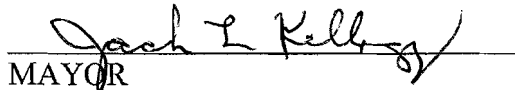
Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Mansfield Truck Sales & Service, Inc. to purchase (4) Sanitation Packers with the trade in of (4) used packers for the use in the Sanitation Department. The cost is \$405,334.00 funded from the 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.



PRESIDENT OF COUNCIL

APPROVED: **APR 27 2004**


MAYOR

ATTEST:


CLERK OF COUNCIL Pro Tempore

Ordinance No. 2004-44, Page One

Passed APR 12 2004, 20

ORDINANCE AUTHORIZING ~~AND DIRECTING~~ THE MAYOR TO TAKE ALL NECESSARY ACTIONS, INCLUDING BUT NOT LIMITED TO THE ENTERING INTO OF AGREEMENTS AND CONTRACTS, IN ORDER TO OPPOSE THE OHIO AMERICAN WATER COMPANY'S UNREASONABLE RATE INCREASE REQUESTS, APPROPRIATING NECESSARY FUNDS AND DECLARING AN EMERGENCY, *AS AMENDED*

WHEREAS, on the 12th day of March, 2004 the Ohio American Water Company filed two rate cases with the Public Utilities Commission of Ohio requesting an approximate 20% increase in the system's charges. The effect of which the water company estimates will be a \$ 75.00 per annum increase in the average users bill, and

WHEREAS, the Council has been vigilant in opposing unnecessary, excessive and unwarranted utility cost increases at every juncture and finds the current request to be unnecessary, excessive, unwarranted and contrary to the best interests of the users of the Ohio American Water Company system, especially those who reside within the municipal communication, and

WHEREAS, the City was successful in its' last opposition case wherein the City was represented by the Law Director and, in that case, Marion enjoyed the benefit of an informal partnership with the firm retained by the City of Tiffin which had been hired to act on Tiffin's behalf, and

WHEREAS, the Council has been asked by the City of Tiffin to share costs associated in the current rate case opposition and enter into a formal partnership agreement in order to create the best possible case opposing the aforementioned rate increases, and

WHEREAS, the Council recognizes the real and present need to continue to investigate and obtain much needed information with specific detail in order to allow for the most informed decision possible in the contemplated condemnation and taking of the water system,

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

SECTION 1. The Mayor is hereby authorized ~~and directed~~ to take all actions necessary to oppose the Ohio American Water P.U.C.O. rate cases, including but not limited to entering into a intergovernmental agreement with the City of Tiffin, Ohio in order to "partner" in the opposition case. The intergovernmental agreement shall provide for terms related to the provision of professional services from the firm of McNeese, Wallace and Nurick LLC opposing the rate requests, this being the same firm which had represented the City of Tiffin in the prior successful case. ~~Further, the Mayor is authorized and directed, in concert with the Law Director, to engage the services of firm(s), consultant(s) and/or engineer(s) in order to provide the Council and the City of Marion with a comprehensive analysis/report as to values, rates and costs associated with a taking of the water system.~~

SECTION 2. The Auditor is authorized and directed to appropriate the necessary funds in the amount not to exceed ~~\$ 30,000.00~~ \$15,000.00 from the general fund to enable the Mayor to complete the acts set forth above.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediate need to proceed without delay in opposing excessive and unwarranted rate increases related to the privately held water system in order to provide for an environment of economic growth, opportunities and general well being

Ordinance No. 2004-44; Page Two

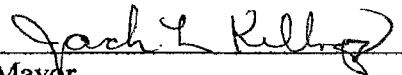
Passed APR 12 2004, 20

for the citizens of Marion; 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

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



Clerk of Council

RECORD OF ORDINANCES

0456

Ordinance No. 2004-45, Page One

Passed _____, 20____

AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCE INCENTIVE DISTRICT AND DECLARING IMPROVEMENTS TO CERTAIN PARCELS FO REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND, AUTHORIZING AND DIRECTING THE MAYOR TO ENTER ALL AGREEMENTS TO PROVIDE FOR SAME, AND DECLARING AN EMERGENCY

WHEREAS, to carry out the public purpose of encouraging the creation of commercial retail and office uses, affordable housing, providing essential city services and improving the economic welfare of the people of the City and the Pleasant Local School District (hereinafter referred to as "School District") School District by creating more jobs, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development, the City and the School District have determined to create an incentive district to facilitate such purposes by passing an Ordinance declaring improvements to certain parcels within the incentive district to be a public purpose under Section 5709.40 of the Ohio Revised Code; and

WHEREAS, pursuant to and in the manner prescribed by Ohio Revised Code Section 5709.83 the City delivered notice to the School District on _____, 2004, stating the City's intention to declare the Improvements to be a public purpose under that section and to grant an exemption to the increased value of the Improvements; and

WHEREAS, the School District on _____, 2004, forwarded a certified copy of a resolution of its board of education to the City, which resolution approved the exemption for the improvements on the condition that the City and the School District enter into an agreement to compensate the School District for a portion of the real estate taxes that would have been received by the School District with respect to the Improvements granted the exemption pursuant to this Ordinance; and

WHEREAS, the real property shown on Exhibit A hereto is located in the State of Ohio, County of Marion and City of Marion (such property, together with any improvements now or hereafter constructed, developed or located thereon, is collectively hereinafter referred to as the "Property"); and

WHEREAS, the City finds the completion of certain public infrastructure improvements will facilitate the development of commercial retail and office uses, and affordable housing and the provision of essential city services and has determined that it is necessary to pass this Ordinance declaring the development of the project area to be a public purpose under Section 5709.40(C) of the Ohio Revised Code; and

WHEREAS, Exhibit B hereto describes the public improvements made, to be made, or which are in the process of being made by, or on behalf of the City that benefit or serve or, once made, will benefit or serve the Property (collectively, the "Public Improvements"); and

WHEREAS, the Engineer or City's designated agent has certified that the development of Private Improvements to the Property are consistent with its current zoning encompassing the Property, which was previously adopted by this Council in Ordinance 1999-150, and that the Private Improvements shall, during construction and upon completion, place direct, additional demand on the Public Improvements, and that the Public Improvements are adequate to support such development needs; and

Ordinance No. 2004-45, Page Two

Passed _____, 20____

WHEREAS, in accordance with Section 5709.42 of the Ohio Revised Code, the City has elected to direct and require the current and future owners of the Property and the Private Improvements to make annual service payments in lieu of taxes to the Marion County Treasurer on or before the final dates for payment of real property taxes; and

WHEREAS, Section 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code provide that this Council may declare improvements to a parcel of real property located in the City to be a public purpose, thereby exempting those improvements from real property taxation for a period of time, specify public infrastructure improvements to be made to benefit that parcel, provide for the making of service payments in lieu of taxes by the owner thereof, provide for the distribution of the applicable portion of those service payments to the Pleasant Local School District as set forth in the service payments schedule and establish a municipal public improvement fund into which the service payments shall be deposited; and

WHEREAS, this Council finds and determines that notice of this proposed Ordinance has been delivered to all affected school districts, in accordance with Sections 5709.40(D)(4) and 5709.83 of the Ohio Revised Code;

BE IT ORDAINED by the Council of the City of Marion:

Section 1. That pursuant to and in accordance with Section 5709.40 of the Ohio Revised Code, this Council hereby finds and determines that the increase in assessed value of the Property subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement" as defined in Section 5709.40, Ohio Revised Code) resulting from development, is hereby declared to be a public purpose, and one hundred percent of such increase in assessed value shall be exempt from real property taxation for a period commencing with the tax year in which the Improvements first appear on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance, and ending with the earlier of twenty-five (25) years from such effective date or the date on which the City can no longer require semiannual service payments in lieu of taxes, all in accordance with the requirements of Sections 5709.40, 5709.42 and 5709.43, Ohio Revised Code. This ordinance does not apply to any property for any period of time it is otherwise exempt from taxation pursuant to Section 5709.12 of the Revised Code.

Section 2. That the Public Infrastructure Improvements set forth in Exhibit B hereto and to be made by the City or on its behalf are hereby designated as "Public Infrastructure Improvements," as defined in Section 5709.40, Ohio Revised Code, that benefit or serve, or that once made will benefit or serve, the Property.

Section 3. That as provided in Section 5709.42, Ohio Revised Code, the owners from time to time of the Improvement are hereby required to, and shall make, annual service payments in lieu of taxes to the Marion County Treasurer on or before the final dates for payment of real property taxes, which service payments shall be distributed to City and thereafter deposited in the Barks Road Project Municipal Public Improvement Tax Increment Equivalent Fund established in Section 4 hereof, all pursuant to Sections 5709.40 and 5709.42, Ohio Revised Code, and as provided in Section 4 of this Ordinance. This Council further hereby authorizes and directs the Mayor, the Clerk of Council, the Director of Law, the City Auditor, or other appropriate officers of the City, to make such arrangements as are necessary and proper for collection from said owners of said service payments in lieu of taxes distributed by the Marion County Treasurer, or (b) to the School District pursuant to any compensation agreements as may have already been entered into or may be entered into between the City and the School District as relates to this Ordinance.

RECORD OF ORDINANCES

0.05

Ordinance No. 2004-45, Page Three

Passed _____, 20____

Section 4. That this Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43, Ohio Revised Code, the Barks Road Project Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"). The Fund shall be in the custody of the City and shall receive all payments in lieu of taxes. Those annual service payments in lieu of taxes with respect to the Improvements on the Property, so deposited pursuant to law as provided in Section 5709.42, Ohio Revised Code, shall be first used solely for the purposes authorized in Sections 5709.40, 5709.42 and 5709.43, Ohio Revised Code including but not limited to paying any cost associated with the Public Improvements which may include but are not limited to principal and interest on any loan, bond, note, refunding bonds or notes or reimbursements made by the City to the project and subsequently used to satisfy any compensation agreement between the city and the school district. The Fund shall remain in existence so long as such service payments are collected and used for the aforesaid purposes, after which the Fund shall be dissolved in accordance with said Section 5709.43, Ohio Revised Code.

Section 5. That this Council further hereby authorizes and directs the Mayor, the Clerk of Council, the Director of Law of the City of Marion, Director of the Marion County Regional Planning Commission or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 6. That pursuant to Section 5709.40(G), of the Ohio Revised Code, the Clerk of this Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within 15 days after its passage. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Clerk or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40(G), Ohio Revised Code.

Section 7. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in a meeting open to the public in compliance with Ohio law.

Section 8. 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 need to proceed without delay due to the real and present need to allow for economic growth and opportunities, to provide encouragement for development and to fund much needed improvements to existing public infrastructure; 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

Clerk of Council

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

Ordinance No. **2004-45, Page Four**

Passed _____, 20____

EXHIBIT A

Legal Description and Improvement Plan

Property Owner's Name: Parcel Number Affected:

Center Park of Marion, Ltd.	14-451000.1000	10.500 acres
Center Park of Marion, Ltd.	14-451000.3000	59.686 acres
Center Park of Marion, Ltd.	14-451000.4000	.148 acres
Marion SSA, LLC	14-451000.3001	1.421 acres
James Blank, Trustee, et.al.	14-451000.2000	3.001 acres

Exhibit B

Itemized list of improvements:

The public improvements consist of various infrastructure improvements, including but not limited to the following:

Construction and maintenance of improvements to Barks Road East between State Route 423 (Delaware Avenue) and State Route 529 (Richland Road).

Construction of roadways, street lighting, sanitary and storm sewers within the parcels of land identified in Exhibit A, attached hereto and made a part hereof.

RECORD OF ORDINANCES

0107

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-46

Passed APR 26 2004, 20

ORDINANCE TO ALLOW THE MAYOR TO SEEK COMPETITIVE PROCUREMENT, AND ENTER INTO CONTRACT WITH PUBLIC, VARIOUS NONPROFIT OR SIMILAR ORGANIZATIONS OR INDIVIDUALS TO PROVIDE HOUSING REHABILITATION SPECIALIST SERVICES TO ASSIST THE CITY OF MARION IN CARRYING OUT A HOUSING REHABILITATION GRANT PROGRAM THROUGH THE STATE OF OHIO COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), AND DECLARING AN EMERGENCY.

WHEREAS, The city intends to apply for a Housing Rehabilitation Grant that requires a Housing Inspector trained in Housing Grant procedures, bidding, client selection, grant rehabilitation standards and inspection procedures, including lead assessment and abatement; and

WHEREAS, These Grant Programs require competitive procurement of services; and

WHEREAS, The successful organization or individual needs to be selected and provide a letter of intent to be hired if the competitive grant is awarded by the State of Ohio to the City of Marion,

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

SECTION 1. That this Council hereby authorizes the Mayor to seek competitive procurement with public, various nonprofit or similar organizations or individuals to provide housing rehabilitation specialist services to assist the City of Marion in carrying out a Housing Rehabilitation Grant Program through the State of Ohio Community Housing Improvement Program (CHIP).

SECTION 2. That, upon approval of the City of Marion's grant application, the Mayor is authorized to enter into contract for these Housing Rehabilitation Specialist services.

SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order to be eligible for consideration; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: **APR 27 2004**


MAYOR

ATTEST:


CLERK Pro Tempore

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

RECORD OF ORDINANCES

0109

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-47

Passed APR 26 2004, 20

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

WHEREAS, Ordinance # 2003-87 authorized the Mayor to apply for and administer an Economic Development Initiative (EDI) Special Project Grant allocating \$201,184 to purchase land for and design and construct a downtown park, and

WHEREAS the City of Marion was awarded the EDI Special Project grant, and

WHEREAS it is necessary to develop specifications and advertise for bidders for the park project, and

BE IT ORDAINED, 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 Downtown Park Project.

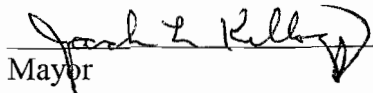
Section 2. That the cost of such contract shall be payable from the EDI Fund.

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



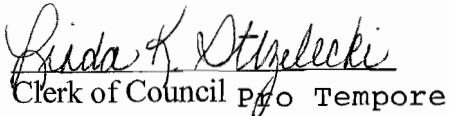
President of Council

Approved: **APR 27 2004**



Mayor

Attest:



Clerk of Council pro Tempore

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

RECORD OF ORDINANCES

0.71

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-48

Passed APR 26 2004, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF 2 FIRE DAMAGED STRUCTURES AT 264 FIES AVENUE AND 268 FIES AVENUE AND DECLARING AN EMERGENCY.

WHEREAS, On June 12, 2003 a fire severely damaged the properties located at 264 Fies Avenue and 268 Fies Avenue, and;

WHEREAS, Chapter 1360 of the Marion Codified Ordinances requires the property owner to remediate the nuisance within one year of the fire, and;

WHEREAS, The property owners were served with proper notification;

THEREFORE, BE IT ORDAINED BY THE council of Marion, Ohio, Marion County,

Section 1. That the Safety/Service Director be authorized and directed to demolish the structures at 264 Fies Avenue and 268 Fies Avenue in Marion, Ohio.

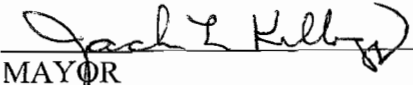
Section 2. That cost of demolition will be paid through insurance proceeds,

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



PRESIDENT OF COUNCIL

APPROVED: **APR 27 2004**



MAYOR

ATTEST:



CLERK OF COUNCIL Pro Tempore

Ordinance No. 2004-49, Page 1
~~As Amended~~

Passed MAY 24 2004, 20

ORDINANCE TO ESTABLISH A MODERATE AND LOW INCOME HOUSING REHABILITATION PROGRAM THROUGH THE STATE OF OHIO COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), TO AUTHORIZE THE MAYOR AND THE MARION CITY ECONOMIC DEVELOPMENT & ~~PLANNING~~ COMMISSION TO APPLY FOR, ADMINISTER THE TOTAL GRANT, AND TO AUTHORIZE THE MAYOR TO ALSO ENTER INTO A CONTRACT WITH THE MARION METROPOLITAN HOUSING AUTHORITY TO ADMINISTER THE TENANT BASED AND SELF SUFFICIENCY ASSISTANCE COMPONENTS, *AND DECLARING AN EMERGENCY, AS AMENDED.*

WHEREAS, this Council recognizes the need for programs which remove slums and blights, benefit low- and moderate-income households or meet other urgent community development needs; and

WHEREAS, the CHIP Program makes funds available for projects which address these problems; and

WHEREAS, the City must submit an application to the State of Ohio, Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the Community and Economic Development Programs; and

WHEREAS, the City Economic Development and Planning Commission staff will prepare said application and administer said grant, if received, with the Tenant Based Assistance Component to be administered by the Marion Metropolitan Housing Authority and the Housing Rehabilitation Specialist to be procured after solicitation.

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

SECTION 1. That this Council hereby authorizes the Mayor and the City Economic Development and Planning Commission staff to make application for a grant for moderate and low-income housing and rehabilitation out of the CDBG Small Cities and Federal H.O.M.E. Programs.

Activities to be:

Rental Rehabilitation	=	\$100,000
Tenant Based Rental Assistance	=	225,000
Implementation	=	31,000
Emergency Repair	=	55,000
Family Self-Sufficiency Counseling	=	51,000
Administration	=	38,000

AS AMENDED:

Activities to be:

<i>Rental Rehabilitation</i>	=	<i>\$ 80,000</i>
<i>Tenant Based Rental Assistance</i>	=	<i>200,000</i>
<i>Implementation</i>	=	<i>36,000</i>
<i>Home Repair</i>	=	<i>100,000</i>
<i>Family Self-Sufficiency Counseling</i>	=	<i>46,000</i>
<i>Administration</i>	=	<i>38,000</i>
		<i>500,000</i>

Ordinance No. 2004-49, Page 2

Passed MAY 24 2004, 20

As Amended

SECTION 2. That, upon approval of the City of Marion's grant application, the Mayor is authorized to sign the grant agreement and with the City Economic Development and City Planning Commission staff carry out the administration of the grant.

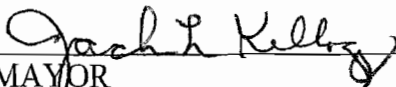
SECTION 3. That, upon approval of the City of Marion's grant application, the Mayor is authorized to sign a contract with the Marion Metropolitan Housing Authority.

SECTION 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order to be eligible for consideration; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: MAY 25 2004



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

6.75

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-50

Passed MAY 24 2004, 20

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED AT THE REAR OF 162 WEST CENTER STREET AND IMMEDIATELY SOUTH OF LOT NUMBER 133 IN THE ORIGINAL TOWN PLAT OF THE CITY OF MARION, OHIO.

WHEREAS, in the opinion of this Council, there is good cause for vacating the east/west alley at the rear of 162 West Center Street and immediately south of lot number 133 in the original town plat of 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 6, 2004, 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 for use by any public utility operating under a franchise with the City of Marion, and the vacation of said alley herein is specifically made subject to the continued existence of any such existing right-of-way or easement. That said alley shall not be blocked to truck access by any means; including placing items such as fences, barricades, HVAC units, dumpsters, parking cars, or any other(s) that would limit the ability to provide routine maintenance and emergency access to these facilities. That all public utilities shall be deemed to have a permanent easement in such vacated portion or excess portion of such alley, for the purpose of maintaining, operating, renewing, reconstructing, and removing said utility facilities and for purpose of said access to said facilities.

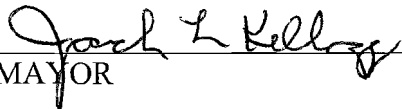
Section 4. The Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

Section 5. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: **MAY 25 2004**



PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

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

Ordinance No. _____ Passed _____, 20____

EXHIBIT A

Description for Alley located between 127 N. Prospect Street and 162 W. Center Street, Marion, Ohio

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

Being a certain east-west alley sixteen and one-half (16.5) feet wide, lying immediately south of Lot 133 in the original town plat of the City of Marion and further described as follows:

Beginning at the southwest corner of Lot 133 in the original town plat of the City of Marion, thence south along the east line of a certain sixteen and one-half (16.5) feet alley and the west line of Lot 133 extended, sixteen and one-half (16.5) feet to the northwest corner of Lot 132, thence east along the north lines of Lots 132 and 131, one hundred sixty-five (165) feet to the northeast corner of Lot 131, also being the west line of Prospect Street, thence north along the west line of Prospect Street sixteen and one-half (16.5) to the southeast corner of Lot 133, thence west along the south line of Lot 133, one hundred sixty-five (165) feet to the place of beginning.

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

RECORD OF ORDINANCES

017

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-51

Passed APR 26 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$14,743.79 for the year ending December 31, 2004 as follows:

Senior Citizens Fund

Salaries/Wages 203.3544.510110 \$ (4,506.00)

S.C. Block Grant Fund

Salaries/Wages 205.3544.510110 \$ (1,000.00)

Health Fund

Administration 214.2221.540324 \$ 650.00

Parks Fund

Administration 221.3421.540324 \$ 300.00

S.C. Association Fund

Senior Center Expense 233.3819.570735 \$ 5,000.00

Community Distress Grant Fund

Administration 271.4541.530324 \$ 2,280.69

CHIP Grant Fund

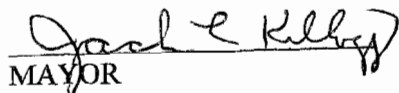
Implementation 272.4542.530326 \$ 12,019.10

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



PRESIDENT OF COUNCIL

APPROVED: APR 27 2004



MAYOR

ATTEST:



CLERK Pro Tempore

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

RECORD OF ORDINANCES

0179

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-52

Passed APR 26 2004, 20

ORDINANCE AUTHORIZING THE MAYOR TO MAKE
APPLICATION FOR A CLEAN OHIO CONSERVATION FUND
GRANT, APPROPRIATING FUNDS AND DECLARING AN
EMERGENCY

WHEREAS, the Council has been made aware of the need for approval so
that the Mayor may make a Clean Ohio Conservation Fund Grant application,

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

SECTION 1. The Mayor is hereby authorized to complete all acts necessary
to make application for a Clean Ohio Conservation Fund grant as discussed.

SECTION 2. The Auditor is authorized and directed to appropriate the
necessary funds in the amount not to exceed \$ 2,500.00 from the general fund to
enable the Mayor to complete the acts set forth above. Upon receipt of grant
funding or any other available source the aforementioned funds having been
appropriated shall be reimbursed to the General Fund.

SECTION 3. That this Ordinance is hereby declared to be an emergency
measure necessary for the welfare of the City of Marion and its' inhabitants thereof
given the need to proceed without delay due to the application deadline of June 1,
2004; 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.

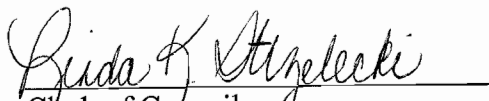


President of Council

APPROVED: **APR 27 2004**


Mayor

ATTEST:


Clerk of Council *Pro Tempore*

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

RECORD OF ORDINANCES

0101

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-53

Passed APR 26 2004, 20

ORDINANCE TO TERMINATE A LEASE OF CERTAIN FARMLAND AT MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS: Council authorizes the Safety/Service Director to enter into contract for the lease of certain farmlands by Ordinance 2001-120, September 10, 2001 and

WHEREAS: the Lessee has failed to fulfill the terms of the lease and

WHEREAS: effective today, April 26, 2004, we have held a successful bid opening to lease the said farmland for the years 2004 - 2008.

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 terminate the lease with Kenny Williams of Claridon, Ohio dated October 2001.

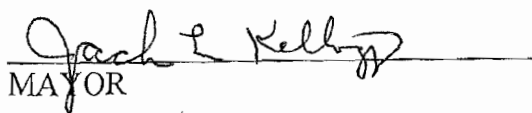
Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were 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

APPROVED: **APR 27 2004**



MAJOR

ATTEST:



CLERK Pro Tempore

ORD 2004 FARM contract release.wps

RECORD OF ORDINANCES

0.35

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-54

Passed MAY 10 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$161,625.83 for the year ending December 31, 2004 as follows:

General Fund

Fire Department

EMS Airway Equipment	101.1131.534234	\$ 2,124.83
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Statutory

Income Tax Refunds	101.7744.570712	<u>50,000.00</u>
		\$ 52,124.83

SCMR Fund

Administrative	207.6612.540324	\$ 1,501.00
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Enforcement and Education

Equipment	227.1111.550450	\$ 5,000.00
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Sewer Replacement Fund

2003 Sewer Improvements	504.5015.550520	\$ 61,000.00
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Storm Water Utility Fund

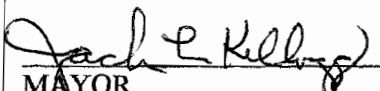
2003 Sewer Improvements	509.5015.550520	\$ 42,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.




PRESIDENT OF COUNCIL

APPROVED: MAY 11 2004



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

6.55

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-55 Passed MAY 10 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FIRE SAFETY SERVICES, INC. TO PURCHASE TWO MSA EVOLUTION 5000 THERMAL IMAGING CAMERAS, ONE MSA EXTERNAL TRANSMITTER, AND ONE MSA MINI RECEIVER KIT 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, Fire Safety Services, Inc. submitted the best proposal for the purchase of two MSA Evolution 5000 Thermal Imaging Cameras, one MSA External Transmitter, and one MSA Mini Receiver Kit, 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 Fire Safety Services, Inc., to purchase two MSA Evolution 5000 Thermal Imaging Cameras, one MSA External Transmitter, and one MSA Mini Receiver Kit for use at the Fire Department.

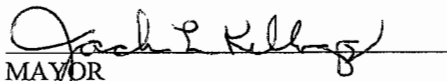
Section 2. That the \$24,185.00 cost of said contract shall be payable from the Fire Department Fund Account No. 401.1131.554450.

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



PRESIDENT OF COUNCIL

APPROVED: MAY 11 2004



MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

0157

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-56

Passed MAY 24 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT FOR A PERIOD OF (1) ONE YEAR, WITH OPTION YEAR, WITH PRO-GLO CLEANING SERVICES FOR JANITORIAL SERVICE AT CITY HALL, AND DECLARING AN EMERGENCY.

WHEREAS, It has been determined that Pro-Glo Cleaning Services has submitted the lowest and most responsive bid for janitorial services at City Hall.

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

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with Pro-Glo Cleaning Services for the janitorial services at City Hall for a period of one year and one additional option year.

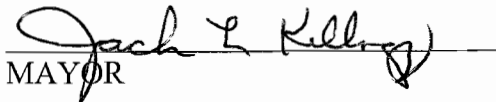
Section 2. That the contract price of \$22,000 shall be payable from the City Hall Land and Building Maintenance Fund.

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 will expire on July 1, 2004, and as such, shall take effect and be in force immediately upon its passage and approval of the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: **MAY 25 2004**



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

6.09

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-57

Passed MAY 24 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT FOR A PERIOD OF (1) ONE YEAR, WITH OPTION YEAR, WITH BAKER MAINTENANCE FOR JANITORIAL SERVICE AT THE WATER POLLUTION CONTROL PLANT, AND DECLARING AN EMERGENCY.

WHEREAS, It has been determined that Baker Maintenance has submitted the lowest and most responsive bid for janitorial services at the Water Pollution Control.

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

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with Baker Maintenance for the janitorial services at Water Pollution Control for a period of one year and one additional option year.

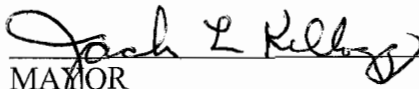
Section 2. That the contract price of \$11,172 shall be payable from the Sewer Revenue Fund.

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 was cancelled until the construction was complete, and as such, shall take effect and be in force immediately upon its passage and approval of the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: **MAY 25 2004**



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

0.51

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-58

Passed JUN 28 2004, 20

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE REAL PROPERTY KNOWN AS LOT NUMBERS 11187, 11188, 11189 AND 11191 IN THE WALNUT GROVE ADDITION TO THE CITY OF MARION ALSO KNOWN AS 768 BELLEFONTAINE AVENUE, MARION, OHIO FROM A C1-B NEIGHBORHOOD SHOPPING DISTRICT TO A C-4 CENTRAL FRAME BUSINESS DISTRICT.

WHEREAS, Council finds that the real property described in that attached Exhibit A, should be rezoned from an C1-B - Neighborhood Shopping District to a C-4 Central Frame Business District, and

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

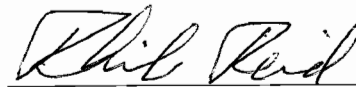
WHEREAS, due notice of the hearing on said rezoning has been given by publication in accordance with law,

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

SECTION 1. That the property known as Lots 11187, 11188, 11189 and 11191 in Walnut Grove Addition and being further known as 768 Bellefontaine Avenue in the City of Marion, Ohio and being more particularly described in the attached Exhibit A. Currently zoned as C1-B - Neighborhood Shopping District shall be rezoned as C-4 Central Frame Business District, and

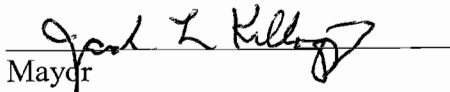
SECTION 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion on file in the office of the Clerk of Marion City Council and on the copy thereof on file in the office of the Safety/Service Director.

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



President of Council

APPROVED: **JUN 29 2004**


Mayor

ATTEST:


Clerk of Council

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

Ordinance No. _____ Passed _____, 20____

EXHIBIT "A"

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

Being all of Lot Numbers 11187, 11188, 11189 and 11191 in Walnut Grove Addition, as platted in Plat Book 3, Page 170 and being more particularly described as follows:

Beginning at an iron pipe found at the Northwest corner of Lot No. 11191 (Southwest corner of Lot 11192), also being on the East right-of-way line of Davids Street; thence along the line common to Lots 11191 and 11192 South 89 degrees 16 minutes 56 seconds East a distance of 129.75 feet to an iron pipe found at the Northeast corner of Lot 11191 (Southeast corner of Lot 11192) also being on the West line of Lot 11190; thence along the Easterly line of Lots 11191 and 11189 (Westerly line of Lot 11190), South a distance of 125.28 feet to an iron pipe found at the Southeast corner of Lot 11189 (Southwest corner of Lot 11190); also being on the Northerly line of Bellefontaine Avenue; thence along the Northerly line of Bellefontaine Avenue South 51 degrees 50 minutes 00 seconds West a distance of 73.22 feet to a star-drilled hole in approach slab of the concrete drive; thence along the Northerly line of Woodrow Avenue North 89 degrees 10 minutes 00 seconds West, a distance of 72.18 feet to a star-drilled hole in the sidewalk at the intersection of the Northerly right-of-way line of Woodrow Avenue, and the Easterly line of Davids Street; thence along the Easterly line of Davids Street (Westerly line of Lots 11187 and 11191) North a distance of 171.10 feet to the place of beginning; containing 0.4785 of an acre (20.809.158 sq. ft.) more or less, subject to all easements, restrictions and right-of ways of record.

Being all of Lots 11187, 11188, 11189 and 11191 in the Walnut Grove Addition as platted in Plat Book 9, Page 170 of Marion County Recorders Office.

Premises also known as: 768 Bellefontaine Avenue, Marion, OH 43302

Permanent Parcel No.: 12-329000.5200

RECORD OF ORDINANCES

Ordinance No. 2004-59

Passed JUN 14 2004, 20

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE FORMULA FUNDS AND ADMINISTER THE GRANT, AND DECLARING AN EMERGENCY.

WHEREAS, this Council recognizes the need for programs which remove slum and blight, benefit low- and moderate-income households or meet other urgent community development needs; and

WHEREAS, the CDBG Small Cities Program makes funds available for projects which address these problems; and

WHEREAS, the Mayor must submit an application to the State of Ohio Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the community and economic development problems.

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

Section 1 That this Council hereby authorizes the Mayor to submit an application for CDBG Small Cities funds, including the following projects:

1. Waterloo Sanitary Sewer	\$ 41,000
2. Turning Point Property Improvements	\$ 41,000
3. Downtown Project	
a. Palace Theatre Improvements	\$ 48,000
b. East Church Street sidewalks	\$ 30,000
4. <u>Environmental Review/Audit/Admin/Fair Hsg</u>	<u>\$ 28,000</u>
TOTAL	\$188,000

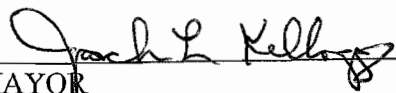
Section 2 That upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grant and administer the CDBG Small Cities Program in the City of Marion.

Section 3 This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: JUN 14 2004


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

0.95

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-60

Passed MAY 24 2004, 20

ORDINANCE STATING THE COUNCIL OF MARION'S APPROVAL OF LYNN M. CLABAUGH'S APPLICATION TO DESIGNATE CERTAIN LANDS WITHIN THE MUNICIPALITY AS AGRICULTURAL DISTRICT PURSUANT TO O.R.C. 929 ET. AL. (RENEWAL)

WHEREAS, O.R.C. 929 provides for a land owner to have that acreage which he/she has devoted to agricultural use be designated as being an agricultural district and thereby entitling said owner to enjoy the benefits of lower taxes, and

WHEREAS Lynn M. Clabaugh made application to the County Auditor on the 2nd day of February, 2004 to have certain property owned by him to be approved as being utilized as agricultural lands,

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

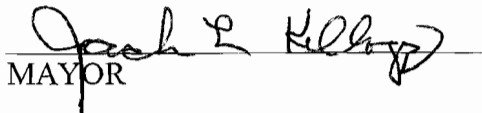
Section 1. The Council has considered the application filed by Lynn M. Clabaugh of 225 Campbell Rd., Marion, Ohio, who advises he is the owner of parcels: 17-008000-1600; 17-008000-4500; 17-008000-4900; 17-008000-1200; 17-008000-1300; 17-008000-4402; and 4-040000-0700, and after due consideration and acting upon those facts presented the Council does hereby approve the placement (renewal) of said lands within an agricultural district pursuant to O.R.C. 929 et. al.

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



PRESIDENT OF COUNCIL

APPROVED: **MAY 25 2004**



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

0197

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-61

Passed MAY 24 2004, 20

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AND AGREEMENTS NECESSARY TO EFFECTUATE A NEGOTIATED AGREEMENT WITH THE MARION TOWNSHIP TRUSTEES RELATED TO THE ANNEXATION OF CERTAIN LANDS TO THE CITY OF MARION AND DECLARING AN EMERGENCY

WHEREAS, the Council has been diligent in its' oversight as to annexation issues present in the community and, in particular, has been supportive of utilizing provisions of the Ohio Revised Code related to methods and procedures applicable to the annexation of land through cooperative agreement, and

WHEREAS, the Administration has taken the initiative by conducting negotiation sessions with Marion Township representatives which have resulted in a proposed Cooperative Governmental Agreement providing for terms and conditions beneficial to both governmental entities in the annexation of certain land to the City of Marion, Ohio, and

WHEREAS, the Council finds the cooperative effort to be a desirable course finds same to be in the best interests of the entire Marion community,

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

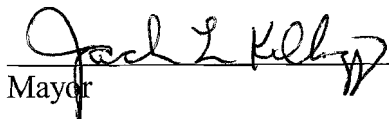
SECTION 1. The Mayor is hereby authorized to execute all documents and/or agreements necessary to effectuate an agreement with the Marion Township Trustees related to the annexation of certain real property contiguous to the City, more specifically along Delaware Avenue and Barks Road. Further, the Mayor is authorized to complete all acts to ensure the economic growth opportunity in the works for the aforementioned property is not squandered, including but not limited to executing agreements related to the development which are found by the Mayor to be necessary to see the project come to fruition.

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 need to proceed without delay due to the likelihood that delay will cause economic hardship upon the Marion community by the potential loss of development and related jobs and economic growth opportunities for the citizens of Marion; 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: **MAY 25 2004**


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

0199

Ordinance No. 2004-62, Page One

Passed MAY 24 2004, 20

ORDINANCE AMENDING MARION CITY CODE CHAPTER 167: BOARD OF HEALTH IN ORDER TO COMPLY WITH HOUSE BILL 6 TO PROVIDE FOR THE DELEGATION OF CERTAIN POWERS CURRENTLY POSSESSED BY THE HEALTH BOARD UNDER OHIO REVISED CODE TO THE HEALTH COMMISSIONER IN CERTAIN SPECIFIC CIRCUMSTANCES CREATING 167.02 QUARANTINE AND ISOLATION

WHEREAS, the Council has been advised by the City Health Commissioner of the mandate by the State Legislature that all local Health Boards must adopt a policy. The mandate provides, in relevant part, the policy shall provide for the actions a health commissioner may take in times of need when the Board cannot meet in a timely fashion, and

WHEREAS, the local City Board of Health has passed the quarantine and isolation policy contained below and through its Commissioner asks the Council to adopt same as the policy of the City of Marion, Ohio, and

WHEREAS, the Council has given all of the above due consideration and finds the adoption of the proposed policy in the best interests of the citizens of the City of Marion,

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

Section 1. Marion City Code Chapter 167 shall be amended to include Section 167.02 Quarantine and Isolation Delegation of Authority in order to comply with the request of Marion City Health Board and the State Legislature's House Bill 6:

Section 167.02 Quarantine and Isolation Delegation of Authority

Pursuant to the authority granted the Board by O.R.C. 3707.34 the duly appointed Health Commissioner, the Board's Executive Officer, shall be authorized to take all necessary action in regard to quarantine and isolation under the authorities granted the Board under O.R.C. 3707.04 through 3707.32, as follows:

- I. FINDINGS OF THE COMMISSIONER: In order to act, the Commissioner must make a written finding of fact that each of the following circumstances are present:
 - (a) a serious threat to the public health exists due to the act or acts of a person or persons considered to be terrorists,
 - (b) the action of quarantine or isolation enacted under 3707.04 through 3707.32 is necessary to protect the public health,
 - (c) the act cannot wait for a special meeting of the Board of Health to be conducted due to specified emergent circumstances rendering a meeting impractical or impossible and waiting until conducting a special meeting would seriously compromise the public health,
- II. SCOPE OF DELEGATION: Upon the Health Commissioner issuing the written findings enumerated in Section I above, the authority granted herein shall become effective immediately. The Health Commissioner shall be delegated all authority possessed by the Board under 3707.04 through 3707.32 regarding quarantine and isolation. Any action taken by the Health Commissioner taken

pursuant to the provisions herein shall be considered as if the action was taken by the Board.

III. EXPIRATION/RENEWAL OF AUTHORITY BY BOARD: The authority granted herein shall continue until the earlier of:

(a) a written finding by the Health Commissioner that such delegation of authority is not longer necessary; or

(b) within ten (10) days of the imposition of any Order of the Health commissioner under the authority delegated herein the Board shall meet and must either:

- 1) ratify and extend the action of the Commissioner,
- 2) ratify and terminate the action of the Commissioner,
- 3) modify as it determines necessary the action of the Commissioner,
- 4) terminate the action of the Commissioner
- 5) suspend the delegation of authority.

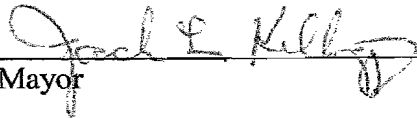
The Health Board having found the above to be necessary for the protection of the health of the people of the community in the event of a bioterrorism or other like emergent public health event related to a terrorist attack.

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



President of Council

APPROVED: MAY 26 2004



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

0207

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-63

Passed MAY 24 2004, 20

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER REPORT), AS AMENDED, AND ESTABLISHING THE POSITION OF ELECTRICIAN TRAINEE.

WHEREAS, Ordinance 1969-29 adopted a standard classification system and a standardized system of compensation, and,

WHEREAS, the Administration has proposed the creation of a new position classification of Electrician Trainee, and,

WHEREAS, the Council, having heard the needs and benefits of creating the position of Electrician Trainee, and finding that same to be necessary for the well being of the citizens,

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

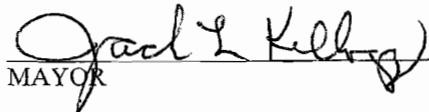
Section 1. That Ordinance 1969-29, as amended, be amended to include the new position classification of Electrician Trainee, and the new job description for said position is attached hereto and incorporated herein by reference.

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



PRESIDENT OF COUNCIL

APPROVED: **MAY 25 2004**


MAYOR
CLERK OF COUNCIL

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

RECORD OF ORDINANCES

0406

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-64

Passed MAY 24 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

Section 1. That there be additional appropriations made in various funds in the amount of \$4,410.00 for the year ending December 31, 2004 as follows:

General Fund

Fire Department 101.1131.530320 \$ 1,000.00

Health Fund

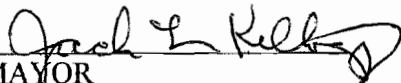
Administration 214.2221.540324 \$ 3,410.00

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



PRESIDENT OF COUNCIL

APPROVED: **MAY 25 2004**



MAYOR

ATTEST:



CLERK

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

RECORD OF ORDINANCES

0205

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-65

Passed JUN 14 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 2004 STREET RESURFACING PROGRAM, PROJECT 04-1R, 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 directed to prepare plans and specifications, advertise for bids, and enter into contract for the 2004 Street Resurfacing Program.

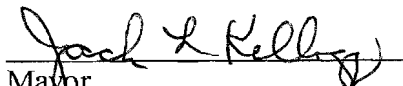
Section 2. That said contract shall be payable from the \$5.00 Permissive Auto Tax Fund and the Streets Resurfacing Fund (S.C.M.&R.).

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.



President of Council

Approved: **JUN 14 2004**



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

6207

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-66 Passed JUN 14 2004, 20

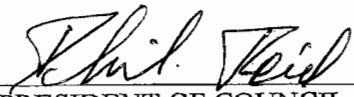
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS
IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,
2004.

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 \$1,731,580.20 for the year ending December 31, 2004 as follows:

<u>GENERAL FUND</u>		
FIRE DEPARTMENT		
ADMINISTRATION	101.1131.540324	\$ 4,800.00
<u>HEALTH FUND</u>		
ADMINISTRATION	214.2221.540324	\$ 4,096.00
BENEFITS	214.2223.510120	14,637.20
	TOTAL HEALTH FUND	\$ 18,733.20
<u>WIC FUND</u>		
FY '04 GRANT		
SALARIES	215.2544.510110	\$ 14,423.00
BENEFITS	215.2544.510120	586.00
TRAVEL	215.2544.520220	(209.00)
UTILITIES	215.2544.530310	251.00
EQUIPMENT MAINTENANCE	215.2544.530360	800.00
LAND & BLDG MAINTENANCE	215.2544.530370	500.00
JANITORIAL SERVICES	215.2544.530424	(660.00)
SUPPLIES	215.2544.540420	1,323.00
POSTAGE	215.2544.540423	589.00
	TOTAL WIC FUND	\$ 17,603.00
<u>COMMUNITY DISTRESS GRANT</u>		
ADMINISTRATION	271.4543.530324	\$ 20,000.00
STREET IMPROVEMENTS	271.4543.530325	66,700.00
WATER & SEWER FACILITY	271.4543.530330	60,300.00
CURBS & SIDEWALKS	271.4543.530337	123,000.00
PARKS & RECREATION	271.4543.530341	30,000.00
	TOTAL COMMUNITY DISTRESS GRANT	\$ 300,000.00
<u>REVOLVING LOAN FUND</u>		
PARKS & RECREATION	274.4539.530341	\$ 10,000.00
<u>AIRPORT IMPROVEMENT FUND</u>		
PROJECT #15		
PROFESSIONAL SERVICE	446.6405.530320	\$ 244,000.00
LAND ACQUISITION	446.6405.550455	304,444.00
CAPITAL IMPROVEMENTS	446.6405.550520	832,000.00
	TOTAL AIRPORT IMPROVEMENT FUND	\$1,380,444.00

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


PRESIDENT OF COUNCIL

APPROVED: JUN 14 2004


MAYOR

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

ATTEST: 
Clerk of Council

RECORD OF ORDINANCES

0208

Ordinance No. 2004-67

Passed JUL 12 2004, 20

ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN BY PLACING STOP SIGNS UPON BEXLEY AVE. WHERE SAME INTERSECTS WITH UHLER AVE., AS AMENDED.

WHEREAS, residents in the vicinity of the intersection of Bexley and Uhler came forward within the past six months and requested a four-way stop be created at the aforementioned intersection, however the Council voted 5-4 against creating the four-way part, to the intersection not warranting the signage under the Ohio Manual of Uniform Traffic Control Devices, and

WHEREAS, the same group of residents have again made the same request due to the belief that a Councilperson who had previously voted no has reconsidered and now will support the placement of a four-way at the subject intersection,

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

As Amended:

~~SECTION 1. The council having reconsidered the matter now determines it to be beneficial for the intersection of Bexley Ave. and Uhler Ave. to be further improved by the placement of stop signs upon Bexley Ave. and this creating a four-way stop at said intersection. This finding occurring after due deliberation and weight afforded the City Engineer's opinion that the intersection does not meet the minimum requirements of the Ohio Manual of Uniform Traffic Control Devices and the opposition of the placement of unwarranted signs by the aforementioned Engineer, Safety/Service Director, Chief of Police and the Law Director. Therefore, the Safety/Service Director is directed to place the additional signs at said intersection and shall ensure that the master traffic control plan/map is duly amended.~~

~~SECTION 2. This Ordinance shall take effect on the earliest date allowed by law.~~

SECTION 1. The council having reconsidered the matter now determines it to be beneficial for the intersection of Bexley Ave. and Uhler Ave. to be further improved by the placement of stop signs upon Bexley Ave. and this creating a four-way stop at said intersection. This finding occurring after due deliberation and weight afforded the City Engineer's opinion that the intersection does not meet the minimum requirements of the Ohio Manual of Uniform Traffic Control Devices and the opposition of the placement of unwarranted signs by the aforementioned Engineer, Safety/Service Director, Chief of Police and the Law Director.

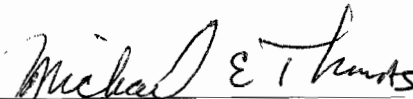
SECTION 2. That the Safety/Service Director is hereby directed to place the additional stop signs at said intersection. As well as the posting of no parking signs within 150 feet of the signs in each direction.

SECTION 3. That the Safety/Service Director shall ensure that the master traffic control plan/map is duly amended.

SECTION 4. The traffic Commission shall review the placement after 90 days and report back to Council. In addition, the Traffic Commission shall give due consideration to Law Director Russell's June 3, 2004 written proposal including any modifications or deviations it believes to be appropriate.

SECTION 4. This Ordinance shall take effect on the earliest date allowed by law.

APPROVED:

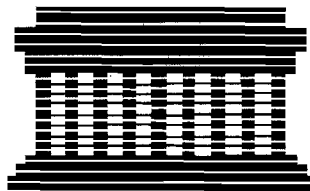

President of Council

Mayor

ATTEST:


Clerk of Council

City of Marion



JACK L. KELLOGG
Mayor (740) 387-3591

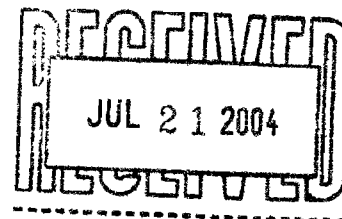
DALE R. OSBORN
Safety/Service Director (740) 387-5865

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

July 14, 2004

To: All City Council Members
Clerk of Council

From: Jack L. Kellogg, Mayor



With the powers vested in me as Mayor of the City of Marion, I hereby veto ordinance number 2004-67 passed on July 12, 2004 for the following reasons and /or objections.

1. The City of Marion has no local authority to post any traffic control devices upon a public street or alley that does not conform to the Ohio Manual of Uniform Traffic Control Devices and Section 4511 of the Ohio Revised Code.
2. The ordinance places a tremendous liability on the City of Marion and its residents.

This veto is brought to you in accordance with Section 111.06 (L) of the Marion Codified Ordinances.

Respectfully,

Jack L. Kellogg, Mayor

Cc: Traffic Commission Members
Judge Finnegan



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

RECORD OF ORDINANCES

0217

Ordinance No. 2004-68

Passed JUN 14 2004 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TIM N LINS PROPERTY SERVICES OF MARION FOR THE DEMOLITION OF 264 FIES AVENUE AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 2004-48 authorized the Safety/Service Director to prepare specifications and advertise for bids the demolition of the fire damaged property at 264 Fies Avenue, and

WHEREAS, the structure was heavily damaged by fire on April 7, 2003 and is declared a public nuisance and has not been remediaded in accordance with Chapter 1360 of the Marion Codified Ordinances, and

WHEREAS, the proper owners or executors of the estate have been served proper notification and if not remediated or the nuisance has been abated by August 7, 2004 will be demolished; and

WHEREAS, Tim N Lins Property Services submitted the lowest and best bid for the demolition of 264 Fies Ave.

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

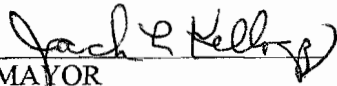
Section 1. That the Safety/Service Director be authorized and directed to enter into contract with Tim N Lins Property Services for the demolition of 264 Fies Avenue.

Section 2. The demolition cost of \$4,300 will be paid for through the Demolition of Buildings 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 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 come effective from and after the earliest period allowed by law.

APPROVED: JUN 14 2004


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

RECORD OF ORDINANCES

0213

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-69

Passed JUN 14 2004, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS OF MARION FOR THE DEMOLITION OF 268 FIES AVENUE AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 2004-48 authorized the Safety/Service Director to prepare specifications and advertise for bids the demolition of the fire damaged property at 268 Fies Avenue, and

WHEREAS, the structure was heavily damaged by fire on April 7, 2003 and is declared a public nuisance and has not been remediaded in accordance with Chapter 1360 of the Marion Codified Ordinances, and

WHEREAS, the property owner Gary Brugger have been served proper notification; and

WHEREAS, J & J Renovations submitted the lowest and best bid for the demolition of 268 Fies Ave.

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

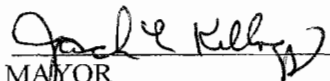
Section 1. That the Safety/Service Director be authorized and directed to enter into contract with J & J Renovations for the demolition of 268 Fies Avenue.

Section 2. The demolition cost of \$3,300 will be paid for through the Demolition of Buildings 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 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 come effective from and after the earliest period allowed by law.

APPROVED: JUN 14 2004


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

RECORD OF ORDINANCES

0215

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-70

Passed JUN 14 2004, 2004

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH ELLIS BROTHERS CONCRETE FOR THE
PURCHASE OF CONTROLLED DENSITY FILL (CDF) TO BE USED IN THE
WATER POLLUTION CONTROL DIVISION


WHEREAS, Ellis Brothers Concrete submitted the best bid of \$34.75 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 Ellis Brothers Concrete for the purchase of Controlled Density Fill (CDF) to be used in the Water Pollution Control Division.

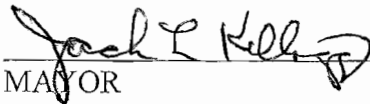
Section 2. That the contract shall be payable from the Water Pollution Control Supplies and Materials Account (505.552.540420) and Storm Water Utility Supplies and Material Account (509.5554.540420).

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



PRESIDENT OF COUNCIL

APPROVED: JUN 14 2004



MAYOR

ATTEST:



CLERK OF COUNCIL

Approved As Submitted Pursuant
To M.C.C.

MARK D. RUSSELL
DIRECTOR OF LAW
CITY OF MARION

File:CDF Ordinance.w

RECORD OF ORDINANCES

0217

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-71

Passed JUN 14 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ACCEPT FAA/ODOT GRANT FUNDS, AND ENTER INTO CONTRACT FOR CONSTRUCTION WITH SHELLY & SANDS, HISSONG EXCAVATING, HUNTS FENCE, INC. AND YAGER & ASSOCIATES FOR PROJECT 15 AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion has been awarded \$1,145,172. FAA Grant and \$175,000. ODOT Grant, known as Project 15.

WHEREAS, The bid opening for Project 15 was held May 14, 2004 and final grant award is offered as a result of these bids.

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

Section 1. That the Mayor is hereby authorized to accept FAA/ODOT FY 2004, Project 15 Grant.

Section 2. That the Safety/Service Director is hereby authorized and directed to enter into contract for pavement rehabilitation to taxiways A,B,C,D, and to install phase III fencing at the Marion Municipal Airport from the following bidders:

Shelly & Sands	Rehab Taxiways	\$686,000.
Hissong Excavating	Remove tree obstruction	\$ 59,500.
Hunt's Fence, Inc.	Phase 3 fencing	\$ 74,000.
Yager & Associates	Engineering, Administration Inspection & Testing	\$244,000.

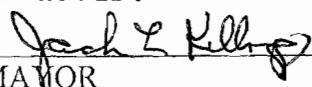
Section 3. The specifications were prepared by Yager and Associates of Toledo, Ohio, who was selected per FAA guidelines and authorized by Ordinance 1997-111.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

APPROVED: JUN 14 2004


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

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

RECORD OF ORDINANCES

0219

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-72

Passed JUN 14 2004, 20

ORDINANCE TO AMEND ORDINANCE NO. 1989-17 AFFIRMATIVE ACTION OFFICER OF THE CITY OF MARION.

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

Section 1. That Section 4 of Ordinance No. 1977-140, as amended by Ordinance No. 1989-17, now reading as follows:

"That effective January 1, 1989, the salary for the part-time position of Affirmative Action Officer shall be at the rate of \$3,100 per year, payable bi-weekly."

is hereby amended to read as follows:

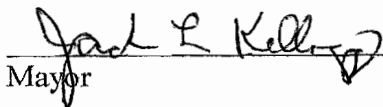
"That effective June 1, 2004, the salary for the part-time position of Affirmative Action Officer shall be at the rate of \$3,100 per year, payable semi-monthly."

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



PRESIDENT OF COUNCIL

APPROVED: JUN 14 2004



Mayor

ATTEST:



CLERK

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

RECORD OF ORDINANCES

0221

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-73

Passed JUN 14 2004, 20

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER REPORT), AS AMENDED BY ORDINANCE NO. 2004-18, TO CREATE THE JOB DESCRIPTION OF THE POSITION OF FIRE TRAINING OFFICER.

WHEREAS, Ordinance 1969-29 adopted a standard classification system and a standardized system of compensation, and,

WHEREAS, Ordinance 2004-18, created the position of Fire Training Officer and established it as a Special Position, and

WHEREAS, a job description for the Fire Training Officer is a necessary part of the establishment of the aforementioned position as a Special Position,

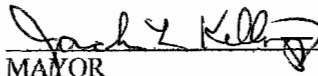
BE IT ORDAINED, by the Council of the City of Marion, Marion, Ohio:

Section 1. That Ordinance 1969-29, as amended by Ordinance 2004-18, be amended to include the updated job description of Fire Training Officer – Special Position, and the updated job description for said position is attached hereto and incorporated herein by reference.

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


PRESIDENT OF COUNCIL

APPROVED: JUN 14 2004


MAYOR


CLERK OF COUNCIL

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

RECORD OF ORDINANCES

0223

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-74, Page OnePassed JUN 14 2004, 20

ORDINANCE ENACTED BY THE COUNCIL OF THE CITY OF MARION, MARION COUNTY, OHIO IN THE MATTER OF PLANING AND RESURFACING IN THE CITY OF STATE ROUTE 529 (RICHLAND ROAD) AND TO REQUEST COOPERATION BY THE OHIO DEPARTMENT OF TRANSPORTATION, AND DECLARING AN EMERGENCY.

PID Number 77233
MAR-SR529-0.00

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 perform partial depth pavement repairs and plane and resurface pavement. Project limits extend on SR529 from SR95 (Mount Vernon Avenue) extending through the corporate limits of the City of Marion and terminating at the Morrow County line. The portion of the project within the corporate limits of the City of Marion is an ODOT District Six Urban Paving Project.

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 City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;

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.

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.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-74, Page Two

Passed JUN 14 2004, 20

SECTION V - Maintenance

Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The Safety/Service Director 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.

Section VII. This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislation 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.



President of Council

APPROVED: JUN 14 2004



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0225

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-75

Passed JUN 14 2004, 20

ORDINANCE AUTHORIZING THE MAYOR AND CITY AUDITOR TO COMPLETE ALL ACTS NECESSARY TO ENTER INTO TAX EXEMPT LEASE AGREEMENTS WITH THE FAHEY BANKING COMPANY AND THE SUNTRUST LEASING CORP., MAKING AN ADDITIONAL APPROPRIATION AND DECLARING AN EMERGENCY.

WHEREAS, The Fahey Banking Company submitted the lowest and best proposal to finance the purchase of a Smeal 85 foot Platform Fire Truck, and

WHEREAS, the Ashford Capital Corporation submitted the lowest and best proposal, from Suntrust Leasing Corporation, to finance the purchase of (4) International/McNeilus sanitation packers, and

WHEREAS, the Council finds the need for the aforementioned financing to be in the best interest of the citizens of Marion, therefore

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

Section 1. That the Mayor and City Auditor are hereby authorized to enter into tax exempt lease agreements with the following companies and to execute any and all financing documents, including, but not limited to, the Resolution of Governing Body.

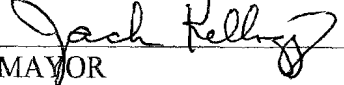
1. The Fahey Banking Company for the purchase of the Fire Truck
Lease Amount - \$723,975.00
Interest Rate - 3.82%
Term - Ten (10) years
2. The Suntrust Leasing Corporation for the purchase of (4) Sanitation Packers
Lease Amount - \$382,189.67
Interest Rate - 3.341%
Term - Five (5) years

Section 2. That there be an additional appropriation made in the Sanitation Fund Capital Equipment account no. 506.5561.550450 in the amount of \$382,189.67.

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 to secure the favorable interest rates; 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: **JUN 14 2004**


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0227

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-76 Passed JUN 28 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$157,735.00 for the year ending December 31, 2004 as follows:

General Fund

Fire Department

EMS Billing Services	101.1131.530324	\$ 45,360.00
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Police Department

FY04 Bulletproof Vest Program	101.1111.514223	<u>2,375.00</u>
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TOTAL GENERAL FUND		\$ 47,735.00
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SCMR Fund

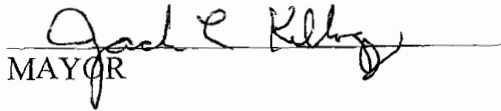
Central Garage Maintenance	207.6612.530601	\$ 110,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: **JUN 29 2004**



MAYOR

ATTEST:



CLERK

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

RECORD OF ORDINANCES

0228

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-77

Passed JUL 12 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ~~BURCH-HYDRO, INC.~~ NEIDHART BROTHERS TRUCKING CO., FOR THE LAND APPLICATION OF BIOSOLIDS AT THE WATER POLLUTION CONTROL PLANT HAVING DETERMINED SAID ENTITY TO HAVE SUBMITTED THE LOWEST AND BEST BID AND DECLARING AN EMERGENCY, *AS AMENDED*

WHEREAS, the Water Pollution Control Plant has and currently is in need of a contractor to provide services related to the land application of biosolids, and

WHEREAS, the Superintendent of the WPCP has advised, detailed specifications were prepared and a bidding procedure was utilized to find an appropriate contractor and said Superintendent has detailed to the Council the results of the bid procedure and the subsequent analysis,

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

As Amended:

~~Section 1. The Council having analyzed the bids received on the biosolids contract, more specifically as to the detailed review provided by the Superintendent of the Water Pollution Control Plant during the Committee meeting of June 22, 2004 and the Council having determined after due consideration and deliberation that Burch Hydro Inc. is the lowest and best bidder (O.R.C. 735.05) for the land application of the biosolids, the basis of the determination having been stated in detail by the aforementioned Superintendent including but not limited to the lowest bidder having not been able to perform the services required at the level necessary in the past, the Council hereby authorizes and directs the Safety/Service Director to enter into contract with Burch Hydro, Inc. for the application of biosolids produced at the Water Pollution Control Plant in the amount of \$13.99 per ton.~~

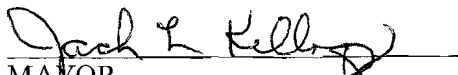
Section 1. The Council having analyzed the bids received on the biosolids contract, and the Council having determined after due consideration and deliberation that Neidhart Brothers Trucking Co. is the lowest and best bidder (O.R.C. 735.05) for the land application of the biosolids, the Council hereby authorizes and directs the Safety/Service Director to enter into contract with Neidhart Brothers Co. for the application of biosolids produced at the Water Pollution Control Plant in the amount of \$12.00 per ton.

Section 2. That the contract shall be payable from the Sewer Revenue Fund Account.

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 given the immediate need to dispose of the accumulated biosolids at the WPCP and the negative impact a delay would cause if the matter did not proceed immediately; 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: JUL 14 2004


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0239

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-78

Passed JUL 12 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$32,528.63 for the year ending December 31, 2004 as follows:

General Fund

Police Department

Central Garage Maintenance	101.1111.530601	\$ 17,000.00
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Fire Department

Central Garage Maintenance	101.1131.530601	7,000.00
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Donation Administration	101.1131.540324	<u>2,709.32</u>
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TOTAL GENERAL FUND		\$ 26,709.32
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Parks Fund

Donation Administration	221.3421.540324	\$ 100.00
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Community Distress Fund

FY01 Administration	271.4541.530324	\$ (2,280.69)
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Marion Area Transit Fund

Central Garage Maintenance	502.6544.530601	\$ 8,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: **JUL 13 2004**


MAYOR

ATTEST:


CLERK

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

RECORD OF ORDINANCES

6233

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-79

Passed JUL 12 2004, 20

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

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

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


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

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



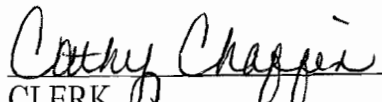
President of Council

APPROVED:



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0235

Ordinance No. 2004-80

Passed JUL 26 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF 148 CANBY COURT THAT HAS BEEN DECLARED A DANGEROUS BUILDING IN ACCORDANCE WITH CHAPTER 1360 OF THE MARION CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that the structure at 148 Canby Court is a dangerous building and therefore a nuisance in accordance with Chapter 1360 and that the Safety/Service Director has received the consent of the properties owner to proceed with demolition,

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

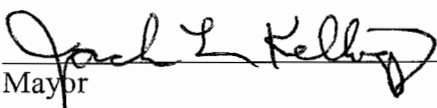
Section 1. The Safety/Service Director is hereby authorized and directed to spec and bid the work necessary for the demolition of the structure located at 148 Canby Court, Marion, Ohio.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate protection, welfare and safety of the City of Marion and the inhabitants thereof and for further reason that a nuisance does exist; 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: JUL 27 2004



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0237

Ordinance No. 2004-81

Passed JUL 26 2004, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF A FIRE DAMAGED STRUCTURE AT 873 DAFFODIL DRIVE, AND DECLARING AN EMERGENCY.

WHEREAS, on November 26, 2001 a fire severely damaged the property located at 873 Daffodil Drive, and;

WHEREAS, written notices have been served upon the property owner, Anne Rife, regarding the determination the property has been determined to be a nuisance and in need of remediation, and

WHEREAS, Chapter 1360 of the Marion Codified Ordinances requires the property owner to remediate the nuisance within one year of the fire, and

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


Section 1. That the Safety/Service Director be authorized and directed to spec and bid the work necessary for the demolition of the structure located at 873 Daffodil Drive, Marion, Ohio.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate protection, welfare and safety of the City of Marion and the inhabitants thereof and for further reason that a nuisance does exist; 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.



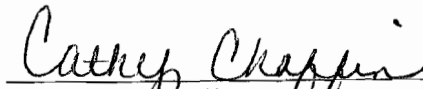
President of Council

Approved: JUL 27 2004



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0239

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-82

Passed JUL 26 2004, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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 \$14,900.00 for the year ending December 31, 2004 as follows:

Storm Water Utility

Capital Improvement 509.5554.550520 \$ 10,000.00

Landfill Monitoring Fund

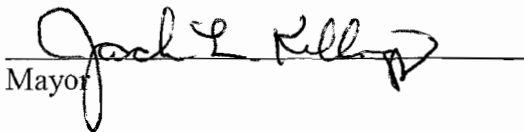
Professional Services 507.5563.530320 \$ 4,900.00

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



President of Council

Approved: **JUL 27 2004**



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0247

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-83

Passed JUL 26 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DLZ, INC. FOR ENGINEERING SERVICES FOR THE 42" SANITARY TRUNK SEWER REPLACEMENT, PROJECT 03-1S AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to prepare final construction plans for the 42" Sanitary Trunk Sewer Replacement, Project 03-1 S, and;

WHEREAS, the City of Marion has determined DLZ, Inc. to be the most qualified firm for this project with a design fee of \$36,200.00

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 DLZ, Inc. for design engineering services for the 42" Sanitary Trunk Sewer Replacement, Project No. 03-1S.

Section 2. That the cost of said project shall be payable from the Sewer Replacement Fund (504.5310.550520).

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 this project must be completed by January 31, 2005, 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.



President of Council

Approved: JUL 27 2004



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0246

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-84, Page OnePassed SEP 13 2004, 20

ORDINANCE ACCEPTING THE ANNEXATION OF
CERTAIN TERRITORY LOCATED SOUTH OF
THE CITY OF MARION, ON DELAWARE AVENUE
CONTAINING 22.953 ACRES.

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Ted McKinniss, Attorney and Agent for the property owners; the same being 100% of said owners, and

WHEREAS, the petition was duly filed with the Board of County Commissioners of Marion County, Ohio on June 28, 2004; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on June 29, 2004, 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 July 9th, 2004; and

WHEREAS, the City of Marion by an agreement with Marion Township pursuant to Section 709 of the Ohio Revised Code. Said City of Marion hereby agrees to provide Fire Protection, Police Protection, Street Maintenance and all other ordinary services provided within the boundaries of the City of Marion to the proposed annexed territory, 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 Ted McKinniss, as Agent and Attorney for 100% owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on June 28, 2004, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described was approved for annexation to the City of Marion by the Board of County Commissioners on June 29, 2004, be and is hereby accepted. The territory is described as follows:

Description of a 22.953 Acre Tract of Land for Annexation to the City of Marion.

Situated in the State of Ohio, County of Marion, Township of Marion, being part of the North Half of Section 34, Township 5 South, Range 15 East, being all of the lots numbered 18153, 18154, 18155, 18156, 18157, and 18158 of the Delco Plaza Shopping Center as recorded in Plat Book 11, Page 147 and being more particularly described as follows:

Commence at an existing 1 " iron pipe found in a monument box at the centerline intersection of Delaware Avenue (State Route 423) with Barks Road (C.R. 138);

Thence, North 18 °44'41 " West, with the centerline of Delaware Avenue, a distance of 308.00 feet to a railroad spike found at the northeast corner of a 1.55

Ordinance No. 2004-84, Page TwoPassed SEP 13 2004, 20

acre tract of land described in deed to Speedway SuperAmerica, LLC recorded in Official Record Volume 393, Page 915, and being the TRUE POINT OF BEGINNING;

Thence, South 71 ° 15' 19" West, with the north line of said 1.55 acre tract, (passing a 1 " iron pin found at 75.00 feet) in all a distance of 250.00 feet to a PK nail found at the northwest corner of said 1.55 acre tract;

Thence. South 18°44'41" East, with the west line of said 1.55 acre tract (passing the north Right-of-way line of said Barks Road at 196.61 feet, a 1 " iron pin found bears South 88°58'40" West at 5.00 feet) in all a distance of 228.11 feet to a railroad spike found on the centerline of said Barks Road;

Thence, South 88°58'40" West, with the centerline of said Barks Road and the half section line of said Section 34, (passing a PK nail found at 853.13 feet, 0.04 feet south of line) in all a distance of 902.90 feet to the southeast corner of a 8.09 acre tract of land described in deed to United States Postal Service recorded in Official Record Volume 67, Page 731, a PK nail found bears South 89°28'45" West at 0.23 feet;

Thence, North 01°01'20" West, with the east line of said 8.09 acre tract, (passing a concrete monument found at 30.00 feet and an iron pin found 636.55 feet) in all a distance of 1069.77 feet to a concrete monument found at the northeast corner of said 8.09 acre tract;

Thence, North 88°27'52" East, with part of the south line of the Mar-O-Del Subdivision recorded in Plat Book 6, Page 73, (passing a 5/8" iron pin found at 495.71 feet and a 1" iron pin found at 742.66 feet) in all a distance of 821.17 feet to a railroad spike found on the centerline of Delaware Avenue;

Thence, South 18°44'41" East, with the centerline of said Delaware Avenue, a distance of 822.79 feet to the TRUE POINT OF BEGINNING.

Containing 22.953 acres of land more or less.

Subject, however, to all other easements, restrictions and rights-of-way of record, if any.

Basis of bearings is South 88°58'40" West on the centerline of Barks Road (C.R. 138) as shown on the subdivision plat of Delco Plaza Shopping Center, recorded in Plat Book 11, Page 147.

The above legal description is based on and referenced to Exhibit "B" entitled "Map of Territory to be Annexed to the City of Marion" by Floyd Browne Associates, Inc., dated May 12, 2004 attached hereto and made a part hereof.

This description is for annexation purposes only and as such, is not intended for fee transfer of title.

All references are to the records of the Recorder's Office, Marion County, Ohio.

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. That the property shall be zoned C-5 – General Business District.

RECORD OF ORDINANCES

0245

Ordinance No. 2004-84, Page Three

Passed SEP 13 2004, 20

Section 3. Pursuant to Ordinance No. 2004-61 the City of Mairon did enter into an annexation agreement with Marion Township. (See attached agreement)

Section 4. That the City of Marion agrees to provide Fire Protection, Police Protection, Street Maintenance and all other ordinary city services provided within the boundaries of the City of Marion commencing on the earliest date allowed by law.

Section 5. 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 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

APPROVED: SEP 14 2004

Michael E. Thomas
PRESIDENT OF COUNCIL
PRO TEMPORE

Jack L. Kelly
MAYOR

ATTEST:

Cathy Chappin
CLERK

RECORD OF ORDINANCES

0246

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-85

Passed SEP 13 2004, 20

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING A 1.120 ONE ACRE PARCEL OF REAL PROPERTY LOCATED EAST OF 1462 MARION WALDO ROAD AND BEING KNOWN AS PART OF OUTLOT 743, SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH IN THE CITY OF MARION, OHIO FROM AN R-1A SINGLE FAMILY DISTRICT, HIGH DENSITY TO AN O-I OFFICE INSTITUTIONAL. *As Amended* (Applicant Celmark Development Co.)

WHEREAS, Council finds that the real property described below, should be rezoned from an R-1A – Single Family District, High Density to an O-I Office Institutional, and

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

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

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

SECTION 1. That the property known as a one acre parcel located east of 1462 Marion Waldo Road and being known as part of Outlot 743, Southeast quarter of Section 34, Township 5 South, in the City of Marion, Ohio and being more particularly described as:

~~Being part of Outlot 743, Southeast Quarter of Section 34, Township 5 South, Range 15 East, City of Marion, Marion County, State of Ohio, and being more particularly described as follows;~~

~~Commencing at any existing O.D.O.T. monument box located at the intersection of the centerline of State Route 423 with the East-West Half Section Line of Section 34 (also being the centerline of County Road 138); thence along said East-West Half Section Line N 88° 42' 30" E for a distance of 810.94 feet to an existing stone on the West Corporation Line of the City of Marion; thence continuing along said East-West Half Section Line N 88° 54' 40" E for a distance of 660.16 feet to an existing 1" dia. iron pin; thence S 0° 15' 00" E for a distance of 30.00 feet to an existing railroad spike; thence S 88° 54' 40" W for a distance of 610.00 feet to an existing railroad spike on the West Line of Outlot 743; thence along said West Line S 0° 12' 20" E for a distance of 290.00 feet to an existing 1" dia. iron pin; thence continuing along said West Line S 1° 21' 50" E for a distance of 279.52 feet to an existing 1" dia. iron pin on the North Line of Outlot 743; thence along said North Line S 88° 38' 10" W for a distance of 35.93 feet to the point of beginning; thence S 17° 32' 20" E for a distance of 217.00 feet to a point; thence S 88° 38' 10" W for a distance of 209.00 feet to a point on the West Line of Outlot 743; thence along said West Line N 17° 32' 20" W for a distance of 217.00 feet to an existing 1" dia. Iron pin on the North Line of Outlot 743; thence along said North Line N 88° 38' 10" E for a distance of 209.00 feet to the point of beginning.~~

~~Containing 1.000 acre more or less and being subject to legal highways, easements, restrictions, and agreements of record. For basis of bearing, see Plat Book 5 Pg. 123, Marion County Recorder's Office, This description prepared from by Karla M. Smith, Registered Surveyor 7023, and dated August 4, 2004.~~

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-85

Passed SEP 13 2004, 20

As amended:

DESCRIPTION 1.120 ACRE

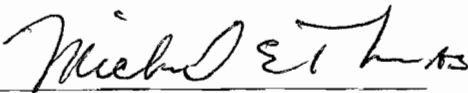
Being part of Outlot 743, Southeast Quarter of Section 34, Township 5 South, Range 15 East, City of Marion, Marion County, State of Ohio, and being more particularly described as follows;

Commencing at an existing O.D.O.T. monument box located at the intersection of the centerline of State Route 423 with the East-West Half Section Line of Section 34 (also being the centerline of County Road 138); thence along said East-West Half Section Line N 88° 42' 30" E for a distance of 810.94 feet to an existing stone on the West Corporation Line of the City of Marion; thence continuing along said East-West Half Section Line N 88° 54' 40" E for a distance of 660.16 feet to an existing 1" dia. iron pin; thence S 0° 15' 00" E for a distance of 30.00 feet to an existing railroad spike; thence S 88° 54' 40" W for a distance of 610.00 feet to an existing railroad spike on the West Line of Outlot 743; thence along said West Line S 0° 12' 20" E for a distance of 290.00 feet to an existing 1" dia. iron pin; thence continuing along said West Line S 1° 21' 50" E for a distance of 279.52 feet to an existing 1" dia. iron pin on the North Line of Outlot 743; thence along said North Line S 88° 38' 10" W for a distance of 10.93 feet to the point of beginning; thence S 17° 32' 20" E for a distance of 217.00 feet to a point; thence S 88° 38' 10" W for a distance of 234.00 feet to a point on the West Line of Outlot 743; thence along said West Line N 17° 32' 20" W for a distance of 217.00 feet to an existing 1" dia. Iron pin on the North Line of Outlot 743; thence along said North Line N 88° 38' 10" for a distance of 234.00 feet to the point of beginning. Containing 1.120 acre more or less and being subject to legal highways, easements, restrictions, and agreements of record. For basis of bearing, see Plat Book 5 Pg. 123, Marion County Recorder's Office. This description prepared by Karla M. Smith, Registered Surveyor 7023, and dated August 23, 2004.
12090

Said parcel currently zoned as R-1A – Single Family High Density shall be rezoned as O-I Office Institutional, and

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

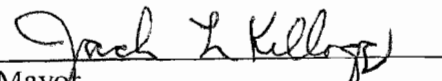
SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.




President of Council

PRO TEMPORE

APPROVED: **SEP 14 2004**


Mayor

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0249

Ordinance No. 2004-86, Page One

Passed AUG 23 2004, 2004

**ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.**

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 \$1,365,539.84 for the year ending December 31, 2004 as follows:

GENERAL FUND

INCOME TAX REFUNDS	101.7744.570712	\$ 30,000.00
FLEXIBLE SPENDING	101.7744.570773	\$ 3,708.19
ENGINEERING PROF SERV	101.7743.530320	\$ 24,000.00
FIRE DEPT DONATIONS	101.1131.540324	\$ 200.00
TOTAL GENERAL FUND		\$ 57,908.19

COMMUNITY CORRECTIONS FUND

SALARIES	224.7544.510110	\$ (119.27)
BENEFITS	224.7544.510120	119.27
TRAVEL	224.7544.520220	(217.36)
SERVICE CONTRACTS	224.7544.530321	(.03)
SUPPLIES	224.7544.540420	(12.94)
TOTAL FY 2004		\$ (230.33)

SALARIES	224.7545.510110	\$ 44,267.48
BENEFITS	224.7545.510120	7,176.62
TRAVEL	224.7545.520220	167.64
SERVICE CONTRACTS	224.7545.530321	1,295.00
SUPPLIES	224.7545.540420	313.39
TOTAL FY 2005		\$ 53,220.13

TOTAL COMMUNITY CORRECTIONS FUND \$ 52,989.80

HELP ME GROW FUND

SALARIES	256.2545.510110	\$(71,106.39)
BENEFITS	256.2545.510120	(25,209.88)
TRAVEL	256.2545.520220	(1,512.74)
SCHOOLING	256.2545.530221	(746.79)
SUPPLIES	256.2545.540420	(6,751.97)
POSTAGE	256.2545.540423	(514.02)
REIMBURSEMENTS	256.2545.570721	(23,296.00)
TOTAL HMG FUND		\$(129,137.79)

AIRPORT INDUSTRIAL PARK FUND

PROPERTY TAX	410.4539.540381	\$(5,679.42)
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QUARRY PARK II FUND

PROF. SERVICES	432.3421.530320	25,450.00
LAND ACQUISITION	432.3421.550455	\$ 195,000.00
CONSTRUCTION	432.3421.550520	149,450.00
CONTINGENCY	432.3421.570624	14,950.00
TOTAL QUARRY PARK		\$ 384,850.00

BUSBY DOWNTOWN PARK FUND

PROF. SERVICES	433.3421.530320	21,300.00
LAND ACQUISITION	433.3421.550455	\$185,000.00
CONSTRUCTION	433.3421.550520	132,225.00
CONTINGENCY	433.3421.570624	13,225.00
TOTAL		\$351,750.00

STREET IMPROVEMENT FUND

RESURFACING	461.6405.530531	\$175,000.00
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SEWER REPLACEMENT FUND

42" MAIN TRUNK/N. STATE/GREENWOOD	504.5310.550520	\$ 36,200.00
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SANITATION FUND

PACKER LEASE INTEREST	506.5561.5605617	\$ 6,237.16
PACKER PRINCIPAL	506.5561.560618	35,421.90
TOTAL SANITATION		\$ 41,659.06

Ordinance No. 2004-86, Page Two

Passed AUG 23 2004, 20

SEWER IMPROVEMENT FUND

42" MAIN TRUNK/GREENWOOD

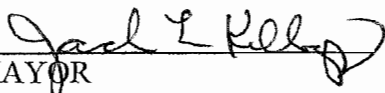
550.5561.560618

\$400,000.00

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


PRESIDENT OF COUNCIL

APPROVED: AUG 24 2004


MAYOR

ATTEST:


CLERK

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

RECORD OF ORDINANCES

0251

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-87

Passed AUG 23 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BURGESS AND NIPLE, LIMITED, FOR ENGINEERING SERVICES FOR THE 2005 TEA-21 RESURFACING PROJECT, (DAVIDS STREET/FAIRGROUND STREET). AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to apply for and prepare construction plans for the 2005 TEA-21 Resurfacing Project (Davids Street/Fairground Street) and;

WHEREAS, the City of Marion has determined Burgess and Niple, Limited to be the most qualified firm for this project with a design fee of \$24,000.00.

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 Burgess and Niple, Limited for the design engineering services for the 2005 TEA-21 Resurfacing Project (Davids Street/Fairground Street).

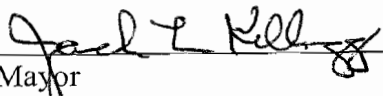
Section 2. That the cost of said project shall be payable from the General Fund (101.7743.530320).

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and for the further reason that the City of Marion will lose TEA-21 funding if application deadlines are not met, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



President of Council

APPROVED: **AUG 24 2004**



Mayor



Clerk of Council

RECORD OF ORDINANCES

0255

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-88, Page One

Passed SEP 13 2004, 20

ORDINANCE TO AMEND ORDINANCE NO. 1968-41 (PERSONNEL POLICIES), AS AMENDED, ESTABLISHING AN INJURY WITH PAY LEAVE POLICY TO BE KNOWN AS SECTION 23.21, AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 1968-41 established personnel policies for the City of Marion Employees, and,

WHEREAS, the City has worked diligently to reduce work related injuries and associated worker compensation premium expenses, and,

WHEREAS, the Council, having heard the needs and benefits of creating an Injury With Pay Leave Policy, and finding that same to be necessary for the well being of the citizens,

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

Section 1. That Ordinance 1968-41, as amended, be amended to include an Injury With Pay Leave Policy, as set forth below:

Section 23.21 Injury with Pay Leave

1. Any City of Marion employee not otherwise covered under a CBA with an injury with pay provision will be subject to this policy. Any covered employee who sustains an injury during the course of performing their job duties, and such injury is allowed as a claim under the Bureau of Workers Compensation/Industrial Commission shall be eligible to receive their full wages during such period of disability as further defined below:

A. The employee will receive up to 30 days of injury with pay leave and may apply for up to an additional 60 days of leave, in increments of 30 day periods, to the Safety Service Director, who may or may not grant such extensions.

2. The following conditions will apply to injury leave:

- A. The employee must file a Workers Compensation claim to qualify for injury leave, and the employer must initially certify the claim.
- B. The employee must submit a statement by a physician, which shall include a diagnosis and an estimate of recovery time to justify use of the injury leave.
- C. If the City disputes the injury leave request, the employee shall submit him/herself to a physical examination conducted by a doctor chosen and paid for by the City.
- D. If the doctor chosen by the City disagrees with the employee's doctor concerning the extent of disability, diagnosis or estimated recovery time, a third doctor mutually agreed to by both parties, and paid for by the City, will be consulted for a binding opinion in terms of the injury leave. The Industrial Commission still has authority to decide allowances under the claim and other matters.
- E. Physical injury for the purposes of this Article shall be defined as any injury compensable under the Worker's Compensation laws of the State of Ohio, but does not include any disease.
- F. The Safety/Service Director will determine if additional extensions of the injury leave are granted under the terms of this Article on a case by case basis.
- G. Any employee on injury leave shall be required to report for light duty assignments or a transitional work period, as offered by the employer, within the restrictions established by the employee's attending physician.
- H. While on injury leave an employee must provide and update of their condition every two (2) weeks.

Ordinance No. **2004-88, Page Two**

Passed **SEP 13 2004**, 20

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate protection of welfare and safety related concerns for the citizens of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operations of said City, and as such, shall take effect and be in force upon passage and approval of by the Mayor, provided that it receives the affirmation vote of two thirds of all members elected to Council; otherwise, it will shall become effective from and after the earliest period allowed by law.

Michael E. Tunks

President of Council

PRO TEMPORE

APPROVED: **SEP 14 2004**

Jack L. Kilby

Mayor

Cathy Chappin

Clerk of Council

RECORD OF ORDINANCES

0205

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-89

Passed AUG 23 2004, 20

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 \$78.17/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.

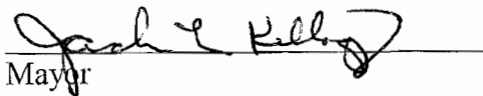
Section 2. That the contract shall be payable from the Sewer Revenue Fund (505.5552.540420).

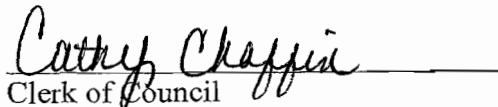
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



President of Council

APPROVED: **AUG 24 2004**



Mayor

Clerk of Council

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

RECORD OF ORDINANCES

0257

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-90

Passed AUG 23 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OBERLANDER'S TREE & LANDSCAPING FOR THE DOWNTOWN PARK PHASE 1 PROJECT FOR THE CITY OF MARION AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2004-47 authorized the preparation of plans, specifications and advertising of bids for the Downtown Park Project, and

WHEREAS, Oberlander's Tree and Landscaping submitted the lowest and best bid of \$63,650.50 for the base bid, \$4,000 for alternate G-1(Brick Pavers), \$11,800 for alternate G-2 Street Furniture), \$2,200 for alternate G-3 Water Lateral), and \$14,860.43 for alternate G-4 (Lighting), and

WHEREAS, the City of Marion has allocated \$86,184 of it's Economic Development Initiative Grant for this project , and

WHEREAS, it will be possible to accept the base bid of \$63,650.50, and \$2,000 of alternate G-1, and purchase one bench and two trash receptacles from alternate G-2 for a total of \$2,900, and accept in full alternate G-3 for \$2,200, and G-4 for \$14,860.43 for a total contract price of \$85,610.93.

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 Oberlanders Tree and Landscaping for the Downtown Park Project and sign any and all documents related to the project.

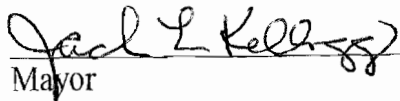
Section 2. That said contract shall be payable from the Economic Development Initiative Grant Fund.

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



President of Council

Approved: **AUG 24 2004**


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

0258

Ordinance No. 2004-91, Page One

Passed SEP 13 2004, 20

ORDINANCE TO ESTABLISH A DOWNTOWN PLANNING PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM FOR A TIER ONE DOWNTOWN REVITALIZATION PLANNING GRANT, ALLOCATING \$2,500 OF REVOLVING LOAN FUNDS CONTINGENT ON RECEIVING THE GRANT AND TO AUTHORIZE THE MAYOR TO APPLY FOR SAID FUNDS AND ADMINISTER THE GRANT IF RECEIVED, 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 Comprehensive Downtown Revitalization Program funds downtown planning activities to develop studies and plans which are required thresholds to apply for Tier Two Preliminary Thresholds application and ultimately a Downtown Revitalization Grant application which funds physical renovations, and

WHEREAS, the Mayor must submit an application to the State of Ohio Department of Development, to receive funds for the City of Marion to be used on eligible activities which address the downtown revitalization needs.

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 a Tier 1 Downtown Revitalization Planning Grant including the following projects:

- 1. Development of a Comprehensive Downtown Market Analysis
2. Development of a Downtown Marketing Strategy
3. Update the Comprehensive Downtown Revitalization & Development Plan

Section 2. That the sources of funding be committed contingent on receiving the grant as follows:

Table with 2 columns: Description and Amount. Rows include Tier One Downtown Revitalization Planning Grant (\$7,000), In-kind administrative service from Regional Planning Commission (\$4,500), Revolving Loan Fund (\$2,500), and TOTAL (\$14,000).

Section 3. That upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grant and administer the CDBG Small Cities Program in the City of Marion through the Marion City/County Regional Planning Commission.

RECORD OF ORDINANCES

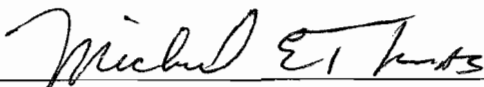
Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-91, Page Two

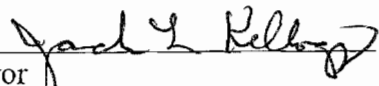
Passed SEP 13 2004, 20

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; it shall become effective from and after the earliest period allowed by law.



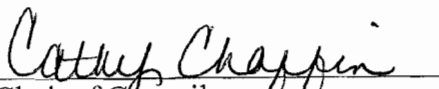
President of Council
PRO TEMPORE

Approved: **SEP 14 2004**



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

0251

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-92

Passed AUG 23 2004, 20

ORDINANCE TO ADOPT A COMMUNITY HOUSING INVESTMENT STRATEGY (CHIS) AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion is interested in helping to make more affordable housing to its citizens; and

WHEREAS, in order to be eligible for HOME and CDBG funded Housing Grants through the Ohio Small Cities Program, the Ohio Office of Housing and Community Partnerships requires that communities develop a Community Housing Investment Strategy (CHIS); and

WHEREAS, The Marion County Regional Planning Commission and the City/County Housing Advisory Board have recommended updates to the current CHIS strategy for the five year period covering 2004 through 2009; and

WHEREAS, the Office of Housing and Community Partnerships has reviewed and accepted the proposed CHIS update and is requesting that the housing strategy be formally adopted.

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

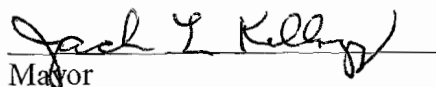
Section 1. Council adopts the Community Housing Investment Strategy as its Comprehensive Housing Affordability Strategy for the City of Marion for up to five (5) years.

Section 2. This ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the this is required element to be submitted to the State immediately upon its passage and the approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; it shall become effective from and after the earliest period allowed by law.



President of Council

Approved: **AUG 24 2004**



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

0266

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-93

Passed AUG 23 2004, 2004

AN ORDINANCE ADOPTING A BARKS ROAD ECONOMIC DEVELOPMENT PLAN.

WHEREAS, this Council desires that the City develop in an orderly manner conducive to improving the economic welfare of the City and its residents; and

WHEREAS, the Marion County Regional Planning Commission has prepared and presented to this Council a Barks Road Economic Development Plan dated August 19, 2004 that provides an outline for the development of Barks Road between Delaware Avenue and Loire Valley Road in an orderly manner conducive to improving the economic welfare of the City and its residents; and

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

Section 1. The Barks Road Economic Development Plan dated August 19, 2004 on file with this Council is hereby adopted.

Section 2. The Mayor is hereby authorized and directed to use the Barks Road Economic Development Plan to initiate projects that will implement provisions of the plan, including the development of the incentive district in which payments-in-lieu-of-taxes generated by residential and commercial improvements may be used to finance public infrastructure improvements.

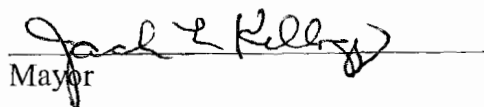
Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. This ordinance shall take effect on the earliest date allowed by law.



President of Council

APPROVED: **AUG 24 2004**


Mayor
Clerk of Council

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

RECORD OF ORDINANCES

0205

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-94

Passed AUG 23 2004, 20

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF ENGAGEMENT WITH PECK, SHAFFER & WILLIAMS LLP TO PROVIDE, FROM TIME TO TIME WHEN THERE IS A NEED, SERVICES AS BOND COUNCIL. FURTHER, PROVIDING FOR SAID FIRM BEING ENGAGED AS SPECIAL COUNSEL IN THE BARKS ROAD TIF PROJECT, APPROPRIATING NECESSARY FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the City has utilized the services of Attorney Stephen Grassbaugh in various matters related to City finances and Bonds matters. Mr. Grassbaugh has relocated to a different law firm and the Administration is desirous of continuing its' relationship with Mr. Grassbaugh, and

WHEREAS, by previous arrangement the Council and Administration have utilized Mr. Grassbaugh's services as special council in the on-going matter related to the Barks Rd. TIF project and the Council and Administration is desirous of continuing to utilize Mr. Grassbaugh's service in this specialized area of Tax Increment Financing especially given the Council's concern that the subject project is a first of its kind for the City and in effect will be establishing an important precedent for future development projects,

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

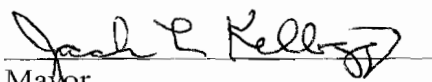
Section 1. The Mayor is authorized and directed to execute an acceptable Letter of Engagement with the firm of Peck, Shaffer & Williams LLP for said firm to provide legal services related to City Bonds and related finances when said representation is necessary. This engagement shall be consistent with past practices and shall only be utilized with the consent and approval of the Law Director. Compensation for services related to those matters herein shall be made in accordance with past practices.

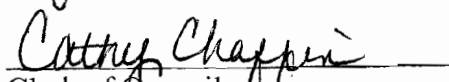
Section 2. The Mayor is authorized and directed to execute an acceptable Letter of Engagement with the firm of Peck, Shaffer & Williams LLP for said firm to provide legal set-vices, more specifically to enable Attorney Steve Grassbaugh or his designee to act as Special Council for the City of Marion, Ohio in the Bark Rd TIF project.

Section 3. In order to provide funding for the provision of services authorized in Section 2 above the Council hereby appropriate the sum of \$ 8,000.00 which shall be re-paid to the General Fund from the Barks Rd. TIF project.

Section 4. 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 given the immediate need to move forward without delay with both the City's ability to manage its financial interests and the need to avoid the loss of the proposed development project and the imminent economic benefit of scheduled projects within the Barks Rd. TIF project ; 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: **AUG 24 2004**


Mayor


Clerk of Council


President of Council

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

RECORD OF ORDINANCES

0267

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-95, Page One

Passed SEP 27 2004, 20

AN ORDINANCE CREATING AN INCENTIVE DISTRICT, DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THOSE PARCELS, AND REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; APPROVING AND AUTHORIZING THE EXECUTION OF TAX INCREMENT FINANCING AGREEMENTS AND A COMPENSATION AGREEMENT, *AS AMENDED*.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "TIF Statutes") provide that this Council may, under certain circumstances, create an incentive district and declare improvements to parcels of real property located in the incentive district to be a public purpose, thereby exempting those improvements from real property taxation, specify the life of the incentive district, specify public infrastructure improvements that directly benefit those parcels, provide for payments in lieu of taxes by the owners of the parcels, and establish a municipal public improvement tax increment equivalent fund; and

WHEREAS, this Council has approved a Barks Road Economic Development Plan (the "Economic Development Plan"); and

WHEREAS, the City Engineer has certified that (i) the specific parcels of real property described and depicted on Exhibit A attached to this ordinance (the "Property") is located in the City and the County of Marion, Ohio, (ii) the Property is less than 300 acres in size, (iii) the Property is enclosed by a continuous boundary, and (iv) the public infrastructure serving the Property is inadequate to meet the development needs of the Project as evidenced by the Economic Development Plan; and

WHEREAS, this Council desires to create a Barks Road Incentive District (the "District") in accordance with the TIF Statutes, the boundary of which will be co-extensive with the boundary of the Property; and

WHEREAS, this Council anticipates that the present and future owners of the Property (each an "Owner", and collectively, the "Owners") will be constructing Projects (as defined in Ohio Revised Code Section 5709.40) from time to time on the Property; and

WHEREAS, the public infrastructure improvements described in Exhibit B attached hereto (the "Public Infrastructure") will directly benefit the Property; and

WHEREAS, it is in the best interest of the City to declare the Improvements (as defined in Ohio Revised Code Section 5709.40) to the Property to be a public purpose and to provide an exemption from real property taxes as set forth in this ordinance; and

WHEREAS, it is necessary and appropriate and in the best interests of the City to provide for the payment of service payments in lieu of taxes with respect to the Improvements pursuant to Ohio Revised Code Section 5709.42; and

WHEREAS, notices of this Council's intention to declare the Improvements exempt from real property taxes and to pass this ordinance has been delivered to the affected school districts in accordance with Ohio Revised Code Sections 5709.40 and 5709.83, and this Council ratifies and affirms the delivery of those notices; and

RECORD OF ORDINANCES

Ordinance No. 2004-95, Page Two

Passed SEP 27 2004, 20

WHEREAS, those school districts have lawfully waived the statutory period for those notices and the appropriate approvals of the passage of the ordinances have been adopted by the school districts; and

WHEREAS, this Council desires that the Public Infrastructure be constructed; and

WHEREAS, this Council desires that costs of the Public Infrastructure, and the debt service on any debt issued by the City to pay costs of the Public Infrastructure, be paid from the payments in lieu of taxes made in respect with the Improvements; and

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

Section 1. Pursuant to and in accordance with the provisions of the TIF Statutes, this Council hereby determines, and finds that it is in the best interests of the City to create the Barks Road Incentive District, and this Council hereby creates the Barks Road Incentive District, the boundary of which is co-extensive with the boundary of the Property. The District shall have a life commencing on the effective date of this ordinance and terminating on December 31 of the last year in which Service Payments (as defined below) have been paid in connection with Improvements on the Property. This Council finds and determines that it is in the best interest of the City to declare the Improvements to the Property to be a public purpose and to grant an exemption from real property taxes on those Improvements, and this Council finds and determines that 100% of the applicable increase in true value of each parcel of the Property (which increase in true value is the "Improvements") subsequent to the effective date of this ordinance to that parcel is hereby declared to be a public purpose, and shall be exempt from taxation for a period commencing with the tax year in which any Improvement attributable to new structures on that parcel first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this ordinance as to that parcel as provided in Sections 10 and 11 of this ordinance and ending on the earlier of (i) thirty (30) years after such date or (ii) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of Ohio Revised Code Sections 5709.40 and 5709.42.

Section 2. As provided in Ohio Revised Code Section 5709.42, the Owner of each parcel of the Property is hereby required to, and shall make, service payments in lieu of taxes to the Treasurer of Marion County (the "County Treasurer") on or before the final dates for payment of real property taxes, which service payments shall be retained by the County Treasurer or remitted to the City for deposit in the TIF Fund (as defined below), pursuant to Ohio Revised Code Sections 5709.40 and 5709.42 and as provided in Section 4 of this ordinance. Each payment shall be in the same amount as the real property taxes that would have been charged and payable against the Improvements (after credit for any other payments received by the City under Ohio Revised Code Section 319.302) had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of the TIF Statutes. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time (the payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes and any related amounts received by the City under Ohio Revised Code Section 319.302 as the "Service Payments"). The Service Payments, and any other payments in connection with the Improvements which are received by the County Treasurer in connection with reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time to time, or any successor provisions thereto as the same may be

RECORD OF ORDINANCES

Ordinance No. 2004-95, Page Three

Passed SEP 27 2004, 20

amended from time to time (the "Property Tax Rollback Payments") shall be allocated and deposited in accordance with Section 5 of this ordinance.

Section 3. This Council finds and determines that the Public Infrastructure will directly benefit the Property.

Section 4. This Council hereby authorizes and directs the Auditor to establish pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, the Barks Road Incentive District Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund") to be maintained in the custody of the City. This Council hereby authorizes and directs the Auditor to establish a School Revenue Account and a Construction Account within the TIF Fund. The TIF Fund shall receive all Service Payments and Property Tax Rollback Payments made in respect of the Improvements which are paid to the City in accordance with this ordinance.

Pursuant to the TIF Statutes, the County Treasurer shall annually determine the amount set forth in Ohio Revised Code Section 5709.913(A) and retain and deposit into the County's general fund one-half of that amount from each Service Payment made in the applicable year. In accordance with the TIF Statutes, the County Treasurer shall remit the remaining amount of all Service Payments and all Property Tax Rollback Payments to the City for deposit into the TIF Fund. The Service Payments and Property Tax Rollback Payments received by the City shall be allocated and deposited as follows:

(a) First to the Construction Fund, to the extent the Service Payments and Property Tax Rollback Payments are sufficient, an amount equal to the sum of (i) an amount equal to the principal and interest due that year on debt issued by the City in an aggregate principal amount not to exceed \$1,350,000 to pay costs of constructing the Public Infrastructure, and (ii) an amount sufficient to reimburse the City for principal and interest payments on that debt previously paid by the City that was previously deposited into the Construction Fund; provided, however, if the City issues all or any portion of that debt in the form of notes in anticipation of the issuance of bonds, the amount of the principal and interest to be deposited shall be the sum of (A) the interest due on the notes due in the applicable year and (B) an amount equal to the then outstanding principal amount of the notes divided by the number of years of principal payments of the bonds the issuance of which the notes anticipate.

(b) Second to the School Revenue Account, to the extent the Service Payments and Property Tax Rollback Payments are sufficient, an amount equal to the sum of (i) the amount of taxes the Pleasant Local School District (the "School District") would have received that year if the exemptions granted by this ordinance had not been granted, and (ii) an amount equal to any amount of taxes the School District would have received in prior years if the exemption granted by this ordinance had not been granted that was not previously deposited into the School Revenue Fund.

(c) Third to the Construction Fund, all the remaining Service Payments and Property Tax Rollback Payments. Amounts deposited in the School Revenue Fund shall be paid to the School District in accordance with the Compensation Agreement (as defined below). Amounts deposited in the Construction Fund shall be used to pay costs of constructing the Public Infrastructure, including payment of debt service on debt issued to pay those costs.

The TIF Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which the TIF Fund shall be dissolved in accordance with Ohio Revised Code Section 5709.43(D). Upon such dissolution, any incidental surplus remaining in the Fund shall be disposed as provided in Ohio Revised Code Section 5709.43(D).

RECORD OF ORDINANCES

Ordinance No. 2004-95, Page Four

Passed SEP 27 2004, 20

Section 5. The Tax Increment Financing Agreement with Marion SSA, LLC: (the "Marion SSA TIF Agreement") in the form presently on file with this Council providing for, among other things, the payment of such Service Payments with respect to Improvements to the Property is hereby approved, and the Mayor is hereby authorized to execute and deliver that Marion SSA TIF Agreement with such changes that are not inconsistent with this ordinance, are not substantially adverse to the City and are approved by the Mayor. The approval of any changes to the Marion SSA TIF Agreement, and the character of the changes as not being substantially adverse to the City, shall be evidenced conclusively by the Mayor's execution of the Marion SSA TIF Agreement. This Council further hereby authorizes and directs the Auditor and Treasurer to make such arrangements as are necessary and proper for collection from each Owner of the service payments in lieu of taxes plus any applicable penalties and interest.

The Tax Increment Financing Agreement with Center Park of Marion Ltd. (the "Center Park TIF Agreement") in the form presently on file with this Council providing for, among other things, the payment of such Service Payments with respect to Improvements to the Property is hereby approved. Upon receipt of the Marion SSA TIF Agreement executed by Marion SSA LLC, the Mayor is hereby authorized to execute and deliver that Center Park TIF Agreement with such changes that are not inconsistent with this ordinance, are not substantially adverse to the City and are approved by the Mayor. The approval of any changes to the Center Park TIF Agreement, and the character of the changes as not being substantially adverse to the City, shall be evidenced conclusively by the Mayor's execution of the Center Park TIF Agreement. This Council further hereby authorizes and directs the Auditor and Treasurer to make such arrangements as are necessary and proper for collection from each Owner of the service payments in lieu of taxes plus any applicable penalties and interest.

Section 6. The Compensation Agreement with the School District (the "Compensation Agreement") in the form presently on file with this Council providing for payments to the School District is hereby approved, and the Mayor is authorized to execute and deliver that Compensation Agreement with such changes that are not inconsistent with their ordinance, are not substantially adverse to the City and are approved by the Mayor. The approval of any such changes and the character of the changes as not being substantially adverse to the City, shall be evidenced conclusively by the Mayor's execution of the Compensation Agreement.

Section 7. The Mayor, the Auditor, the Treasurer and the Law Director, and any other City official, as appropriate, are each authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the transactions described in or contemplated by this ordinance, the TIF Agreement and the Compensation Agreement.

Section 8. Pursuant to Ohio Revised Code Section 5709.40, the Clerk of this Council is hereby directed to deliver a copy of this ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Mayor shall prepare and submit, or cause to be prepared and submitted, to the Director of the Department of Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.40(G).

Section 9. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

RECORD OF ORDINANCES

Ordinance No. 2004-95, Page Five


Passed SEP 27 2004, 20

Section 10. This Council finds and determines that it is in the best interests of the City, in lieu of passing a separate ordinance applicable to each parcel of the Property under Ohio Revised Code Section 5709.40, to combine those separate ordinances for each parcel into this single consolidated ordinance in order to provide for the exemptions on all the parcels of the Property and to finance the Public Infrastructure. Consistent with this finding and determination, this ordinance shall be applied, and interpreted to apply, to the Improvements to each parcel of Property as if only applicable only to that parcel and otherwise will be implemented in the manner provided in this ordinance and the TIF Statutes.



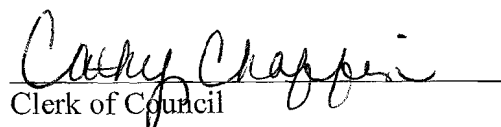
President of Council

APPROVED: **SEP 28 2004**



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0273

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-96

Passed SEP 13 2004, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISES OF MARION FOR THE DEMOLITION OF 148 CANBY COURT, APPROPRIATING THE NECESSARY ADDITIONAL FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 2004-80 authorized the Safety/Service Director to prepare specifications and advertise for bids the demolition of the fire damaged property at 148 Canby Court, and

WHEREAS, the structure has been determined to be in violation of Chapter 1360 of the Marion Codified Ordinance and presents slum and blight in the neighborhood; and,

WHEREAS, Park Enterprises of Marion has submitted the lowest and best bid in the amount of \$9,995; and,

WHEREAS, an additional appropriation is needed in the sum of \$5,156.00 to fulfill the contract obligations for this demolition.

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

Section 1. That the Safety/Service Director be authorized and directed to enter into contract with Park Enterprises for the demolition of 148 Canby Court.

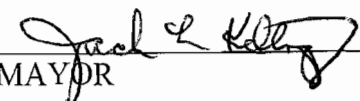
Section 2. That an additional appropriation in the amount of \$5,156.00 be made.

Section 3. The demolition cost of \$9,995 will be paid for through the Demolition of Buildings Fund.

Section 4. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and 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 come effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL
PRO TEMPORE

APPROVED: **SEP 14 2004**


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

0275

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-97

Passed SEP 13 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO TWO (2) YEAR CONTRACTS WITH VARIOUS VENDORS FOR MATERIALS TO BE USED IN THE DAILY OPERATIONS OF THE CITY.

Whereas, the City of Marion has a need to purchase fuel, road salt, road paint, and asphalt; and,

Whereas, the following bids were determined to be the lowest and best bids for these various materials;

Unleaded Fuel	Marion Oil	\$.035 Margin/Gallon
Diesel Fuel	Marion Oil	\$.035 Margin/Gallon
Road Paint	Sherwin Williams	\$35.75/5 gallons
Road Salt	Morton Salt	\$36.41/Ton
Asphalt	Shelly & Sands	\$27.50/Ton

Whereas, the current two (2) year contracts with various vendors are set to expire on October 31, 2004 and new bids have been submitted for these various materials.

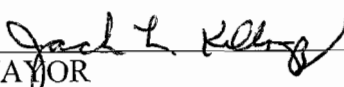
THEREFORE, BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with various vendors as listed above, for materials to be used in the daily operations of the City of Marion for a period of two (2) years beginning November 1, 2004 and terminating not later than October 31, 2006.

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

APPROVED: **SEP 14 2004**


PRESIDENT OF COUNCIL
PRO TEMPORE


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

0217

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-98

Passed SEP 13 2004, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A NEW TELEPHONE SYSTEM AND INTERNET BASED DATA SYSTEM.

Whereas, the City of Marion has determined a need for a new telephone system and internet based data. system for all City Departments; and

Whereas, it has been determined that the current systems in use are outdated, unproductive and costly.

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 prepare specifications and advertise for bids for a new telephone system and internet based data system.

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



PRESIDENT OF COUNCIL
PRO TEMPORE

APPROVED: SEP 14 2004


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

6. 3

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2004-99

Passed SEP 13 2004, 20

ORDINANCE APPROVING THE PURCHASE FOR TWO BUSES AND ONE MODIFIED MINI-VAN FOR MARION AREA TRANSIT THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM.

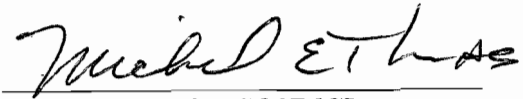
WHEREAS, Ordinance No. 1991-136 requires Council approval of Capital Expenditures in excess of \$2,500.00 and,

WHEREAS, Resolution No. 2004-28 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:

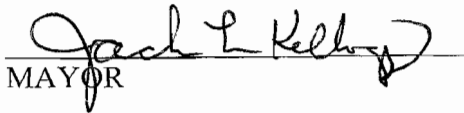
Section 1. That the Safety/Service Director is hereby authorized to enter into contract for the purchase of two (2) Eldorado National Aerotech, LTV (BUS) and one (1) Starcraft Chevy modified mini-van through the ODOT Cooperative Purchasing Program for Marion Area Transit.

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



PRESIDENT OF COUNCIL
PRO TEMPORE

APPROVED: **SEP 14 2004**


MAYOR

ATTEST:


CLERK OF COUNCIL

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