

RECORD OF ORDINANCES

0551

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-1, Page 1 of 24Passed JAN 03 2005, 20

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, 2005.

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, 2005, the following sums be and they are hereby set aside,
transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 192,206
Salaries - Uniformed	3,083,384
Benefits	1,456,151
Quartermaster	22,000
Travel	6,000
Schooling	6,345
Service Contracts	6,500
Equipment Lease	4,500
Equipment Maintenance	5,000
Insurance	75,000
Supplies	48,700
Fuel & Lubricants	66,000
Professional Service	17,700
Membership Dues	1,000
Subscriptions/Publications	2,000
Utilities	8,950
Central Garage Maintenance	113,885
Smart CAMP	<u>10,000</u>
<i>Total Police Department</i>	\$ 5,125,321

Dispatch Department

Salaries	\$ 417,056
Benefits	180,389
Quartermaster	750
Travel	750
Schooling	5,654
Service Contracts	30,000
Equipment Maintenance	2,000
Supplies	1,000
Membership Dues	50
Subscriptions/Publications	<u>40</u>
<i>Total Dispatch Department</i>	\$ 637,689

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Salaries - Civilian	\$ 32,733	
Salaries - Uniformed	3,144,228	
Benefits	1,515,291	
Quartermaster	35,500	
Travel	4,000	
Schooling	23,000	
Utilities	61,000	
Service Contracts	6,000	
Equipment Maintenance	11,000	
Building Maintenance	11,200	
Insurance	45,000	
Supplies	41,000	
Fuel & Lubricants	16,000	
Professional Service	8,300	
Membership Dues	1,200	
Subscriptions/Publications	3,000	
EMS Billing	54,000	
Equipment Lease	1,800	
Administration	7,099.56	
Central Garage Maintenance	<u>51,340</u>	
<i><u>Total Fire Department</u></i>		\$5,072,691.56

Disaster Services

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

Recreation Department

Salaries	\$ 142,940	
Benefits	66,530	
Travel	1,500	
Professional Service	38,000	
Insurance	4,700	
Supplies	24,000	
Utilities	29,000	
Equipment Maintenance	2,000	
Fuel	900	
Postage	150	
Membership Dues	500	
Subscriptions/Publications	200	
Schooling	1,500	
Service Contracts	3,300	
Building Lease/Rent	7,000	
Land & Bldg Maintenance	800	
Promotional Advertising	600	
Equipment Lease	1,500	
Central Garage Maintenance	1,800	
Refunds	<u>200</u>	
<i><u>Total Recreation Department</u></i>		\$ 327,120

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Senior Citizens Department

Salaries	\$ 149,621
Benefits	76,520
Utilities	29,500
Building Maintenance	4,000
Insurance	8,000
Professional Service	750
Central Garage Maintenance	<u>3,318</u>

Total Senior Citizens Dept. \$ 271,709

Planning Department

Marion Regional Planning	\$ <u>56,884</u>
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Total Planning Department \$ 56,884

Economic Development Department

Professional Service	\$ 102,391
Revenue Sharing	<u>175,256</u>

Total Economic Development \$ 277,647

Street Lighting

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

Airport

Salaries	\$ 148,255
Benefits	60,498
Travel	700
Utilities	35,750
Service Contracts	16,500
Equipment Maintenance	6,956
Land/Bldg. Maintenance	23,000
Insurance	11,000
Taxes	7,000
Supplies	10,000
Fuel & Lubricants	2,500
Membership Dues	600
Professional Services	6,750
Postage	250
Subscriptions/Publications	225
Quartermaster	450
Janitorial Service	3,300
Schooling	300
Equipment Rent/Lease	200
Central Garage Maintenance	<u>1,000</u>

Total Airport Operations \$ 335,234

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Mayor

Salaries	\$ 100,533	
Benefits	42,152	
Travel	800	
Professional Service	400	
Supplies	1,000	
Utilities	450	
Membership Dues	225	
Subscriptions/Publications	200	
Schooling	<u>700</u>	
<i>Total Mayor's Office</i>		\$ 146,460

Auditor

Salaries	\$ 229,235	
Benefits	99,304	
Travel	300	
Professional Services	2,500	
Service Contracts	12,000	
Supplies	5,000	
Subscriptions/Publications	1,500	
Schooling	1,500	
Membership Dues	<u>100</u>	
<i>Total Auditor's Office</i>		\$ 351,439

Income Tax

Salaries	\$ 153,465	
Benefits	69,975	
Travel	100	
Professional Services	8,360	
Supplies	15,500	
Postage	7,100	
Service Contracts	675	
Schooling	750	
Subscriptions/Publications	1,050	
Internet	<u>250</u>	
<i>Total Income Tax Office</i>		\$ 257,225

Treasurer

Salary	\$ 6,647	
Benefits	1,548	
Professional Services	600	
Supplies	300	
Travel	100	
Schooling	<u>150</u>	
<i>Total Treasurer's Office</i>		\$ 9,345

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Salaries	\$ 233,860	
Benefits	115,510	
Travel	200	
Professional Services	2,000	
Supplies	2,500	
Schooling	1,500	
Membership Dues	700	
Subscriptions/Publications	2,000	
Utilities	800	
Equipment Lease	<u>1,450</u>	
<i>Total Law Director's Office</i>		\$ 360,520

Human Resource Director

Salaries	\$ 90,304	
Benefits	40,111	
Travel	50	
Professional Services	18,316	
Supplies	800	
Membership Dues	100	
Subscriptions/Publications	100	
Schooling	<u>50</u>	
<i>Total Human Resource Dir's Office</i>		\$ 149,831

Safety/Service Director

Salaries	\$ 97,585	
Benefits	46,713	
Travel	100	
Professional Services	1,172	
Supplies	2,500	
Demolition	8,000	
Burials	500	
Service Contracts	400	
Membership Dues	110	
Litter Control	1,000	
Utilities	<u>480</u>	
<i>Total Safety/Service Dir's Office</i>		\$ 158,560

Civil Service Commission

Salaries	\$ 4,100	
Benefits	957	
Professional Services	1,800	
Supplies	<u>400</u>	
<i>Total Civil Service Commission</i>		\$ 7,257

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City Council

Salaries	\$ 102,093	
Benefits	23,146	
Membership Dues	4,200	
Legal Advertising	2,000	
Supplies	1,640	
Contract Services	2,000	
Professional Services	3,000	
Internet	<u>220</u>	
<i>Total City Council</i>		\$ 138,299

Municipal Court

Salaries	\$ 449,069	
Benefits	189,630	
Travel	700	
Professional Services	8,500	
Equipment Maintenance	1,404	
Supplies	17,500	
Fuel & Lubricants	1,200	
Utilities	2,100	
Membership Dues	880	
Subscriptions/Publications	400	
Schooling	700	
Court Security	3,527.53	
Central Garage Maintenance	<u>596</u>	
<i>Total Municipal Court</i>		\$ 676,206.53

Community Corrections

Benefits	\$ <u>13,242</u>	
<i>Total Community Corrections</i>		\$ 13,242

City Hall

Salaries	\$ 46,360	
Benefits	18,399	
Utilities	175,000	
Custodial Service	25,000	
Postage Meter	72,000	
Building Maintenance	16,000	
Insurance	25,000	
Supplies	14,000	
Service Contracts	13,000	
Equipment Lease	6,000	
Clothing	<u>450</u>	
<i>Total City Hall</i>		\$ 411,209

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Salaries	\$ 280,982
Benefits	99,588
Travel	1,400
Equipment Maintenance	719
Supplies	1,900
Fuel & Lubricants	2,200
Membership Dues	10
Subscriptions/Publications	300
Schooling	1,300
Tree Care	23,966.36
Clothing	550
Utilities	3,000
Central Garage Maintenance	<u>481</u>

Total Engineering Department \$ 416,396.36

Statutory Accounts

Examiner Fees	\$ 35,000
City Auditor/Treasurer Fees	32,000
Income Tax Refunds	250,000
Flexible Spending	<u>30,000</u>

Total Statutory Accounts \$ 347,000

Transfers

School Resource Officer	\$ 7,237
Violence Against Women	51,500
Health	510,092
Swimming Pool	88,185
Parks	484,650
DRIP Fund	<u>25,228.56</u>

Total Transfers \$ 1,166,892.56

Total General Fund \$16,830,178.01

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Ordinance No. 2005-1, Page 8 of 24Passed JAN 6 3 2005, 20 **SENIOR CITIZENS III-B GRANT FUND**

Administration	\$ 16,031.76
Salaries	35,301
Central Garage Maintenance	3,000
Vehicle Leases	7,200
Fuel & Lubricants	8,000
Professional Services	2,500
Supplies	<u>700</u>
<i>Total Sr. Citizens III-B Grant Fund</i>	\$ 72,732.76

SENIOR CITIZENS III-E GRANT FUND

Salaries	4,500
Supplies	<u>500</u>
<i>Total Sr. Citizens III-E Grant Fund</i>	\$ 5,000

STATE BLOCK GRANT FUND

Salaries	\$ <u>10,470</u>
<i>Total State Block Grant Fund</i>	\$ 10,470

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

Salaries	\$ 932,351
Benefits	423,805
Clothing Allowance	10,350
Travel	600
Professional Services	4,950
Service Contracts	2,000
Equipment Maintenance	5,000
Permissive Auto Tax	167,795.51
Insurance	30,000
Supplies	160,000
Fuel & Lubricants	43,800
Streetscape	6,000
Schooling	1,000
Utilities	49,871
Land & Building Maintenance	1,900
Resurfacing Projects	104,648
Excavation Bonds	12,000
Pavement Bonds	10,000
Central Garage Maintenance	73,000
Equipment Lease	500
Building Rent	12,000
Administration	1,739
Membership Dues	100
Transfer to GO Bond Retirement	<u>3,000</u>
<i>Total SCMR Fund</i>	\$ 2,056,409.51

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STATE HIGHWAY IMPROVEMENT FUND

Resurfacing	\$ 70,000	
<i>Total State Highway Improvement</i>		\$ 70,000

COURT COMPUTERIZATION FUND

Supplies	\$ 20,000	
Professional Services	20,000	
Service Contracts	20,000	
Equipment	<u>20,000</u>	
<i>Total Court Computerization Fund</i>		\$ 80,000

VIOLENCE AGAINST WOMEN FUND

Salaries	\$ 67,000	
Benefits	39,000	
Schooling	<u>5,500</u>	
<i>Total VAW Fund</i>		\$ 111,500

HEALTH FUND

Administration

Salaries	\$ 267,675	
Benefits	104,455	
Travel	1,000	
Professional Services	4,000	
Service Contracts	2,000	
Central Garage Maintenance	532	
Supplies	8,000	
Fuel & Lubricants	500	
State Reimbursements	63,000	
Insurance	6,000	
Books/Publications	450	
Dues & Memberships	1,500	
Schooling	2,000	
Equipment Lease	1,800	
Tobacco Compliance	1,927.01	
Administration	<u>16,769.19</u>	
<i>Total Health Administration</i>		\$ 481,608.20

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Inspection

Salaries	\$ 144,088
Benefits	62,923
Travel	2,250
Professional Services	2,000
Weed Control	14,000
Blight Control	12,000
Mosquito Control	6,000
Supplies	1,500
Fuel & Lubricants	650
Insurance	600
Schooling	300
Dues	<u>400</u>

Total Health Inspection \$ 246,711

WIC Administration

Salaries	\$ 38,552
Benefits	20,865
Utilities	4,000
Professional Services	1,000
Land & Bldg. Maintenance	<u>1,000</u>

Total Wic Administration \$ 65,417

TOTAL HEALTH FUND \$ 793,736.20

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 164,796
Benefits	73,536
Travel	73
Equipment Maintenance	500
Supplies	1,503
Postage	1,100
Utilities	7,200
Janitorial Services	1,520
Land & Bldg. Maintenance	<u>1,000</u>

Total WIC Fund \$ 251,228

SCHOOL RESOURCE OFFICER FUND

Salaries	\$ 46,134
Benefits	<u>25,051</u>

Total School Resource Officer Fund \$ 71,185

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PARKS FUND

Salaries	\$ 251,353
Benefits	117,327
Clothing Allowance	2,700
Utilities	20,650
Service Contracts	400
Equipment Maintenance	1,865
Land/Bldg. Maintenance	22,620.82
Insurance	8,000
Supplies	30,500
Fuel & Lubricants	7,000
Professional Service	1,450
Yard Waste Fees	3,000
Property Tax	879.18
Janitorial Services	6,750
Administration	6,455.49
Central Garage Maintenance	13,635
Founders Park	<u>5,980</u>
<u>Total Parks Fund</u>	\$ 500,565.49

COMMUNITY CORRECTIONS FUND

Salaries	\$ 85,393
Benefits	38,832
Travel	220
Service Contracts	1,295
Supplies	<u>363</u>
<u>Total Community Corrections Fund</u>	\$ 126,103

ENFORCEMENT AND EDUCATION FUND

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

INDIGENT ALCOHOL DRIVER FUND

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

SMOKE DETECTOR FUND

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

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SENIOR CITIZENS ASSOCIATION FUND

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

POLICE & FIREMEN PENSION FUND

Police Benefits	\$ 118,984	
Fire Benefits	<u>118,984</u>	
<u>Total Police/Firemen Pension Fund</u>		\$ 237,968

FIRE INSURANCE PROCEEDS FUND

Insurance Proceeds	\$ 150,000	
<u>Total Fire Insurance Proceeds Fund</u>		\$ 150,000

HEALTH LICENSE FUND

Tattoo & Body Piercing	\$ 500	
Trailer Park	350	
Food Service	35,000	
Vending Machines	3,000	
Swimming Pool	3,000	
Infectious Waste	300	
Solid Waste	2,000	
Food Establishment	<u>10,000</u>	
<u>Total Health License Fund</u>		\$ 54,150

COMMUNITY DISTRESS GRANT FUND

Administration	\$ 17,925.17	
Street Improvements	66,700	
Water & Sewer Facilities	60,300	
Curbs & Sidewalks	123,000.42	
Parks & Recreation	<u>30,000</u>	
<u>Total Community Distress Grant Fund</u>		\$ 297,925.59

CHIP GRANT FUND

Emergency Rehab	\$ 100,000	
Administration	37,186	
Implementation	36,000	
Rental Assistance	196,860	
Public Service	46,000	
Rental Rehab	80,000	
Fair Housing	<u>500</u>	
<u>Total CHIP Fund</u>		\$ 496,546

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RENTAL REHABILITATION FUND

Implementation	\$ 1,000	
Emergency Rehab	<u>9,000</u>	
<i>Total Rental Rehabilitation Fund</i>		\$ 10,000

REVOLVING FUND

Administration	\$ 3,000	
Revolving Loans	38,000	
Park & Recreation Facilities	<u>10,000</u>	
<i>Total Revolving Fund</i>		\$ 51,000

FORMULA GRANT FUND

Private Rehabilitation	\$ 48,000	
Fair Housing	500	
Administration	29,581.34	
Curbs & Sidewalks	30,000	
Water & Sewer Facilities	41,000	
Neighborhood Facilities	<u>41,000</u>	
<i>Total Formula Grant Fund</i>		\$ 190,081.34

UDAG LOAN REPAYMENT FUND

Revolving Loans	\$ 55,000	
Professional Services	<u>15,000</u>	
<i>Total UDAG Loan Repayment Fund</i>		\$ 70,000

ECONOMIC DEVELOPMENT INITIATIVE GRANT FUND

Capital Improvements	\$ <u>2,215.57</u>	
<i>Total Economic Dev. Initiative Grant Fund</i>		\$ 2,215.57

UNDERGROUND STORAGE TANK FUND

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

G.O. BOND RETIREMENT FUND

Bond Interest	\$ 51,185	
Bond Principal	45,000	
Note Interest	3,000	
Note Principal	<u>135,260</u>	
<i>Total G.O. Bond Retirement Fund</i>		\$ 234,445

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Administrative Fee	\$	3,849
Infrastructure Loan Interest		61,570
Infrastructure Loan Principal		<u>147,096</u>
<i>Total Dofasco TIF Fund</i>	\$	212,515

D.R.I.P. TIF RIDGEDALE FUND

OPWC LOAN No. CP10D	\$	<u>3,206</u>
<i>Total D.R.I.P. TIF Ridgedale Fund</i>	\$	3,206

D.R.I.P. TIF MARION CITY SCHOOLS FUND

OPWC LOAN No. CP10D	\$	<u>3,206</u>
<i>Total D.R.I.P. TIF Marion City Schools Fund</i>	\$	3,206

CAPITAL IMPROVEMENT FUND

Busby Downtown Park	\$	37,987.50
FY04 Contingency		59,375.10
FY05 Contingency		258,105.32
Fire Truck Lease Interest		26,214.70
Fire Truck Lease Principal		<u>61,229.98</u>
<i>Total Capital Improvement Fund</i>	\$	442,912.60

AIRPORT INDUSTRIAL PARK FUND

Professional Services	\$	8,000
Property Tax		<u>10,000</u>
<i>Total Airport Industrial Park Fund</i>	\$	18,000

SOFTBALL FIELD IMPROVEMENT FUND

Capital Improvements	\$	<u>7,000</u>
<i>Total Softball Field Improvement Fund</i>	\$	7,000

DRIP PARK FUND

Quarry Park	\$	696.73
<i>Total DRIP Park Fund</i>	\$	696.73

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QUARRY PARK II FUND

Professional Services	\$ 25,450	
Land Acquisition	195,000	
Capital Improvements	149,450	
Contingency	<u>14,950</u>	
<i>Total Quarry Park II Fund</i>		\$ 384,850

BUSBY DOWNTOWN FUND

Professional Services	\$ 6,450	
Land Acquisition	185,000	
Capital Improvement	132,225	
Contingency	<u>13,225</u>	
<i>Total Busby Downtown Park Fund</i>		\$ 336,900

YOUTH CENTER FUND

Equipment	\$ 6,236.05	
Skateboard Park	<u>14,315.84</u>	
<i>Total Youth Center Fund</i>		\$ 20,551.89

HARDING CENTRE LOAN FUND

Principal	\$ 23,000	
Interest	<u>25,698.75</u>	
<i>Total Harding Centre Loan Fund</i>		\$ 48,698.75

AIRPORT IMPROVEMENT FUND

Professional Services 15	\$ 3,903.09	
Capital Improvements Project 15	<u>13,260.81</u>	
<i>Total Airport Imp. Fund</i>		\$ 17,163.90

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Salaries	\$ 411,000	
Benefits	175,000	
Utilities	8,000	
Professional Services	2,500	
Central Garage Maintenance	54,000	
Land/Bldg. Maintenance	4,000	
Insurance	12,000	
Supplies	3,500	
Fuel & Lubricants	45,000	
Subscriptions/Publications	500	
Membership Dues	450	
Promotional Advertising	1,000	
Legal Advertising	1,000	
Service Contracts	1,000	
Building Lease	12,000	
Janitorial Service	500	
Equipment	140,740	
Travel	<u>1,000</u>	
<i>Total Transit Fund</i>		\$ 873,190

SEWER SYSTEM IMPROVEMENT FUND

OWDA Loan Interest	\$ 473,137	
OWDA Loan Principal	1,297,686	
G.O. Bond Interest	119,575	
G.O. Bond Principal	100,000	
OPWC Loan	<u>60,642</u>	
<i>Total Sewer System Imp. Fund</i>		\$2,051,040

SEWER REPLACEMENT FUND

Mary Street	\$ 9,867.58	
Professional Services	70,000	
Equipment Maintenance	50,000	
Land/Building Maintenance	50,000	
Equipment	78,500.00	
Capital Improvements	<u>30,000</u>	
<i>Total Sewer Replacement Fund</i>		\$ 288,367.58

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SEWER REVENUE FUND

Water Pollution Control

Salaries	\$1,262,146
Benefits	558,633
Clothing Allowance	12,000
Travel	3,000
Utilities	511,000
Professional Services	222,500
Equipment Maintenance	25,000
Land/Building Maintenance	9,000
Insurance	80,000
Supplies	350,000
Fuel & Lubricants	43,000
Equipment	65,000
Postage	3,300
Refunds	9,000
Transfer-Replacement	200,000
Utility Billing-Reimbursements	78,000
Subscriptions/Publications	1,500
Schooling	16,000
Dues	3,000
Service Contracts	11,000
Janitorial Services	20,000
Capital Improvements	10,000
Central Garage Maintenance	<u>15,973</u>

TOTAL SEWER REVENUE FUND \$ 3,509,052

SANITATION FUND

Refuse Collection

Salaries	\$ 670,469
Benefits	293,003
Clothing Allowance	8,425
Equipment Maintenance	5,000
Insurance	20,000
Supplies	12,000
Fuel & Lubricants	33,500
Yard Waste Fees	45,000
Utility Billing Services	78,000
Service Contracts	2,600
Solid Waste Transfer Expense	576,000
Professional Service	10,000
Equipment Lease	1,050
Schooling	400
Travel	500
Utilities	1,350
Commingling Expense	21,000
Building Rent	12,000
Refunds	600
Central Garage Maintenance	38,000
Capital Lease Interest	10,681.77
Capital Lease Principal	<u>72,636.35</u>

TOTAL SANITATION FUND \$ 1,912,215.12

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LANDFILL MONITORING FUND

Equipment Maintenance	\$ 4,000	
Utilities	4,000	
Supplies	4,800	
Professional Services	85,000	
OWDA Loan Interest	75,945	
OWDA Loan Principal	<u>129,130</u>	
<i>Total Landfill Monitoring Fund</i>		\$ 302,875

STORM WATER UTILITY FUND

Salaries	\$ 222,856	
Benefits	85,806	
Professional Service	34,500	
Equipment Maintenance	8,800	
Equipment Lease	5,000	
Supplies	59,100	
Equipment	210,000	
Utility Billing Services	44,364	
Insurance	7,000	
Refunds	1,500	
Capital Improvements	15,000	
Clothing	2,025	
G.O. Bond Interest	218,615	
G.O. Bond Principal	180,000	
OPWC Loan No. CP10F	6,349	
OPWC Loan No. CP16E	5,960	
Qu Qua Ditch Assessment	44,124.85	
Central Garage Maintenance	<u>2,500</u>	
<i>Total Storm Water Utility Fund</i>		\$ 1,153,499.85

SWIMMING POOL FUND

Salaries	\$ 68,000	
Benefits	16,000	
Utilities	13,000	
Equipment Maintenance	600	
Land/Building Maintenance	2,350	
Insurance	1,650	
Supplies	25,585	
Professional Services	600	
Travel	100	
Schooling	<u>400</u>	
<i>Total Swimming Pool Fund</i>		\$ 128,285

RECORD OF ORDINANCES

0009

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-1, Page 19 of 24 Passed JAN 03 2005, 20 **SANITARY SEWER IMPROVEMENT FUND**

Project 01-5S	\$ 18,294.03
Project 03-1S	745,980
GO Note Interest	25,000
GO Note Principal	<u>1,225,000</u>
<i>Total Sanitary Sewer Imp. Fund</i>	\$ 2,014,274.03

NW INTERCEPTOR IMPROVEMENT FUND

OPWC Loan No. CP522	\$ 35,000
OPWC Loan No. CP18A	<u>10,478</u>
<i>Total NW Interceptor Imp. Fund</i>	\$ 45,478

OPWC SANITARY/STORM SEWER FUND

Project 03-1S CP06H	\$ 400,000
<i>Total OPWC Sanitary/Storm Sewer Fund</i>	\$ 400,000

STORM SEWER IMPROVEMENT FUND

Project 01-5S	\$ 24,558.82
Project 03-1S	544,371
G.O. Note Interest	22,000
G.O. Note Principal	<u>1,097,000</u>
<i>Total Storm Sewer Impr. Fund</i>	\$ 1,687,929.82

CENTRAL GARAGE FUND

Salaries	\$ 182,768
Benefits	69,287
Clothing	1,800
Travel	300
Schooling	500
Utilities	50,000
Professional Services	5,000
Service Contracts	5,600
Equipment Maintenance	5,000
Land & Bldg. Maintenance	2,000
Insurance	7,000
Supplies	180,000
Fuel & Lubricants	175,000
Equipment	10,000
Janitorial Services	3,000
G.O. Note Interest	35,000
G.O. Note Principal	<u>1,644,740</u>
<i>Total Central Garage Fund</i>	\$ 2,376,995

RECORD OF ORDINANCES

Ordinance No. 2005-1, Page 20 of 24

Passed JAN 9 2005, 20

UTILITY BILLING FUND

Salaries	\$ 113,216.69	
Benefits	46,748	
Travel	150	
Professional Services	3,000	
Supplies	5,000	
Service Contracts	12,780	
Postage	19,000	
Equipment	400	
Internet	220	
Equipment Lease	<u>1,000</u>	
<i>Total Utility Billing Fund</i>		\$ 201,514.69

EVELYN E. WALTER TRUST FUND

Recreation Expense	\$ <u>14.47</u>	
<i>Total Evelyn E. Walter Trust Fund</i>		\$ 14.47

STATE PATROL FINES AGENCY FUND

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

YOUTH RECREATION TRUST FUND

Recreation Expense	\$ <u>4,209.59</u>	
<i>Total Youth Recreation Trust Fund</i>		\$ 4,209.59

SAFETY PATROL TRUST FUND

Safety Patrol Program	\$ <u>1,395.27</u>	
<i>Total Safety Patrol Trust Fund</i>		\$ 1,395.27

LAW ENFORCEMENT TRUST FUND

Law Enforcement	\$ <u>35,379.31</u>	
<i>Total Law Enforcement Trust Fund</i>		\$ 35,379.31

RECORD OF ORDINANCES

05, 7

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-1, Page 21 of 24 Passed JAN 03 2005, 20

PARKING METER AGENCY FUND

Jenkins & Jenkins \$ 3,000

Total Parking Meter Agency Fund \$ 3,000

ROTARY AGENCY FUND

Pass-Thru Payments \$ 20,000

Greyhound Fares 85,000

Total Rotary Agency Fund \$ 105,000

GRAND TOTAL \$41,614,855.07

RECORD OF ORDINANCES

Ordinance No. 2005-1, Page 22 of 24

Passed JAN 03 2005, 20

SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
General	\$15,413,085.45	\$250,200	\$1,166,892.56	\$16,830,178.01
 <u>Special Revenue</u>				
Sr. Cit. III-B Grant	72,732.76			72,732.76
Sr. Cit. III-E Grant	5,000			5,000
Sr. Cit. State Block Grant	10,470			10,470
SCMR	2,031,409.51	22,000	3,000	2,056,409.51
State Highway Improvement	70,000			70,000
Court Computerization	80,000			80,000
Violence Against Women Grant	111,500			111,500
Health	730,736.20	63,000		793,736.20
WIC Grant	251,228			251,228
SRO Grant	71,185			71,185
Parks	500,565.49			500,565.49
Community Corrections Grant	126,103			126,103
Enforcement & Education	15,000			15,000
Indigent Alcohol Driver	75,000			75,000
Smoke Detector	5,000			5,000
Senior Citizens Association	16,000			16,000
Police & Firemen Pension	237,968			237,968
Fire Insurance Proceeds		150,000		150,000
Health License		54,150		54,150
Community Distress Grant	297,925.59			297,925.59
CHIP Grant	496,546			496,546
Rehab Income	10,000			10,000
Revolving Loan	51,000			51,000
Formula Grant	190,081.34			190,081.34
UDAG Loan Repayment	70,000			70,000
EDI Grant	2,215.57			2,215.57
Underground Storage Tank	<u>11,000</u>			<u>11,000</u>
 <u>Total Special Revenue Funds</u>	 \$5,538,666.46	 \$289,150	 \$ 3,000	 \$ 5,830,816.46
 <u>Debt Service Funds</u>				
G.O. Bond Retirement	\$ 234,445			\$ 234,445
Dofasco T.I.F.	212,515			212,515
DRIP T.I.F. Ridgedale Schools	3,206			3,206
DRIP T.I.F. Min. City Schools	3,206			3,206
Harding Centre Loan	<u>48,698.75</u>			<u>48,698.75</u>
 <u>Total Debt Service Funds</u>	 \$ 502,070.75			 \$ 502,070.75

RECORD OF ORDINANCES

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Ordinance No. 2005-1, Page 23 of 24 Passed JAN 03 2005, 20

SUMMARY OF FUNDS

<i>Fund</i>	<i>Appropriations</i>	<i>Reimbursements And Refunds</i>	<i>Transfers</i>	<i>Totals</i>
<u>Capital Project Funds</u>				
Capital Improvement	\$ 404,925.10		\$ 37,987.50	\$ 442,912.60
Airport Industrial Park	18,000			18,000
Softball Field Improvement	7,000			7,000
DRIP Park (Quarry)	696.73			696.73
Quarry Park II	384,850			384,850
Busby Downtown Park	336,900			336,900
Youth Center Improvement	20,551.89			20,551.89
Airport Improvement	<u>17,163.90</u>			<u>17,163.90</u>
<u>Total Capital Project Funds</u>	<u>\$ 1,190,087.62</u>		<u>\$ 37,987.50</u>	<u>\$ 1,228,075.12</u>
<u>Enterprise Funds</u>				
Marion Area Transit	\$ 873,190			\$ 873,190
Sewer System Improvement	2,051,040			2,051,040
Sewer Replacement	288,367.58			288,367.58
Sewer Revenue	3,300,052	9,000	200,000	3,509,052
Sanitation	1,911,615.12	600		1,912,215.12
Landfill Monitoring	302,875			302,875
Storm Water Utility	1,151,999.85	1,500		1,153,499.85
Swimming Pool	128,285			128,285
Sanitary Sewer Improvement	2,014,274.03			2,014,274.03
NW Interceptor	45,478			45,478
OPWC Sanitary/Storm Sewer	400,000			400,000
Storm Sewer Improvement	<u>1,687,929.82</u>			<u>1,687,929.82</u>
<u>Total Enterprise Funds</u>	<u>\$ 14,155,106.40</u>	<u>\$ 11,100</u>	<u>\$ 200,000</u>	<u>\$ 14,366,206.40</u>
<u>Internal Service Funds</u>				
Central Garage	\$ 2,376,995			\$ 2,376,995
Utility Billing	<u>201,514.69</u>			<u>201,514.69</u>
<u>Total Internal Service Funds</u>	<u>\$ 2,578,509.69</u>			<u>\$ 2,578,509.69</u>
<u>Trust and Agency Funds</u>				
Evelyn E. Walter Trust	\$ 14.47			\$ 14.47
State Patrol Agency	130,000			130,000
Youth Recreation Trust	4,209.59			4,209.59
Safety Patrol Trust	1,395.27			1,395.27
Law Enforcement Trust	35,379.31			35,379.31
Parking Meter Agency	3,000			3,000
Rotary Agency	<u>105,000</u>			<u>105,000</u>
<u>Total Trust & Agency Funds</u>	<u>\$ 278,998.64</u>			<u>\$ 278,998.64</u>
GRAND TOTAL	\$ 39,656,525.01	\$ 550,450	\$ 1,407,880.06	\$ 41,614,855.07

RECORD OF ORDINANCES

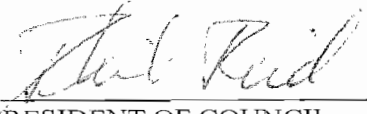
Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-1, Page 24 of 24

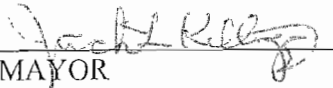
Passed JAN 03 2005, 20

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



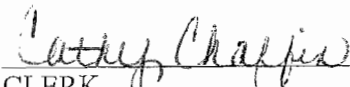
PRESIDENT OF COUNCIL

APPROVED: JAN 05 2005



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

3179

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-100

Passed DEC 12 2005, 20

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND AFSCME LOCAL 1158 AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with AFSCME Local 1158 and,

WHEREAS, an Agreement with AFSCME Local 1158 has been reached on behalf of said Bargaining Unit and the City of Marion and ratified by the Bargaining Unit to be effective January 1, 2006.

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

Section 1. The Auditor is authorized and directed to appropriate the necessary funds of \$51,051 to comply with the bargaining agreement and shall do so upon passage of this ordinance.

Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and AFSCME Local 1158.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract expires on December 31, 2005 and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it received the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

President of Council

APPROVED: DEC 13 2005

Mayor

Clerk of Council

RECORD OF ORDINANCES

0111

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-101

Passed DEC 12 2005, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN
THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2005.

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

Section 1. That there be an additional appropriation made in the General fund in the amount of \$8,000.00 as follows:

FIRE DEPARTMENT

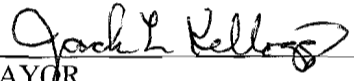
Administration	101.1131.540324	\$ 8,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



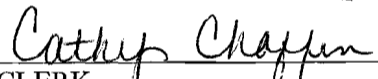
PRESIDENT OF COUNCIL

APPROVED: DEC 13 2005



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

Ordinance No. 2005-102 Passed DEC 12 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005

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 \$356,748.00 for the year ending December 31, 2005 as follows:

APPROPRIATIONS

GENERAL FUND

POLICE

SALARIES	101.1111.510110	(\$27,000.00)	
BENEFITS	101.1111.510120	69,500.00	
INSURANCE PREMIUMS	101.1111.530380	(10,000.00)	
MOTOR FUEL & LUBRICANTS	101.1111.540430	20,000.00	
	TOTAL POLICE DEPARTMENT	52,500.00	

DISPATCH

SALARIES	101.1113.510110	\$45,000.00	
BENEFITS	101.1113.510120	27,400.00	
QUARTERMASTER/CLOTHING	101.1113.510140	500.00	
SCHOOLING	101.1113.530221	(4,000.00)	
	TOTAL DISPATCH DEPARTMENT	68,900.00	

FIRE

SALARIES	101.1131.510110	(650.00)	
SALARIES-UNIFORMED	101.1131.510111	124,500.00	
BENEFITS	101.1131.510120	91,000.00	
INSURANCE PREMIUMS	101.1131.530380	13,800.00	
CENTRAL GARAGE MAINTENANCE	101.1131.530601	4,000.00	
	TOTAL FIRE DEPARTMENT	\$232,400.00	

RECREATION

SALARIES	101.3422.510110	4,300.00	
BENEFITS	101.3422.510120	(1,800.00)	
INSURANCE PREMIUMS	101.3422.530380	(570.00)	
MOTOR FUEL & LUBRICANTS	101.3422.540430	80.00	
REFUNDS	101.3422.570720	(200.00)	
		1,810.00	

SENIOR CITIZENS

BENEFITS	101.3424.510120	(4,300.00)	
INSURANCE PREMIUMS	101.3424.530380	(1,460.00)	
MOTOR FUEL & LUBRICANTS	101.3424.540430	(1,000.00)	
		(6,760.00)	

AIRPORT

BENEFITS	101.6621.510120	2,500.00	
CENTRAL GARAGE MAINTENANCE	101.6621.530601	500.00	
PROPERTY TAX	101.6621.540381	(790.00)	
		2,210.00	

MAYOR

SALARIES	101.7710.510110	100.00	
BENEFITS	101.7710.510120	(340.00)	
		(240.00)	

AUDITOR

SALARIES	101.7711.510110	2,600.00	
BENEFITS	101.7711.510120	(2,180.00)	
PROFESSIONAL SERVICES	101.7711.530320	(1,500.00)	
SERVICE CONTRACTS	101.7711.530321	470.00	
		(610.00)	

INCOME TAX

SALARIES	101.7712.510110	(2,100.00)	
BENEFITS	101.7712.510120	(2,200.00)	
		(4,300.00)	

LAW DIRECTOR

SALARIES	101.7714.510110	(1,000.00)	
BENEFITS	101.7714.510120	(600.00)	
		(1,600.00)	

HUMAN RESOURCE DIRECTOR

BENEFITS	101.7715.510120	(550.00)	
		(550.00)	

RECORD OF ORDINANCES

Ordinance No. 200-102, Page Two Passed DEC 12 2005, 20

APPROPRIATIONS

SAFETY/SERVICE DIRECTOR

SALARIES	101.7716.510110	(4,600.00)	
BENEFITS	101.7716.510120	<u>(4,050.00)</u>	(8,650.00)

CIVIL SERVICE COMMISSION

PROFESSIONAL SERVICE	101.7717.530320	<u>(6,000.00)</u>	(6,000.00)
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CITY COUNCIL

SALARIES	101.7721.510110	(400.00)	
BENEFITS	101.7721.510120	<u>200.00</u>	(200.00)

MUNICIPAL COURT

SALARIES	101.7731.510110	(7,700.00)	
BENEFITS	101.7731.510120	(8,550.00)	
CENTRAL GARAGE MAINTENANCE	101.7731.530601	1,200.00	
SUBSCRIPTIONS	101.7731.540226	(400.00)	
MOTOR FUEL & LUBRICANTS	101.7731.540430	<u>700.00</u>	(14,750.00)

CITY HALL

SALARIES	101.7741.510110	400.00	
BENEFITS	101.7741.510120	2,600.00	
INSURANCE PREMIUMS	101.7741.530380	<u>3,270.00</u>	6,270.00

ENGINEERING

SALARIES	101.7743.510110	20,700.00	
BENEFITS	101.7743.510120	4,500.00	
TREE CARE	101.7743.530316	(12,000.00)	
PROFESSIONAL SERVICE	101.7743.530320	(9,000.00)	
CENTRAL GARAGE MAINTENANCE	101.7743.530601	1,500.00	
MOTOR FUEL & LUBRICANTS	101.7743.540430	<u>1,000.00</u>	6,700.00

STATUTORY ACCOUNTS

INCOME TAX REFUNDS	101.7744.570712	<u>20,000.00</u>	20,000.00
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TOTAL GENERAL FUND

\$347,130.00

STREETS CONSTRUCTION MAINTENANCE AND REPAIR FUND

SALARIES	207.6612.510110	(20,000.00)	
BENEFITS	207.6612.510120	(37,300.00)	
QUARTERMASTER/CLOTHING	207.6612.510140	(1,000.00)	
LAND/BUILDINGRENT	207.6612.530371	(3,000.00)	
INSURANCE PREMIUMS	101.6612.530380	(3,700.00)	
CENTRAL GARAGE	207.6612.530601	40,000.00	
SUPPLIES & MATERIALS	207.6612.540420	20,000.00	
MOTOR FUEL & LUBRICANTS	207.6612.540430	<u>5,000.00</u>	0.00

TOTAL SCMR FUND

0.00

HEALTH FUND

ADMINISTRATION

BENEFITS	214.2221.510120	(1,800.00)	
INSURANCE PREMIUMS	214.2221.530380	563.00	
CENTRAL GARAGE MAINTENANCE	214.2221.530601	<u>1,000.00</u>	(237.00)

INSPECTION

SALARIES	214.2222.510110	12,020.00	
BENEFITS	214.2222.510120	<u>(16,990.00)</u>	(4,970.00)

WIC ADMINISTRATION

SALARIES	214.2223.510110	(1,400.00)	
BENEFITS	214.2223.510120	<u>(4,800.00)</u>	(6,200.00)

TOTAL HEALTH FUND

(11,407.00)

PARKS FUND

BENEFITS	221.3421.510120	2,500.00	
INSURANCE PREMIUMS	221.3421.530380	(425.00)	
PROPERTY TAX	221.3421.5403B1	(790.00)	
MOTOR FUEL & LUBRICANTS	221.3421.540430	<u>800.00</u>	2,085.00

TOTAL PARKS FUND

2,085.00

RECORD OF ORDINANCES

0105

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-102

Passed DEC 12 2005, 20

APPROPRIATIONS

TRANSIT FUND

SALARIES	502.6545.510110	(9,800.00)	
BENEFITS	502.6545.510120	3,400.00	
TRAVEL & TRANSPORTATION	502.6545.520220	(700.00)	
PROFESSIONAL SERVICES	502.6545.530320	(2,225.00)	
LAND/BUILDING RENT	502.6545.530371	6,000.00	
INSURANCE PREMIUMS	502.6545.530380	(1,235.00)	
PROMOTIONAL ADVERTISING	502.6545.530389	(900.00)	
LEGAL ADVERTISEMENT	502.6545.530390	(650.00)	
JANITORIAL SERVICES	502.6545.530424	(500.00)	
CENTRAL GARAGE MAINTENANCE	502.6545.530601	40,000.00	
MOTOR FUEL & LUBRICANTS	502.6545.540430	12,000.00	
CAPITAL OUTLAY	502.6545.550450	(17,200.00)	
TOTAL TRANSIT FUND		28,190.00	28,190.00

SEWER REPLACEMENT FUND

PROFESSIONAL SERVICES	504.5553.530320	10,000.00	
TOTAL SEWER REPLACEMENT FUND		10,000.00	10,000.00

SANITATION FUND

SALARIES	506.5561.510110	(20,000.00)	
BENEFITS	506.5561.510120	(7,000.00)	
BILLING SERVICES	506.5561.530324	(12,000.00)	
LAND/BUILDING RENT	506.5561.530371	(3,000.00)	
CENTRAL GARAGE MAINTENANCE	506.5561.530601	20,000.00	
MOTOR FUEL & LUBRICANTS	506.5561.540430	22,000.00	
TOTAL SANITATION FUND		0.00	0.00

CENTRAL GARAGE FUND

SALARIES	601.9601.510110	2,800.00	
BENEFITS	601.9601.510120	550.00	
INSURANCE PREMIUMS	601.9601.530380	(3,350.00)	
TOTAL CENTRAL GARAGE FUND		0.00	0.00

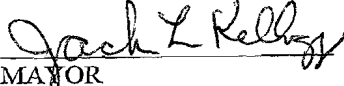
TOTAL ALL FUNDS **\$365,998.00**

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 13 2005



 MAYOR

ATTEST:



 CLERK

RECORD OF ORDINANCES

3117

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-103

Passed DEC 27 2005, 20

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE UNITED STEELWORKERS OF AMERICA LOCAL 1949 UNIT 2A AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with the United Steelworkers of America, Local 1949 Unit 2A, and

WHEREAS, an Agreement with the United Steelworkers of America Local 1949, Unit 2A has been reached on behalf of said Bargaining Unit and the City of Marion and ratified by the bargaining unit, to be effective January 1, 2006.

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

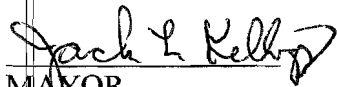
Section 1. The Auditor is authorized and directed to appropriate the necessary funds to comply with the bargaining agreement and shall do so on or after January 1, 2006.

Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the United Steelworkers of America, Local 1949, Unit 2A for the above specified bargaining unit.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract is set to expire December 31, 2005 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 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

3159

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-104

Passed DEC 27 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF THREE (3) VEHICLES PREVIOUSLY UTILIZED BY VARIOUS DEPARTMENTS, DECLARING EACH ONE TO BE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE.

WHEREAS, the Council has been advised by the Safety/Service Director that three (3) vehicles previously utilized by various departments are no longer necessary for any municipal purpose, 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 and directed to dispose of the following vehicles pursuant to Ohio Revised Code, each having been determined to have exceeded their useful life and each being no longer necessary for any municipal purpose, to wit:

1994 Ford Crown Victoria VIN: 2FALP71W9RX136457
1989 Ford E-350 Passenger Bus VIN: 1FDKE37G9LHA82701
1989 Ford E-350 Passenger Bus, (Blue Goose) VIN: 1FDKE37GXKHA45574

(Said vehicles identification numbers are believed to be 100% accurate, however, if there is a clerical error in the transmission of said number it shall not be fatal to the effect of this Ordinance)

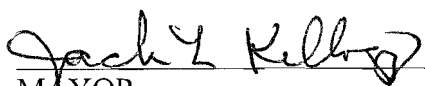
Section 2. That the disposal authorized herein shall be in compliance with the mandates contained within the Ohio Revised Code.

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

APPROVED: DEC 28 2005




PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-105

Passed DEC 27 2005, 20

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ECONOMIC DEVELOPMENT REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, AND DECLARING AN EMERGENCY.

Whereas, the State of Ohio Department of Development has requested as a part of the CDBG Revolving Loan Fund, the current three year Administration Agreement which expires December 31, 2005 to be extended another three years through December 31, 2008; and

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

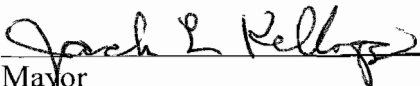
Section 1. That the Mayor is authorized to enter into said Administration Agreement, attached hereto as Exhibit A.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that said agreement must be executed prior to December 31, 2005 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.

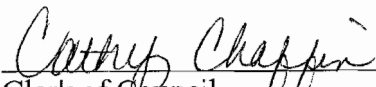


President of Council

APPROVED: DEC 28 2005



Mayor



Clerk of Council

RECORD OF ORDINANCES

0163

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-106, Page One

Passed JAN 23 2006, 20

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THAT REAL PROPERTY, AND REQUIRING THE OWNERS OF THAT REAL PROPERTY TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT, AND DECLARING AN EMERGENCY, 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, declare improvements to real property located in the City to be a public purpose, thereby exempting those improvements from real property taxation, specify public infrastructure improvements that directly benefit that real property, provide for payments in lieu of taxes by the owners of that real property, and establish a municipal public improvement tax increment equivalent fund; and

WHEREAS, this Council anticipates that the present and future owners (each an "Owner", and collectively, the "Owners") of the property described in Exhibit A attached to this ordinance (the "Property") 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, pursuant to Ohio Revised Code Section 5709.83, notices of this Council's intention to declare the Improvements exempt from real property taxes and to pass this ordinance have been delivered to the Boards of Education of the Pleasant Local School District (the "School District") and the Tri-Rivers Joint Vocational School District (the "JVSD"), and this Council ratifies and affirms the delivery of those notices; and

WHEREAS, 14 days have elapsed since the delivery of the notice to the School District and the JVSD; 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:

RECORD OF ORDINANCES

Ordinance No. 2005-106, Page Two

Passed JAN 23 2006, 20

Section 1. 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 the Property (which increase in true value is the "Improvements") subsequent to the effective date of this ordinance is hereby declared to be a public purpose, and shall be exempt from taxation for a period commencing on the effective date 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 the TIF Statutes.

Section 2. As provided in the TIF Statutes, each Owner 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 the TIF Statutes 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 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 amended from time to time (the "Property Tax Rollback Payments") shall be allocated and deposited in accordance with Section 4 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 5709.45, the SBR Enterprises Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund") which TIF Fund is maintained in the custody of the City. The TIF Fund shall receive all Service Payments and Property Tax Rollback Payments made in respect of the Improvements that 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 addition, in accordance with the TIF Statutes, the County Treasurer shall distribute to the Treasurer of the School District an amount of each semiannual Service Payment equal to one-half of the amount of real property taxes the School District would have received on the Improvements in the year of the Service Payment absent the exemption of those real property taxes provided by this ordinance.

The County Treasurer shall remit the remaining amount of all Service Payments and Tax Rollback Payments to the City.

Amounts deposited in the TIF 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,

RECORD OF ORDINANCES

0165

Ordinance No. 2005-106, Page Three

Passed JAN 23 2006, 20

incidental surplus remaining in the Fund shall be disposed as provided in Ohio Revised Code Section 5709.43(D).

Section 5. The Tax Increment Financing Agreement with SBR Enterprises, LLC (the "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 the 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 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 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 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 and the TIF Agreement.

Section 7. 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 8. 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.

Section 9. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and 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 Improvements under construction on the Property; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

APPROVED: JAN 24 2006

Phil Reed
President of Council

Jack I. Kellogg
Mayor

ATTEST:

Cathy Chapman
Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-106, Page Four

Passed JAN 23 2006, 20

EXHIBIT A

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; thence along said East-West Half Section Line N 88° 42' 30" E (for basis of bearing, see Plat Book 5 pg. 123, Marion County Recorder's Office) 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 Corporation Line of the City of Marion; 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 Corporation Line; thence along said North Line S 88° 38' 10" W for a distance of 10.93 feet to a 5/8" dia. iron pin set and the point of beginning; thence S 17° 32' 20" E for a distance of 217.00 feet to a 5/8" dia. iron pin set; thence S 88° 38' 10" W for a distance of 234.00 feet to a 5/8" dia. iron pin set on the West Corporation Line; 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 Corporation Line; thence along said North Line N 88° 38' 10" E for a distance of 234.00 feet to a 5/8" dia. iron pin set and the point of beginning.

Containing 1.120 acres more or less.

Excepting from the above description:

Being part of Outlot 743, Southeast Quarter of Section 34, Township 5 South, Range 15 East, City of Marion, Marion County, State of Ohio; Being part of a tract now or formerly owned by Management Expansion, Inc. (O.R. 499 Pg. 588) 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; thence along said East-West Half Section Line N 88° 42' 30" E (for basis of bearing, see Plat Book 5 pg. 123, Marion County Recorder's Office) 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 Corporation Line of the City of Marion; 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 Corporation Line; thence along said North Line S 88° 38' 10" W for a distance of 10.93 feet to an existing iron pin on Grantor's East line; thence continuing along said North Line S 88° 38' 10" W for a distance of 202.76 feet to a 5/8" dia. iron pin and the point of beginning; thence S 17° 32' 20" E for a distance of 217.00 feet to a 5/8" dia. iron pin set on Grantor's South Line; thence along Grantor's South Line S 88° 38' 10" W for a distance of 31.24 feet to an existing iron pin on the West Corporation Line; 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 Corporation Line; thence along said North Line N 88° 38' 10" E for a distance of 31.24 feet to a 5/8" dia. iron pin set and the point of beginning.

Containing 0.150 acre more or less.

RECORD OF ORDINANCES

0166A

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-106, Page Five

Passed JAN 23 2006, 20

EXHIBIT B

PUBLIC INFRASTRUCTURE

The Public Infrastructure consists of:

1. The construction of approximately 600 feet of Lakes Boulevard.
2. The improvement of Barks Road between Delaware Avenue and State Route 529.
3. Together with any and all appurtenances to, and any necessary or appropriate traffic signals, landscaping, curbing, paving and sewer and storm water facilities in connection with the infrastructure described above.

RECORD OF ORDINANCES

0399

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-11Passed JAN 24 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HARBOLT ELECTRIC COMPANY FOR THE INSTALLATION OF A FIRE ALARM SYSTEM FOR THE MARION CITY FIRE DEPARTMENT STATION ONE, 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, Harbolt Electric Company submitted the lowest and best bid for the needs of the Marion City Fire Department, therefore

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

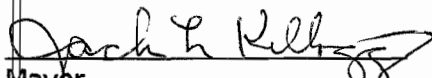
Section 1. The Safety/Service Director be authorized and is hereby directed to enter into contract Harbolt Electric Company for the installation of a fire alarm system at the Marion City Fire Department Station One.

Section 2. That the cost of said contract from the Capital Improvement 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 that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

Approved: JAN 25 2005
Mayor

Attest:


Clerk of Council

RECORD OF ORDINANCES

0467

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-12Passed FEB 14 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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 \$50,199.12 for the year ending December 31, 2005 as follows:

General Fund

Fire Administration	101.1131.540324	\$ 13,000.00
Property Tax	101.7741.540381	288.66
Transfer to Airport Improv.	101.7745.580707	<u>1,250.00</u>
Total General Fund		\$ 14,538.66

Senior Citizens III-B Fund

Administration	203.3424.540324	\$ 6,961.55
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Parks Fund

Clothing Allowance	221.3421.510140	\$ 7.68
Founders Park	221.3421.554520	300.00
Total Parks Fund		<u>\$ 307.68</u>

Capital Improvement Fund

FY04 Contingency	401.9544.570624	\$ 1,991.23
FY05 Contingency	401.9545.570624	<u>1,400.00</u>
Total Capital Improvement Fund		\$ 3,391.23

Airport Improvement Fund

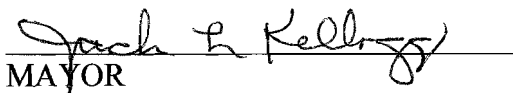
Professional Services	446.6406.530320	\$ 25,000.00
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Section 2. That this ordinance shall take effect and be in force from and after
the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: FEB 15 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

403

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-13

Passed FEB 14 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PITNEY BOWES FOR THE PURCHASE OF (1) PITNEY BOWES MODEL DM800 MAIL MACHINE 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, Pitney Bowes submitted the most responsive bid for the purchase of a mail machine, therefore

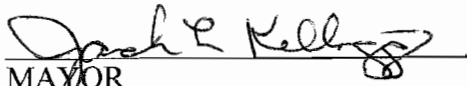
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Pitney Bowes to purchase one DM800 mailer for the use of posting the City's daily out-going mail. The cost is \$9,642.00 funded from the Capital Improvements 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: FEB 15 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0405

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-14

Passed FEB 14 2005, 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 2005 budget for the City of Marion made appropriations for the purchase of various improvements and equipment items, and:

WHEREAS, the bidding of these items is required due to the anticipated purchase price exceeding \$25,000.

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.

One van for Senior Center
One 4WD Pick-up for Fire Department
Three marked Police cruisers
Concrete pool deck replacement

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


PRESIDENT OF COUNCIL

APPROVED: FEB 15 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0467

Ordinance No. 2005-15

Passed FEB 14 2005, 2005

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISES OF MARION FOR THE DEMOLITION OF 498 OAK STREET, APPROPRIATING THE NECESSARY ADDITIONAL FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, on or about November 26, 2004 the home at 498 Oak Street was heavily damaged by fire and the owners of the home have signed a "Voluntary Waiver and Consent to Proceed" document with the City, 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 a very dangerous situation; and,

WHEREAS, Park Enterprises of Marion has submitted the lowest and best bid in the amount of \$8,989.50; and,

WHEREAS, an additional appropriation is needed in the sum of \$989.50 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 498 Oak Street.

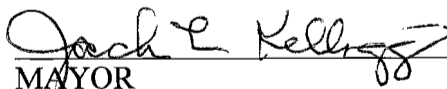
Section 2. That an additional appropriation in the amount of \$989.50 be made.

Section 3. The demolition cost of \$8,989.50 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

APPROVED: FEB 15 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0409

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-16

Passed FEB 14 2005, 20

ORDNANCE TO AMEND CHAPTER 912, SEWER USER CHARGE SYSTEM OF THE CODIFIED ORDINANCES OF THE CITY OF MARION

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

Section 1. That Section 9 12.10 of Chapter 912 of the Codified Ordinances, as amended and now reading in part as follows:

"912.10 USER CHARGE"

(a) User Charge

- (1) \$ 4.70 per monthly bill;
- (2) \$ 8.32 per bimonthly bill;
- (3) \$ 0.936 per 100 cubic feet for monthly bill;
- (4) \$ 0.936 per 100 cubic feet for bimonthly bill;

is hereby amended to read as follows:

(a) User Charge

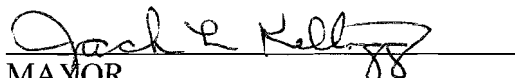
- (1) \$ 5.69 per monthly bill;
- (2) \$10.58 per bimonthly bill;
- (3) \$ 0.853 per 100 cubic feet for monthly bill;
- (4) \$ 0.853 per 100 cubic feet for bimonthly bill;

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



PRESIDENT OF COUNCIL

APPROVED: FEB 15 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0417

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-17

Passed FEB 14 2005, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RON'S TREE SERVICE FOR THE TREE TRIMMING/REMOVAL PROGRAM, PROJECT 04-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2004-129 authorized the preparation of plans, specifications and advertising for bids for the 2004 Tree Trimming/Removal Program Project 04-1M for the City of Marion, Ohio, and

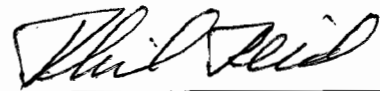
WHEREAS, Ron's Tree Service submitted the lowest and best bid.

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

Section 1. That the Safety/Service Director be directed to enter into contract with Ron's Tree Service, for the 2004 Tree Trimming/Removal Program, Project 04-1M.


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: FEB 15 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0413

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-18

Passed FEB 14 2005, 20

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH
UNDERGROUND UTILITIES, INC. FOR THE 2004 SEWER
IMPROVEMENTS, PROJECT 03-1S FOR THE CITY OF MARION,
OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 2004-130 authorized the preparation of plans, specifications and advertising for bids for the 2004 Sewer Improvements, Project 03-1S for the City of Marion, Ohio, and

WHEREAS, Underground Utilities, Inc. submitted the lowest and best bid of \$1,385,162.55.

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

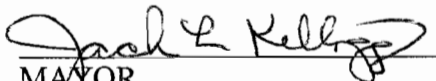
Section 1. That the Safety/Service Director be directed to enter into contract with Underground Utilities, Inc., for the 2004 Sewer Improvements, Project 03-1S.

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: **FEB 15 2005**


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0445

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-19, Page One

Passed MAR 28 2005, 20

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 297 MT. VERNON AVENUE, MARION, OHIO FROM AN R-3 MULTI-FAMILY DISTRICT TO A C-1A NEIGHBORHOOD SHOPPING DISTRICT, *WITH CONDITIONS PRECEDENT, AS AMENDED.*

(Ryan and Rhonda Elliott)

WHEREAS, Council finds that the real property described below, should be rezoned, *with certain conditions precedent*, from an R-3 – Multi-Family District to a C-1A Neighborhood Shopping 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 297 Mt. Vernon Avenue, Marion Ohio and being more particularly described in the attached Exhibit A. Said parcel currently zoned as R-3 – Multi-Family Density shall be rezoned as C-1A Neighborhood Shopping District, and

SECTION 2. ~~That prior to any external modifications of the buildings appearance shall come before the Marion City Planning Commission for review and approval.~~

In expressed consideration of favorable action taken herein, the applicants agreed to include upon the deed the following Restrictive Covenants which express the entire agreement of the parties:

RESTRICTIVE COVENANTS

In consideration of the mutual promises between the title holders and the City of Marion, Ohio legislative body, the premises shall only be utilized for use as a Flower Shop, for the sale of plants, flowers and accessory materials not produced on the premises by the current title holders. At such time as the current title holders sell, transfer, rent, lease or no longer operate the premises as a Flower Shop, the zoning designation of C1-A shall revert back to R-3. Further, prior to any external modifications, alterations or change in the buildings appearance the owners shall come before the Marion City Planning Commission for review and approval of proposed changes. A violation of this restrictive covenant shall also cause the zoning designation to revert back to R-3. These restrictive covenants shall run with the land.

THIS RE-ZONING IS EXPRESSLY CONTINGENT UPON THE APPLICANT'S TENDERING A DULY EXECUTED, TIME STAMPED, RECORDED DEED TO THE CLERK OF THE COUNCIL FOR THE CITY OF MARION, OHIO, WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS ORDINANCE, CONTAINING THE FOLLOWING: RESTRICTIVE COVENANTS.

IF THE APPLICANT'S FAIL TO PROVIDE THE COUNCIL CLERK THE AFOREMENTIONED DEED RESTRICTION, THIS ORDINANCE PROVIDING FOR THE RE-ZONING OF THE SUBJECT PREMISES SHALL BE VOID AS IF THE COUNCIL HAD TAKEN EVERY ACT NECESSARY TO REPEAL THE AUTHORIZING LEGISLATION.

SECTION 3. 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 4. That 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 21 2006

Jack T. Kellogg
Mayor

ATTEST:

Cathy Chapman
Clerk of Council

RECORD OF ORDINANCES

0477

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-20

Passed FEB 28 2005, 2005

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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 \$3,294.29 for the year ending December 31, 2005 as follows:

General Fund

Fire Administration	101.1131.540324	\$	500.00
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Community Corrections Fund FY '05

Salaries	224.7545.510110	\$	(262.00)
Benefits	224.7545.510120		(811.91)
Travel	224.7545.520220		29.20
Service Contracts	224.7545.530321		805.00
Supplies	224.7545.540420		<u>284.00</u>

Total Community Corrections Fund		\$	44.29
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Capital Improvements Fund


FY'04 Contingency	401.9544.570624	\$	2,750.00
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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: MAR 01 2005



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0375

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-2

Passed JAN 24 2005, 2005

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,
2005.

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

Section 1. That there be adjustments made to the appropriations in various funds in the amount of \$(6,974.07) for the year ending December 31, 2004 as follows:

General Fund

FY'04 Flexible Spending	101.7744.570774	\$ 3,249.33
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Capital Improvement Fund

FY'04 Contingency	401.9544.570624	\$ (10,223.40)
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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: JAN 25 2005


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0577

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-3

Passed JAN 24 2005, 20

ORDINANCE AUTHORIZING THE CITY'S ECONOMIC DEVELOPMENT DIRECTOR TO ENTER INTO CONTRACT FOR THE SERVICES OF A CHIP GRANT ADMINISTRATOR ON A SUB-CONTRACT BASIS

WHEREAS, the Economic Development Director has advised there is a real and present need to acquire subcontract services to assist the Planning Department's administration of the CHIP program, and

WHEREAS, the CHIP grant allows for the funding therein to be used to administer the program

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

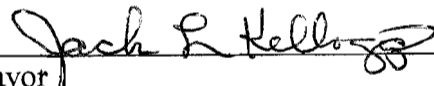
SECTION 1. The Economic Development Director is authorized to enter into contract for subcontract services in the administration of the City's CHIP grant and to complete all documents related thereto to ensure the services are adequately provided and compensated for by grant funds up to a maximum of \$6,240. Any agreement shall be submitted for review and approval of the Mayor and the City Law Director prior to execution in order to ensure compliance with Council's directives.

SECTION 2. This ordinance shall become effective from and after the earliest period allowed by law.




President of Council

APPROVED: **JAN 25 2005**



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0379

Ordinance No. 2005-4

Passed JAN 24 2005, 20

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

WHEREAS, Ordinance # 2004-7 authorized the Mayor to apply for and administer an Community Distress Grant allocating \$30,000 of the Community Distress grant and up to \$10,000 from the Revolving Loan Fund (RLF) to design and install playground equipment and sidewalks at the Blake Avenue Park, and

WHEREAS the City of Marion was awarded the FY 03 CDBG Community Distress 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 Blake Avenue Park Project.

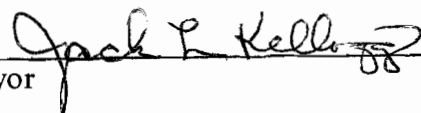
Section 2. That the cost of such contract shall be payable \$30,000 from the CDBG FY 03 Community Distress Fund and \$10,000 from the Revolving Loan Fund

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.



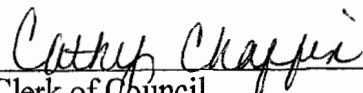
President of Council

Approved: JAN 25 2005



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0367

Ordinance No. 2005-5

Passed JAN 24 2005, 20

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR THE DOWNTOWN ECONOMIC DEVELOPMENT COMMITTEE, INCLUDING BUT NOT LIMITED TO FINANCIAL SUPPORT IN ORDER TO CONTINUE THE COMMUNITY'S EFFORTS TO REVITALIZE THE DOWNTOWN AREA AND DECLARING AN EMERGENCY.

WHEREAS, three (3) previous Ordinances have declared the Council's support for the Downtown Economic Development Committee and its continued efforts to enhance and revitalize the community's downtown and this Council has determined the benefits arising from the City's relationship with the Downtown Economic Development Committee could be substantial, and

WHEREAS, the current Council finds it in the best interests of the City of Marion to continue the previous support of the downtown and the aforementioned Committee,

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

SECTION 1. The Council directs and authorizes the Mayor to enter into agreement, for a twelve (12) month period beginning with January 1, 2005 and ending December 31, 2005 upon the same terms and conditions contained in the previous agreement, with the Downtown Economic Development group to continue to provide the funding contained below in order to foster the growth and enhancement of the downtown area of the City. The Downtown Economic Development Committee 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 the Committee believes it to be appropriate. In addition, the Council mandates that it is a requirement that said support is contingent upon the Chairperson or his/her designee from the Jobs and Economic Development Committee of Council shall serve as a voting member of the Board governing the Downtown Economic Development Committee.

SECTION 2. The Auditor is authorized to appropriate, if necessary, funds from the City's General Fund in order to carry out the directive contained in section 1 above. The amount being \$11,377.00, which shall be placed into line item 101.4539.530320. The Council directs that appropriate budgeting and appropriations be completed to continue said support at the rate of \$11,377.00 per annum, payable monthly, for fiscal year 2005.

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 downtown; 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: JAN 25 2005

Jack L. Kellogg
Mayor Jack L. Kellogg

Cathy Chappin
Clerk of Council

RECORD OF ORDINANCES

0363

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-6

Passed JAN 24 2005, 20

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CANDO! 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 CANDO!, and

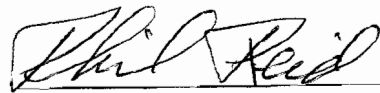
WHEREAS, the Council finds it in the best interest of the City of Marion to continue its' financial support to the organization commonly known as CANDO! and the need to ensure its' economic well-being in order to allow it to perform its' function within the greater Marion community,

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 CANDO! continues to receive support, including but not limited to financial support in the amount of \$6,162.00 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. CANDO! 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 CANDO! 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 (5) 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.

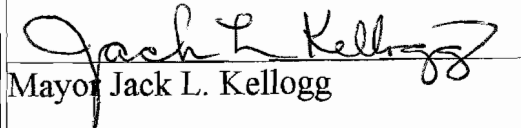
SECTION 2. If necessary, the Auditor is authorized to appropriate the necessary funds to fulfill the responsibility as contained in Section 1 above, from the following fund: Professional Services 101.4539.530320 \$73,949.00

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.

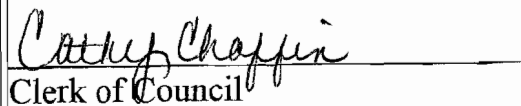


President of Council

APPROVED: **JAN 25 2005**



Mayor Jack L. Kellogg



Clerk of Council

Ordinance No. 2005-7

Passed JAN 24 2005, 20

ORDINANCE AUTHORIZING MAYOR TO EXECUTE THE NEGOTIATED STIPULATIONS IN THE OHIO AMERICAN WATER RATE INCREASE REQUESTS

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 a 19 % increase in the system's charges. The Council was provided a two part proposal to continue its' ever vigilant fight against increasing utility rate hikes by the City Law Director. The first portion of the plan provided for Marion joining with the City of Tiffin to share the costs associated with the hiring of a litigation expert and a recognized expert in the industry to oppose the rate increase request case. The balance of the two part plan provided for an appropriation of \$15,000.00 to be devoted to the analytical research necessary for an informed decision to be made, by the Council, at a later date as to whether or not to proceed with the purchase of the water system. This would have also allowed for utilization of the rate case processes to gain real values related to the system and served economies of scale. Due to the expressed opposition by the Administration as to the expenditure of the aforementioned funds, the Council chose to only proceed with the water rate increase request opposition case, and

WHEREAS, the Law Director has advised the parties to the rate increase case have reached an end in the negotiation process. It is now necessary to authorize the Mayor to execute the stipulations which contain an approximate 6.83% increase in rates, retain previous penalties for service deficiencies, reject requests for retroactive security cost recovery, re-start a low income assistance program and require the Company provide analytical information prior to filing their next request to increase rates.

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

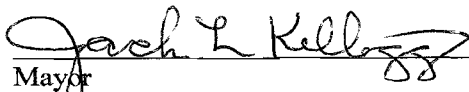
SECTION 1. The Mayor is hereby authorized to execute the stipulations achieved in the negotiated settlement of the Ohio American Water rate increase request cases. This in order to take advantage of the negotiated gains realized and to further minimize the rate increase to the Marion System's users. The Council being advised, if Marion chooses to litigate against the stipulations which have been recommended to be adopted by the P.U.C.O. staff the Company is entitled to argue the 6.83% is not reasonable and the amount should be greater than recommended by the P.U.C.O. staff.

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

APPROVED: JAN 25 2005



President of Council



Mayor

ATTEST:



Clerk of Council

Ordinance No. 2005-8, Page One

Passed MAR 14 2005, 20

ORDINANCE AMENDING MARION CITY CODE PART ONE
CHAPTER 137 TO INCLUDE THEREIN NEWLY CREATED
SECTIONS 137.23 et. seq. TO ENACT AN ALARM SYSTEM
REGISTRATION, PROVIDE FOR THE ASSESSMENT OF FALSE
ALARM FEES AND OTHER MISCELLANEOUS PROVISIONS
RELATED THERETO. As Amended

WHEREAS, the Council recognizes a significant problem exists in regard to the Police Department responding to "false alarms" throughout the City, and

WHEREAS, the Council has conducted in-depth analysis of the forementioned problem and has found the number of emergency response runs which are later determined to be "false alarms" are creating a significant nuisance and hazard to the Patrol Officers and the traveling public, as well as other negative impacts on the community. There a real and present need to take steps to avoid the aforementioned nuisance and avert the increased likelihood of a tragic event. The Council has explored all alternatives available and has determined the provision contained herein is the best means to have an actual positive impact and alleviate the existing nuisance.

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

SECTION 1. The Marion City Code Part One, Chapter 137 shall be modified to include Sections 137.23-01 through 137.23.-99, as contained herein, to be entitled Alarm System Registration and Duties

Chapter 137: DIVISION OF POLICE

ALARM SYSTEM REGISTRATION AND DUTIES

SECTIONS

- § 137.23-01 DEFINITIONS
- § 137.23-02 PERMIT REQUIRED.
- § 137.23-03 DUTY OF ALARM USERS
- § 137.23-04 RESPONSE TO ALARMS, DETERMINATION OF VALIDITY.
- § 137.23-05 CLASSIFYING ALARMS; FEES CHARGED.
- § 137.23-06 REVOCATION OF ALARM USER PERMIT
- § 137.23-07 REINSTATEMENT AND APPEAL PROCEDURES
- § 137.23-08 LIABILITY OF CITY
- § 137.23-09 SEVERABILITY
- § 137.23-99 PENALTIES

§ 137.23-01 DEFINITIONS

The following words and phrases, when used in this chapter, shall have the following meanings, if a word is not defined, its definition shall be as found in Black's Law Dictionary, latest edition, or the American Heritage Dictionary:

RECORD OF ORDINANCES

Ordinance No. 2005-8, Page Two

Passed MAR 14 2005, 20

ALARM. A signal (audio or visual, recorded or live) transmitted to the Police Department indicating a predetermined condition. Said alarm is received either:

- (1) Via a private alarm service company relayed to the Police Department telephone.
- (2) Via an audible/visual signal relayed to the Police Department by a third party.

ALARM PERMIT. A permit issued by the Police Chief or his/her designee allowing the operation of an alarm system within the city.

ALARM SYSTEM. Any assembly of equipment, mechanical or electrical, designed or arranged to:

- (1) Signal the occurrence of an illegal entry or other activity requiring emergency response by the police department or alert persons to respond, but does not include alarms installed in motor vehicles, or security devices carried on the person.
- (2) Monitor and/or annunciate the status of alarm or supervisory devices.

ALARM USER. Any person, owner, firm, partnership, association, corporation, company, organization of any kind, or any other entity who purchases, leases, contracts for, otherwise obtains or uses an alarm system in a residence, facility, building, structure or portion thereof within the City of Marion, Ohio.

BOARD. The Appeal board as constituted in this chapter.

BURGLARY ALARM. An alarm system designated to indicate a condition of forced entry or attempted forced entry.

FALSE ALARM. The activation of an alarm system, by any means whatsoever, including but not limited to mechanical failure, malfunction, improper installation, negligence of the owner, user, custodian, employee, or lessee within the City requiring an emergency response, when an emergency situation does not exist, or the intentional activation of an alarm when the activator knows or should have known an emergency did not exist. Excluding a signal determined to have been caused by any of the following: Tornadoes, blizzards or other catastrophic acts of God or that were cancelled prior to the Police Dispatcher having dispatched an Officer.

PERMIT YEAR. Means each twenty-four (24) month period following the issue date of a permit

RECORD TITLE OWNER. The person or persons in whose name title to real property are recorded on the public records.

REVOCATION. That period of time when all rights and privileges of a permit have been abolished for noncompliance with provisions of this chapter. Reinstatement of the permit shall occur when all provisions of this chapter have been met.

ROBBERY ALARM. An alarm system designated to indicate a robbery (holdup) is in progress immediately proceeding or simultaneously with the alarm.

SERVICE FEE. Means the penalty charges assessed for false alarms.

TERM. Means length of license validity.

Ordinance No. 2005-8, Page ThreePassed MAR 14 2005, 20 **§ 137.23-02 PERMIT REQUIRED.**

(A) No alarm user shall operate, monitor or have in place an alarm system without prior registration with the Police Department and possessing a valid permit issued by the Chief of Police or his/her designee.

(1) All requested information shall be accurately and fully completed. Any change in registration information as provided shall be reported to the Police Department within fourteen (14) calendar days of such change.

(2) All alarm user permits shall be valid for two (2) years from date of issue. A permit fee of \$ 20.00 shall be paid at the time of registration and upon each successive renewal period. All permits shall be renewed prior to their date of expiration. An alarm user permit may be transferred by named users to their new location during a permit period. Said permit is not transferable from one user to another user. No fee shall be imposed upon any federal, state, county or municipal government agency.

(B) Each person or company, which operates, monitors or has responsibility for alarm systems, who notify the city of an alarm activation, shall at the time of notification, disclose name, address, telephone number and contact persons of the alarm user to the city.

§ 137.23-03 DUTY OF ALARM USERS

(A) Prior to the installation, substantial modification or use of an alarm system the owner, manager, person, or other responsible party shall furnish the Marion Police Chief or his/her designee with such information as the Chief deems necessary to provide adequate response to the alarm.

(B) Owners, managers, persons, lessees or other responsible parties of existing alarm systems shall have 30 days from the effective date of this chapter to comply with the mandates herein, including but not limited to the above notice requirements and permit fee payment.

(C) Owners, managers, persons, lessee or other responsible parties of any alarm system shall provide access to the alarm location, when requested by any agent, employee or Officer of the City's safety forces, in order to reset or deactivate the alarm system within 15 minutes of notification. Failure to provide such access shall result in a false alarm subject to the sanctions provided in herein.

(D) Prior to the installation or use of any type of general alarm device of alarm system, the owners, managers, persons, lessee or other responsible parties of the premises shall furnish to the Marion Police Chief or his/her designee, information regarding the full names, addresses, telephone numbers and at least three persons who can be reached at all times and who are authorized and have the capability to enter the premises and deactivate the alarm device and allow access. Owners, managers, persons, lessee or other responsible parties of the premises with alarm devices or alarm systems already installed shall have 30 days from the effective date of the ordinance enacting this chapter to comply with the mandates herein, including but not limited to the above notice requirement. It shall be the responsibility of the owners, managers, persons, lessee or other responsible parties of the premises to keep this list updated with the Marion Police Chief. Failure to do so may result in a false alarm assessment subject to the sanctions of § 137.23-05.

(E) All alarm systems, including but not limited to burglary alarms having an audible or visual signal at the premises shall be so equipped so as to automatically shut off the audible or visual signal after 15 minutes, except those systems required

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-8, Page Four

Passed MAR 14 2005, 20

by law to have a longer operating period, in which case said system shall be so equipped so as to automatically shut off the audible or visual signal at the conclusion of said longer required operating time.

(F) All alarm systems shall be properly maintained. System malfunction due to faulty maintenance shall not be grounds for an excused false alarm. False alarms definitively attributed to power outages and/or power surges may be excused.

§ 137.23-04 RESPONSE TO ALARMS, DETERMINATION OF VALIDITY.

(A) Whenever an alarm is activated in any way within the city, indicating a need for an emergency response to the location by the Police Department and the management of the alarm site does not respond, a police officer or Police Department agent, personnel or employee on the scene of the activated alarm system shall visually inspect the area protected by the system and shall exercise prudent judgment and due care to determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(B) If said police officer or Police Department agent, personnel or employee at the scene of the activated alarm system determines the alarm to be false, said officer shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user and/or record title owner at the address on file with the Police Chief, advising the alarm user and/or record title owner of the false alarm. In addition, said police officer or Police Department agent, personnel or employee shall have the authority to dismantle or disarm the alarm system in a reasonable manner. If the officer or Police Department agent, personnel or employee determines that it is necessary to summon an alarm specialist or any other individual to dismantle or disarm the system, said owner, manager or lessee shall be responsible for the payment of any bills or expenses incurred.

(C) The City Safety/Service Director, Chief of Police, or their designees shall have the right to inspect any alarm system on the premises to which a response has been made and he/she may cause an inspection of such system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this chapter.

§ 137.23-05 CLASSIFYING ALARMS; FEES CHARGED.

(A) For each response by any emergency unit of the city to an alarm, the responding police officer or Police Department agent, personnel or employee will cause a report to be filed, classifying the alarm as one of the following:

- (1) False alarm, system test with no notification or system malfunction.
- (2) Valid alarm for cause designated.

(B) There shall be a service fee charged for false alarms according to the following schedule:

- (1) First response (none in last year) - no fee.
- (2) Second response (within calendar year) - No fee.
- (3) Third response (within calendar year) - No fee.
- (4) Fourth response (within calendar year) - \$ 25 fee.
- (5) Fifth response (within calendar year) - \$ 25 fee.

RECORD OF ORDINANCES

Ordinance No. 2005-8, Page Five

Passed MAR 14 2005, 20

- (6) Sixth, response (within calendar year) - \$50 fee.
- (7) Seventh response (within calendar year) - \$ 50 fee.
- (8) Eighth response (within calendar year) \$ 100 fee.
- (9) Ninth response (within calendar year) - \$100 fee.

(10) Tenth or more responses shall result in a \$ 150 fee and a written notification to the alarm user that upon activation of the next false alarm, the alarm user's permit shall be revoked. There will be no response from the police department any subsequent alarm until said alarm has been inspected and certified that it is in good working order.

(C) Failure of the alarm user or record title owner to correct the malfunction or pay such service fee within 30 days from the date of receipt of the invoice for the service fee as applicable by this chapter shall result in the automatic revocation of alarm permit. In addition, the alarm user or record title owner shall be responsible to pay all costs incurred in collecting the service fee including attorney fees. A certified copy of the service fee imposing the service fees may be recorded in the Public Records and thereafter shall constitute a lien against the land on which the permit is issued and upon any other real or personal property owned by the alarm user or record title owner.

(D) The service fee provided for herein shall not be imposed upon any school district composed under O.R.C. 3311.

137.23-06 Revocation of alarm user permit.

(A) An alarm user permit may be revoked for any of the following reasons:

- (1) Any false alarms in excess of ten (10) false alarms in a permit year;
- (2) Failure to remit the permit fee required herein, within thirty (30) calendar days of the date it is due.
- (3) Failure to remit renewal fee and information change required by Section 137.23-02, within thirty (30) days of invoice date shall result in an automatic revocation of an alarm user permit.
- (4) Falsification of any information on an alarm user permit application;
- (5) Failure to appear at any hearing as provided in this chapter;
- (6) Failure to notify the license section of changes in permit information as required by Section 137.23-02 & 03;
- (7) Programming any dialer to connect with the 911 emergency system;
- (8) Failure to cooperate with safety service personnel inspecting alarm systems;
- (9) Failure to disconnect or reset an alarm system when ordered to do so by the Chief of Police, his/her agent or City Safety/Service Director or his/her designee.

(B) A hearing shall be conducted by the Safety/Service Director or his/her designee to determine if an alarm user permit should be revoked. The holder of the alarm user permit shall be notified by certified mail or personal service at least fourteen (14) calendar days in advance of such hearing. The holder of the alarm user permit shall have the right to present evidence and testimony.

137.23-07 Reinstatement and Appeal procedures.

Reinstatement procedures:

RECORD OF ORDINANCES

Ordinance No. 2005-8, Page Six

Passed MAR 14 2005, 20

- A) All permits named in this chapter that have been revoked for any reason shall be assessed a reinstatement fee of \$ 20.00.
- (B) In addition to the reinstatement fee, all outstanding service fees shall be paid prior to reinstatement.
- (C) In addition to (A) and (B) above, a corrective action plan submitted by the alarm user, may also be required by the director of public safety or designee prior to reinstatement.

Appeal procedures and Appeal Board:

(A) All revocation orders issued by the license section shall be subject to appeal to the board of license appeals pursuant to the following terms:

Any person aggrieved by an order or determination herein with respect to denying the issuance or renewal of a license, or revoking or suspending a license, may appeal from such order or determination to the board. The Board shall be composed of the Safety/Service Director, the Chief of Police, the Fire Chief, the Law Director and the Police Department's Major assigned to Operations. All appeals shall be perfected in the following manner:

- (1) The appellant must file a written notice of appeal to the Safety/Service Director, on a form approved by the said Director, within twenty (20) days after receipt by him of the order or determination from which he appeals.
- (2) The appellant must deposit with the Safety/Service Director a fee of thirty dollars (\$30.00), which sum shall be refunded to the appellant only if the board renders a decision in his favor. Otherwise, the deposit shall be forfeited and placed into the general fund of the city.
- (3) Within five (5) days after receipt by the Safety/Service Director of the notice of appeal, he/she shall cause a true copy of the notice of appeal to be docketed.
- (4) Within twenty (20) days after receipt the Safety/Service Director shall cause a meeting of the board to be convened for the purpose of hearing the appeal.
- (5) The decisions of the Board shall be by simple majority after each member having been provided two day written notice and the presence of a quorum of no less than three members present. The decision shall be binding upon all parties.
- (6) The appellant and the section may appeal from a decision of the board by perfecting such as provided in Ohio Revised Code Chapter 2506. The cost of acquiring a transcript for such appeal shall be borne by the party seeking to appeal.

137.23-08 Liability of city.

The issuance of any permit in conjunction with this chapter shall not constitute acceptance by the city of any liability for anything in connection therewith.

137.23-09 Severability.

If any portion of this chapter, or any portion of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion and be declared invalid. This declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable.

137.23-99 Penalties.

(A) Whoever violates any provision herein shall be guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). Upon subsequent conviction within one year, such person shall be deemed guilty of a misdemeanor of the third degree and shall be fined not more than five hundred

RECORD OF ORDINANCES

0593

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-8, Page Seven

Passed MAR 14 2005, 20

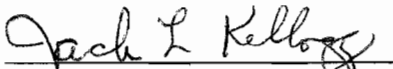
dollars (\$500.00) or imprisoned for not more than sixty (60) days or both. Any violation shall constitute a separate offense for each successive day continued

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



President of Council

APPROVED: **MAR 18 2005**



Mayor

ATTEST:



Clerk of Council

Ordinance No. 2005-9, Page OnePassed FEB 28 2005, 20

ORDINANCE AMENDING THE COMPOSITION ORDINANCES 2000-46 AND 2004-18 AND ORDINANCE NO. 1969-29 (YARGER REPORT) FOR THE MARION CITY FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, The Council of Marion has determined to the available funding for the Marion City Fire Department is not sufficient to maintain the current staffing levels, and;

WHEREAS, to reduce the number of personnel in the Marion City Fire Department it is necessary to amend Ordinance 2004-18 passed on February 9, 2004, and therefore,

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

Section 1. That the Council has found it necessary to reduce the level of staffing in the Marion City Fire Department due to financial reasons and that the current level of staffing cannot be maintained.

Section 2. That Regulation III, Section 6, of Ordinance No. 1969-29 as amended, and now reading as follows:

Section 6. 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 capacity the number shall revert five (5), four (4) Lieutenants, and 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 Chief sitting for a test 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.

IS HEREBY AMENDED TO READ:

Section 6. 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 capacity the number shall revert to five (5), four (4) Lieutenants, and one (1) Fire Inspector –

Ordinance No. 2005-9, Page Two

Passed FEB 28 2005, 20

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). **However, these maximum numbers of firefighters shall be entirely dependent upon proper appropriations made by the Council of the City of Marion.**

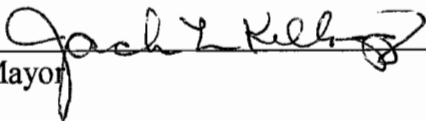
Each person occupying the Special Positions, to wit: Fire Inspector and Fire Training Officer shall be entitled to the benefits afforded the Captains class, including but not limited to wages and benefits. Any person occupying either of the positions known as Fire Inspector or Training Officer with an 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 Chief sitting for a test 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 benefits 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 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 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 by council; otherwise, it shall become effective from and after the earliest period allowed by law.



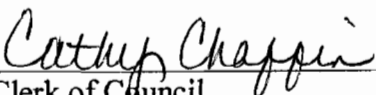
President of Council

APPROVED: MAR 01 2005



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

6397

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-10

Passed JAN 24 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HOWELL RESCUE SERVICES TO PURCHASE HYDRAULIC RESCUE TOOLS FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

WHEREAS, Howell Rescue Services submitted the lowest and best bid for the needs of the Marion City Fire Department, therefore

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

Section 1. The Safety/Service Director be authorized and is hereby directed to enter into contract Howell Rescue Services to purchase Hydraulic Rescue Tools for use at the Fire Department and to trade in one (1) old set of tools.


Section 2. That the cost of said contract from the Capital Improvement Fund and General 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 that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two -thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

Approved: JAN 25 2005



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0479

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-21

Passed FEB 28 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR IMPROVEMENTS TO BUSBY PARK.


Whereas, the Ohio Public Works Commission Clean Ohio Fund has granted the City of Marion approximately 75% of the estimated \$132,000 necessary for improvements to Busby Park located at the corner of Prospect Street and West Center Street in the City of Marion, and;

Whereas, a condition of the grant requires that such bids for improvements be put out for competitive bidding.


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

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for necessary improvements to Busby park.

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


PRESIDENT OF COUNCIL

APPROVED ~~MAR~~ 01 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

Ordinance No. 2005-22

Passed MAR 14 2005, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2005 SIDEWALK IMPROVEMENTS, PROJECT 05-1M, 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 2005 Sidewalk Improvements, Project 05-1M,

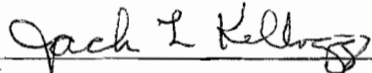
Section 2. That the cost of such contract shall be payable from the Formula Grant and the Community Distress Program Grant.

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 2005 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: MAR 18 2005


Mayor

Attest:


Clerk of Council

RECORD OF ORDINANCES

0423

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-23

Passed MAR 14 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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 \$72,000.60 for the year ending December 31, 2005 as follows:

Formula Grant Fund

FY'03 Street Improvements	275.4543.530325	\$.60
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Sewer Replacement Fund

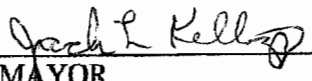
2004 Sewer Project 03-1S	504.5310.550520	\$	72,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



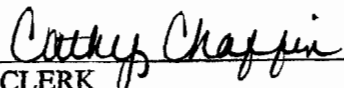
PRESIDENT OF COUNCIL

APPROVED: MAR 18 2005



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0425

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-24

Passed MAR 14 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BOMMER & ASSOCIATES FOR THE BLAKE AVE PARK PROJECT FOR THE CITY OF MARION AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2005-4 authorized the preparation of plans, specifications and advertising of bids for the Blake Avenue Park Project, and

WHEREAS, Bommer & Associates submitted the lowest and best bid of \$31,705.68 for the base bid,

WHEREAS, the City of Marion has allocated \$30,000 of it's FY 2003 Community Distress Grant and \$10,000 of the RLF fund for this playground equipment project and to install sidewalks from Blake Ave. to the playground, and

WHEREAS, it will be possible to accept the base bid of \$31,705.68, and allow up to \$4,294.32 for potential change orders should they be needed for a maximum contract of up to \$36,000 for the Park Project and,

WHEREAS, there will still be adequate funds left to install sidewalks when the street work is performed later this year.

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 Bommer & Associates for the Blake Avenue Park Project and sign any and all documents related to the project.

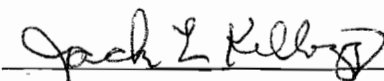
Section 2. That said contract shall be payable \$30,000 from the Community Distress Grant Fund and up to \$6,000 from the RLF Fund.

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



President of Council

APPROVED: MAR 18 2005



Mayor



Clerk of Council

RECORD OF ORDINANCES

0427

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-25

Passed MAR 28 2005, 20

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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 (\$57,161.96) for the year ending December 31, 2005 as follows:

GENERAL FUND

Election Expense	101.7744.530621	\$ 70.80
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SCMR FUND

Permissive Auto Tax	207.6612.530530	.01
Resurfacing Projects	207.6612.530531	<u>\$(57,232.77)</u>

Total SCMR Fund		\$(57,232.76)
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Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: APR 04 2005



PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0429

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-26

Passed APR 11 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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 \$17,000.00 as follows:

GENERAL FUND

Engineering			
Salaries & Wages	101.7743.510110	\$	3,000.00
Professional Services	101.7743.530320		<u>7,000.00</u>
Total General Fund		\$	10,000.00

DOWNTOWN REVITALIZATION FUND


Administration	277.4544.530324	\$	7,000.00
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Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: APR 12 2005



PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0431

Ordinance No. 2005-27

Passed APR 11 2005, 20

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND
ADVERTISE FOR BIDS FOR THE WELLNESS DRIVE PAVEMENT
IMPROVEMENTS, PHASE 2, PROJECT 05-2P AND DECLARING
AN EMERGENCY.**

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare specifications and advertise for bids for the Wellness Drive Pavement Improvements, Phase 2, Project 05-2P.

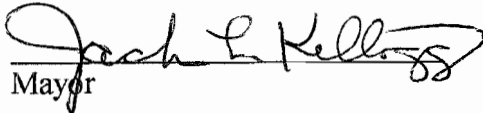
Section 2. That the cost of such contract shall be payable from the Barks Road TIF Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and 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 12 2005


Mayor

Attest:


Clerk of Council

Ordinance No. 2005-28

Passed APR 11 2005, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SMITH PAVING AND EXCAVATING, INC. FOR THE 2005 SIDEWALK PROGRAM, PROJECT 05-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2005-22 authorized the preparation of plans, specifications and advertising for bids for the 2005 Sidewalk Program, Project 05-1M for the City of Marion, Ohio, and

WHEREAS, Smith Paving and Excavating, Inc. submitted the lowest and best bid.

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

Section 1. That the Safety/Service Director be directed to enter into contract with Smith Paving and Excavating, Inc., for the 2005 Sidewalk Program, Project 05-1M.

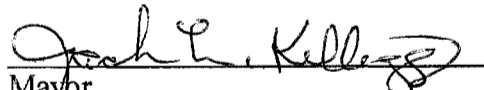
Section 2. That said contract shall be payable from the Community Distress and Formula Grants.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that construction must be completed in 2005, 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.

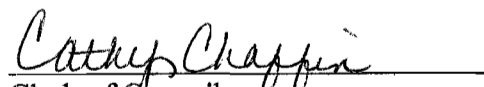


President of Council

Approved: **APR 12 2005**



Mayor

Attest:


Clerk of Council

RECORD OF ORDINANCES

0435

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-29

Passed APR 11 2005, 20

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AND PURCHASE A .617 ACRE PARCEL KNOWN AS ROTARY PLAYGROUND AND DECLARING AN EMERGENCY.

Whereas, after numerous discussions and input from the public it was determined that it was in the best interest of the City to purchase a .617 acre parcel owned by Marion City Schools to preserve Rotary Playground; and,

Whereas, Marion City Schools have agreed to sell said parcel to the City of Marion for the price of \$10,000.

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

Section 1. That the Mayor be authorized to execute all documents associated with the purchase of the .617 acre parcel known as Rotary Playground.

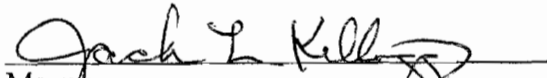
Section 2. That the \$10,000 purchase price be paid through the Revolving Loan Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure in order to avoid the site going up for auction and for this reason the ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor, provided that if it receives the affirmative vote of two-thirds of all members elected to Council: otherwise, it shall become effective from and after the earliest period allowed by law.



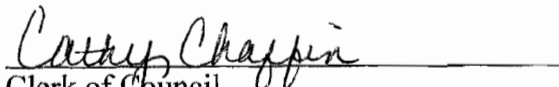
President of Council

APPROVED: APR 12 2005



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0457

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-30

Passed APR 11 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC. FOR THE PURCHASE OF THREE (3) VEHICLES FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 2005-14, the Safety/Service Director was authorized to advertise for bids for the purchase of three (3) vehicles for the Police Department; and

WHEREAS, Mathews-Kennedy Ford had the best bid for the three (3) vehicles,

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

Section 1. That the Safety Director be, and he is hereby authorized to enter into contract with Mathews-Kennedy Ford for the purchase of said vehicles.

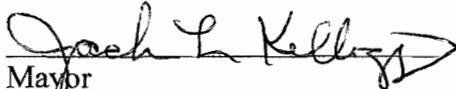
Section 2. That the vehicles purchased from Mathews-Kennedy Ford, being two (2) 2005 Ford Crown Victorias at a cost of \$41,106.68 and one (1) 2005 Ford Expedition at a cost of \$23,460.44, being the price after trade in of three (3) used police vehicles, and shall be payable from the Police Department 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 its passage and approval by the Mayor, provided it receives the affirmative 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 12 2005**



Mayor



Clerk

RECORD OF ORDINANCES

0439

Ordinance No. 2005-31

Passed APR 11 2005, 2005

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD TO PURCHASE A 2006 FORD 4X4 PICKUP TRUCK FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

WHEREAS, Mathews Kennedy Ford submitted the best bid, therefore

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Mathews Kennedy Ford, to purchase a 2006 Ford 4x4 Pickup Truck for use at the Fire Department.

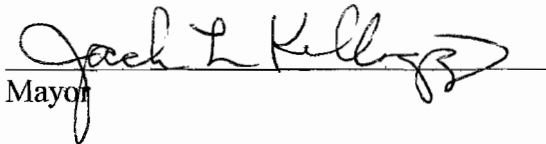
Section 2. That the \$23,260.59 cost of said contract shall be payable from Capital Improvement Fund Account No. 401.1131.555450.

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.



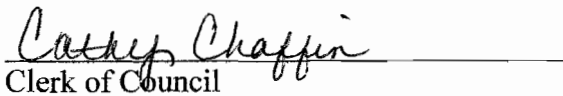
President of Council

APPROVED: APR 12 2005



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0447

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-32

Passed APR 11 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS AUTO GROUP FOR THE PURCHASE OF ONE (1) 12 PASSENGER 2006 FORD VAN TO BE USED AT THE SENIOR CENTER, AND TO TRADE IN ONE (1) 1996 GMC VAN.


WHEREAS, pursuant to Ordinance 2005-14, the Safety/Service Director was authorized to advertise for bids for the purchase of one (1) new vehicle for the Senior Center, and to trade in one (1) 1996 GMC Van, and

WHEREAS, Mathews Auto Group submitted the lowest and best bid,

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

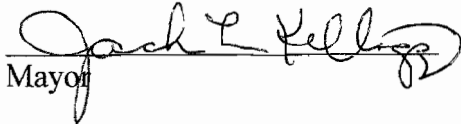
Section 1. That the Safety Director be, and he is hereby authorized to enter into contract with Mathews Auto Group for the purchase of one (1) 12 passenger 2006 Ford Van for the Senior Center at a cost of \$19,215.09, less \$3,000 trade-in of a 1996 Chevy Van. Net amount \$16,215.09 payable from the Capital Improvement Fund.

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

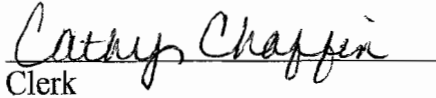


President of Council

Approved: **APR 12 2005**



Mayor



Clerk

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-33

Passed APR 25 2005, 20

ORDINANCE MAKING APPROPRIATIONS IN THE MARION MUNICIPAL COURT ASSISTANCE FUND FOR THE YEAR ENDING DECEMBER 31, 2005.

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

Section 1. That there be appropriations made in the Marion Municipal Court Assistance Fund in the amount of \$52,500.00 for the year ending December 31, 2005 as follows:

Marion Municipal Court Assistance Fund (MMC Assistance Fund)

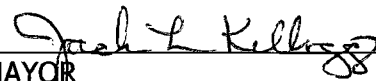
Professional Services	209.7731.530320	\$48,500.00
Supplies	209.7731.540420	2,000.00
Reimbursements	209.7731.570721	<u>\$ 2,000.00</u>
Total		\$52,500.00

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

APPROVED: APR 26 2005

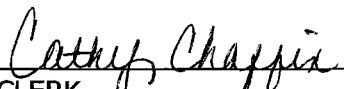


PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

3003

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-34

Passed APR 25 2005, 20

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

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

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

Airport Improvement Fund \$11,000.00

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

APPROVED: APR 26 2005

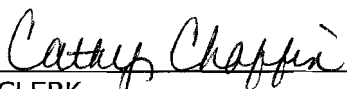


PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

3605

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-35

Passed APR 25 2005, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BURGESS & NIPLE TO PREPARE PLANS AND SPECIFICATIONS FOR THE CLINTON STREET PAVEMENT IMPROVEMENTS, PROJECT NO. 05-1P AND THE BLAKE AVE./WATERLOO ST. PAVEMENT IMPROVEMENTS, PROJECT NO. 05-3P AND DECLARING AN EMERGENCY. AS AMENDED.

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

Section 1: That the Safety/Service Director is hereby authorized and directed to enter into contract with BURGESS & NIPLE to prepare plans and specifications, for the Clinton Street Pavement Improvements Project 05-1P and the Blake Ave./Waterloo St. Pavement Improvements Project 05-3P.


Section 2: That the cost of such contract shall be payable from the Sanitary Sewer Improvement Fund, the Storm Sewer Improvement Fund, State Issue 2 Grant, and Community Distress 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: APR 26 2005



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0007

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-36

Passed MAY 23 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR ONE (1) 4WD ¾ TON PICKUP TRUCK WITH SNOWPLOW AND TWO (2) ¾ TON PICKUP TRUCKS AND AUTHORIZING THE DISPOSAL OF THREE (3) PICKUP TRUCKS IN THE STREETS DEPARTMENT THAT NO LONGER MEET THE NEEDS OF THE CITY.

WHEREAS, The Streets Department is in need of three (3) new pickup trucks for the daily operations; and,

WHEREAS, One (1) pickup truck will be equipped with a snowplow; and,

WHEREAS, The Streets Department has three (3) pickup trucks that no longer meet the needs of the City.

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 plans and advertise for bids for one (1) 4WD ¾ ton pickup truck with snowplow and two (2) ¾ ton pickup trucks for use in the Streets Department.

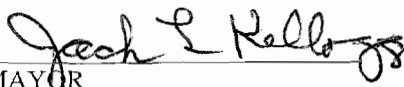
Section 2. That the Safety/Service Director be authorized to dispose of three (3) pickup trucks in the Streets Department that no longer meet the needs of the Streets Department.


<u>Make/Model</u>	<u>Mileage</u>	<u>Vin #</u>
1984 Ford	123,709	1TFEF25F7ELA09331
1987 Chevy	115,901	1CCER24K7HF380689
1991 Chevy	101,553	1GCGK24K91E252031

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


PRESIDENT OF COUNCIL

APPROVED: MAY 23 2005


MAYOR

ATTEST:

CLERK
SCMRTRUCKS

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-37

Passed MAY 23 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ASHER LUMBER FOR NECESSARY REPAIRS TO THE ROOF AT THE SIGN SHOP IN THE STREETS DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, The sign shop roof has experienced substantial leaking; and,

WHEREAS, The sign shop houses valuable and critical materials and computers necessary for the daily operation of the City; and,

WHEREAS, Asher Lumber submitted the lowest and best bid.

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

Section 1. That the Safety/Service Director be authorized to enter into contract with Asher Lumber for necessary repairs to the roof at the sign shop for \$13,602.00.


Section 2. The cost of the roof repairs will be paid for through the S.C.M.R. 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 the 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

APPROVED: **MAY 23 2005**



MAYOR

ATTEST:



CLERK OF COUNCIL

scmrroof

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-38

Passed MAY 23 2005, 20

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MCCHESENEY IMPLEMENT FOR THE PURCHASE OF ONE SNOW PLOW FOR THE STREETS DEPARTMENT.

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

WHEREAS, The Streets Department is capable of plowing more streets and alleys with the purchase of an additional snowplow; and,

WHEREAS, McChesney Implement submitted the lowest and best bid.

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

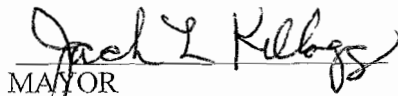
Section 1. That the Safety/Service Director be authorized to enter into contract with McChesney Implement for the purchase of a snow plow for the Streets Department for \$3,200.00.

Section 2. The cost of the snow plow be paid for through the S.C.M.R. fund.

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


PRESIDENT

APPROVED: **MAY 23 2005**


MAYOR

ATTEST:


CLERK OF COUNCIL

scmrplow

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-39

Passed MAY 23 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,
2005.

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 \$55,939.78 for the year ending December 31, 2005 as follows:

GENERAL FUND

TRANSFER TO AIRPORT IMPROVEMENT FUND	101.7745.580707	\$ 40.00
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SCMR FUND

LAND & BLDG MAINTENANCE	207.6612.530370	\$13,320.00
EQUIPMENT	207.6612.550450	<u>3,200.00</u>
TOTAL SCMR FUND		\$16,520.00

FEMA FUND

REIMBURSEMENTS	217.1141.570721	\$30,267.00
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HEALTH LICENSE FUND

TATTO & BODY PIERCING	247.2224.530722	\$ 761.44
TRAILER PARK	247.2224.530723	94.80
FOOD SERVICE	247.2224.530724	5,809.44
FOOD ESTABLISHMENT	247.2224.530726	(157.00)
SOLID WASTE	247.2224.530729	<u>229.10</u>
TOTAL HEALTH LICENSE FUND		\$ 6,737.78

AIRPORT IMPROVEMENT FUND

PROJECT #16 PROF SERVICE	446.6406.530320	\$ 800.00
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SEWER REPLACEMENT FUND

2003 SEWER PROJECT 01-5S	504.5015.550520	\$(9,867.58)
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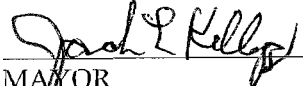
STORM WATER UTILITY FUND

2003 SEWER PROJECT 01-5S	509.5015.550520	\$ 2,442.58
SOLID WASTE DISPOSAL	509.5554.530319	<u>9,000.00</u>
TOTAL STORM WATER UTILITY		\$11,442.58

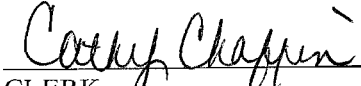
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: MAY 23 2005


MAYOR

ATTEST:


CLERK

Ordinance No. 2005-40 Passed JUN 13 2005, 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. (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 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.

WHEREAS, the Council recognizes the importance of the Creston Ave. street improvement project, however further investigation has revealed, that project could be better served by utilizing Distress Grant funding. If not successful, then that project could be placed on the CDBG funding next year or submitted as an Issue II request in order to ensure that the project is completed.

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:

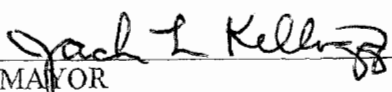
- 1. Street Improvements - Creston Ave. \$ (to be submitted as Distress Grant, see above)
 - 2. Acquisition - Olney Park \$ 45,000
 - 3. Rental Rehab - Goodwill Industries & Rotary Towers \$ 8,500 & \$ 98,000
 - 4. Environmental Review/Audit/Admin/Fair Hsg \$ 26,500
- TOTAL \$178,000

Section 2 That upon approval of the City of Marion's 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; otherwise it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: JUN 14 2005


MAYOR

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

3817

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-41

Passed JUN 27 2005, 2005

ORDINANCE ADDING SECTION 1151.063 (D) AND AMENDING SECTIONS 1153.032 (B) AND 1153.033 (B) OF THE PLANNING AND ZONING CODE AS CONTAINED WITHIN THE MARION CITY CODE.

WHEREAS, the City Planning Commission has recommended a change to the existing zoning code at the direction of Marion Regional Planning, and

WHEREAS, the Zoning and Annexation Committee has recommended the change be adopted as is provided and drafted by the Marion Regional Planning, and

WHEREAS, the Council finds a real and present need to amend the existing code in order to serve the people of the City of Marion.

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

SECTION 1. Marion City Code Section 1151.063 shall be amended to add:

(D) *Side yard exception in R-2 and R-3 Districts.* In the case of a lot or lots existing and of record at the time of the effective date of this Zoning Code in an R-2 or R-3 Residential District when, singly or after being combined constitute a width of less than 60 feet under one ownership, then a new Town House, Multi-Family Dwelling or Apartment Hotel may have its required setback reduced to 6 feet for one side yard. This provision is only to apply if the side to be reduced is not on a street or alley and the other side yard fully meets the setback requirements of 1151.011 or other requirements elsewhere in this code.

Marion City Code Section 1153.032 (B) now reading in part as follows:

(B) Residential

One to three family dwelling	1 for each dwelling unit
Dwellings with more than three families	3 plus 1 ½ spaces for each dwelling unit in excess of 3.

Shall be amended to read as follows:

(B) Residential

One and two family dwelling	2 for each dwelling unit
Dwellings with more than two families	4 plus 1 ½ spaces for each dwelling unit in excess of 2 .

Marion City Code Section 1153.033 (B) now reading in part as follows:

(B) *Housing for the elderly.* In the case of a dwelling or dwelling group constructed solely for housing for the elderly and limited to such use by legally binding agreements or other documents, the required off-street parking spaces may be reduced to one space for every four dwelling units.

Shall be amended to read as follows:

(B) *Housing for the elderly.* In the case of a dwelling or dwelling group constructed solely for housing for the elderly and limited to such use by legally

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-42

Passed MAY 23 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH TIDEWATER PRODUCTS FOR THE
PURCHASE OF LIQUID POLYMER FLOCCULENT TO BE USED AT THE
WATER POLLUTION CONTROL PLANT
AND DECLARING AN EMERGENCY

WHEREAS, Tidewater Products submitted the best bid of \$1.04 per pound for
Liquid Polymer Flocculent;

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

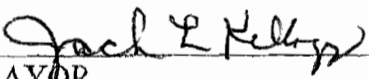
Section 1. That the Safety/Service Director to be authorized and is hereby
directed to enter into contract with Tidewater Products for the purchase of Liquid
Polymer Flocculent to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Sewer Revenue Fund (505-
5552.540420).

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


PRESIDENT OF COUNCIL

APPROVED: MAY 23 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-43

Passed MAY 23 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH NRP FOR THE
PURCHASE OF DRY POLYMER FLOCCULENT TO BE USED AT THE
WATER POLLUTION CONTROL PLANT.
AND DECLARING AN EMERGENCY

WHEREAS, NRP submitted the best bid of \$1.35 per pound for Dry Polymer Flocculent;

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

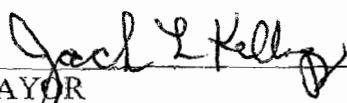
Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with NRP for the purchase of Dry Polymer Flocculent to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Sewer Revenue Fund (505-5552.540420).

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


PRESIDENT OF COUNCIL

APPROVED: MAY 23 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

Ordinance No., 2005-44

Passed MAY 23 2005 YEAR

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE COUNTY OF MARION PROVIDING FOR THE TERMS AND CONDITIONS RELATED TO THE FINANCING OF MARION'S NORTHWEST INDUSTRIAL CONNECTOR AND DECLARING AN EMERGENCY

WHEREAS, the Council recognizes the importance to the community of the multigovernmental project commonly referred to as the Northwest Industrial Connector, as is evidenced by Council's previous Resolution, 2004-42, and

Whereas, the Council fully supports the aforementioned project and concurs with the terms as are contained in the attached three page Agreement regarding the financing of the project, and


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

Section 1. The Council for the City of Marion does hereby authorize the Mayor to execute the attached Agreement in order to provide terms and conditions related to the financing of the Northwest Industrial Connector. Further, the Council continues its support of the multi-governmental project in order to serve the people of the Marion community.

Section 2. 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 meet deadlines and the need to proceed without delay, as delay will cause the potential loss of the grant funding; 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

APPROVED: MAY 23 2005


Mayor

Attest;


Clerk of Council

RECORD OF ORDINANCES

9033

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-45

Passed JUN 13 2005, 20

**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.**

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 \$1,010,000.00 as follows:

SCMR FUND

Central Garage Maintenance 207.6612.530601 \$ 70,000.00

SANITATION FUND

Central Garage Maintenance 506.5561.530601 \$ 40,000.00

STREET IMPROVEMENT FUND

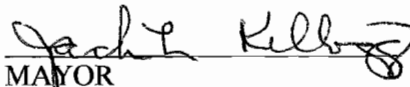
Wellness Drive Project 05-2P 461.6052.550520 \$900,000.00

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



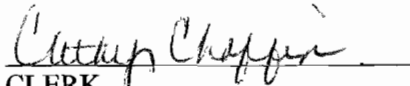
PRESIDENT OF COUNCIL

APPROVED: JUN 14 2005



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0075

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-46Passed JUN 13 2005, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING CO. OF OHIO, INC. FOR THE WELLNESS DRIVE PAVEMENT IMPROVEMENTS, PHASE 2 PROJECT 05-2P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 2005-27 authorized the preparation of specifications and advertising for bids for the Wellness Drive Pavement Improvements, Phase 2, Project 05-2P for the City of Marion, Ohio and

WHEREAS, Elite Excavating Co. of Ohio, Inc. submitted the lowest and best bid of \$717,913.05.

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

Section 1. That the Safety/Service Director be directed to enter into contract with Elite Excavating Co. of Ohio, Inc., for the Wellness Drive Pavement Improvements, Phase 2, Project 05-2P.

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

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



President of Council

Approved: JUN 14 2005



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0077

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-47, Page One

Passed JUN 13 2005, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$750,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF CONSTRUCTING A PORTION OF WELLNESS DRIVE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated 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 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 \$750,000 (the Bonds) to pay the costs of constructing a portion of Wellness Drive, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated approximately June 1, 2006, shall bear interest at the now estimated rate of six percent (6%) per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2007.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$750,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to fifteen days less than one year from the date of issuance by setting forth that maturity date in a certificate awarding the Notes (the Certificate of Award). The Notes shall bear interest at a rate or rates not to exceed five percent (5%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the Certificate of Award 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. 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

RECORD OF ORDINANCES

Ordinance No. 2005-47, Page Two

Passed JUN 13 2005, 20

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.

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

RECORD OF ORDINANCES

Ordinance No. 2005-47, Page Three

Passed JUN 13 2005, 20

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 payments in lieu of taxes is available for the payment of the debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the covenant hereinafter set forth. Nothing in this paragraph in any way diminishes the pledge of the full faith and credit and property taxing power of the City to the prompt payment of the debt charges on the Notes.

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

RECORD OF ORDINANCES

Ordinance No. 2005-47, Page Four

Passed JUN 17 2005, 2005

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: JUN 17 2005

Mayor: Jack F. Killip

Attest: [Signature]

Clerk of Council


FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$750,000 (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) to pay costs of constructing a portion of Wellness Drive, together with all necessary appurtenances thereto (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 20 years.

Dated: June 13, 2005



Auditor
City of Marion, Ohio

RECORD OF ORDINANCES

0031

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-48 Passed JUN 27 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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 \$182,637.79 for the year ending December 31, 2005 as follows:

General Fund

Revenue Sharing	101.4539.530751	\$ 25,120.61
Annual Examination	101.7744.530622	400.00
Total General Fund		\$ 25,520.61

SCMR Fund

Equipment	207.6612.550450	\$ 37,257.87
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WIC Fund

Salaries	215.2545.510110	\$ 7,987.00
Benefits	215.2545.510120	(3,563.50)
Travel	215.2545.520220	227.00
Utilities	215.2545.530310	2,428.00
Equipment Maintenance	215.2545.530360	460.00
Land & Bldg. Maintenance	215.2545.530370	100.00
Janitorial Services	215.2545.530424	1,010.00
Supplies	215.2545.540420	3,630.00
Postage	215.2545.540423	700.00
Total WIC Fund		\$ 12,978.50

PARKS Fund

Founders Park	221.3421.554520	\$ 650.00
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SEWER SYSTEM IMPROVEMENT Fund

OPWC Loan CP06G	503.8913.560656	\$ 342.02
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SEWER REPLACEMENT Fund

Clinton St. Project 05-1P	504.5051.550520	\$ 29,032.00
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STORM WATER UTILITY Fund

Clinton St. Project 05-1P	509.5051.550520	\$ 47,368.00
Solid Waste Disposal	509.5554.530319	10,000.00
OPWC Loan CP06G	509.8913.560656	388.79
Total Storm Water Utility Fund		\$ 57,756.79

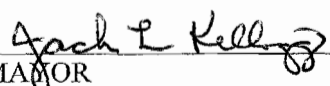
OPWC SEWER Fund

Clinton St. Project 05-1P	550.5051.550520	\$ 19,100.00
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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: JUN 28 2005


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

3043

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-49

Passed JUN 27 2005, 20

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE GOLD BARGAINING UNIT, AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., for the Gold Bargaining Unit, and

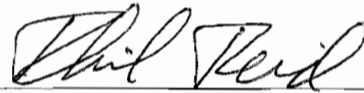
WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., has been reached on behalf of said F.O.P. and the City of Marion and ratified by the bargaining unit, to be effective July 1, 2005.

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

Section 1. That Council hereby appropriates \$18,795.00, which is necessary to implement the C.B.A. effective July 1, 2005 as provided by the City Auditor.

Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the Fraternal Order of Police, Ohio Labor Council, Inc., for the above specified bargaining unit.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract is set to expire June 30, 2005, 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.



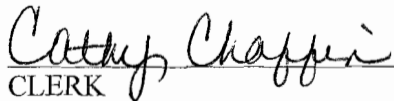
PRESIDENT OF COUNCIL

APPROVED: JUN 28 2005



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-50

Passed JUN 27 2005, 20

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE COMMUNICATIONS OFFICERS AND COMMUNITY TECHNICIAN OFFICER BARGAINING UNIT, AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., for the Communications Officers and Community Technician Officer, and

WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., has been reached on behalf of said F.O.P. and the City of Marion and ratified by the bargaining unit, to be effective July 1, 2005.

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

Section 1. That Council hereby appropriates \$3,207.00, which is necessary to implement the C.B.A. effective July 1, 2005 as provided by the City Auditor.

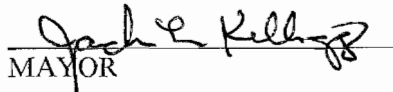
Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the Fraternal Order of Police, Ohio Labor Council, Inc., for the above specified bargaining unit.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract is set to expire June 30, 2005, 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 28 2005



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

2007

Ordinance No. 2005-51

Passed JUN 27 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC. FOR THE PURCHASE OF ONE (1) PICK-UP TRUCK AND ONE (1) PICK-UP TRUCK WITH SNOW PLOW AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 2005-36, the Safety/Service Director was authorized to advertise for bids for the purchase of two (2) pick-up trucks and one (1) pick-up truck with snow plow for the Streets Department; and

WHEREAS, Mathews-Kennedy Ford had the best bid for the three (3) vehicles,

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 Mathews-Kennedy Ford for the purchase of said vehicles.

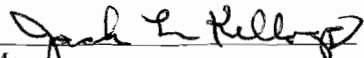
Section 2. That the vehicles purchased from Mathews-Kennedy Ford, being one (1) Ford F-250 2 WD pick-up truck at a cost of \$15, 945.46 and one (1) Ford F-250 4WD pick-up truck with snow plow at a cost of \$21,312.41 and shall be payable from the SCMR Fund.

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: JUN 28 2005



Mayor

Attest:


Clerk of Council

RECORD OF ORDINANCES

0509

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-52

Passed JUN 27 2005, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISE CONSTRUCTION CO. FOR THE GENERAL CONTRACT AND MCCOY LANDSCAPE SERVICES FOR LANDSCAPING CONTRACT FOR THE NECESSARY IMPROVEMENTS AT BUSBY PARK AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2005-21 authorized the preparation of specifications and advertising for bids for Busby Park for the City of Marion, Ohio and

WHEREAS, Park Enterprise Construction Co. submitted the lowest and best bid for General Contract of \$122,875.00 and

WHEREAS, McCoy Landscape Services submitted the lowest and best bid for landscaping of \$8,155.00 and

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

Section 1. That the Safety/Service Director be directed to enter into contract with Park Enterprise Construction Co. for Busby Park.

Section 2. That the Safety/Service Director be directed to enter into contract with McCoy Landscape Services for Busby Park.

Section 3. That the cost of such contract shall be payable from the Busby Downtown Park Fund.

Section 4. 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: JUN 28 2005



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

3711

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-53

Passed JUN 27 2005, 20

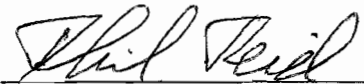
ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE MAR-FAIRGROUND ST./DAVIDS ST. RESURFACING PROGRAM, PID NO. 78534, PROJECT 05-2R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be directed to prepare specifications, advertise for bids, and enter into contract for the MAR-Fairground St./Davids St. Resurfacing Program, PID No. 78534.

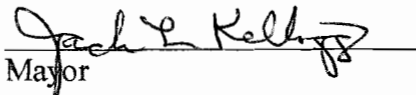
Section 2. That said contract shall be payable from the Street Improvement Fund and the S.C.M. & R. Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and for the further reason that this project must be completed 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 28 2005**


Mayor

Attest:


Clerk of Council

RECORD OF ORDINANCES

0013

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-54

Passed JUN 27 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 2005 STREET RESURFACING PROGRAM, PROJECT 05-1R, 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 2005 Street Resurfacing Program.

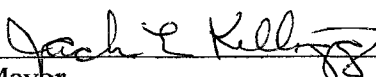
Section 2. That said contract shall be payable from the Street Improvement Fund and the S.C.M. & R. Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and for the further reason that this project must be completed 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 28 2005**



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

30 35

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-55

Passed JUL 25 2005, 20

ORDINANCE TO VACATE A CERTAIN 16' WIDE PORTION OF THE NORTH/SOUTH ALLEY IN THE GLENWOOD ADDITION TO THE CITY OF MARION, OHIO LOCATED ON THE FORMER GLENWOOD SCHOOL SITE.

WHEREAS, in the opinion of this Council, there is good cause for vacating the north/south in the Glenwood Addition to the City of Marion, Ohio located on the former Glenwood School site and,

WHEREAS, the petition to vacate this alley was considered and approved by the Marion City Planning Commission at its meeting of June 7, 2005, 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.

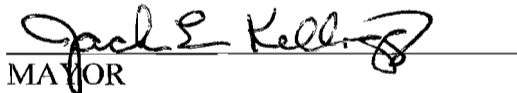
Section 3. The Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

Section 4. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: JUL 26 2005



PRESIDENT OF COUNCIL

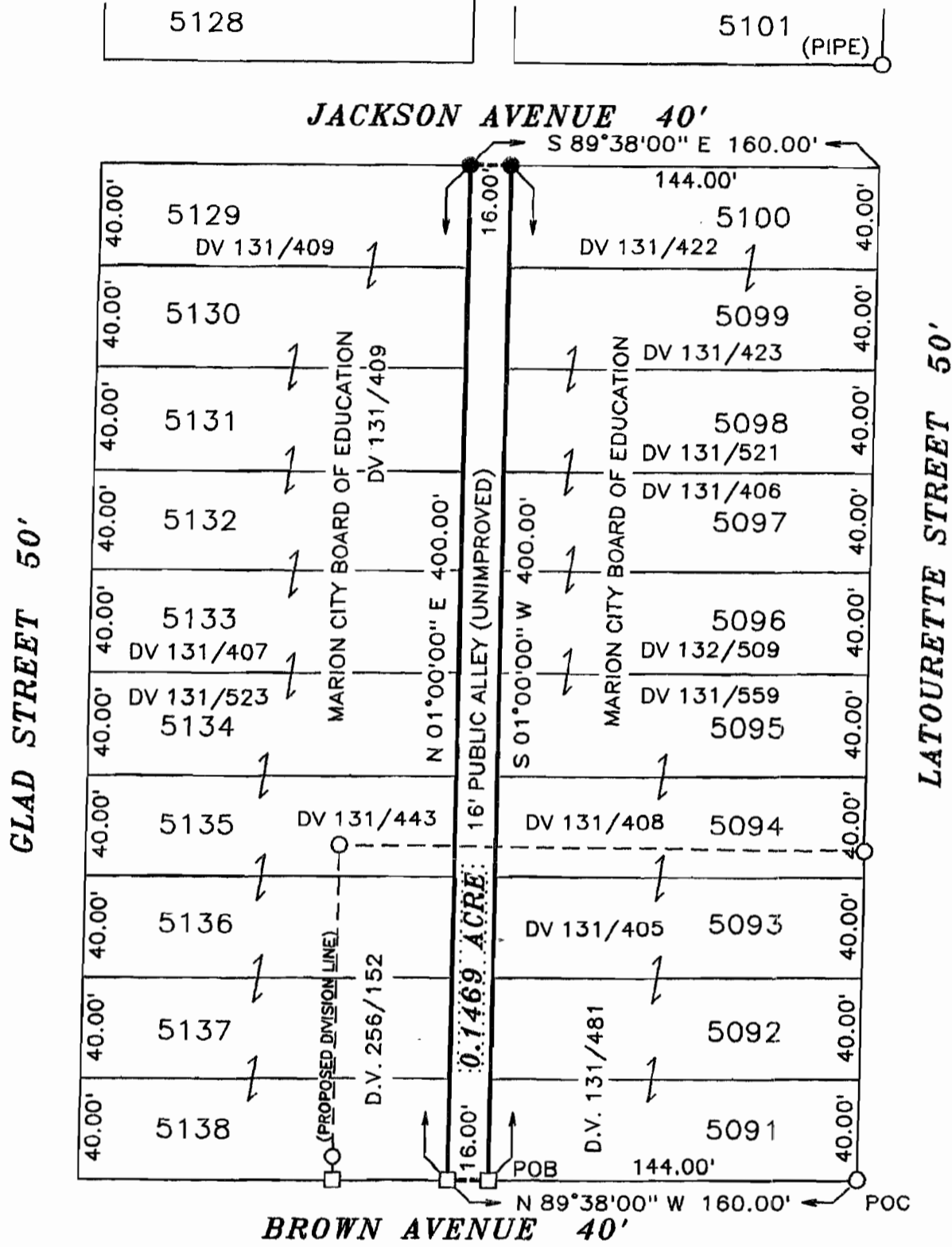

MAYOR

ATTEST:


CLERK

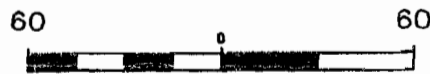
PLAT OF SURVEY REQUESTED BY: MARION CITY SCHOOLS

BEING PART OF AN ALLEY IN GLENWOOD
ADDITION TO THE CITY OF MARION, AS RECORDED IN PLAT
BOOK 2, PAGE 306; MARION COUNTY, STATE OF OHIO



LEGEND

- 1/2" K NAIL FOUND □ SET ■
 - RAILROAD SPIKE FOUND △ SET ▲
 - STONE FOUND ▣
 - IRON PIN/PIPE FOUND ○
 - 3/8" IRON PIN SET WITH PLASTIC CAP STAMPED "GARVERICK L.S. 6816" ●
- SCALE: 1 INCH = 60 FEET

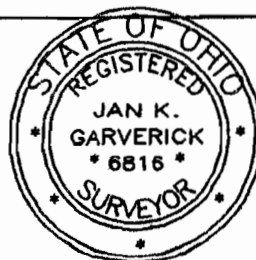


REFERENCE MATERIALS

- 1) PLAT BOOK 2, PG 306
 - 2) SURVEY BY GARVERICK;
 - 3) DATED MARCH 2005
 - 4)
 - 5)
- PRIOR DEED: N/A
BASIS OF BEARINGS: ASSUMED

I HEREBY STATE THAT THE ABOVE PLAT AND THE FIELD SURVEY IT REPRESENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE.

Jan K. Garverick
L.S. 6816 APRIL 2005 DATE OF SURVEY
DRWN: CHKD: FILE: 3202 B



GARVERICK SURVEYING, LLC
1200 RIVIERA DRIVE
MARION, OHIO 43302
740-389-3139

RECORD OF ORDINANCES

0017

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-56, Page One

Passed JUL 25 2005, 20

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING APPROXIMATELY 24 ACRE PARCEL OF REAL PROPERTY LOCATED EAST OF 1428 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 TO A C-2 COMMUNITY SHOPPING DISTRICT. (Applicant Management Expansion) AS AMENDED.

WHEREAS, Council finds that the parcel of land described below should be rezoned from R-1A (Single Family District) to C-2(Community Shopping District), and

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

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

WHEREAS, restrictions and conditions on the future use and conveyance of the parcels of land have been proposed by the Applicants Management Expansion, Inc., (hereinafter the "Applicant-Landowners") and approved by the City of Marion Planning Commission, as set forth herein.

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

Section 1. That the parcels of land described herein are now hereby rezoned from R-1A (Single Family District) to C-2 (Community Shopping District), as provided for in Section 1143.012 of Chapter 1143, Use Regulations in Commercial Districts, all of which are contained in the Zoning Code of The City of Marion, Ohio (the "Zoning Code"). These parcels of land shall be subject to the provisions of the Zoning Code in effect as of the date of the passage of this Ordinance. The conditions and restrictions contained in this Ordinance, as established and created by the Management Expansion Inc. (hereinafter the "Applicant-Landowners") shall simultaneously become effective with the passage of this Ordinance. These conditions and restrictions shall be binding on the Applicant-Landowners, their heirs, successors, assigns, and any other party taking title to the parcels of land, unless subsequently waived or released in whole or in part by the City of Marion.

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

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

1. Any business that has a primary purpose of selling, via vehicular "drive-thru" traffic, alcoholic beverages.

~~2. Any food service establishment that does not provide interior seating for customer use. This exclusion shall not affect all other permitted uses in section 1143.012 and specifically those uses permitted in Section 1143.012 (A)(5).~~

3. Radio and television studios. This exclusion shall not affect all other permitted uses in section 1143.012, and specifically those uses permitted in Section 1143.012 (A)(6).

4. Any business that primarily engages in the sale of pornographic adult books, adult magazines, adult electronic media, or adult entertainment devices.

5. Gasoline service stations. This exclusion hereby deletes Section 1143.011 (2)(b) as a permitted C-2 zoning use as applies to this Ordinance.

~~6. Automatic conveyor type, manual, and self service car washes. This exclusion hereby deletes Section 1143.011 (2)(d) as a permitted C-2 zoning use as applies to this Ordinance.~~

RECORD OF ORDINANCES

Ordinance No. 2005-56, Page Two

Passed JUL 25 2006, 20

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

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

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

Section 7. That the Applicant-Landowners, through their successors and assigns, shall provide for and pay the cost to construct, at each ingress and egress point, one ingress deceleration lane up to a maximum length of fifty (50) feet in distance, but subject to final determination of actual lane distance based upon anticipated traffic volume entering into a particular parcel of land.

Section 8. That the parcel of land owned by Management Expansion Inc., being more particularly described as follows:

DESCRIPTION 26.877 ACRES

Being part of the Southeast Quarter of Section 34, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio; Being tracts now or formerly owned by Management Expansion, Inc. (O.R. 515 Pg. 724 & OR. 499 Pg. 588), J.M. Pua (D.B. 523 Pg. 319) and Texas Ludco, Inc. (O.R. 47 Pg. 802); 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 on the South Corporation Line of the City of Marion and the point of beginning; thence continuing along said East-West Half Section Line (also being the South Corporation Line of the City of Marion) N 88° 54' 40" E for a distance of 126.08 feet to an existing railroad spike on the centerline of Qu-Qua Ditch; thence along said centerline S 8° 19' 00" E for a distance of 1337.65 feet to a point on Grantor's South Line; thence along Grantor's South Line S 89° 26' 45" W for a distance of 941.03 feet to a 1" dia. iron pin set on Grantor's West Line (passing over 1" dia. iron pin set at 30.00 feet); thence along Grantor's West Line N 17° 32' 20" W for a distance of 748.23 feet to 1" dia. iron pin set on Grantor's North Line; thence along Grantor's North Line N 88° 38' 10" E for a distance of 244.93 feet to 1" dia. iron pin set on Grantor's West Line; thence along Grantor's West Line N 1 21' 50" W for a distance of 279.52 feet to a 1" dia. iron pin set; thence continuing along Grantor's West Line N 0° 12' 20" W for a distance of 290.00 feet to an existing railroad spike on the South Corporation Line of the City of Marion (passing over a 1" dia. iron pin set at 260.00 feet); thence along said South Corporation Line N 88° 54' 40" E for a distance of 610.00 feet to an existing Railroad spike on the East Corporation Line of the City of Marion; thence along said East Corporation Line N 0° 15' 00" W for a distance of 30.00 feet to an existing 1" dia. iron pin on the East-West Half Section Line of Section 34 and the point of beginning. Containing 26.877 acres 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 a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and

RECORD OF ORDINANCES

3049

Ordinance No. 2005-56, Page Three

Passed JUL 25 2005, 20

dated October 12, 2001. All 1" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

EXCEPTING THE FOLLOWING:

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.

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



President of Council

APPROVED: JUL 26 2005


Mayor
Clerk of Council

RECORD OF ORDINANCES

0001

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-57

Passed JUL 11 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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 \$68,235.29 for the year ending December 31, 2005 as follows:

SCMR Fund

Land & Bldg. Maintenance	207.6612.530370	\$ 10,000.00
Resurfacing Projects	207.6612.530531	<u>16,971.09</u>
Total SCMR Fund		\$ 26,971.09

State Highway Improvement Fund

Resurfacing Projects	208.6613.530531	\$ 40,000.00
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Enforcement and Education Fund

Capital Equipment	227.1111.550450	\$ 1,264.20
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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 12 2005


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

2053

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-58

Passed JUL 11 2005, 20

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

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

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

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

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

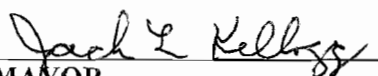
1991 Ford Dump Truck - VIN: 1FDPF82KXMVAO1963
1990 Chevy Dump Truck - VIN: 1GBM7DIE9LV102519

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: JUL 12 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0055

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-59

Passed JUL 25 2005, 20

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE FOP BLUE BARGAINING UNIT, AND DECLARING AN EMERGENCY.

AS AMENDED.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., for the Blue Unit, and


WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., has been reached on behalf of said F.O.P. and the City of Marion and ratified by the bargaining unit, ~~to be effective July 1, 2005.~~ **RETROACTIVE TO July 1, 2005**

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

Section 1. That Council hereby appropriates \$19,686.00, which is necessary to implement the C.B.A. ~~effective July 1, 2005 as provided by the City Auditor.~~ **retroactive to July 1, 2005 as provided by the City Auditor.**

Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the Fraternal Order of Police, Ohio Labor Council, Inc., for the above specified bargaining unit.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract expired June 30, 2005, 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.

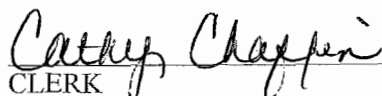


PRESIDENT OF COUNCIL

APPROVED: JUL 26 2005


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0257

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-60 Passed JUL 25 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005

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 \$487,558.00 for the year ending December 31, 2005 as follows:

GENERAL FUND		
ELECTION EXPENSE	101.7744.530621	\$ 15,000.00
SENIOR CENTER BLOCK GRANT FUND		
SALARIES	205.3545.510110	\$ (832.00)
OAKLAND PARK ACQUISITION FUND		
PROFESSIONAL SERVICES	434.3421.530320	\$ 640.00
LAND ACQUISITION	434.3421.550455	<u>27,360.00</u>
TOTAL OAKLAND PARK ACQ. FUND		\$ 28,000.00
STREET IMPROVEMENT FUND		
STATE ISSUE 2-LTIP PROJECT 05-1R	461.6051.530531	\$150,000.00
SEWER REPLACEMENT FUND		
BLAKE/WATERLOO PROJECT	504.5053.550520	\$ 590.00
STORM WATER UTILITY FUND		
BLAKE/WATERLOO PROJECT 05-3P	509.5053.550520	\$ 13,900.00
OPWC SANITARY/STORM SEWER FUND		
CLINTON ST. PROJECT CPQ05-051P	555.5051.550520	\$280,900.00

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 26 2005


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-61

Passed JUL 25 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF FOUR VEHICLES PREVIOUSLY UTILIZED BY THE CITY OF MARION, DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY

WHEREAS, the Council has been advised by the Safety/Service Director that four vehicles previously utilized by the City of Marion are no longer necessary within the City departments, and

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

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

Section 1. That the Safety/Service Director is hereby authorized and directed to dispose of the following vehicles previously used by the City of Marion which have been determined to have exceeded their useful life and are no longer necessary for any municipal purpose, to wit:

1998 Ford Crown Victoria – VIN: 2FAFP71W4WX184053
1997 Ford Crown Victoria – VIN: 2FALP71W9VX178007
1998 Ford Crown Victoria – VIN: 2FAFP71W0WX184051
1989 Ford Bus- VIN: 1FDKE37GXXHA45574

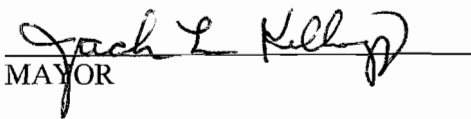
Section 2. That the disposal authorized herein shall be in compliance with the mandates contained within the Ohio Revised Code.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' 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.



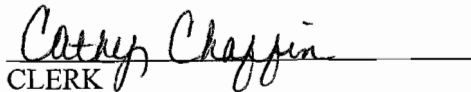
PRESIDENT OF COUNCIL

APPROVED: JUL 26 2005



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

301

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-62

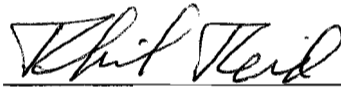
Passed JUL 25 2005, 20

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND
ADVERTISE FOR BIDS FOR THE BLAKE AVENUE/
WATERLOO STREET ROADWAY IMPROVEMENTS,
PROJECT 05-3P AND DECLARING AN EMERGENCY.**

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

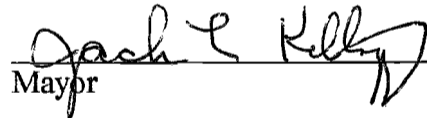
Section 1. That the Safety/Service Director is hereby authorized and
directed to prepare specifications and advertise for bids for the Blake
Avenue/Waterloo Street Roadway Improvements.

Section 2. That this ordinance is hereby declared to be an emergency
measure necessary for the immediate preservation of the public peace,
welfare and safety of the City of Marion and the inhabitants thereof,
and 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 26 2005



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0063

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-63Passed JUL 25 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE A PANASONIC MULTIFUNCTION COPIER MODEL DP-190 FROM PERRY CORPORATION, FOR USE AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, there is a new Panasonic multifunction copier available through Perry Corporation.

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

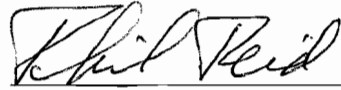
Section 1. The Safety/Service Director be authorized and directed to enter into contract with the following vendor for the purchase of the following item:
Perry Corporation, Marion, Ohio - new Panasonic multifunction copier,
for use at the Marion Municipal Airport.

Section 2. The contract price shall be:
Perry Corporation, Marion, Ohio - \$2,546.91

Section 3. The aforementioned purchase shall be payable from the Capital Improvement Fund.

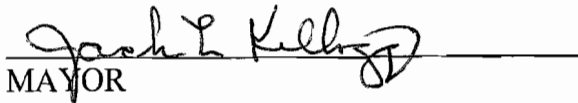
Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were 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.



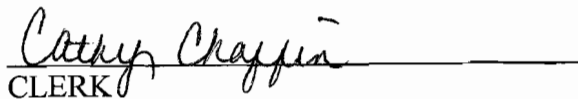
PRESIDENT OF COUNCIL

APPROVED: JUL 26 2005



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

3005

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-64

Passed JUL 25 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR T-HANGAR TAXIWAYS AND ACCESS ROAD CONSTRUCTION WITH PARK ENTERPRISE CONSTRUCTION COMPANY INC. AND AMEND YAGER & ASSOCIATES CONTRACT FOR INSPECTION FOR PROJECT 16 AT THE MARION MUNICIPAL AIRPORT, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion has been awarded \$150,000 FAA Grant, known as Project 16.

WHEREAS, The bid opening for Project 16 was held May 31, 2005 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 FY 2005, Project 16 Grant.

Section 2. That the Safety/Service Director is hereby authorized and directed to enter into contract at the Marion Municipal Airport with the following bidder:

Park Enterprise Construction Co., Inc. in the amount of \$147,200.
for T-Hangar and Access Drive construction.

Amend Yager & Associates Contract for Inspection \$ 26,200.

Section 3. That there be additional appropriations made in the Airport Improvement Fund in the amount of \$173,400 as follows:

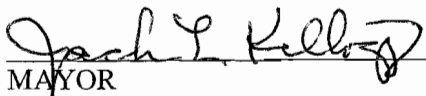
Professional Services	446.6406.530320	\$ 26,200.
Capital Improvements	446.6406.550520	\$147,200.

Section 4. The specifications were prepared by Yager and Associates of Toledo, Ohio, who was selected per FAA guidelines and authorized by Ordinance 1997-111.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.


Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

APPROVED: JUL 26 2005


MAYOR


PRESIDENT OF COUNCIL

ATTEST:


CLERK

RECORD OF ORDINANCES

00.7

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-65

Passed AUG 22 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF TWO (2) VEHICLES PREVIOUSLY UTILIZED BY THE CITY OF MARION DIVISION OF WATER POLLUTION CONTROL, DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY

WHEREAS, the Council has been advised by the Safety/Service Director that two (2) vehicles previously utilized by the City of Marion Division of Water Pollution Control, me no longer necessary within the City departments, and

WHEREAS, the Council has been advised by the Safety/Service Director that the two (2) vehicles mentioned herein are no longer necessary for any municipal purpose.

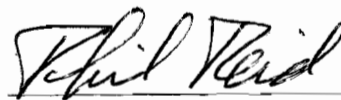
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be and is hereby authorized and directed to dispose of the following vehicles previously used by the City of Marion Division of Water Pollution which have been determined to have exceeded their useful life and are no longer necessary for any municipal purpose, to wit

1989 Ford F2S0 VIN #2FTHF25Y5KCA54370
1980 Ford 700 VIN #N70HVJB1174

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 is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' 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 and from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: AUG 23 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

3059

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-66

Passed AUG 22 2005, 20

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
CONTRACT WITH THE OHIO ENVIRONMENTAL PROTECTION
AGENCY FOR RECLAMATION WITHIN THE SAWYER PARK
WITHIN THE CITY OF MARION AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Environmental Protection agency has proposed to clean-up what appear to be containments within the Sawyer Park located within the City of Marion, and

WHEREAS, the proposed clean-up shall be funded utilizing sources available to the Ohio E.P.A.,

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

Section 1. The Council for the City of Marion does hereby authorize the Mayor to enter into agreement with the Ohio Environmental Enforcement Agency to conduct the proposed reclamation project within the Sawyer Park in the City of Marion.

Section 2. 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 meet deadlines and the need to proceed without delay in order to complete the project within the current planned season and take advantage of available funding; 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.



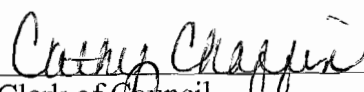
President

Approved: AUG 23 2005



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

0011

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-67

Passed SEP 26 2005, 20

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 645 EAST CHURCH STREET, MARION, OHIO FROM AN R-3 MULTI-FAMILY DISTRICT TO A O-I OFFICE INSTITUTIONAL.(Vikki Bell)

WHEREAS, Council finds that the real property described below, should be rezoned, from an R-3 – Multi-Family District to a 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 645 East Church Street, Marion Ohio and being more particularly described in the attached Exhibit A. Said parcel currently zoned as R-3 – Multi-Family Density shall be rezoned as O-I Office Institutional, and

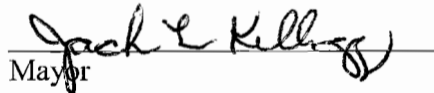
SECTION 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion on file in the office of the Clerk of Marion City Council and on the copy thereof on file in the office of the Safety/Service Director.

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



President of Council

APPROVED: SEP 27 2005



Mayor

ATTEST:



Clerk of Council

891378

891378, Section 901

INDEXED

STATE OF OHIO, COUNTY OF MARION, RECEIVED FOR RECORD ON THE 9th DAY OF March 1989, AT 10:19 O'CLOCK A.M. IN OFFICIAL RECORD

PAGE 872
RECORDER'S FEE \$ 10.00

James M. Schmidt, Jr.
County Recorder

med ch.

TRANSFERRED
PER 319.202 R.C.

MAR 9 1989

LIMITED WARRANTY DEED
(STATUTORY FORM, SECTION 5302.07 O.R.C.)

FEE \$
EXEMPT BY # 122

LOUIS A. WEBER, COUNTY AUDITOR

KNOW ALL MEN BY THESE PRESENTS THAT:

MARY E. JONES, Unmarried,

of the County of Marion, City of Marion, and State of Ohio, for valuable consideration paid, grants with limited warranty covenants to

MARION ALLEGHENY WESLEYAN METHODIST CHURCH,

whose tax mailing address is 165 East Church Street, Marion, Ohio 43302, the following real property:

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

Known as being Lot Number 12333 in Essex Court Addition to the City of Marion, Ohio, as shown on the Recorded Plat thereof in Record of Plats, Volume 3, Page 228, Recorder's Office, Marion County, Ohio.

Prior Deed Reference: Volume 563, Page 438

Property transferred subject to easements and restrictions of record, taxes and assessments for the tax year 1988 and thereafter, all of which Grantee assumes and hereby agrees to pay.

WITNESS her hand this 9th day of February, 1989

Signed in the presence of:

[Signatures of witnesses]

MARY E. JONES

Approved For Transfer
Tax Map Department
Marion County

Date 2/27/89 By M. D. D.

STATE OF OHIO
MARION COUNTY

Before me, a Notary Public in and for said County and State, personally appeared the above named MARY E. JONES who acknowledged that she did sign the foregoing and that the same is the her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Marion, Ohio, this 9th day of February, 1989.



Marcia Cramer
Notary Public

MARCIA CRAMER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES MARCH 1, 1991

ent prepared by Ronald D. Cramer, Attorney at Law.

Light original

PLAT OF MORTGAGE LOCATION SURVEY

TO: CHICAGO TITLE, MARION

ORDER NO: C0035979A

DATE: DEC. 22, 2003

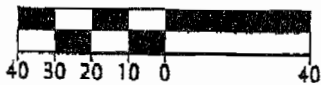
LENDER: NATIONAL CITY BANK

DESCRIPTION INFORMATION

LOT(S) NO: 2089 (GODFREY LEFFLER'S 2ND ADDN.)
12333 (ESSEX COURT ADDN.)

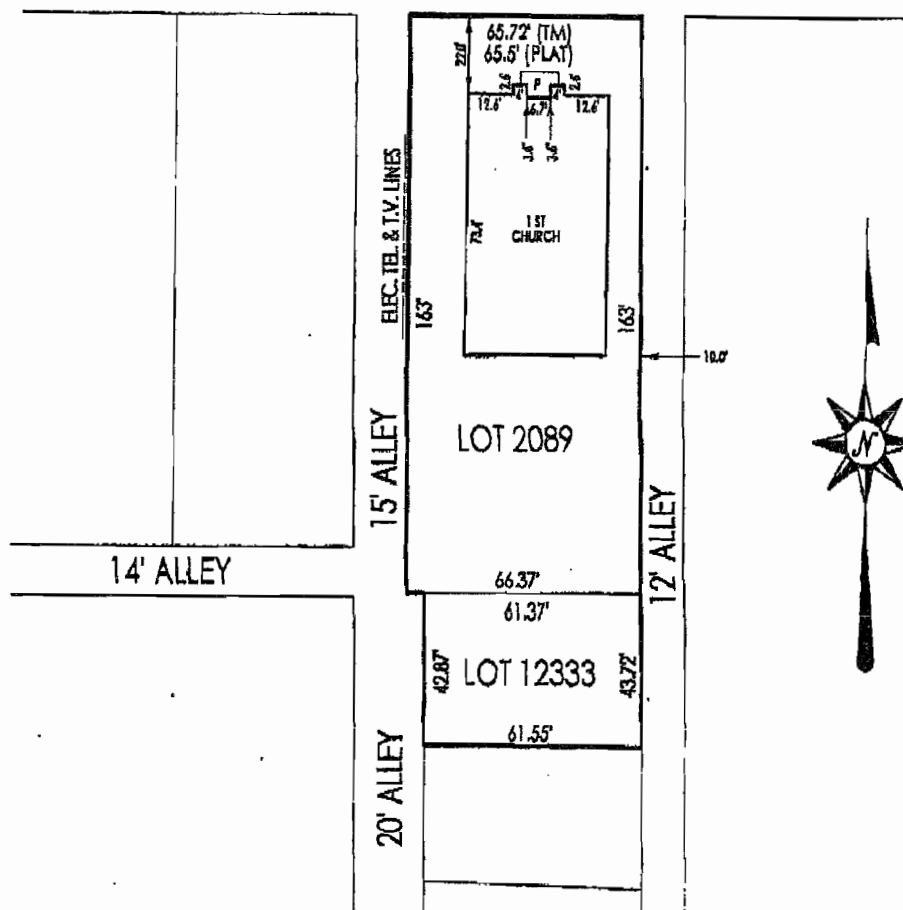
BORROWER: MARION ALLEGHENY WESLEYAN
METHODIST CHURCH
ADDRESS: 645 E. CHURCH STREET
PLAT BOOK: 2/3 PAGE: 88/228
SCALE: 1" = 40'

ALLOTMENT:
CITY OR VILLAGE: MARION ,OHIO
COUNTY: MARION
TOWNSHIP:
SECTION:
LOT: , QTR: (1/4)'S RANGE:



ELEC. & T.V. LINES

CHURCH STREET - 66'



NOTE: ALL BEARINGS AND DISTANCES ON PROPERTY LINES ARE PER RECORD AND NOT OBSERVED UNLESS INDICATED.

THIS SERVICE PROVIDED FOR TITLE COMPANY AND/OR LENDER ONLY; AND MUST NOT BE RELIED ON BY PROPERTY OWNER IN DETERMINING BOUNDARY LINES, SETBACK LINES OR FOR ANY OTHER PURPOSE.

I HEREBY CERTIFY THAT A MORTGAGE LOCATION SURVEY OF THE ABOVE PREMISES HAS BEEN MADE IN ACCORDANCE WITH CHAPTER 4733-38, (MINIMUM STANDARD FOR MORTGAGE LOCATION SURVEYS IN THE STATE OF OHIO) OHIO ADMINISTRATIVE CODE, AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37 OF THE ADMINISTRATIVE CODE.

NO FLOOD MAP PRINTED

KG

Raymond G. Lenczowski
RAYMOND G. LENCZOWSKI, OHIO REG. SURVEYOR NO. 88887
F.E. KROCKA & ASSOCIATES, INC. - SHELBY, OHIO



RECORD OF ORDINANCES

3013

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-68

Passed AUG 22 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MOBILETEK CONSULTING FOR THE PURCHASE OF ONE (1) PANASONIC TOUGHBOOK COMPUTER, DOCKING STATION AND ADAPTER, FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the Police Department is implementing a new Mobile Data Terminal system for information sharing within the department; and

WHEREAS, the lap top computer that is necessary for this system available from MobileTEK Consulting.

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

Section 1. That the Safety Director be, and he is hereby authorized to enter into contract with MobileTEK for the purchase of said computer and docking station.

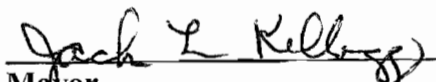
Section 2. That the computer purchased from MobileTEK, being \$4,393.00, and shall be payable from the Police Department Contingency Fund.

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: AUG 23 2005



Mayor



Clerk

RECORD OF ORDINANCES

2005

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-69

Passed AUG 22 2005, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING COMPANY, INC. FOR THE BLAKE AVENUE/WATERLOO STREET ROADWAY IMPROVEMENTS, PROJECT 05-3P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2005-62 authorized the preparation of plans, specifications and advertising for bids for the Blake Avenue/Waterloo Street Roadway Improvements, Project 05-3P for the City of Marion, Ohio, and

WHEREAS, Elite Excavating Company, Inc. submitted the lowest and best bid.

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

Section 1. That the Safety/Service Director be directed to enter into contract with Elite Excavating Company, Inc. for the Blake Avenue/Waterloo Street Roadway Improvements, Project 05-3P.

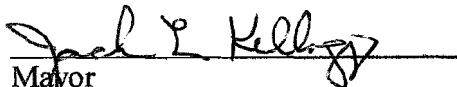
Section 2. That said contract shall be payable from the Community Distress Grant, Formula Grant, Sewer replacement fund, and the Storm Water Utility Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that construction must be completed in 2005, 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 23 2005



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

3017

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-70

Passed AUG 22 2005, 20

ORDINANCE APPROVING THE PURCHASE OF TWO (2) BUSES FOR MARION AREA TRANSIT THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY

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

Whereas, Resolution No. 2005-13 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:

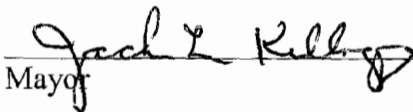
Section 1. That the Safety/Service Director is hereby authorized to enter into contract for the purchase of two (2) buses from Whitworth Bus Sales through the Ohio Department of Transportation Cooperative Purchasing Program for Marion Area Transit.

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



President of Council

APPROVED: AUG 23 2005



Mayor



Clerk of Council

RECORD OF ORDINANCES

0019

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-71

Passed AUG 22 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE TRACTOR PREVIOUSLY UTILIZED BY THE SANITATION DEPARTMENT, DECLARING THAT IT IS NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.

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

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

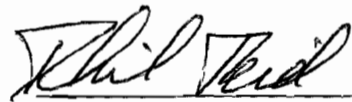
BE IT ORDAINED by the Council of the City of Marion, Ohio: Marion County, Ohio:

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

1953 Super M Farmall Tractor – VIN# L512461J

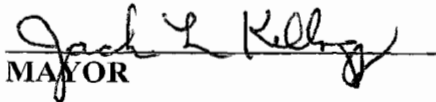
Section 2. That the disposal authorized herein shall be in compliance with the mandates contained within the Ohio Revised Code.

Section 3. That this ordinance 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 operations of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: AUG 23 2005



MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

3021

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-72Passed AUG 22 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005

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 \$487,955.09 for the year ending December 31, 2005 as follows:

GENERAL FUND

SCHOOLING	101.7711.530221	\$ 252.00
TAX REFUNDS	101.7744.570712	<u>25,000.00</u>
TOTAL GENERAL FUND		\$ 25,252.00

WIC FUND

SALARIES	215.2546.510110	\$170,792.00
BENEFITS	215.2546.510120	79,029.00
TRAVEL	215.2546.520220	1,500.00
UTILITIES	215.2546.530310	6,800.00
EQUIPMENT MAINTENANCE	215.2546.530360	650.00
LAND & BLDG MAINTENANCE	215.2546.530370	500.00
JANITORIAL SERVICE	215.2546.530424	2,080.00
SUPPLIES	215.2546.540420	4,223.00
POSTAGE	215.2546.540423	1,400.00
CONTINGENCY	215.2546.570624	<u>(43,998.35)</u>
TOTAL WIC FUND		\$222,975.65

COMMUNITY CORRECTIONS FUND

FY '05

SALARIES	224.7545.510110	\$(2,091.02)
BENEFITS	224.7545.510120	(2,062.95)
TRAVEL	224.7545.520220	<u>(76.54)</u>
TOTAL FY 05		\$(4,230.51)

FY '06

SALARIES	224.7546.510110	\$ 46,290.83
BENEFITS	224.7546.510120	3,904.37
TRAVEL	224.7546.520220	138.22
SERVICE CONTRACTS	224.7546.530321	2,575.00
SUPPLIES	224.7546.540420	<u>932.05</u>
TOTAL FY '06		\$ 53,840.47

TOTAL COMMUNITY CORRECTIONS FUND \$ 49,609.96

SEWER REPLACEMENT FUND

BLAKE/WATERLOO PROJECT 05-3P	504.5053.550520	\$ 28,999.89
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STORM WATER UTILITY FUND

BLAKE/WATERLOO PROJECT 05-3P	509.5053.550520	\$161,117.59
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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: AUG 23 2005


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

0003

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-73

Passed SEP 12 2005, 20

ORDINANCE PURSUANT TO OHIO REVISED CODE SECTION 709.14 AUTHORIZING THE ANNEXATION OF PROPERTY OWNED BY THE CITY OF MARION CONTIGUOUS TO THE EXISTING CORPORATION AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR SAID ANNEXATION.

Whereas, the City of Marion, through its' duly elected Council and Officer's has acquired approximately 36.252 acres, and

Whereas, Ordinance No. 2004-24 provided the necessary authorization for the purchase of the aforementioned 36.252 acres, and

Whereas, on the 24th day of February, 2005 the purchase was consummated and the City of Marion took title to said lands, and

Whereas, the Council finds that annexation of said lands is in the public interests of its' citizens and the inclusion of these lands would benefit the City as a whole;

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

Section 1. The Council declares its' desire to annex into the existing municipal corporation the approximately 36.252 acres in the contiguous territory owned by the City, purchased pursuant to Council's previous directive and authorization as contained in Ordinance No. 2004-24 and authorizes the annexation of said lands herein, and

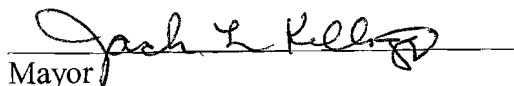
Section 2. The Council authorizes the Mayor to execute any and all necessary documents and perform any and all necessary acts to effectuate the annexation of approximately 36.252 acres into the municipal corporation and states that the Mayor shall be the City's agent and/or petitioner, and

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



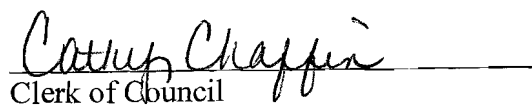
President of Council

APPROVED: SEP 13 2005



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

3085

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-74, Page One

Passed SEP 12 2005, 20

ORDINANCE TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A NEW STORM SEWER FROM BARKS ROAD TO EXECUTIVE DRIVE IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

PID Number 75240
MAR-CR138-0.34
(Barks Road Railroad Grade Separation)

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 is a two part project which proposes to construct a grade separation with the Norfolk Southern Railroad (Part One) and for construction of an off-site storm sewer (Part Two). Project limits extend on CR138 (Barks Road) from approximately 0.01 miles east of the junction of SR4/CR138 to approximately 0.57 miles east of the junction of SR4/CR138 with portions of CR138 on a new alignment.

Part One: Preliminary development, right of way and construction for the grade separation with the Norfolk Southern Railroad.

The Ohio Department of Transportation shall assume and bear one hundred percent (100%) of the necessary costs of preliminary development;

The Ohio Department of Transportation and Marion County shall assume and bear one hundred percent (100%) of the costs of right of way and construction;

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.

Part Two: Preliminary development, right of way and construction for installation of an off-site storm sewer.

The Ohio Department of Transportation shall assume and bear one hundred percent (100%) of the necessary costs of preliminary development and construction engineering and inspection costs;

The City of Marion shall assume and bear one hundred percent (100%) of the costs of right of way and construction, less construction engineering and inspection costs.

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;

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.

RECORD OF ORDINANCES

3007

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-75

Passed SEP 12 2005, 20

ORDINANCE AMENDING MARION CITY CODE SECTION 351.03 PROHIBITED STANDING OR PARKING PLACES IN ORDER TO PROVIDE FOR THE ELIMINATION OF A RE-OCCURRING PROBLEM RELATED TO PARKING AND PAVEMENT MARKINGS.

WHEREAS, the Council has been made aware of a re-occurring problem by the Police Department where operators of motor vehicles fail to abide by the pavement markings upon the City streets and roadways, and

WHEREAS, the Council finds it necessary to modify the relevant Marion City Code section in order to provide an enforcement mechanism requiring operators of motor vehicles to park within the provided pavement markings,

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

Section 1. **§351.03 PROHIBITED STANDING OR PARKING PLACES**, now reading in relevant part:

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

(A) On a sidewalk, except a bicycle;

...

(S) Along any curb that is painted yellow. (Ord. 1998-149, passed 11-9-1998)

shall be amended to include subsection (T) providing as follows:

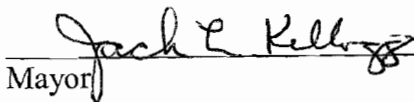
(T) on, over or straddling a pavement marking placed upon the roadway, highway, street or alley for the purpose of designating parking spaces.

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 13 2005


Mayor

Attest;


Clerk of Council

RECORD OF ORDINANCES

3029

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-76

Passed SEP 12 2005, 20

ORDINANCE AMENDING THE FY 2004 CDBG FORMULA GRANT AND FY 2003 COMMUNITY DISTRESS GRANT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance Numbers 2004-59 and 2004-7, as amended, authorized the application and administration of the Fiscal Year 2004 Community Development Block Grant Formula Grant and the 2003 Community Distress, respectfully, and

WHEREAS, bids were received for the Blake and Waterloo street, water, sewer and sidewalk projects and while adequate total funds are available with the Formula and Distress Grants, it is necessary to amend the line items to more closely resemble the contract price, and

WHEREAS, a public hearing was held September 12, 2005 to discuss amending the grant projects in both grants, and

WHEREAS, it was determined beneficial to transfer \$8,697 from the Church St. Curbs and Sidewalk project of the 2004 Formula Grant to the Waterloo Water and Sewer Facilities project, and

WHEREAS, it was determine to also be necessary to amend the 2003 Community Distress Grant by transferring \$8,376 from Water & Sewer line item to the Street Improvements line item and \$9,907. from Water & Sewer to Curbs & Sidewalks.

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

Section 1. Transfer \$8,697 from Curbs & Sidewalks to Water & Sewer Facilities in the 2004 Formula Grant.

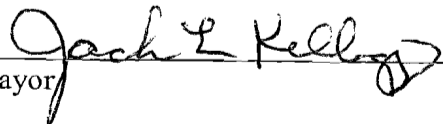
Section 2. Transfer \$18,283 from Water & Sewer Facilities with \$8,376 going to Street Improvements and \$9,907 to Curbs & Sidewalks in the 2003 Community Distress grant

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



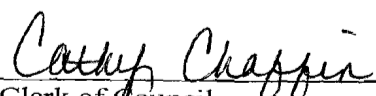
President of Council

APPROVED: SEP 13 2005



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

0711

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-77

Passed SEP 12 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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 \$97,505.20 for the year ending December 31, 2005 as follows:

GENERAL FUND

Income Tax		
Professional Services	101.7712.530320	\$ 2,500.00

SEWER REPLACEMENT FUND

Merchant Avenue Project	504.5983.550520	\$20,000.00
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STORM WATER UTILITY FUND

Merchant Avenue Project	509.5983.550520	\$20,000.00
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STORM SEWER IMPROVEMENT FUND

Greenwood/Uhler Project	560.5310.550520	\$ 5.20
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CENTRAL GARAGE FUND

Fuel & Lubricants	601.9601.540430	\$55,000.00
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Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: SEP 13 2005



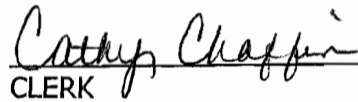
PRESIDENT OF COUNCIL

MAYOR



ATTEST:

CLERK



RECORD OF ORDINANCES

0092

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-78

Passed NOV 28 2005, 20

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NEWLY NEGOTIATED FRANCHISE AGREEMENT, AUTHORIZING AND APPROVING THE ASSIGNMENT OF THE FRANCHISE AND CABLE SYSTEM TO TIME WARNER NY CABLE, LLC AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, Marion has conducted hearings as to the present and future cable needs of the community and has for the past three years been in negotiation with the current franchisee, Adelpia Communications Corporation, to re-new the expiring franchise agreement. Said negotiations have resulted in terms and conditions which this Council hereby determines to be beneficial and advantageous to the system consumers, and

WHEREAS, Adelpia, a debtor in possession, and Time Warner NY Cable LLC have entered into an agreement whereby the cable system serving the Marion community operated by Adelpia will be acquired by Time Warner NY, and

WHEREAS, Adelpia and Time Warner NY have filed an FCC form 394 providing details of the transaction and establishing the qualifications of Time Warner NY and based upon Time Warner NY agreeing to assume all obligations under the Franchise upon closing the City of Marion herein grants its approval for the imminent transaction,

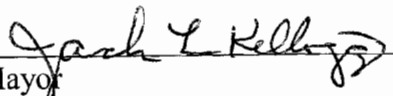
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Council hereby authorizes the Mayor to execute the newly negotiated franchise agreement attached hereto as Exhibit A and made a part hereof.

Section 2. The Council as franchising authority hereby approves the transfer of the cable franchise from Adelpia Communications Corporation to Time Warner NY Cable LLC, conditioned only upon Time Warner NY assuming all obligations under the Franchise. Further, the Council authorizes the Mayor to execute any and all documents necessary to evidence this act.

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 need to move forward without delay to implement the terms and conditions of the newly negotiated franchise agreement; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

APPROVED: NOV 29 2005


Mayor


President of Council

Attest;


Clerk of Council

RECORD OF ORDINANCES

3005

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-79

Passed SEP 12 2005, 2005

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
SCM&R FUND FOR THE YEAR ENDING DECEMBER 31, 2005.

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

Section 1. That there be an additional appropriation made in the SCM&R
fund in the amount of \$9,945.00 for the year ending December 31, 2005 as follows:

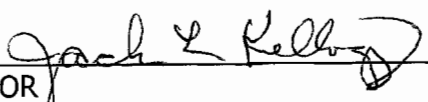
Land & Building Maintenance	207.6612.530370	\$ 9,945.00
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Section 2. That this ordinance shall become effective from and after the
earliest period allowed by law.

APPROVED: SEP 13 2005



PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0007

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-80, Page OnePassed OCT 24 2005, 20

ORDINANCE AMENDING CODIFIED ORDINANCE 193: MUNICIPAL INCOME TAX

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

Section 1. That § 193.09(A) of the Codified Ordinances, now reading as follows:

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

Is hereby amended to read as follows:

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

Section 2. That § 193.16(N) of the Codified Ordinances, now reading as follows:

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

- (1) The individual does not reside in the municipality.
- (2) The compensation is paid for personal services performed by the individual in the municipality on twelve or fewer days in the calendar year.
- (3) If the individual is an employee, the principal place of business of the individual employer is located outside the municipality and the individual pays tax on compensation described in subdivision (H)(2) of this section to the municipal corporation, if any, in which the employer's principal place of business is located, and no portion of that tax is refunded to the individual."

Is hereby amended to read as follows:

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

- (1) The individual **is a non-resident** (~~does not reside in the municipality~~).

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-80, Page Two

Passed OCT 24 2005

20

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

(3) If the individual is an employee of **another person**, the principal place of business of the individual's employer is located (~~outside the~~) **in another municipality in this state that imposes a tax applying to the compensation paid to the individual for services performed on those days**, and the individual (~~pays~~) **is liable to that other municipality for tax on the compensation** (~~described in subdivision (H)(2) of this section to the municipal corporation, if any, in which the employer's principal place of business is located, and no portion of that tax is refunded to the individual.~~) **paid for such services."**

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:

OCT 25 2005



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0009

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-81Passed SEP 26 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE STATE PURCHASING CONTRACTOR JACK DOHENY SUPPLIES OHIO, INC. FOR THE PURCHASE OF ONE (1) VACTOR MANUFACTURING MODEL 2110 SEWER CLEANER FOR THE USE IN THE WATER POLLUTION CONTROL DIVISION, AND DECLARING AN EMERGENCY

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to utilize the State of Ohio Department of Administrative Services State Term Schedule Number 776670A (02/28/06) for the purchase of One (1) Vactor Manufacturing Model 2110 Sewer Cleaner for use in the Water Pollution Control Division.

State Purchase Contractor	One (1) Vactor Manufacturing Model 2110 Sewer Cleaner \$278,379.00
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Jack Doheny Supplies Ohio, Inc.
P.O. Box 5500
Northville, MI 48167

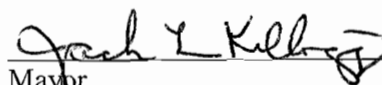
Section 2. That the cost of said contract shall be payable from the storm Sewer Capital Equipment Fund Account (509.5554.550450).

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



President of Council

APPROVED: SEP 27 2005



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-82

Passed SEP 26 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005

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

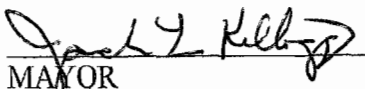
Section 1. That there be additional appropriations made in various funds in the amount of \$949,100.00 for the year ending December 31, 2005 as follows:

<u>G.O. BOND RETIREMENT FUND</u>		
NOTE INTEREST	343.8911.560609	\$ 13,000.00
<u>SEWER SYSTEM IMPROVEMENT FUND</u>		
NOTE INTEREST	503.8913.560609	\$ 17,000.00
<u>STORM WATER UTILITY FUND</u>		
EQUIPMENT	509.5554.550450	\$ 77,600.00
NOTE INTEREST	509.8913.560609	16,500.00
NOTE PRINCIPAL	509.8913.560610	<u>822,000.00</u>
TOTAL STORM WATER UTILITY FUND		\$916,100.00
<u>CENTRAL GARAGE FUND</u>		
PROFESSIONAL SERVICES	601.9601.530320	\$ 3,000.00

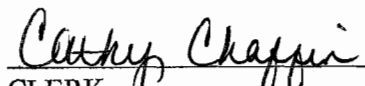
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: SEP 27 2005


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-83

Passed SEP 26 2005, 20

ORDINANCE AMENDING ORDINANCE 1968-41, COMMONLY KNOWN AS THE PERSONNEL POLICIES, AS AMENDED BY ORDINANCES 1997-4 AND 1994-127, BY CHANGING BENEFIT LEVELS APPLICABLE TO VARIOUS CLASSES OF POSITIONS, WITHIN THE SERVICE OF THE CITY, THAT ARE NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT.

WHEREAS, the Council of the City of Marion passed Ordinance 1968-41 and applicable amendments that established benefit levels for non-bargaining unit employees of the City, and

WHEREAS, there is a benefit known as the Insurance Opt-Out Program that is available to bargaining unit employees and has proven mutually beneficial to the City and employees, and

WHEREAS, the Council of the City of Marion desires to have equity among the benefit levels afforded to all employees regardless of bargaining unit status, now therefore,

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

Section 1. That this ordinance shall amend Ordinance 1968-41 and establish the following benefit for non-bargaining unit employees of the City of Marion.


Health Insurance Opt-Out Program Employees who are currently enrolled under the City's health insurance program may choose to opt-out of the medical insurance portion of the benefit upon proof that they are enrolled and covered under a spouse's medical insurance. In exchange for opting-out of the medical insurance benefit, an incentive of \$100 per month will be paid to the employee while they are not enrolled under the City's medical insurance, and the employee will not be required to pay the employee portion of the health benefit cost. Employees who have a spouse also working for the City will not be eligible for the opt-out incentive. The administration may promulgate additional rules and forms necessary for the effective implementation and administration of this program.

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



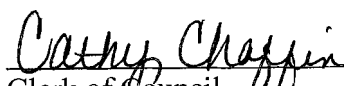
President of Council

APPROVED: SEP 27 2005



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-84

Passed SEP 26 2005, 20

ORDINANCE ACKNOWLEDGING RECEIPT OF MONIES DUE THE CITY FROM HARDING CENTRE/RLJ MANAGEMENT AND APPROPRIATING ADDITIONAL FUNDS.

WHEREAS, the Law Director has reported the collection efforts previously outlined to the Council has resulted in the successful receipt of payment from Harding Centre/RLJ Management, and

WHEREAS, it is now necessary to acknowledge receipt of said funds and appropriate funds in order to complete the collection effort plan,


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

Section 1. The council acknowledges the receipt of monies due the City by Harding Centre/RLJ Management and as a part of the coordinated collection effort managed by the Law Director and pursuant to the terms and conditions in the October 5, 2001 lease agreement entered into by the Safety/Service Director, the Council makes the following appropriation:

General Fund

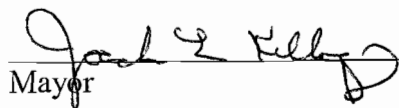
Law Director lease	101.7714.530371	\$5,580.00
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Section 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.



President of Council

APPROVED: SEP 27 2005



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-85

Passed OCT 10 2005, 20

ORDINANCE AUTHORIZING THE CITY'S ECONOMIC DEVELOPMENT DIRECTOR TO ENTER INTO CONTRACT FOR THE SERVICES OF A DOWNTOWN PLANNING AIDE ON A SUB-CONTRACT BASIS, AND DECLARING AN EMERGENCY

WHEREAS, the Economic Development Director has advised there is a real and present need to acquire subcontract services to assist the Planning Department's administration of the Downtown Revitalization Planning Grant program, and

WHEREAS, the Downtown Revitalization Grant was formulated with the intention of using outside assistance and provides for the funding therein to be used to administer the program, and

WHEREAS, CANDO through its affiliate organization Downtown Marion has the capability and desire to assist the City and the Planning Department with the downtown planning grant

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

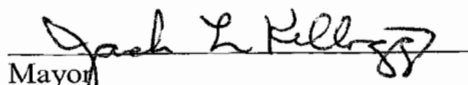
SECTION 1. The Economic Development Director is authorized to enter into contract with CANDO for subcontract services in the administration of the City's Downtown Planning grant and to complete all documents related thereto to ensure the services are adequately provided and compensated for by grant funds up to a maximum of \$4,160. Any agreement shall be submitted for review and approval of the Mayor and the City Law Director prior to execution in order to ensure compliance with Council's directives.

SECTION 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that grant period has begun and additional administrative assistance will help ensure that the grant funded assistance will take place in a timely manner; and as such, shall take effect immediately upon its passage and provided it receives the affirmative 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 11 2005



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-86

Passed OCT 10 2005, 20

ORDINANCE AMENDING SECTION 45.2 OF ORDINANCE NO. 1968 - 41, AS AMENDED BY ORDINANCE NO 1990-123, PERSONNEL POLICIES OF THE CITY OF MARION, PERTAINING TO MILEAGE.

WHEREAS, the Council of the City of Marion passed Ordinance 1990-123 that established the rate of mileage reimbursement for employee of the City of Marion who incurs mileage in the performance of their duties, and

WHEREAS, the cost of transportation has increased significantly over the 15 years since mileage was last adjusted, and

WHEREAS, in some cases mileage reimbursement is established in collective bargaining agreements and has resulted in a large differential in reimbursement rates, and

WHEREAS, the Council of the City of Marion desires to establish a process that will adjust mileage based upon Internal Revenue Service (IRS) rates.

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

Section 1. That Section 45.2 of Ordinance 1968-41, as amended by Ordinance No. 1990-123 and now reading as follows:

“45.2 Any employee who, with prior approval of the responsible administrative officer of the employing unit and the City Auditor, who incurs mileage in the performance of his duties as a city employee, shall be reimbursed for said mileage at the rate of twenty – two cents (\$.22) per mile. Each employee entitled to mileage shall keep a record of his mileage.”

Is hereby amended to read as follows:

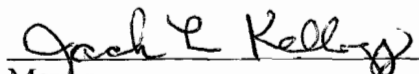
“45.2 Any employee who, with prior approval of the responsible administrative officer of the employing unit and the City Auditor, who incurs mileage in the performance of his duties as a city employee, shall be reimbursed for said mileage at the rate of eighty percent (80%) of the currently published Internal Revenue Service (IRS) per mile rate. Each employee entitled to mileage shall keep a record of his mileage. The City Auditor’s office will be responsible for adjusting said mileage rate as revisions are made by the IRS to the published rate.”

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 11 2005



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-87, Page One

Passed OCT 10 2005, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,300,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING CLINTON 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 (the "Bonds"), and the maximum maturity of the notes described in Section 3 (the "Notes") 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 \$1,300,000 to pay costs of improving Clinton 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, 2006, shall bear interest at the now estimated rate of six 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, 2007.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,300,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 19, 2005 and shall mature October 18, 2006, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days prior to October 18, 2006 by setting forth that maturity date in the certificate awarding the Notes (the "Certificate of Award"). 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 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

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-87, Page Two

Passed 087 (0 2005, 20

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 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. 2005-87, Page Three

Passed OCT 10 2005, 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 Director of Law, 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

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-87, Page Four

Passed OCT 10 2005, 2005

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.

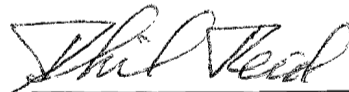
Section 12. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will 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 be combined 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.

Approved: OCT 11 2005

Mayor: Jack L. Kellogg



President of Council

Attest: Cathy Chappin
Clerk of Council

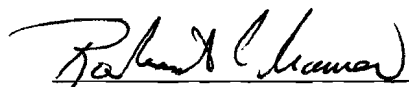
FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$1,300,000 (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) to pay costs of improving Clinton Street, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 20 years.

Dated: October 10, 2005



Auditor
City of Marion, Ohio

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-88, Page One

Passed OCT 10 2005, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,005,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING A CENTRAL GARAGE BUILDING AND RELATED SALT STORAGE DOME, TOGETHER WITH ALL NECESSARY APPURTENANCES, CONSTRUCTING A MAIN TRUNK SANITARY SEWER, AND IMPROVING THE QU QUA DITCH, MARY STREET, HIGH STREET, VINE STREET, NORTH GREENWOOD STREET AND STATE STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH ANY NECESSARY APPURTENANCES AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2004-105, No, 2004-106, and 2004-107, each passed September 27, 2004, a note in anticipation of bonds in the amount of \$4,102,000 dated October 21, 2004 (the "Outstanding Note") was issued to mature on October 19, 2005; a portion of the principal amount of the Outstanding Note was issued to pay for the purposes stated in Section 1.

WHEREAS, this Council finds and determines that the City should retire the Outstanding Note with the proceeds of the notes described in Section 3 (the "Notes") and other funds currently available to the City; and

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the bonds described in Section 1 is 24 years (the "Bonds"), and based on the average number of years of life or period of usefulness of the improvement as measured by the weighted average of the amounts proposed to be expended for the classes of the improvements, the maximum maturity of \$1,780,000 of the principal amount of the Notes is April 24, 2021, and the maximum maturity of \$1,225,000 of the principal amount of the Notes is October 21, 2024;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$3,005,000 to pay costs of constructing, equipping and furnishing a central garage building and related salt storage dome, together with all necessary appurtenances, constructing a main trunk sanitary sewer, and improving the Qu Qua Ditch, Mary Street, High Street, Vine Street, North Greenwood Street and State Street, between certain termini, by constructing sanitary sewers, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2006, shall bear interest at the now estimated rate of six 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, 2007.

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Ordinance No. 2005-88. Page Two

Passed OCT 10 2005, 20

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$3,005,000 shall be issued in anticipation of the issuance of the Bonds and, along with other funds currently available to the City, to retire the Outstanding Note. The Notes shall be dated October 19, 2005 and shall mature October 18, 2006, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days prior to October 18, 2006 by setting forth that maturity date in the certificate awarding the Notes (the "Certificate of Award"). 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 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 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.

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Ordinance No. 2005-88. Page Three

Passed OCT 10 2005, 20

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

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

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

Section 6. The Notes 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 Director of Law, 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

RECORD OF ORDINANCES

Ordinance No. 2005-88 Page Four

Passed

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, 20

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 that portion of the Notes or Bonds issued for purposes of constructing and improving sanitary sewers and related appurtenances, and to the extent such money 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 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 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.

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Dayton Legal Blank, Inc.

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Ordinance No. 2005-88. Page Five

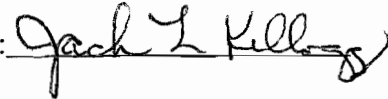
Passed OCT 10 2005, 20

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.

Approved: OCT 11 2005



President of Council

Mayor : 

Attest: 
Clerk of Council

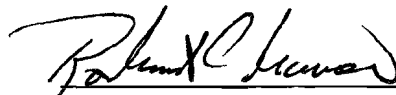
FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$3,005,000 (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) to pay costs of constructing, equipping and furnishing a central garage building and related salt storage dome, together with all necessary appurtenances, constructing a main trunk sanitary sewer, and improving the Qu Qua Ditch, Mary Street, High Street, Vine Street, North Greenwood Street and State Street, between certain termini, by constructing sanitary sewers, together with all necessary appurtenances (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 24 years. The maximum maturity is based on my calculation of the average number of years of life or period of usefulness of the improvement as measured by the weighted average of the amounts proposed to be expended for the classes of the improvements as follows: \$1,780,000 for constructing, equipping and furnishing a central garage building and related salt storage dome, 20 years; \$1,225,000 for constructing a main trunk sanitary sewer and improving the Qu Qua Ditch, Mary Street, High Street, Vine Street, North Greenwood Street and State Street between certain termini, by constructing sanitary sewers, 40 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes with respect to \$1,780,000 of the principal amount is April 24, 2021, and with respect to \$1,225,000 of the principal amount is October 21, 2024.

Dated: October 10, 2005



Auditor
City of Marion, Ohio

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-89. Page One

Passed OCT 10 2005, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$500,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING SILVER 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 (the "Bonds") is 40 years, and the maximum maturity of the notes described in Section 3 (the "Notes") 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 \$500,000 to pay costs of improving Silver 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, 2006, shall bear interest at the now estimated rate of six 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, 2007.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$500,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 19, 2005 and shall mature October 18, 2006, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days prior to October 18, 2006 by setting forth that maturity date in the certificate awarding the Notes (the "Certificate of Award"). 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 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

RECORD OF ORDINANCES

Ordinance No. 2005-89. Page Four

Passed SEPT 19 2005, 20

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 be combined 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.

Approved: SEPT 19 2005



President of Council

Mayor : 

Attest: 
Clerk of Council

RECORD OF ORDINANCES

2003

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-89. Page Three

Passed OCT 10 2005, 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 Director of Law, 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

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Ordinance No. 2005-89. Page Two

Passed 001 ' 2 2005, 2005

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

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$500,000 (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) to pay costs of improving Silver Street, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 20 years.

Dated: October 10, 2005



Auditor
City of Marion, Ohio

RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-90. Page One

Passed OCT 10 2005, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$800,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING OAKGROVE AVENUE, 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 (the "Bonds") is 40 years, and the maximum maturity of the notes described in Section 3 (the "Notes") 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 \$800,000 to pay costs of improving Oakgrove Avenue, 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, 2006, shall bear interest at the now estimated rate of six 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, 2007.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$800,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 19, 2005 and shall mature October 18, 2006, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days prior to October 18, 2006 by setting forth that maturity date in the certificate awarding the Notes (the "Certificate of Award"). 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 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

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Passed OCT 10 2005, 20

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

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

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Passed OCT 10 2005, 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 Director of Law, 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

RECORD OF ORDINANCES

Ordinance No. 2005-90, Page Four

Passed OCT 10 2005, 20

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 be combined 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.

Approved: OCT 11 2005

Phil Steid
President of Council

Mayor: *Jack L. Killip*

Attest: *Cathy Chappin*
Clerk of Council

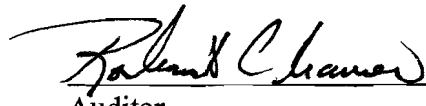
FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$800,000 (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) to pay costs of improving Oakgrove Avenue, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 20 years.

Dated: October 10, 2005



Auditor
City of Marion, Ohio

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-91, Page One

Passed OCT 10 2005, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$900,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING WATERLOO 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 (the "Bonds") is 40 years, and the maximum maturity of the notes described in Section 3 (the "Notes") 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 \$900,000 to pay costs of improving Waterloo 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, 2006, shall bear interest at the now estimated rate of six 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, 2007.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$900,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 19, 2005 and shall mature October 18, 2006, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days prior to October 18, 2006 by setting forth that maturity date in the certificate awarding the Notes (the "Certificate of Award"). 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 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

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Ordinance No. 2005-91, Page TwoPassed OCT 10 2005, 20

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

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-91. Page Three

Passed OCT 10 2005 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 Director of Law, 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

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Passed

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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.

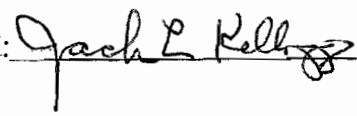
Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that 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 be combined 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.

Approved: OCT 11 2005



 President of Council

Mayor: 

Attest: 

 Clerk of Council

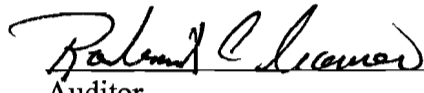
FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$900,000 (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) to pay costs of improving Waterloo Street, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 20 years.

Dated: October 10, 2005



Auditor
City of Marion, Ohio

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-92 Passed OCT 10 2005, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN
THE SCMR FUND FOR THE YEAR ENDING DECEMBER 31, 2005.

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

Section 1. That there be an additional appropriation made in the SCMR fund in the amount of \$20,000.00 as follows:

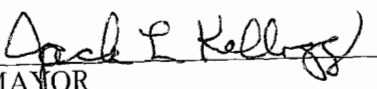
SCMR FUND

Supplies	207.6612.540420	\$ 20,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: OCT 11 2005


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

01.5

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-93 Passed OCT 24 2005 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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 \$155,938.22 for the year ending December 31, 2005 as follows:

GENERAL FUND

FIRE DEPARTMENT

EMS GRANT	101.1131.535223	\$ 2,000.00
ADMINISTRATION	101.1131.540324	1,000.00

CIVIL SERVICE COMMISSION

PROFESSIONAL SERVICES	101.7717.530320	\$ 3,000.00
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STATUTORY ACCOUNTS

ELECTION EXPENSE	101.7744.530621	\$ 354.68
INCOME TAX REFUNDS	101.7744.570712	<u>25,000.00</u>

TOTAL GENERAL FUND \$ 31,354.68

POLICE & FIRE PENSION FUND

BENEFITS	235.1111.510120	\$ 3,291.77
BENEFITS	235.1131.510120	<u>3,291.77</u>

TOTAL POLICE & FIRE PENSION \$ 6,583.54

STORM WATER UTILITY FUND

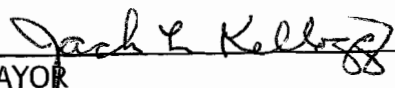
WAGES	509.5554.510110	\$ 30,000.00
BENEFITS	509.5554.510120	16,000.00
PROFESSIONAL SERVICES	509.5554.530320	46,000.00
BILLING SERVICES	509.5554.530324	22,000.00
FUEL	509.5554.540430	<u>4,000.00</u>

TOTAL STORM WATER UTILITY FUND \$118,000.00

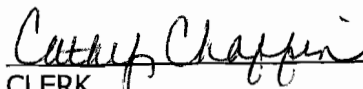
Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: OCT 25 2005


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

1137

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-94

Passed OCT 24 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE 1976 AMERICAN LAFRANCE FIRE TRUCK PREVIOUSLY UTILIZED BY THE FIRE DEPARTMENT, DECLARING THAT IT IS NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.

WHEREAS, the Council has been advised by the Fire Chief that one 1976 American LaFrance Fire Truck previously utilized by his department is no longer necessary within that department, and

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

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

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

1976 American LaFrance – VIN# CE144757

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


Section 3. That the Safety/Service Director is hereby authorized to transfer said vehicle to another governmental entity, Tri-Rivers Joint Vocational School.

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



PRESIDENT OF COUNCIL

APPROVED: OCT 25 2005



MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

1029

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-95

Passed NOV 14 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005

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

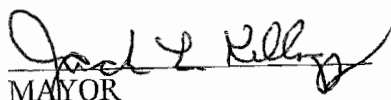
Section 1. That there be additional appropriations made in various funds in the amount of \$1,827,387.66 for the year ending December 31, 2005 as follows:

GENERAL FUND		
FIRE DEPARTMENT		
ADMINISTRATION	101.1131.540324	\$ 9,300.00
CIVIL SERVICE		
PROFESSIONAL SERVICES	101.7717.530320	5,000.00
STATUTORY ACCOUNTS		
COUNTY AUDITOR & TREASURER FEES	101.7744.530623	100.00
TOTAL GENERAL FUND		\$ 14,400.00
PARKS FUND		
ADMINISTRATION	221.3421.540324	\$ 7,800.00
CAPITAL IMPROVEMENT	221.3421.550520	9,675.00
FOUNDERS PARK	221.3421.554520	50.00
TOTAL PARKS FUND		\$ 17,525.00
SEWER SYSTEM IMPROVEMENT FUND		
NOTE INTEREST	503.8913.560609	\$ 242.43
STORM WATER UTILITY FUND		
SOLID WASTE FEES	509.5554.530319	\$ 5,000.00
NOTE INTEREST	509.8913.560609	220.23
TOTAL STORM WATER UTILITY		\$ 5,220.23
SANITARY SEWER IMPROVEMENT FUND		
PROJECT 06-1S	550.5061.550520	\$ 660,000.00
STORM SEWER IMPROVEMENT FUND		
PROJECT 06-1S	560.5061.550520	\$1,040,000.00
CENTRAL GARAGE		
MOTOR FUEL	601.9601.540430	\$ 90,000.00

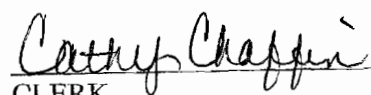
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: NOV 15 2005


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

05:11

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-96

Passed NOV 14 2005, 20

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

WHEREAS, Huron Lime, Inc. submitted the best bid of \$100.33/ per ton delivered.

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

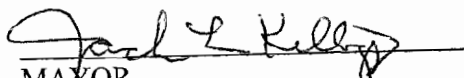
Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with Huron Lime, Inc. for the purchase of High Calcium Pebble Quick Lime to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Sewer Revenue Fund Supplies and Materials Account (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: NOV 15 2005


MAYOR

ATTEST:


CLERK OF COUNCIL

File:Lime Ordinance.w.doc

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-97 Passed NOV 28 2005, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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 \$(815,163.97) for the year ending December 31, 2005 as follows:

<u>GENERAL FUND</u>		
EMS BILLING	101.1131.530324	\$ 16,000.00
POSTAGE	101.7741.540423	2,000.00
ANNUAL AUDIT	101.7744.530622	1,000.00
TRANSFERS OUT		
PARKS FUND	101.7745.580708	(28,000.00)
HEALTH FUND	101.7745.580711	(25,000.00)
POOL FUND	101.7745.580714	<u>(20,000.00)</u>
TOTAL GENERAL FUND		\$(54,000.00)
 <u>SENIOR CITIZENS IIIB FUND</u>		
FUEL	203.3545.540430	\$ 2,352.94
 <u>HEALTH FUND</u>		
<u>WIC ADMINISTRATION</u>		
SALARIES	214.2223.510110	\$(17,000.00)
BENEFITS	214.2223.510120	<u>(8,000.00)</u>
TOTAL HEALTH FUND		\$(25,000.00)
 <u>STORM WATER UTILITY FUND</u>		
BLAKE/WATERLOO PROJECT	509.5053.550520	\$107,104.00
 <u>SWIMMING POOL FUND</u>		
SALARIES	516.3423.510110	\$(11,900.00)
BENEFITS	516.3423.510120	(2,100.00)
SUPPLIES	516.3423.540420	<u>(6,000.00)</u>
TOTAL SWIMMING POOL FUND		\$(20,000.00)
 <u>SANITARY SEWER IMPROVEMENT FUND</u>		
G.O. NOTE INTEREST	550.5553.560609	\$(8,742.08)
 <u>STORM SEWER IMPROVEMENT FUND</u>		
G.O. NOTE PRINCIPAL	560.5554.560610	\$(821,870.50)
G.O. NOTE INTEREST	560.5554.560609	<u>(8,720.33)</u>
TOTAL STORM SEWER IMP. FUND		\$(830,590.83)
 <u>LAW ENFORCEMENT TRUST FUND</u>		
TRUST EXPENDITURES	737.1823.570731	\$ 13,712.00

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

APPROVED: NOV 29 2005



PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

3113

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-98

Passed DEC 13 2005, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2005 TREE REMOVAL PROGRAM, PROJECT 05-2M, 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 2005 Tree Removal Program.

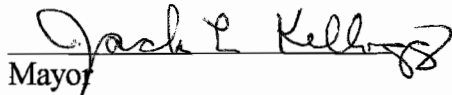
Section 2. That said contract shall be payable from the Tree Care Fund (101.7743.530316).

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 13 2005


Mayor

Attest:


Clerk of Council

RECORD OF ORDINANCES

0107

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-99

Passed 10 12 2005, 20

ORDINANCE TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN THE REHABILITATION OF THE PROSPECT STREET AND COLUMBIA STREET OVERPASSES, AND DECLARING AN EMERGENCY.

PID Number 79938

MAR-SR4D-0.70

(North Prospect Street over CSX Railroad)

(MAR-SR95-14.36)

(Columbia Street over CSX and N&S Railroads)

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 bridge rehabilitations on the following structures:

MAR-SR4D-0.70 (North Prospect Street over CSX Railroad)

Overlay deck and approaches; replace expansion joints; curb repair; reset bearings; and seal substructure and beams.

MAR-SR95-14.36 (Columbia Street over CSX and N&S Railroads)

Overlay deck and approaches; patch piers and pier caps; and seal substructure and beams.

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;

The Ohio Department of Transportation shall assume and bear one hundred percent (100%) of the total costs of Preliminary Engineering, Right of Way and Construction;

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.

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.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-99, Page Two

Passed DEC 12 2005 20

SECTION VI - Authority to Sign

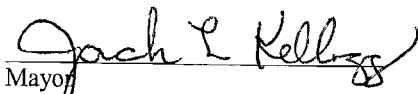
The Safety/Service Director of said City is hereby empowered on behalf of the City of Marion to enter into contracts with the Director of Transportation necessary to complete the above described project.

This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

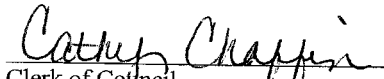


President of Council

APPROVED: DEC 13 2005



Mayor



Clerk of Council