

RECORD OF ORDINANCES

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Ordinance No. 2006-1, Page 1 of 21

Passed JAN 01 2006 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, 2006. AS AMENDED.

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, 2006, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Table listing Police Department expenses: Salaries - Civilian (\$170,381), Salaries - Uniformed (3,321,133), Benefits (1,739,195), Sick Leave Sellback (40,000), Quartermaster (25,000), Travel (2,000), Schooling (3,345), Service Contracts (6,500), Equipment Lease (4,500), Equipment Maintenance (5,000), Insurance (75,000), Supplies (48,700), Fuel & Lubricants (74,000), Professional Service (17,700), Membership Dues (1,000), Subscriptions/Publications (2,000), Utilities (9,950), Central Garage Maintenance (113,884), Smart CAMP (10,000). Total Police Department: \$ 5,669,288

Dispatch Department

Table listing Dispatch Department expenses: Salaries (\$454,572), Benefits (198,714), Sick Leave Sellback (9,000), Quartermaster (2,060), Travel (750), Schooling (5,650), Service Contracts (31,000), Equipment Maintenance (2,000), Supplies (2,000), Membership Dues (50), Subscriptions/Publications (40), Utilities (30,000). Total Dispatch Department: \$ 735,836

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Fire Department

Salaries - Civilian	\$ 33,571	
Salaries - Uniformed	3,219,998	
Benefits	1,681,576	
Sick Leave Sellback	99,000	
Quartermaster	35,500	
Travel	5,000	
Schooling	23,000	
Utilities	70,000	
Service Contracts	6,000	
Equipment Maintenance	11,000	
Building Maintenance	11,200	
Insurance	58,000	
Supplies	43,000	
Fuel & Lubricants	18,000	
Professional Service	8,300	
Membership Dues	1,200	
Subscriptions/Publications	3,000	
EMS Billing	70,000	
Equipment Lease	1,800	
Administration	3,179.73	
Central Garage Maintenance	<u>51,340</u>	
<i>Total Fire Department</i>		\$5,453,664.73

Disaster Services

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

Recreation Department

Salaries	\$ 157,065	
Benefits	70,175	
Sick Leave Sellback	1,000	
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>Total Recreation Department</i>		\$ 345,890

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Senior Citizens Department

Salaries	\$	162,437
Benefits		78,250
Sick Leave Sellback		3,000
Utilities		30,000
Building Maintenance		4,000
Insurance		8,000
Professional Service		750
Central Garage Maintenance		<u>3,318</u>
 <i>Total Senior Citizens Dept.</i>		 \$ 289,755

Planning Department

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

Economic Development Department

Professional Service	\$	108,000
Revenue Sharing		<u>200,000</u>
 <i>Total Economic Development</i>		 \$ 308,000

Street Lighting

Utilities	\$	<u>167,000</u>
 <i>Total Street Lighting</i>		 \$ 167,000

Airport

Salaries	\$	152,468
Benefits		59,355
Sick Leave Sellback		2,500
Travel		700
Utilities		35,750
Service Contracts		12,500
Equipment Maintenance		6,956
Land/Bldg. Maintenance		23,000
Insurance		11,000
Taxes		7,000
Supplies		10,000
Fuel & Lubricants		5,000
Membership Dues		600
Professional Services		5,950
Postage		250
Subscriptions/Publications		300
Quartermaster		700
Janitorial Service		3,300
Schooling		300
Equipment Rent/Lease		200
Central Garage Maintenance		<u>1,000</u>
 <i>Total Airport Operations</i>		 \$ 338,829

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Law Director

Salaries	\$ 237,368	
Benefits	117,937	
Travel	250	
Professional Services	2,000	
Supplies	2,500	
Schooling	1,950	
Membership Dues	700	
Subscriptions/Publications	1,500	
Utilities	800	
Equipment Lease	1,450	
Building Lease	<u>5,580</u>	
<i>Total Law Director's Office</i>		\$ 372,035

Human Resource Director

Salaries	\$ 92,307	
Benefits	41,151	
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>		\$ 152,874

Safety/Service Director

Salaries	\$ 92,309	
Benefits	33,791	
Travel	100	
Professional Services	1,172	
Supplies	2,500	
Demolition	8,989.50	
Burials	500	
Service Contracts	400	
Membership Dues	110	
Litter Control	1,000	
Utilities	<u>480</u>	
<i>Total Safety/Service Dir's Office</i>		\$ 141,351.50

Civil Service Commission

Salaries	\$ 4,100	
Benefits	990	
Professional Services	6,000	
Supplies	<u>500</u>	
<i>Total Civil Service Commission</i>		\$ 11,590

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City Council

Salaries	\$ 104,529
Benefits	25,301
Membership Dues	4,200
Legal Advertising	2,280
Supplies	1,500
Professional Services	3,000
Internet	<u>220</u>

Total City Council \$ 141,030

Municipal Court

Salaries	\$ 415,260
Benefits	179,610
Sick Leave Sellback	1,000
Travel	700
Professional Services	8,500
Equipment Maintenance	1,000
Supplies	17,500
Fuel & Lubricants	1,650
Utilities	2,100
Membership Dues	880
Subscriptions/Publications	400
Schooling	1,200
Court Security	3,527.53
Central Garage Maintenance	<u>1,000</u>

Total Municipal Court \$ 634,327.53

Community Corrections

Benefits	\$ <u>10,758</u>
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Total Community Corrections \$ 10,758

City Hall

Salaries	\$ 47,549
Benefits	18,797
Sick Leave Sellback	2,800
Utilities	180,000
Custodial Service	25,000
Postage Meter	76,000
Building Maintenance	16,000
Insurance	25,000
Supplies	14,000
Service Contracts	13,000
Equipment Lease	6,000
Clothing	450
Professional Services	<u>9,000</u>

Total City Hall \$ 433,596

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Engineering Department

Salaries	\$ 289,844
Benefits	108,909
Sick Leave Sellback	4,700
Travel	1,400
Equipment Maintenance	719
Supplies	1,900
Fuel & Lubricants	2,750
Membership Dues	10
Subscriptions/Publications	300
Schooling	1,300
Tree Care	12,000
Clothing	550
Utilities	3,000
Central Garage Maintenance	<u>481</u>

Total Engineering Department \$ 427,863

Statutory Accounts

Election Expense	\$ 6,000
Examiner Fees	42,100
City Auditor/Treasurer Fees	32,000
Income Tax Refunds	250,000
Flexible Spending	<u>30,000</u>

Total Statutory Accounts \$ 360,100

Transfers

School Resource Officer	\$ 14,120
Violence Against Women	56,940
Health	461,468
Swimming Pool	68,500
Parks	456,650
DRIP Fund	25,228.56
Airport Improvement	<u>7,895</u>

Total Transfers \$ 1,090,801.56

Total General Fund \$17,935,114.32

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SENIOR CITIZENS III-B GRANT FUND

Administration	\$ 19,054.87
Salaries	34,362
Central Garage Maintenance	2,000
Vehicle Leases	7,200
Fuel & Lubricants	9,144
Professional Services	2,500
Supplies	<u>800</u>
<u>Total Sr. Citizens III-B Grant Fund</u>	\$ 75,060.87

SENIOR CITIZENS III-E GRANT FUND

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

STATE BLOCK GRANT FUND

Salaries	\$ <u>9,638</u>
<u>Total State Block Grant Fund</u>	\$ 9,638

STREET CONSTRUCTION MAINTENANCE & REPAIR FUND

Street Maintenance

Salaries	\$ 860,329
Benefits	398,090
Sick Leave Sellback	24,300
Clothing Allowance	9,325
Travel	600
Professional Services	4,950
Service Contracts	2,000
Equipment Maintenance	5,000
Permissive Auto Tax	176,546
Insurance	22,978
Supplies	160,000
Fuel & Lubricants	43,800
Streetscape	6,000
Schooling	2,000
Utilities	49,871
Land & Building Maintenance	1,900
Resurfacing Projects	343,514
Excavation Bonds	11,200
Pavement Bonds	4,000
Central Garage Maintenance	246,000
Equipment Lease	500
Building Rent	9,000
Membership Dues	100
Transfer to GO Bond Retirement	3,000
Equipment	<u>252,996</u>
<u>Total SCMR Fund</u>	\$ 2,637,999

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STATE HIGHWAY IMPROVEMENT FUND

Resurfacing	\$ 104,648
<u>Total State Highway Improvement</u>	\$ 104,648

MMC ASSISTANCE FUND

Professional Services	\$ 50,000
Supplies	2,000
Reimbursements	<u>500</u>
<u>Total MMC Assistance Fund</u>	\$ 52,500

COURT COMPUTERIZATION FUND

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

VIOLENCE AGAINST WOMEN FUND

Salaries	\$ 67,963
Benefits	36,827
Schooling	<u>6,150</u>
<u>Total VAW Fund</u>	\$ 110,940

HEALTH FUND

Administration

Salaries	\$ 259,891
Benefits	101,445
Sick Leave Sellback	3,800
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	7,000
Books/Publications	450
Dues & Memberships	1,500
Schooling	2,000
Equipment Lease	1,800
Tobacco Compliance	1,427.01
Administration	<u>7,411.51</u>
<u>Total Health Administration</u>	\$ 465,756.52

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Inspection

Salaries	\$ 129,269
Benefits	56,570
Sick Leave Sellback	2,000
Travel	2,250
Professional Services	2,000
Weed Control	14,000
Blight Control	12,000
Mosquito Control	6,000
Supplies	1,500
Fuel & Lubricants	800
Insurance	600
Schooling	480
Dues	<u>400</u>

Total Health Inspection \$ 227,869

WIC Administration

Salaries	\$ 42,154
Benefits	18,761
Utilities	4,000
Professional Services	1,000
Land & Bldg. Maintenance	<u>1,000</u>

Total Wic Administration \$ 66,915

TOTAL HEALTH FUND \$ 760,540.52

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 170,792
Benefits	79,029
Travel	1,500
Equipment Maintenance	650
Supplies	4,223
Postage	1,400
Utilities	6,800
Janitorial Services	2,080
Land & Bldg. Maintenance	<u>500</u>

Total WIC Fund \$ 266,974

FEMA FUND

Reimbursements	\$ <u>38,000</u>
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Total FEMA Fund \$ 38,000

SCHOOL RESOURCE OFFICER FUND

Salaries	\$ 48,714
Benefits	<u>24,526</u>

Total School Resource Officer Fund \$ 73,240

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PARKS FUND

Salaries	\$ 272,238
Benefits	123,520
Sick Leave Sellback	4,000
Clothing Allowance	2,700
Utilities	23,000
Service Contracts	400
Equipment Maintenance	2,000
Land/Bldg. Maintenance	22,620
Insurance	9,000
Supplies	30,500
Fuel & Lubricants	9,000
Professional Service	1,650
Yard Waste Fees	3,000
Property Tax	880
Janitorial Services	7,100
Administration	10,408.97
Central Garage Maintenance	13,635
Founders Park	<u>2,088.85</u>
<u>Total Parks Fund</u>	\$ 537,740.82

COMMUNITY CORRECTIONS FUND

Salaries	\$ 85,815
Benefits	26,082
Travel	220
Service Contracts	2,575
Supplies	<u>962</u>
<u>Total Community Corrections Fund</u>	\$ 115,654

ENFORCEMENT AND EDUCATION FUND

Professional Services	\$ 3,000
Equipment	<u>5,050</u>
<u>Total Enforcement & Education Fund</u>	\$ 8,050

INDIGENT ALCOHOL DRIVER FUND

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

SMOKE DETECTOR FUND

Supplies	\$ 8,900
<u>Total Smoke Detector Fund</u>	\$ 8,900

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SENIOR CITIZENS ASSOCIATION FUND

Senior Citizens Program	\$ 18,150
<u>Total Sr. Citizens Association Fund</u>	\$ 18,150

POLICE & FIREMEN PENSION FUND

Police Benefits	\$ 119,145
Fire Benefits	<u>119,145</u>
<u>Total Police/Firemen Pension Fund</u>	\$ 238,290

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

FORMULA GRANT FUND

Private Rehabilitation	\$ 8,500
Fair Housing	500
Administration	26,000
Public Service	98,000
Parks & Recreation Facilities	<u>45,000</u>
<u>Total Formula Grant Fund</u>	\$ 178,000

UNDERGROUND STORAGE TANK FUND

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

G.O. BOND RETIREMENT FUND

Bond Interest	\$ 49,137.50
Bond Principal	45,000
Note Interest	5,750
Note Principal	<u>135,260</u>
<u>Total G.O. Bond Retirement Fund</u>	\$ 235,147.50

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DOFASCO TIF FUND

Administrative Fee	\$ 3,476.48
Infrastructure Loan Interest	55,623.62
Infrastructure Loan Principal	<u>153,413.58</u>

Total Dofasco TIF Fund \$ 212,513.68

D.R.I.P. TIF RIDGEDALE FUND

OPWC LOAN No. CP10D \$ 3,205.05

Total D.R.I.P. TIF Ridgedale Fund \$ 3,205.05

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

OPWC LOAN No. CP10D \$ 3,205.05

Total D.R.I.P. TIF Marion City Schools Fund \$ 3,205.05

CAPITAL IMPROVEMENT FUND

Transfer to MAT Fund	\$ 13,234
FY06 Contingency	259,419.32
Fire Truck Lease Interest	23,841.99
Fire Truck Lease Principal	<u>63,602.69</u>

Total Capital Improvement Fund \$ 360,098

AIRPORT INDUSTRIAL PARK FUND

Professional Services	\$ 8,000
Property Tax	<u>10,000</u>

Total Airport Industrial Park Fund \$ 18,000

SOFTBALL FIELD IMPROVEMENT FUND

Capital Improvements \$ 7,000

Total Softball Field Improvement Fund \$ 7,000

DRIP PARK FUND

Quarry Park \$ 710

Total DRIP Park Fund \$ 710

HARDING CENTRE LOAN FUND

Principal	\$ 24,000
Interest	<u>24,465</u>

Total Harding Centre Loan Fund \$ 48,465

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AIRPORT IMPROVEMENT FUND

Project 17	\$ 157,895	
<i>Total Airport Imp. Fund</i>		\$ 157,895

TRANSIT FUND

Salaries	\$ 356,794	
Benefits	138,421	
Sick Leave Sellback	5,000	
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	550	
Promotional Advertising	900	
Legal Advertising	1,000	
Equipment Lease	1,000	
Building Lease	18,000	
Janitorial Service	500	
Equipment	132,338	
Travel	<u>1,000</u>	
<i>Total Transit Fund</i>		\$ 785,003

SEWER SYSTEM IMPROVEMENT FUND

OWDA Loan Interest	\$ 418,254.14	
OWDA Loan Principal	1,350,563.82	
G.O. Bond Interest	114,965	
G.O. Bond Principal	105,000	
OPWC Loan	<u>61,325.38</u>	
<i>Total Sewer System Imp. Fund</i>		\$2,050,108.34

SEWER REPLACEMENT FUND

Professional Services	\$ 265,000	
Equipment Maintenance	50,000	
Land/Building Maintenance	50,000	
Equipment	130,000	
Capital Improvements	<u>1,300,000</u>	
<i>Total Sewer Replacement Fund</i>		\$1,795,000

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SEWER REVENUE FUND

Water Pollution Control

Salaries	\$1,401,173
Benefits	593,051
Sick Leave Sellback	20,400
Clothing Allowance	12,000
Travel	3,000
Utilities	510,000
Professional Services	198,000
Equipment Maintenance	20,000
Land/Building Maintenance	9,000
Insurance	82,400
Supplies	360,000
Fuel & Lubricants	37,000
Equipment	30,000
Postage	3,300
Refunds	5,000
Transfer-Replacement	200,000
Utility Billing-Reimbursements	67,370
Subscriptions/Publications	1,500
Schooling	12,000
Dues	3,000
Service Contracts	11,000
Janitorial Services	18,000
Capital Improvements	10,000
Central Garage Maintenance	<u>17,000</u>

TOTAL SEWER REVENUE FUND \$ 3,624,194

SANITATION FUND

Refuse Collection

Salaries	\$ 642,457
Benefits	283,373
Sick Leave Sellback	12,000
Clothing Allowance	7,010
Equipment Maintenance	5,000
Insurance	20,000
Supplies	12,000
Fuel & Lubricants	47,000
Yard Waste Fees	45,000
Utility Billing Services	67,370
Service Contracts	1,000
Solid Waste Transfer Expense	587,032
Professional Service	10,000
Equipment Lease	1,050
Schooling	400
Travel	500
Utilities	1,350
Comingling Expense	21,000
Building Rent	9,000
Refunds	600
Central Garage Maintenance	102,000
Capital Lease Interest	8,224.42
Capital Lease Principal	<u>75,093.70</u>

TOTAL SANITATION FUND \$ 1,958,460.12

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LANDFILL MONITORING FUND

Equipment Maintenance	\$ 4,000
Utilities	5,000
Supplies	4,800
Professional Services	75,000
OWDA Loan Interest	70,265.93
OWDA Loan Principal	134,808.19
Equipment	<u>25,000</u>
<i>Total Landfill Monitoring Fund</i>	\$ 318,874.12

STORM WATER UTILITY FUND

Salaries	\$ 292,430
Benefits	110,000
Professional Service	170,000
Equipment Maintenance	10,300
Equipment Lease	5,000
Supplies	59,100
Equipment	27,000
Utility Billing Services	67,370
Insurance	7,000
Fuel	27,000
Capital Improvements	40,000
Clothing	2,100
G.O. Bond Interest	212,000
G.O. Bond Principal	185,000
OPWC Loan No. CP10F	6,349
OPWC Loan No. CP16E	5,960
OPWC Loan No. CP06G	777.58
Central Garage Maintenance	3,000
Solid Waste Expense	<u>19,000</u>
<i>Total Storm Water Utility Fund</i>	\$ 1,249,386.58

SWIMMING POOL FUND

Salaries	\$ 63,415
Benefits	14,585
Utilities	10,900
Equipment Maintenance	600
Land/Building Maintenance	2,350
Insurance	1,650
Supplies	25,000
Professional Services	600
Travel	100
Schooling	<u>400</u>
<i>Total Swimming Pool Fund</i>	\$ 119,600

SANITARY SEWER IMPROVEMENT FUND

GO Note Interest	\$ 111,988
GO Note Principal	<u>2,635,000</u>
<i>Total Sanitary Sewer Imp. Fund</i>	\$ 2,746,988

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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

STORM SEWER IMPROVEMENT FUND

G.O. Note Interest	\$ 88,825
G.O. Note Principal	<u>2,090,000</u>
<i>Total Storm Sewer Impr. Fund</i>	\$ 2,178,825

CENTRAL GARAGE FUND

Salaries	\$ 180,654
Benefits	67,221
Sick Leave Sellback	3,200
Clothing	1,800
Travel	300
Schooling	500
Utilities	56,000
Professional Services	5,000
Service Contracts	5,600
Equipment Maintenance	5,000
Land & Bldg. Maintenance	2,000
Insurance	10,915
Supplies	176,000
Fuel & Lubricants	250,000
Equipment	7,987
Janitorial Services	4,500
G.O. Note Interest	70,000
G.O. Note Principal	<u>1,644,740</u>
<i>Total Central Garage Fund</i>	\$ 2,491,417

UTILITY BILLING FUND

Salaries	\$ 114,099
Benefits	46,913
Sick Leave Sellback	1,000
Travel	200
Professional Services	2,000
Supplies	5,500
Service Contracts	14,200
Postage	19,000
Equipment	1,600
Internet	220
Equipment Lease	<u>1,000</u>
<i>Total Utility Billing Fund</i>	\$ 205,732

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STATE PATROL FINES AGENCY FUND

State Patrol Fines	\$ <u>75,000</u>	
<u>Total State Patrol Agency Fund</u>		\$ 75,000

YOUTH RECREATION TRUST FUND

Recreation Expense	\$ <u>1,000</u>	
<u>Total Youth Recreation Trust Fund</u>		\$ 1,000

SAFETY PATROL TRUST FUND

Safety Patrol Program	\$ <u>1,000</u>	
<u>Total Safety Patrol Trust Fund</u>		\$ 1,000

LAW ENFORCEMENT TRUST FUND

Law Enforcement	\$ <u>23,583.58</u>	
<u>Total Law Enforcement Trust Fund</u>		\$ 23,583.58

PARKING METER AGENCY FUND

Jenkins & Jenkins	\$ <u>3,000</u>	
<u>Total Parking Meter Agency Fund</u>		\$ 3,000

ROTARY AGENCY FUND

Pass-Thru Payments	\$ 20,000	
Greyhound Fares	<u>85,000</u>	
<u>Total Rotary Agency Fund</u>		\$ 105,000

<u>GRAND TOTAL</u>		\$44,368,478.55
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Passed JAN 9 2006, 2006

SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
General	\$16,594,112.76	\$250,200	\$1,090,801.56	\$17,935,114.32
<u>Special Revenue</u>				
Sr. Cit. III-B Grant	75,060.87			75,060.87
Sr. Cit. III-E Grant	5,000			5,000
Sr. Cit. State Block Grant	9,638			9,638
SCMR	2,619,799	15,200	3,000	2,637,999
State Highway Improvement	104,648			104,648
MMC Assistance	52,000	500		52,500
Court Computerization	80,000			80,000
Violence Against Women Grant	110,940			110,940
Health	697,540.52	63,000		760,540.52
WIC Grant	266,974			266,974
FEMA	38,000			38,000
SRO Grant	73,240			73,240
Parks	537,740.82			537,740.82
Community Corrections Grant	115,654			115,654
Enforcement & Education	8,050			8,050
Indigent Alcohol Driver	75,000			75,000
Smoke Detector	8,900			8,900
Senior Citizens Association	18,150			18,150
Police & Firemen Pension	238,290			238,290
Fire Insurance Proceeds		150,000		150,000
Health License		54,150		54,150
Formula Grant	178,000			178,000
Underground Storage Tank	11,000			11,000
<u>Total Special Revenue Funds</u>	\$5,323,625.21	\$282,850	\$ 3,000	\$ 5,609,475.21
<u>Debt Service Funds</u>				
G.O. Bond Retirement	\$ 235,147.50			\$ 235,147.50
Dofasco T.I.F.	212,513.68			212,513.68
DRIP T.I.F. Ridgedale Schools	3,205.05			3,205.05
DRIP T.I.F. Mm. City Schools	3,205.05			3,205.05
Harding Centre Loan	48,465			48,465
<u>Total Debt Service Funds</u>	\$ 502,536.28			\$ 502,536.28

RECORD OF ORDINANCES

Ordinance No. 2006-1, Page 20 of 21

Passed 12-11-06, 2006

SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
<u>Capital Project Funds</u>				
Capital Improvement	\$ 360,098			\$ 360,098
Airport Industrial Park	18,000			18,000
Softball Field Improvement	7,000			7,000
DRIP Park (Quarry I)	710			710
Airport Improvement	<u>157,895</u>			<u>157,895</u>
<u>Total Capital Project Funds</u>	<u>\$ 543,703</u>			<u>543,703</u>
 <u>Enterprise Funds</u>				
Marion Area Transit	\$ 785,003			\$ 785,003
Sewer System Improvement	2,050,108.34			2,050,108.34
Sewer Replacement	1,795,000			1,795,000
Sewer Revenue	3,419,194	5,000	200,000	3,624,194
Sanitation	1,957,860.12	600		1,958,460.12
Landfill Monitoring	318,874.12			318,874.12
Storm Water Utility	1,249,386.58			1,249,386.58
Swimming Pool	119,600			119,600
Sanitary Sewer Improvement	2,746,988			2,746,988
NW Interceptor Improvement	45,478			45,478
Storm Sewer Improvement	<u>2,178,825</u>			<u>2,178,825</u>
<u>Total Enterprise Funds</u>	<u>\$16,666,317.16</u>	<u>\$ 5,600</u>	<u>\$ 200,000</u>	<u>\$16,871,917.16</u>
 <u>Internal Service Funds</u>				
Central Garage	\$ 2,491,417			\$ 2,491,417
Utility Billing	<u>205,732</u>			<u>205,732</u>
<u>Total Internal Service Funds</u>	<u>\$ 2,697,149</u>			<u>\$ 2,697,149</u>
 <u>Trust and Agency Funds</u>				
State Patrol Agency	\$ 75,000			\$ 75,000
Youth Recreation Trust	1,000			1,000
Safety Patrol Trust	1,000			1,000
Law Enforcement Trust	23,583.58			23,583.58
Parking Meter Agency	3,000			3,000
Rotary Agency	<u>105,000</u>			<u>105,000</u>
<u>Total Trust & Agency Funds</u>	<u>\$ 208,583.58</u>			<u>\$ 208,583.58</u>
GRAND TOTAL	\$42,536,026.99	\$ 538,650	\$1,293,801.56	\$44,368,478.55

RECORD OF ORDINANCES

0167

Ordinance No. 2006-1, Page 21 of 21

Passed JAN 01 2006, 20

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

[Signature]
PRESIDENT OF COUNCIL

APPROVED: JAN 03 2006

[Signature]
MAYOR

ATTEST:

[Signature]
CLERK

RECORD OF ORDINANCES

2757

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-10

Passed FEB 13 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A NEW EMERGENCY SQUAD AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the purchase of a new emergency squad.

Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative 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 14 2006

Jack L. Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK OF COUNCIL

RECORD OF ORDINANCES

1109

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-11 Passed FEB 13 2006, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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 \$693,311.78 for the year ending December 31, 2006 as follows:

General Fund

Fire Donations	101.1131.540324	\$ 1,274.27
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SCMR Fund

Federal Street Projects	207.6612.530532	\$ 361,753.40
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Storm Water Utility Fund

Barks Road Storm Project	509.5554.550520	\$ 330,284.11
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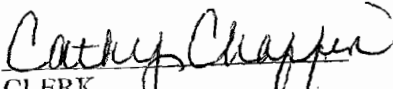
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: FEB 14 2006


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

02.1

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-12

Passed FEB 13 2006, 20

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

WHEREAS, Buckeye Ready Mix LLC submitted the best bid of \$48.00 per cu.yd.plus \$50.00 under 5 cu.yd.

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

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with Buckeye Ready Mix LLC for the purchase of Controlled Density Fill (CDF) to be used at the Water Pollution Control Plant.

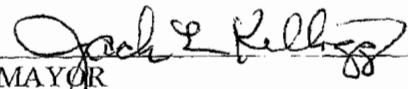
Section 2. That the contract shall be payable from the Water Pollution Control Supplies and Materials Account (505.5552.540420) and Storm Water Utility Supplies and Material (509.5554.540420).

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



President of Council

APPROVED: **FEB 14 2006**



MAYOR

ATTEST:



CLERK OF COUNCIL

CDF Ordinance.w

RECORD OF ORDINANCES

60 3

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-13

Passed MAR 13 2006 20

ORDINANCE 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 912.10 of the Chapter 912 of the Codified Ordinances, as amended and now reading in part as follows:

“912.10 USER CHARGE”

(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;

is hereby amended to read as follows:

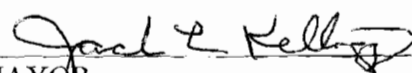
(a) User Charge

- (1) \$ 5.89 per monthly bill;
- (2) \$10.99 per bimonthly bill;
- (3) \$ 1.05 per 100 cubic feet for monthly bill;
- (4) \$ 1.05 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: MAR 14 2006


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-14

Passed FEB 13 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE ONE COMPUTER, AUTODESK LAND DESKTOP DESIGN SOFTWARE, DIGITAL RECORDING DEVICE, AND A XEROX 8830 DDS LARGE FORMAT PRINTER/SCANNER UNIT TO BE USED IN THE ENGINEERING DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City Engineering Department will need these technological products for future project plan design and numerous other needed daily office uses.

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

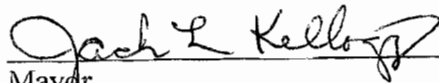
Section 1. That the Safety/Service Director is hereby authorized and directed to purchase the above items for the amount of \$17,600.00 (Capital Improvement/Equipment).

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the city; and as such, shall take effect and be in force immediately upon passage and approval by the Mayor, provided it receives the affirmative 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 14 2006**



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

07 17

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-15

Passed FEB 13 2006, 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:

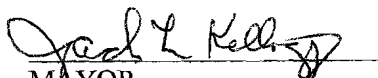
Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto 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."

Sewer Replacement Fund	\$ 5,138.76
Storm Water Utility Fund	\$ 8,749.79
Total	\$ 13,888.55

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


PRESIDENT OF COUNCIL

APPROVED: FEB 14 2006


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

Ordinance No. _____ Passed _____, 20____

DATE	Fund/Account No.	Vendor / Reason	P.D. No	Amount
	<i>Voucher With Improper Purchases Charge</i>			
10/27/05	5095553.530320 SEWER REPLACEMENT	Miera Consultants / P.D. Too Late	RQ 137410	\$ 5138.76
		2005 EXPENSE; 2006 P.D.		
10/27/05	5095554.530320 SEWER UTILITY	Miera Consultants / P.D. Too Late	RQ 137410	\$ 8749.79
		2005 EXPENSE; 2006 P.D.		
<u>Grand Total</u>				<u>\$ 13888.55</u>

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-16

Passed FEB 13 2006, 20

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO PREPARE AND ADVERTISE A REQUEST FOR QUALIFICATIONS FOR HOUSING INSPECTION SERVICES AND ENTER INTO CONTRACT WITH THE MOST QUALIFIED INDIVIDUAL OR FIRM IN ORDER TO APPLY FOR THE COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) GRANT, SUBJECT TO THE MUTUAL AGREEMENT OF THE CITY OF MARION AND THE INDIVIDUAL OR FIRM, AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion intends to apply for a competitive Community Housing Improvement Program (CHIP) grant which requires a Housing Inspector trained in Housing Grant procedures, bidding, client selection, grant rehabilitation standards and inspection procedures, including lead assessment and abatement; and

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

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

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

SECTION 1. That this Council hereby authorizes the Mayor to prepare and advertize a Request for Qualifications and Request for Proposals for nonprofit or similar organizations, firms or individuals to provide housing rehabilitation specialist services to assist the City of Marion in carrying out a Housing Rehabilitation Grant Program through the State of Ohio Community Housing Improvement Program (CHIP).

SECTION 2. That the cost of such contract shall be conditioned on receiving the CHIP grant.

SECTION 3. That, upon approval of the City of Marion's grant application, the Mayor is authorized to enter into contract with the firm or individual, subject to the mutual agreement of the City of Marion and the individual or firm.

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


PRESIDENT OF COUNCIL

APPROVED: FEB 14 2006


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

02 11

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-17, Page 1 of 4

Passed _____, 20____

ORDINANCE ENACTING A MUNICIPAL EXOTIC ANIMAL CONTROL REGULATION BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CODIFIED ORDINANCES BY REPLACING THE EXISTING 618.18 WITH CERTAIN REGULATIONS PROVIDING FOR THE PROHIBITION AND CONTROL OF EXOTIC ANIMALS WITHIN THE CITY OF MARION HAVING DECLARED SAME TO BE A NUISANCE, AND ADOPTING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE

WHEREAS, the Council for the City of Marion has found a need for the adoption of Exotic Animal Control Regulations within the Municipality, after much investigation, consideration and public debate. The Council finds the possession, harboring and/or keeping of certain exotic animals to be declared a public nuisance. Further the Council finds the rules, laws and legislation provided herein are reasonable for the community standards and will eliminate the existing public nuisance given the real and present need to ensure the abatement of pre-existing public nuisances, along with future public nuisances, and

WHEREAS, the Council wishes no further delay in the enactment of exotic animal control regulations and controls it does hereby expressly determine and declare that all existing nonconforming animals constitute public nuisances in need of abatement in order to ensure the continued health, safety, morals and general welfare of the public as it has determined this act to be in the best interests of the citizens of Marion, Ohio.

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

Section 1. There shall be created, adopted and enacted an Exotic Animal Control Regulation Ordinance to be established under Chapter 618 of the existing Codified Ordinances replacing the existing 618.18 in its entirety by providing for prohibitions and regulations of exotic animals within the City of Marion, Ohio, to read as follows:

618.18 REGULATION OF EXOTIC OR DANGEROUS ANIMALS

(A) No person shall knowingly keep, maintain or have in his possession or under his control within the City any dangerous or carnivorous wild animal or reptile, or any other animal or reptile of wild, vicious or dangerous propensities (not including canines and domesticated cats), except to the extent that an exemption may be applicable pursuant to subsections (D) or (E) hereof. As used in this section, dangerous or vicious animal means and includes the following:

(1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(2) Any animal which attacks a human being or domestic animal without provocation; or

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

(B) Where an animal not prohibited herein or for which is granted an exception herein, the owner or keeper from which the animal escapes from his/her custody or control shall, within one hour after he/she discovers or reasonably should have discovered the escape, report it to:

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-17, Page 2 of 4

Passed _____ 20____

(1) A law enforcement officer of the municipality; and

(2) The Clerk of the Municipal Legislative Authority where the escape occurred.

(a) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by division (A) of this section, then it is sufficient compliance with division (B)(2) of this section if the owner or keeper makes the report within one hour after the office is next open to the public.

(C) For purposes of this section, there shall be an irrebuttable presumption that, when kept or maintained within the City of Marion, the animals listed below are considered dangerous animals to which the prohibition of subsection (a) hereof, in the absence of an exemption pursuant to subsections (d) or (e) hereof, applies:

- (1) All crotalid, elapid and venomous colubroid snakes;
- (2) Apes: Gibbons (*hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*);
- (3) Baboons (*Papoi*, *Mandrillus*);
- (4) Bears (*Ursidae*);
- (5) Bison (*Bison*);
- (6) Cheetahs (*Acinonyx jubatus*);
- (7) Crocodilians (*corcodilia*) and Alligators when twenty-four (24) inches in length or more;
- (8) Constrictor snakes exceeding six (6) feet in length;
- (9) Coyotes (*Cants latrans*);
- (10) Deer (*cervidae*) includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
- (11) Elephants (*Elephas* and *Loxodonta*);
- (12) Foxes (*Canis vulpes*);
- (13) Game cocks and other fighting birds;
- (14) Hippopotami (*Hippopotamidae*);
- (15) Hyenas (*Hyaenidae*);
- (16) Jaguars (*Panthera onca*);
- (17) Leopards (*Panthera pardus*);
- (18) Lions (*Panthera leo*);
- (19) Lynxes (*Lynx*);
- (20) Ostriches (*Struthio*);
- (21) Piranha fish (*Characidae*), except those considered vegetarians;
- (22) Pumas (*Felis concolor*), also known as cougars, mountain lions and panthers;
- (23) Rhinoceroses (*Rhinocerotidae*);
- (24) Sharks (Class *Chondrichthyes*);
- (25) Snow leopards (*Panthera uncia*);
- (26) Swine (*Suidae*); (excepting pot bellied pigs)
- (27) Tigers (*Panthera tigris*);
- (28) Wolves (*Canis lupus*) or Wolf hybrids;
- (29) Scorpions;
- (30) Birds of prey, except for those held by licensed falconers;
- (31) Venomous fish;
- (32) Poisonous spiders, except for tarantulas;
- (33) Stinging insects (except honey bees);
- (34) Bats being confined.

(D) Licensed menageries, zoological gardens, and circuses shall be exempt from the provisions of subsection (A) hereof if all of the following conditions are applicable:

Marion County Fair

RECORD OF ORDINANCES

0213

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-17, Page 3 of 4

Passed _____, 20____

- (1) The location conforms to the provisions of the City Zoning Code;
- (2) All animals and animal quarters are kept in a clean, humane and sanitary condition and so maintained as to eliminate objectionable odors;
- (3) Animals are maintained in quarters so constructed as to prevent their escape; and
- (4) No person resides within fifty (50) feet of the quarters in which the animals are kept.

(E) Notwithstanding any of the foregoing, the Director of Public Service/Safety may grant a specific exemption, on a temporary or permanent basis, from any of the provisions of this section to any person with a legitimate scientific, educational, commercial or other purpose for maintaining the prohibited animals, in accordance with the following provisions:

(1) Written application for exemption shall be filed by any person desiring to obtain an exemption with the Director of Public Service/Safety. The application shall state the applicant's name, address, type and number of animals desired to be kept, general purpose for which the animals will be kept, and a general description of provisions which will be made for safe, sanitary and secure maintenance of the animals.

(2) The Director of Public Service/Safety may grant, deny or restrict the terms of an application for exemption; provided, however, that he shall take some official action on an application within 120 days of its filing.

(3) In considering the merits of an application for exemption, the Director of Public Service/Safety may cause one or more inspections of the applicant's premises to be made by appropriate City employees or representatives, and may also refer the application to persons who are technically knowledgeable with respect to the animals involved for an advisory opinion.

(4) In evaluating an application for exemption, the Director of Public Service/Safety shall give consideration to the following criteria:

- a. The experience and knowledge of the applicant relative to the animals involved;
- b. Whether the applicant has obtained a federal or state permit relative to the animals involved;
- c. The relative danger, safety and health risks to the general public, to persons residing or passing near the applicant's premises, and to the applicant in connection with the animals involved;
- d. The provisions which have been or will be made for the safe, sanitary and secure maintenance of the animals for the protection of the general public, persons residing or passing near the applicant's premises, and the applicant, to include the provision of insurance coverage's;
- e. The provisions which have been made or will be made to protect the safety and health of the animals involved;
- f. Any other logically relevant information.

(5) An application for exemption under this subsection (E) shall be denied unless the Director of Public Service/Safety determines that, in view of all the relevant criteria and any restrictions which he may provide, reasonably appropriate measures commensurate with the degree of risk associated with the animals involved have been or will be taken to assure at least a minimum acceptable level of protection from danger to the health and safety of the general public, persons residing or passing near the applicant's premises, and the applicant.

RECORD OF ORDINANCES

Ordinance No. 2006-17, Page 4 of 4

Passed _____, 20____

(6) An exemption granted pursuant to this subsection (E) may be withdrawn by action of the Director of Public Service/Safety in the event that the Director determines that there has been a change in the conditions or assumptions under which it was originally granted or in the event that the applicant fails to comply with restrictions originally placed on the exemption, including the right of the Director or his designee to access the confinement premises at any time for inspection.

(F) No exemption granted pursuant to any provision of this section shall be construed, nor is it intended by the City of Marion as a guaranty or warranty of any kind, whether express or implied, to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger or lack thereof, or degree of risk or health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.

(G) Penalty - Whoever violates any provision of this section shall be guilty of a misdemeanor of the third degree. However, if during the preceding twelve months there has been a previous conviction the offense shall be a misdemeanor of the first degree.

SECTION 2. All Ordinances, Resolutions, Regulations and/or Rules not referenced herein shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law, however the date upon which the enforcement of its provisions shall be enforced shall be the 1st day of September, 2006.

President of Council

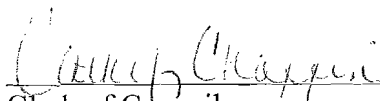
APPROVED:

Mayor

ATTEST:

Clerk of Council

By a majority vote of the members, the legislation failed on the 13th day of March, 2006.



Clerk of Council

RECORD OF ORDINANCES

9225

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-18, Page 1 of 4Passed FEB 13 2006, 20

ORDINANCE FOR THE PURPOSES OF CODIFICATION OF CHAPTER 175: COMMUNITY REINVESTMENT HOUSING COUNCIL, BY RESTATING ORDINANCE NO. 1989-55, 1996-75, 2001-106 AND 2002-131 WITH ALL PRIOR TERMS AND CONDITIONS CONTINUING IN FULL FORCE AND EFFECT.

WHEREAS, the Ordinance No. 1989-55, 1996-75, 2001-106 and 2002-131 adopted and codified the Marion City Code Chapter 175, and

WHEREAS, the council finds it necessary to consolidate and restate said ordinances. all terms in said ordinances continue to be in force.

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

Section 1. § 175 COMMUNITY REINVESTMENT HOUSING COUNCIL, shall be consolidated and restated to read as follows:

CHAPTER 175: COMMUNITY REINVESTMENT HOUSING COUNCIL

Section

- 175.01 Council created; qualifications and appointments
- 175.02 Housing Officer
- 175.03 Community Reinvestment Areas
- 175.04 Real Property Tax Exemptions General Provisions
- 175.05 Residential Real Property Tax Exemptions
- 175.06 Commercial and Industrial Real Property Tax Exemptions
- 175.07 Compliance Provisions
- 175.08 Tax Incentive Review Council
- 175.09 Designation of Community Reinvestment Areas

§ 175.01 COUNCIL CREATED; QUALIFICATIONS AND APPOINTMENTS.

A Community Reinvestment Area Housing Council shall be created consisting of two members appointed by the Mayor of Marion, two members appointed by the Council of the City of Marion, and one member appointed by the Planning Commission of Marion. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the council shall be for three (3) years. An unexpired term resulting from a vacancy in the council shall be filled in the same manner as the initial appointment was made.

§ 175.02 HOUSING OFFICER.

To administer and implement the provisions of this Chapter the Planning Director or acting officer is designated as a housing officer as described in ORC. Section 3735.65 through 3735.70.

§ 175.03 COMMUNITY REINVESTMENT AREAS.

The community reinvestment housing council shall recommend the creation of areas within the City of Marion for designation as Community Reinvestment Areas. These areas are comprised of housing facilities or structures of Historical Significance and in which new construction or repair of the existing facilities has been discouraged. The Council reserves the right to reevaluate the designation of the Marion Community Reinvestment Area after December 31, 2007, at which time Council may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the ORC.

§ 175.04 REAL PROPERTY TAX EXEMPTIONS GENERAL PROVISIONS.

Within the Community Reinvestment Area the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in the ORC.

RECORD OF ORDINANCES

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Passed FEB 18 2006, 20

Section 3765.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC. Section 3735.671. For residential property, a tax exemption on the increase in the assessed valuation resulting from improvements as described in ORC. Section 3735.67 shall be granted upon proper application by the property owner and certification thereof by the designated housing officer for the following periods. Residential applications must be filed with the Housing Officer within thirty (30) days after construction completion. Commercial and Industrial applications shall be filed with the Housing Officer prior to construction or remodeling.

§ 175.05 RESIDENTIAL REAL PROPERTY TAX EXEMPTIONS.

Residential Properties within the Community Reinvestment Area # 1 the amount exempted to be granted will be:

(1) Three (3) years 100% abatement on improvements for remodeling any residential structure (dwelling) upon which the cost is at least seventy-five thousand dollars.

(2) Three (3) years 100% abatement on improvements for the construction of a new dwelling structure upon which the cost is at least \$150,000.

Residential Properties within the Community Reinvestment Area # 2 the amount exempted to be granted will be:

(1) Five (5) years 100% abatement for the remodeling of every dwelling containing not more than two family units upon which the cost of remodeling is at least ten (10) thousand dollars.

(2) Five (5) years 100% abatement for the remodeling of every dwelling containing more than two units, upon which the cost of remodeling is at least thirty (30) thousand dollars.

(3) Ten (10) years for the construction of every new residential dwelling structure as described in Division C of Section 3735.67, which cost is at least thirty-five (35) thousand dollars.

In each case applicants must submit bills or invoices to demonstrate the minimum expenditure threshold has been met. To be eligible, at least part of the cost must be for work on the exterior of the structure. Dwelling shall mean the principal residential structure and shall not include the following items: Garages, decks, fences, pools, tubs, ponds, landscaping, or any other item determined by the Housing Officer to not qualify as permissible.

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

§ 175.06 COMMERCIAL AND INDUSTRIAL REAL PROPERTY TAX EXEMPTIONS.

Commercial and Industrial within the Community Reinvestment Area # 1 the amount exempted to be granted will be:

(1) Three (3) years 100% abatement on improvements for remodeling any residential structure (dwelling) upon which the cost is at least seventy-five thousand dollars.

(2) Three (3) years 100% abatement on improvements for the construction of a new dwelling structure upon which the cost is at least \$150,000.

Commercial and Industrial Properties within the Community Reinvestment Area # 2 the amount exempted to be granted will be:

(1) Twelve (12) years for existing industrial or commercial facilities, but the percentage of abatement shall be negotiated on a case-by-case basis in advance of the construction or remodeling occurring.

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Passed FEB 13 2006, 20

(2) Fifteen (15) years from new industrial or commercial facilities, but the percentage of abatement shall be negotiated on a case-by-case basis in advance of the construction occurring.

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

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

§ 175.07 COMPLIANCE PROVISIONS.

(a) All commercial and industrial projects are required to comply with the State application fee requirements of ORC. 3735.672 and the local annual monitoring fee. Agreements granting exemptions for commercial and industrial real property improvements shall include provisions requiring the repayment of all abated taxes in the event that the owner is determined to have failed or comply with the terms of the agreement as provided in ORC 3735.68. In addition, all agreements for the abatement of commercial and industrial property which include construction or remodeling which cost is at least fifty thousand (\$50,000) shall include provisions requiring the owner to make annual payments to the Marion City School District in an amount not less than fifty percent (50%) of the value of abated school district taxes unless otherwise approved by the Board of Education of the Marion City School District.

(b) The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under ORC. 3735.67. The Council shall also hear appeals under ORC. 3735.70.

(c) The Council reserves the right to annually reevaluate the designation of the community reinvestment area and at that time may direct the housing officer not to accept any new applications for exemptions as described in ORC. 3735.67.

§ 175.08 TAX INCENTIVE REVIEW COUNCIL.

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

§ 175.09 DESIGNATION OF COMMUNITY REINVESTMENT AREAS.

Pursuant to ORC. 3735.66 and this chapter, there is hereby designated Community Reinvestment Area #1 and Community Reinvestment Area #2. Descriptions and maps of these reinvestment areas are available from the Clerk of Council and the Housing Officer. Only residential, commercial and/or industrial projects consistent with the applicable zoning regulations within these designated community reinvestment areas will be eligible for exemptions under this chapter.

(Ord. 1989-55, passed 9-25-1989; Ord. 1996-75, passed 7-8-99; Ord. 1999-127, passed 10-11-99; Am. Ord. 2001-106, passed 7-23-2001; Am. Ord. 2002-131, passed 1-27-2003)

RECORD OF ORDINANCES

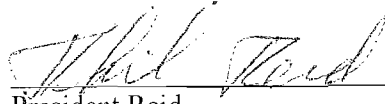
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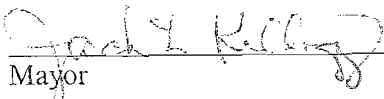
Passed FEB 13 2006, 20

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




President Reid

APPROVED: FEB 13 2006



Mayor



Clerk of Council

RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-19, Page 1 of 2

Passed FEB 13 2006, 20

ORDINANCE AMENDING MARION CITY CODE SECTION 654.01
OBSTRUCTING STREETS BY RAILROAD COMPANIES BY
INCORPORATING RECENT MODIFICATIONS MADE BY THE STATE
LEGISLATURE, MODIFYING THE PENALTY PROVISIONS AND
DECLARING AN EMERGENCY

WHEREAS, the Council has been vigilant in supporting law enforcements effort to hold railroads accountable for unjust blockages of City grade crossings, and

WHEREAS, it has come to the Council's attention that the State Legislature recently modified the State Code in order for it to better deal with the same issue, and

WHEREAS, the Council for the City finds it to be in the best interests of the citizens of the Marion Community to adopt a similar provision as that which was adopted by the State and, in addition, finds it to be in the best interests its' residents to make necessary modifications to the applicable penalty provisions in order to eliminate and abate a re-occurring nuisance,

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

Section 1. § 654.01 **OBSTRUCTING STREETS BY RAILROAD COMPANIES**, now reading in relevant part:

(A) No railroad company shall obstruct or permit or cause to be obstructed a public street, road or highway by permitting a railroad car, locomotive or other obstruction to remain upon or across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon such street, road or highway. No railroad company shall fail, at the end of each five minutes period of obstruction of a public street, road or highway, to cause such railroad car, locomotive or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross.

This section does not apply to obstruction of a public street, road or highway by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation those caused by stopped trains and trains engaged in switching, loading or unloading operations.

Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the railroad company pursuant to R.C. § 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred.

(R.C. § 5589.21)

(B) Whoever violates this section is guilty of a minor misdemeanor. (R.C. § 5589.99(B)) ('70 Code § 654.01) Penalty, see § 698.02

shall be amended to read as follows:

§ 654.01 OBSTRUCTING STREETS BY RAILROAD COMPANIES.

(A) No railroad company shall obstruct or permit or cause to be obstructed a public street, road or highway by permitting a railroad car, locomotive or other obstruction to remain upon or across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon such street, road or highway. No railroad company shall fail, at the end of each five minutes period of obstruction of a public street, road or highway, to cause such railroad car, locomotive or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons

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Passed FEB 13 2006, 20

and vehicles waiting to cross.

This section does not apply to obstruction of a public street, road or highway by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation those caused by stopped trains and trains engaged in switching, loading or unloading operations.

Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the railroad company pursuant to R.C. § 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred.
(R.C. § 5589.21)

(B) NO RAILROAD COMPANY SHALL OBSTRUCT, OR PERMIT OR CAUSE TO BE OBSTRUCTED, A PUBLIC STREET, ROAD, OR HIGHWAY, BY PERMITTING ANY PART OF A TRAIN WHOSE CREW HAS ABANDONED THE LOCOMOTIVE TO REMAIN ACROSS IT FOR LONGER THAN FIVE MINUTES TO THE HINDRANCE OR INCONVENIENCE OF TRAVELERS OR A PERSON PASSING ALONG OR UPON THE STREET, ROAD, OR HIGHWAY, UNLESS THE SAFETY OF THE TRAIN CREW REQUIRES THEM TO ABANDON THE LOCOMOTIVE. (R.C. § 5589.211)

UPON THE FILING OF AN AFFIDAVIT OR COMPLAINT FOR VIOLATION OF THIS SECTION, SUMMONS SHALL BE ISSUED TO THE RAILROAD COMPANY PURSUANT TO R.C. sec 2935.10(B), WHICH SUMMONS SHALL BE SERVED ON THE REGULAR TICKET OR FREIGHT AGENT OF THE COMPANY IN THE COUNTY WHERE THE OFFENSE OCCURRED.


(C) WHOEVER VIOLATES DIVISION (A) IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE AND SHALL BE FINED ONE THOUSAND DOLLARS. WHOEVER VIOLATES DIVISION (B) IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE AND SHALL BE FINED FIVE THOUSAND DOLLARS. (R.C. § 5589.99)

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 move forward without delay to implement recent changes in State Code and modify penalty provisions in order to deal with an immediate nuisance in need of abatement; 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.



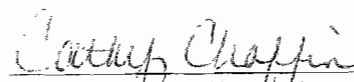
President

APPROVED: FEB 13 2006



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

0189

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-2

Passed FEB 13 2006, 20

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING TWO ACRES OF LOT 368 LOCATED ON THE SOUTH SIDE OF OWENS STREET FROM AN I-1 LIMITED INDUSTRIAL DISTRICT TO AN R-3 MULTI-FAMILY DISTRICT. (Applicant Josh Daniels)

WHEREAS, Council finds that the real property described below, should be rezoned, from an I-1 Limited Industrial District to an R-3 – Multi-Family 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 two acres of lot 368 located on the south side of Owens Street, Marion, Ohio and being more particularly described in the attached Exhibit A. Said parcel currently zoned as I-1 Limited Industrial District shall be rezoned to an R-3 – Multi-Family District, and

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

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



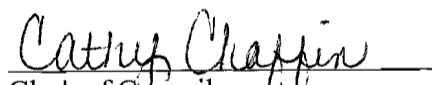
President of Council

APPROVED: **FEB 14 2006**



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0190

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-3

Passed JAN 10 2006, 20

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, OHIO CONTAINING 36.252 ACRES, OWNED BY THE CITY OF MARION

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Mayor Jack L. Kellogg, as Agent for the City of Marion; and

WHEREAS, the petition was duly filed with the Board of County Commissioners of Marion County, Ohio on October 20, 2005; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on November 17, 2005; and

WHEREAS, the Board of County Commissioners has approved the annexation of the territory to the City of Marion as hereinafter described; and

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

Section 1. That the proposed annexation as applied for in the petition of Mayor Jack L. Kellogg, as Agent, and sole owner of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on October 20, 2005, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described was approved for annexation to the City of Marion by the Board of County Commissioners on November 17, 2005, be and is hereby accepted. The territory is described in the attached Exhibit A.

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council of this city.

Section 2. That the territory shall be zoned and designated as a City R-1A Single Family District, Low Density.

Section 3. The Clerk of Council be and she is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all other things required by law.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

APPROVED: JAN 10 2006

Phil Reid
PRESIDENT OF COUNCIL

Jack L Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK

RECORD OF ORDINANCES

0192

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No.

2006-4, Page One

Passed

MAR 13 2006

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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, ESTABLISHING THE DELAWARE-BARKS MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND, APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT, APPROVING AND AUTHORIZING THE EXECUTION OF A SCHOOL COMPENSATION 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, the statutory period has 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;

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Passed MAR 13 2006, 20

WHEREAS, Ohio Revised Code Section 5709.82(B) provides that this Council may negotiate and enter into an agreement whereby the School District is compensated for tax revenue foregone by the School District as a result of the exemption from taxation granted pursuant to Ohio Revised Code Section 5709.40; and

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

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 of time commencing with the tax year in which an improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of the ordinance and ending on the earlier of (i) thirty (30) years after such date or on the date 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 Delaware-Barks 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.

In accordance with the School Compensation Agreement, the County Treasurer shall distribute to the Treasurer of the School District such amount of each Service Payment as shall be provided in the School Compensation Agreement.

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Dayton Legal Blank, Inc.

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Ordinance No. 2006-4, Page Three

Passed MAR 13 2006, 2006

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, any 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 Marion-Barks, 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 School Compensation Agreement with the Board of Education of the Pleasant Local School District (the "School Compensation Agreement") in the form presently on file with this Council providing for, among other things, payments to the Pleasant Local School District as compensation for tax revenue foregone by the School District as a result of the exemption from taxation granted herein is hereby approved, and the Mayor is hereby authorized to execute and deliver the School Compensation 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 School Compensation 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 School Compensation 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 7. The Mayor, the Auditor, the Treasurer and the Law Director, and any other City official, as appropriate, are each authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the transactions described in or contemplated by this ordinance and the TIF Agreement.

Section 8. Pursuant to Ohio Revised Code Section 5709.40, the Clerk of this Council is hereby directed to deliver a copy of this ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Mayor shall prepare and submit, or cause to be prepared and submitted, to the Director of the Department of Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.40(G).

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Passed

MAR 13 2006

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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, any 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 Marion-Barks, 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 School Compensation Agreement with the Board of Education of the Pleasant Local School District (the "School Compensation Agreement") in the form presently on file with this Council providing for, among other things, payments to the Pleasant Local School District as compensation for tax revenue foregone by the School District as a result of the exemption from taxation granted herein is hereby approved, and the Mayor is hereby authorized to execute and deliver the School Compensation 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 School Compensation 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 School Compensation 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 7. The Mayor, the Auditor, the Treasurer and the Law Director, and any other City official, as appropriate, are each authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the transactions described in or contemplated by this ordinance and the TIF Agreement.

Section 8. Pursuant to Ohio Revised Code Section 5709.40, the Clerk of this Council is hereby directed to deliver a copy of this ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Mayor shall prepare and submit, or cause to be prepared and submitted, to the Director of the Department of Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.40(G).

Exhibit A



Description of 1.871 Acres

Situate in the State of Ohio, County of Marion, City of Marion, being all of Lot 18157 and part of Lots 18156 and 18158 in Delco Plaza Shopping Center, recorded in Plat Book 11, Page 147 and also being all of that 0.719 acre tract of land described in deed to R.W. Associates, A Partnership, by deed of record in Official Record Volume 550, Page 669, part of that 6.57 acre tract of land described in deed to Irving S. Borrow and Jonathan P. Rosen as Trustees for Eugene Nimikoff, ETAL, by deed of record in Official Record Volume 550, Page 667, and part of that tract of land described in deed to R.W. Associates, a Partnership, by deed of record in Official Record Volume 550, Page 669 and being more particularly described as follows:

COMMENCE at an existing 1-inch iron pipe found in a monument box at the centerline intersection of Delaware Avenue (State Route 423) with Barks Road (C.R. 138);

Thence, South 88°58'40" West, with the centerline of said Barks Road, a distance of 262.46 feet to a railroad spike found at an angle point of the existing City of Marion Corporation Line;

Thence, North 18°44'41" West, with said City of Marion Corporation Line, a distance of 31.50 feet to a point referenced by a 1-inch iron pin found, South 88°58'40" West, along the north right-of-way line of said Barks Road, a distance of 5.00 feet said point being at the southeast corner of said Lot 18158 and the southwest corner of that 1.55 acre tract described in the deed to Speedway SuperAmerica LLC, a Delaware Limited Liability Company, by deed of record in Official Record Volume 393, Page 915, said point also being at the **TRUE PLACE OF BEGINNING**;

Thence, South 88°58'40" West, with the south line of said Lot 18158, a distance of 133.85 feet to an iron pin set;

Thence, through said Lot 18158 the following three (3) courses:

Course 1) With the arc of a curve to the left, having a radius of 60.00 feet, an interior angle of 108°10'02", a chord which bears North 34°53'39" East at 97.18 feet, an arc distance of 113.27 feet to an iron pin set;

Course 2) North 19°11'22" West, a distance of 100.47 feet to a railroad spike set;

Course 3) South 88°58'40" West, a distance of 8.90 feet to a railroad spike set;

Thence, North 18°44'41" West, through said Lot 18158 and part of said Lot 18156, (crossing the north line of said Lot 18158 at 32.34 feet), a distance of 297.57 feet to a railroad spike set;

Thence, North 71°15'19" East, through said Lot 18156, a distance of 233.50 feet to an iron pin set on the east line of said Lot 18156 and the west Right-of-Way line of Delaware Avenue (State Route 423);

Thence, South 18°44'41" East, with the east line of said Lot 18156 and the west Right-of-Way line of said Delaware Avenue (passing an iron pin found at 123.64 feet), a total distance of 302.49 feet to a 1-inch iron pin found at the southeast corner of Lot 18157 and the northeast corner of said 1.55 acre tract of land;

Thence, South 71°15'19" West, with the south line of said Lot 18157, with the north line of said 1.555 acre tract and the City of Marion Corporation Line, a distance of 175.00

feet to a P.K. nail found at the northwest corner of said 1.55 acre tract and in the east line of said Lot 18158;

Thence, South 18°44'41" East, with the west line of said 1.55 acre tract and the east lines of said Lot 18158 and the City of Marion Corporation Line, a distance of 196.61 feet to the **TRUE PLACE OF BEGINNING**.

Containing 1.871 acres, of which 0.865 acres being out of Lot 18156, 0.287 acres being out of Lot 18157 and 0.719 acres being out of Lot 18158.

Subject, however, to all easements, restrictions and rights-of-way of record, if any.

Basis of bearings is South 88°58'40" West on the centerline of Barks Road (County Road 138) as shown on the Subdivision Plat of Delco Plaza Shopping Center, recorded in Plat Book 11, Page 147.

The above legal description is based on and referenced to a plat of survey prepared by Floyd Browne Group dated July 27, 2005.

All iron pins set are 5/8-inch solid re-bar, being 30-inches long with an orange plastic cap stamped "FLOYD BROWNE GROUP".

All references are to the records of the Recorder's Office, Marion County, Ohio.



Mark Alan Smith, P.S.
Professional Surveyor No. S-8232

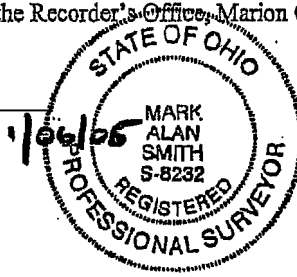


EXHIBIT B

PUBLIC INFRASTRUCTURE

The Public Infrastructure consists of:

1. Traffic study
2. Traffic signal design
3. Signal installation and interconnect
4. Servex apron work
4. Closing, redesign and construction of curbcuts and deceleration lane
5. Survey work
6. Construction of drainage
7. Together with any and all appurtenances to, and any necessary or appropriate landscaping, curbing, paving and sewer and storm water facilities in connection with the infrastructure described above.

RECORD OF ORDINANCES

0107

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-5

Passed JAN 0 9 2006, 2006

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

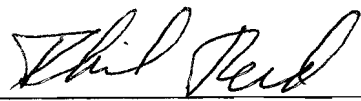
WHEREAS, the Council finds it in the best interest of the City of Marion to continue its' financial support to the organization commonly known as CANDO! and the need to ensure its' economic well-being in order to allow it to perform its' function within the greater Marion community,

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 \$ 6,500.00 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, 2006. 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 \$ 78,000.00

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof given the real and present need for the community's continual support of the economic development sector; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

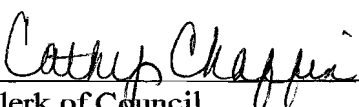


President of Council

APPROVED: JAN 1 0 2006



Mayor Jack L. Kellogg



Clerk of Council

RECORD OF ORDINANCES

2009

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-6

Passed JAN 0 9 2006, 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 January 1, 2006 and ending December 31, 2006 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 \$ 12,000.00, 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 \$ 12,000.00 per annum, payable monthly, for fiscal year 2006

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.



President of Council

APPROVED: JAN 1 0 2006



Mayor Jack L. Kellogg



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-7

Passed JAN 23 2006, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH D.C. CUNNINGHAM GROUP, INC. FOR THE TREE REMOVAL PROGRAM, PROJECT 05-2M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2005-98 authorized the preparation of plans, specifications and advertising for bids for the 2005 Tree Removal Program Project 05-2M for the City of Marion, Ohio, and

WHEREAS, D.C. Cunningham Group, Inc. submitted the lowest and best bid.

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

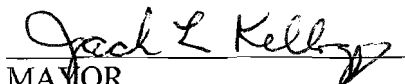
Section 1. That the Safety/Service Director be directed to enter into contract with D.C. Cunningham Group, Inc., for the 2005 Tree Removal Program, Project 05-2M.

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: JAN 24 2006


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0703

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-8

Passed JAN 23 2006, 20

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

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

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

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


PRESIDENT OF COUNCIL

APPROVED: JAN 24 2006


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0045

Ordinance No. 2006-9, Page One Passed JAN 23 2006 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006

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

Section 1. That there be additional appropriations made in various funds in the amount of \$2,252,117.48 for the year ending December 31, 2006 as follows:

GENERAL FUND

POLICE BENEFITS	101.1111.510120	(119,145.00)
FY'05 BULLETPROOF VEST	101.1111.515223	7,975.00
FIRE BENEFITS	101.1131.510120	(119,145.00)
FIRE ADMINISTRATION	101.1131.540324	(2,056.32)
COUNCIL CAPITAL EQUIPMENT	101.7721.550450	17,500.00
PROPERTY ASSESSMENTS	101.7741.540381	1,273.28
MARION TOWNSHIP PASS-THRU	101.7744.570750	8,910.49
TRANSFER TO SRO FUND	101.7745.580694	1,354.89
TRANSFER TO VAWA FUND	101.7745.580695	(6,404.53)
TRANSFER TO TRANSIT FUND	101.7745.580704	11,200.00
TRANSFER TO PARKS FUND	101.7745.580708	49,350.00
TRANSFER TO HEALTH FUND	101.7745.580711	(35,468.00)
TRANSFER TO DOFASCO TIF FUND	101.7745.580717	(25,228.56)
TOTAL GENERAL FUND		(209,883.75)

SCMR FUND

TRANSFER TO DOFASCO TIF FUND	207.6612.580717	25,228.56
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VAWA FUND

BENEFITS	212.1544.510120	625.60
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HEALTH FUND

ADMIN SALARIES	214.2221.510110	5,169.00
ADMIN BENEFITS	214.2221.510120	1,642.00
ADMINISTRATION	214.2221.540420	(198.45)
INSP SALARIES	214.2222.510110	3,132.00
INSP BENEFITS	214.2222.510120	1,497.00
WIC ADMINISTRATION	214.2223.540324	103.45
TOTAL HEALTH FUND		11,345.00

WIC FUND

UTILITIES	215.2546.530310	94.59
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SRO FUND

BENEFITS	218.1544.510120	314.30
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MDT/INFO SHARING NETWORK FUND

UTILITIES	222.1543.530310	3,900.00
SERVICE CONTRACT	222.1543.530321	11,100.00
SUPPLIES	222.1543.540420	187.00
EQUIPMENT	222.1543.550450	21,810.00
TOTAL MDT/INFO NETWORK FUND		36,997.00

COMMUNITY CORRECTION FUND

TRAVEL	224.7546.520220	1.84
TRAVEL	224.7547.520220	(1.84)

COMMUNITY DISTRESS FUND

ADMINISTRATION	271.4543.530324	.17
STREET IMPROVEMENTS	271.4543.530325	27.31
WATER & SEWER FACILITIES	271.4543.530330	83.34
CURBS & SIDEWALKS	271.4543.530337	5.35
TOTAL COMMUNITY DISTRESS		116.17

CHIP FUND

ADMINISTRATION	272.4544.530324	8,083.10
IMPLEMENTATION	272.4544.530326	660.00
EMERGENCY REHAB	272.4544.530328	54,036.00
RENTAL REHAB	272.4544.530329	3,500.00
RENTAL ASSISTANCE	272.4544.530340	80,831.00
PUBLIC SERVICE	272.4544.530342	9,000.00
TOTAL CHIP FUND		156,110.10

RECORD OF ORDINANCES

Ordinance No. 2006-9, Page Two

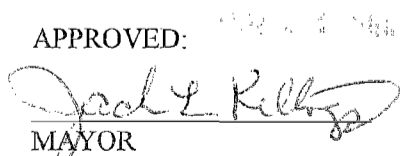
Passed JAN 23 2006, 20

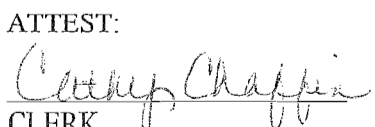
<u>REVOLVING LOAN FUND</u>		
PARKS & RECREATION FACILITIES	274.4539.530341	6,073.10
<u>DOWNTOWN REVITALIZATION FUND</u>		
ADMINISTRATION	277.4544.530324	515.00
<u>CAPITAL IMPROVEMENT FUND</u>		
TRANSFER TO BUSBY PARK FUND	401.9544.580433	2,685.89
TRANSFER TO AIRPORT IMPR FUND	401.9545.580707	16,234.25
TRANSFER TO OAKLAND PARK FUND	401.9545.580708	160.00
FY'05 CONTINGENCY	401.9545.570624	<u>76,572.85</u>
TOTAL CAPITAL IMPROVEMENT		95,652.99
<u>QUARRY PARK II FUND</u>		
PROPERTY TAXES	432.3421.540381	1,417.42
<u>BUSBY DOWNTOWN PARK FUND</u>		
PROFESSIONAL SERVICES	433.3421.530320	5,331.04
PROPERTY TAXES	433.3421.540381	242.96
CAPITAL IMPROVEMENTS	433.3421.550520	<u>2,132.50</u>
TOTAL BUSBY DOWNTOWN PARK FUND		7,706.50
<u>OAKLAND PARK ACQUISITION FUND</u>		
PROFESSIONAL SERVICES	434.3421.530320	226.00
<u>YOUTH CENTER CONSTRUCTION FUND</u>		
CAPITAL EQUIPMENT	442.3422.550450	7,437.65
SKATEBOARD PARK	442.3422.550520	<u>14,405.35</u>
TOTAL YOUTH CENTER CONST		21,843.00
<u>AIRPORT IMPROVEMENT FUND</u>		
PROJ #15 PROF SERVICES	446.6405.530320	303.09
PROJ #15 CAPITAL IMPROVEMENTS	446.6405.550520	<u>10,060.18</u>
TOTAL AIRPORT IMPROVEMENT		10,363.27
<u>SEWER REPLACEMENT FUND</u>		
BLAKE/WATERLOO PROJECT	504.5053.550520	35,121.91
<u>STORM WATER UTILITY FUND</u>		
BLAKE/WATERLOO PROJECT	509.5053.550520	46,545.00
<u>SANITARY SEWER IMPROVEMENT FUND</u>		
OAKGROVE/BARKS AVE/WATERLOO	550.5061.550520	658,537.50
<u>OPWC SANI/STORM SEWER FUND</u>		
CLINTON ST PROJECT	555.5051.550520	280,900.00
MAIN TRUNK/GREENWOOD PROJ	555.5310.550520	<u>26,153.92</u>
TOTAL OPWC SANI/STM SEWER		307,053.92
<u>STORM SEWER IMPROVEMENT FUND</u>		
OAKGROVE/BARKS AVE/WATERLOO	560.5061.550520	1,037,712.50
<u>YOUTH RECREATION TRUST FUND</u>		
TRUST EXPENSE	732.3422.570731	580.76
<u>SAFETY PATROL TRUST FUND</u>		
TRUST EXPENSE	736.1822.570731	395.27
<u>LAW ENFORCEMENT TRUST FUND</u>		
TRUST EXPENSE	737.1823.570731	1,425.77

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



 PRESIDENT OF COUNCIL

APPROVED: 
 MAYOR

ATTEST:

 CLERK

RECORD OF ORDINANCES

224

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-20

Passed FEB 13 2006, 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; THE NECESSARY EQUIPMENT FOR THESE VEHICLES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 2006-8, 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 three (3) Crown Victoria's at a cost of \$62,286.81 and shall be payable from the Police Department Contingency Fund.


Section 3. That the necessary equipment for these three vehicles, such as light bars, sirens, radios, etc., be included in the Contingency Fund expenditure. This equipment totals approximately \$18,000.

Section 4. That this ordinance is hereby declared an emergency measure necessary for the immediate preservation of health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of said City; and shall take effect and be in force immediately upon 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 14 2006



Mayor



Clerk

RECORD OF ORDINANCES

003

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-21

Passed FEB 27 2006, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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

Section 1. That there be an additional appropriations made in various funds in the amount of \$1,007,337.62 for the year ending December 31, 2006 as follows:

SENIOR CITIZENS IIB FUND

Administration 203.3424.540324 \$ 5,715.42

DRIP INFRASTRUCTURE FUND

Marion Williamsport Rd. 430.6109.550520 \$ 500,000.00

DRIP TIF RIDGEDALE SCHOOLS FUND

Transfer to DRIP Infrastructure 346.4430.580430 \$ 324,500.00

DRIP TIF MARION CITY SCHOOLS FUND

Transfer to DRIP Infrastructure 347.4430.580430 \$ 175,500.00

MARION AREA TRANSIT FUND

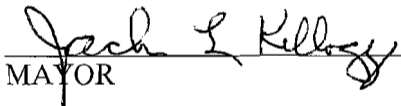
Capital Equipment 502.6546.556450 \$ 1,622.20

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: FEB 28 2006



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No.

2006-22

Passed

MAR 27 2006

, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MILLER LAWN & POWER EQUIPMENT COMPANY, TO PURCHASE A RIDING MOWER FOR THE PARKS DEPARTMENT.

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

WHEREAS, Miller Lawn & Power Company, submitted the best proposal,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Miller Lawn & Power Company, to purchase a Riding Mower for the Parks Department.

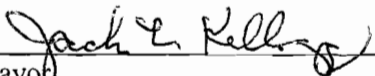
Section 2. That the cost of \$6,816.80 shall be payable from the Capital Improvement Fund.

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



President of Council

APPROVED: MAR 28 2006



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

0017

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-23

Passed MAR 27 2006, 20

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

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

WHEREAS, the City must submit an application to the State of Ohio Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the community and economic development problems.

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

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

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

Activities to be:

Rental Rehabilitation	\$ 93,000
Tenant Based Rental Assistance	\$223,000
Home Repair	\$125,000
Family Self Sufficiency Counseling	\$ 23,000
Administration	\$ 36,000
TOTAL	\$500,000


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

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

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

APPROVED: MAR 28 2006


PRESIDENT OF COUNCIL


MAYOR

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

0239

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-24

Passed FEB 27 2006, 20

AN ORDINANCE TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF MARION AND THE MARION REGIONAL PLANNING COMMISSION FOR ADMINISTERING THE CDBG AND HOME PROGRAMS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion (CITY) entered into an Agreement with Regional Planning Commission (PLANNING COMMISSION) to apply for and administer the FY '94, '69, '98 and FY 2000 and 2002 CHIP Grants, an agreement now needs to be approved for the administration of the FY 2006 CHIP and FY '05 and '06 CDBG Grants; and

WHEREAS, the CITY desires the PLANNING COMMISSION to apply for and administer all of its CDBG and HOME Programs, as well as the Community Distress Grant, Downtown Grant and CDBG Small Business Revolving Loan Fund, and other grant related Program Income;

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


SECTION 1. The City and Planning Commission enter into the attached agreement for administering all of its CDBG and HOME Programs, as well as the Community Distress Grant, Downtown Grant and CDBG Small Business Revolving Loan Fund, and other grant related Program Income.

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 further reason that it is necessary for the daily operation of the City; 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: FEB 28 2006



Mayor

ATTEST:



Clerk of Council

AGREEMENT

BETWEEN: THE CITY OF MARION AND THE MARION COUNTY REGIONAL PLANNING COMMISSION

WHEREAS, the City of Marion (CITY) entered into an Agreement with the Regional Planning Commission (PLANNING COMMISSION) to apply for and administer the FY '94, '96, '98 and FY 2000, 2002, and 2004 CHIP Grants, an Agreement now needs to be approved for administration of the FY 2006 CHIP and FY'05 and '06 CDBG Grants; and

WHEREAS, the CITY desires the PLANNING COMMISSION to apply for and administer all of its CDBG and HOME programs, as well as the Community Distress Grant, Downtown Grant and CDBG Small Business Revolving Loan Fund, and other grant related Program Income;

The CITY and the PLANNING COMMISSION agree to the following:

The PLANNING COMMISSION will assist the CITY in applying for and administering the CDBG and HOME Grants for the duration of the grants with the understanding that the CITY is ultimately responsible for the grants, deciding on projects to be funded, deciding on transfer of funds, for directing other CITY personnel, and retaining legal counsel.

The PLANNING COMMISSION shall be paid for the following duties:

1. Coordination of meetings and public hearings.
2. Giving routine public information on the CDBG and HOME Grants.
3. Coordination of notices, bids, program timing, and program implementation with all parties involved.
4. Establishing the project, and program files.
5. Providing necessary maps, charts, and background information on sites or activities.
6. Coordination of activities of any consultant with staff, elected officials, and specialists.
7. Assuring compliance with local regulations.
8. Preparing documents necessary, under the direction of a consultant or CITY legal counsel, to meet federal and state regulations.

In return for services provided by the PLANNING COMMISSION, the PLANNING COMMISSION shall be reimbursed for the following expenses out of funds designated in the grants

2006-24

for administration and audit.

1. Salary cost per hour for work performed at the staff's actual rate per hour of pay in effect.
2. 30% for Fringe Benefits for staff.
3. Cost of rent and long distance telephone calls attributed to the CDBG/HOME grant.
4. Cost of training, travel or accommodation attributed to the Block Grant.
5. Cost of consulting fees paid by the PLANNING COMMISSION, as long as this and items 1 - 4 do not exceed funds available under the grant for administration.

In addition to administrative expenses to be paid out of the grant, the CITY also commits additional funds over and above its local share, to be paid in a lump sum to the PLANNING COMMISSION for Grant and Economic Development technical assistance. Such amount shall mutually be agreed upon on an annual basis, as part of the RPC budgeting process so that a balance between County and CITY services and uses of funds is maintained.

The PLANNING COMMISSION reserves the right in turn to hire a consultant to assist it in these duties, if in the future, it would be prudent.

MARION COUNTY REGIONAL PLANNING
COMMISSION

CITY OF MARION

Don E. Davis, Chairman Date

Jack L. Kellogg, Mayor Date

Kenneth J. Lengieza, Director Date

Date

APPROVED AS TO FORM:

Date

2006-24

RECORD OF ORDINANCES

0044

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-25

Passed MAR 31 2006, 20

ORDINANCE AMENDING ORDINANCE 1985-109 AS TO USWA-2A BARGAINING UNIT, AUTHORIZING THE CITY OF MARION TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO FOR THE EMPLOYEES IN THE USWA-2A BARGAINING UNIT PURSUANT TO I.R.C. SECTION 414(H)(2)

WHEREAS, pursuant to federal and Ohio laws, the employees of the City of Marion could defer the federal and state income taxes on a portion of their wages or salaries if the City of Marion would "pick up" (assume and pay) the statutorily required contribution by such elected officials and covered employees to the Public Employees Retirement System of Ohio,

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

Section 1. As provided in the schedule in Section 3 below, a portion of the statutorily required contributions to the Public Employees Retirement System of Ohio shall be picked up and paid as a fringe benefit by the City of Marion for each person within any of the classes established in Section 2 herein. This "pick up" by the City of Marion is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person within any of the classes established in Section 2 herein. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the City of Marion or of being excluded from the "Pick up".

The City of Marion shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employees contribution for each person subject to this "pick up" has been made as provided by the statute.

Section 2. The "pick up" by the City of Marion provided by this Ordinance shall apply to all members of United Steelworkers of America, Local 1949-Unit 2A.

Are employees of the City of Marion who are or become contributing members of the Ohio Public Employees Retirement System.

Section 3. Under the fringe benefit method of employer pick-up, salary is not modified, however, the employer will pay a portion of the statutorily required contribution to OPERS, according to the following schedule:

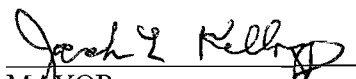
Effective 1/08/2006	6.5%
Effective 1/07/2007	7.0%
Effective 1/06/2008	7.5%

Section 4. The Auditor, Treasurer or Clerk are hereby authorized and directed to implement the provisions of this Ordinance to institute the "pick up" of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in Section 2 herein so as to enable them to obtain the result in federal and state tax deferments and other benefits.

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


PRESIDENT OF COUNCIL

APPROVED: **MAR 31 2006**


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

82.3

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-26

Passed MAR 31 2006, 20

ORDINANCE AMENDING ORDINANCE 1985-109 AS TO USWA-2B BARGAINING UNIT, AUTHORIZING THE CITY OF MARION TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO FOR THE EMPLOYEES IN THE USWA-2B BARGAINING UNIT PURSUANT TO I.R.C. SECTION 414(H)(2)

WHEREAS, pursuant to federal and Ohio laws, the employees of the City of Marion could defer the federal and state income taxes on a portion of their wages or salaries if the City of Marion would "pick up" (assume and pay) the statutorily required contribution by such elected officials and covered employees to the Public Employees Retirement System of Ohio,

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

Section 1. As provided in the schedule in Section 3 below, a portion of the statutorily required contributions to the Public Employees Retirement System of Ohio shall be picked up and paid as a fringe benefit by the City of Marion for each person within any of the classes established in Section 2 herein. This "pick up" by the City of Marion is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio by each person within any of the classes established in Section 2 herein. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio directly instead of having it "picked up" by the City of Marion or of being excluded from the "Pick up".

The City of Marion shall, in reporting and making remittance to the Public Employees Retirement System of Ohio report that the public employees contribution for each person subject to this "pick up" has been made as provided by the statute.

Section 2. The "pick up" by the City of Marion provided by this Ordinance shall apply to all members of United Steelworkers of America, Local 1949-Unit 2B.

Are employees of the City of Marion who are or become contributing members of the Ohio Public Employees Retirement System.

Section 3. Under the fringe benefit method of employer pick-up, salary is not modified, however, the employer will pay a portion of the statutorily required contribution to OPERS, according to the following schedule:

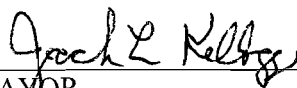
Effective 1/08/2006	6.5%
Effective 1/07/2007	7.0%
Effective 1/06/2008	7.5%

Section 4. The Auditor, Treasurer or Clerk are hereby authorized and directed to implement the provisions of this Ordinance to institute the "pick up" of the statutorily required contributions to the Public Employees Retirement System of Ohio for those persons reflected in Section 2 herein so as to enable them to obtain the result in federal and state tax deferments and other benefits.

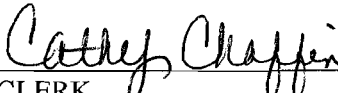
Section 5. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: MAR 31 2006


MAYOR

ATTEST:


CLERK

Ordinance No. 2006-28

Passed MAR 31 2006, 20

ORDINANCE ACCEPTING THE PLAT OF THE HENSEL/ZACHMAN THIRD ADDITION TO THE CITY OF MARION, OHIO BEING PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, OUTLOT 717, CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN.

WHEREAS, Hensel/Zachman Development, Inc., has hereunto submitted to the Planning Commission of the City of Marion, a Plat of 12 lots, numbered 18362 through 18373 of the Hensel/Zachman Third Addition to the City of Marion, Ohio being part of the Northwest Quarter of Section 35, Township 5 South, Range 15 East, Outlot 717, City of Marion, County of Marion, State of Ohio, and being of the dimensions as shown on said Plat, and confirming the dedication of the streets therein shown,

WHEREAS, on the 5th day of July, 2005, said Commission approved said Plat.

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

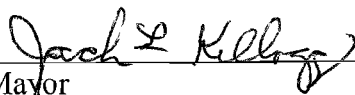
SECTION 1. That the Plat of the Hensel/Zachman Development, Inc., of 12 lots, numbered 18362 through 18373 of the Hensel/Zachman Third Addition to the City of Marion, Ohio being part of the Northwest Quarter of Section 35, Township 5 South, Range 15 East, Outlot 717, City of Marion, County of Marion, State of Ohio, dated June 16, 2005, and dedicated July 5th, 2005, be and the same is hereby approved and accepted and dedicated to the public use of the streets shown therein and the same is hereby accepted and confirmed.

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




President of Council

APPROVED: MAR 31 2006



Mayor

ATTEST:



Clerk of Council

Ordinance No. 2006-29, Page One Passed MAR 31 2006, 20

AN ORDINANCE APPROVING THE AMENDED DRAFT SOLID WASTE MANAGEMENT PLAN OF THE DELAWARE, KNOX, MARION, MORROW JOINT COUNTY SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners of Delaware, Knox, Marion and Morrow Counties have established the Delaware, Knox, Marion, Morrow Joint County Solid Waste Management District (the "District") and have established and convened a "Solid Waste Management Policy Committee" (the "Policy Committee") in accordance with Section 3734.54 of the Revised Code to amend the District's "Solid Waste Management Plan" (the "Amended Plan") for the District as required by Section 3734.54; and

WHEREAS, the Policy Committee completed a draft Amended Plan for the District and submitted that Amended Plan to the Director of the Ohio Environmental Protection Agency for preliminary review and comment in accordance with Sections 3734.54 and 3734.55 of the Revised Code; and

WHEREAS, the Policy Committee received the Director's written, nonbinding advisory opinion regarding the draft Amended Plan and established a public comment period and held a public hearing concerning the draft Amended Plan; and

WHEREAS, the Policy Committee, after consideration of comments and recommendations received concerning the draft Amended Plan, made certain modifications to the draft Amended Plan and has adopted and submitted to this legislative authority a copy of the draft Amended Plan for the District as so modified (the "Final Draft Amended Plan"); and .

WHEREAS, this legislative authority is required by Division (B) of Section 3734.55 of the Revised Code to approve or disapprove the Final Draft Amended Plan within 90 days after receiving a copy of the Final Draft Amended Plan and has been requested to approve the Final Draft Amended Plan;

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

SECTION 1. The Final Draft Amended Plan is hereby approved in the form submitted to this legislative authority and presently on file with the Clerk of this - legislative authority.

SECTION 2. The Clerk of this legislative authority is hereby authorized and directed to mail or otherwise deliver promptly a certified copy of this Ordinance to the Policy Committee.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

Ordinance No. 2006-29, Page Two.

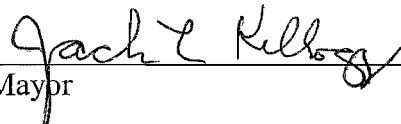
Passed MAR 31 2006, 20

SECTION 4. That this Ordinance pursuant to Revised Code Section 731.30 and a two-thirds (2/3) vote of the full membership of this Council, 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 hereof, and for the further reason that it is necessary for the daily operation of the City to have the District timely submit its Amended Plan to the Director of the Ohio Environmental Protection Agency; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided however, that if it does not receive an affirmative vote of at least two-thirds (2/3) of all its members, then this Ordinance shall be effective from and after the earliest period allow by law.



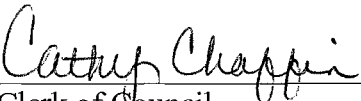
President of Council

APPROVED: **MAR 31 2006**



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-30Passed MAR 31 2006, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006

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 \$1,357,104.06 for the year ending December 31, 2006 as follows:

GENERAL FUND

FY'05 EMS GRANT	101.1131.535223	\$ 72.27
FY'05 FLEX SPENDING	101.7744.570775	<u>3,741.04</u>
TOTAL GENERAL FUND		\$ 3,813.31

SCMR FUND

PERMISSIVE AUTO TAX	207.6612.530530	\$ 18,586.70
RESURFACING PROJECTS	207.6612.530531	<u>12,463.52</u>
TOTAL SCMR FUND		\$ 31,050.22

HEALTH LICENSE FUND

TATTOO & BODY PIERCING	247.2224.530722	\$ 671.37
TRAILER PARK	247.2224.530723	68.80
FOOD SERVICE	247.2224.530724	8,339.69
FOOD ESTABLISHMENT	247.2224.530725	(8.02)
VENDING MACHINES	247.2224.530726	(48.73)
SWIMMING POOL	247.2224.530727	<u>411.61</u>
TOTAL HEALTH LICENSE FUND		\$ 9,434.72

CHIP FUND

FAIR HOUSING	272.4544.530339	\$ 334.81
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STORM WATER UTILITY FUND

MERCHANT AVE PROJECT FIX	509.5983.550520	\$ 9,046.00
G.O. BOND INTEREST	509.8913.560619	(1,575.00)
G.O. BOND PRINCIPAL	509.8913.560620	<u>5,000.00</u>
TOTAL STORM WATER UTILITY FUND		\$ 12,471.00

SANITARY SEWER IMPROVEMENT FUND

CLINTON ST PROJECT 05-1P	550.5051.550520	\$500,000.00
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STORM SEWER IMPROVEMENT FUND

CLINTON ST PROJECT 05-1P	560.5051.550520	\$800,000.00
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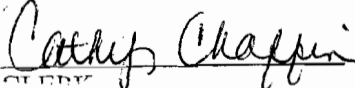
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: MAR 31 2006


MAYOR

ATTEST:


CLERK

Ordinance No. 2006-31

Passed APR 10 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TAYLOR MOTORS, INC. TO PURCHASE A 2006 DODGE GRAND CARAVAN 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

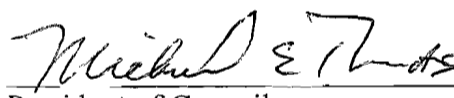
WHEREAS, Taylor Motors, Inc. submitted the best quote via state purchasing program, therefore

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

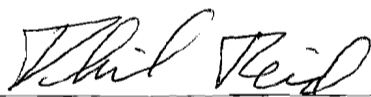
Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Taylor Motors, Inc., to purchase a 2006 Dodge Grand Caravan for use at the Fire Department.

Section 2. That the \$16,630.50 cost of said contract shall be payable from the Capital Improvement Fund Account No. 401.1131.556450.


Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City and that it is necessary to have the order placed with Taylor Motors, Inc. by April 8; 2006; and as such, shall take effect and be in force immediately upon passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.


President of Council
Pro Tempore

APPROVED: APR 10 2006


Acting Mayor

ATTEST:


Clerk of Council
Pro Tempore

RECORD OF ORDINANCES

Ordinance No. 2006-32, Page One

Passed APR 24 2006 20

**ORDINANCE AMENDING MARION CITY CODE SECTION 1161.022
MAXIMUM AREA OF IDENTIFICATION SIGNS IN COMMERCIAL
DISTRICTS FOR THE C-5 ZONING.**

WHEREAS, the Zoning and Annexation Committee has recommended the change be adopted, 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 1161.022 now reading in part:

<i>USE OR TYPE OF ESTABLISHMENT</i>	<i>Maximum Square Feet of Sign Area in Commercial Districts</i>				
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>C-4</i>	<i>C-5</i>
Commercial and Noncommercial Uses Except Service Stations:					
(1) Separate establishments fronting on street	200	600	600	600	200

<i>USE OR TYPE OF ESTABLISHMENT</i>	<i>Maximum Square Feet of Sign Area in Commercial Districts</i>				
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>C-4</i>	<i>C-5</i>
(2) Planned shopping centers with two or more establishments:					
(a) Signs identifying	400	800	800	800	400
(b) Signs identifying each establishment within a shopping center not fronting on a street, but visible from a residential district and within 500 feet thereof	200	600	600	600	200
Service Stations	See Schedule 1161.022(C)(2)				

RECORD OF ORDINANCES

Ordinance No. 2006-32, Page Two

Passed APR 24 2006, 20

Shall be amended to read as follows:

USE OR TYPE OF ESTABLISHMENT	Maximum Square Feet of Sign Area in Commercial Districts				
	C-1	C-2	C-3	C-4	C-5
Commercial and Noncommercial Uses Except Service Stations:					
(1) Separate establishments fronting on street	200	600	600	600	600

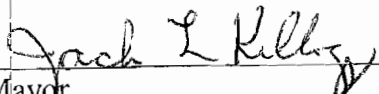
USE OR TYPE OF ESTABLISHMENT	Maximum Square Feet of Sign Area in Commercial Districts				
	C-1	C-2	C-3	C-4	C-5
(2) Planned shopping centers with two or more establishments:					
(a) Signs identifying	400	800	800	800	800
(b) Signs identifying each establishment within a shopping center not fronting on a street, but visible from a residential district and within 500 feet thereof	200	600	600	600	600
Service Stations	See Schedule 1161.022(C)(2)				

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

APPROVED: **APR 25 2006**



President of Council



Mayor

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

02:1

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-35

Passed APR 10 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE TWO JOHN DEERE MOWERS, FROM MCCHESENEY IMPLEMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM WITH TRADE-IN OF THREE USED MOWERS, FOR USE AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, in order to meet various requirements for grounds keeping at Marion Municipal Airport, and

WHEREAS, there are two John Deere Mowers, a 20 foot and a 12 foot, available through a State Purchasing Program Vendor, McChesney Implement.

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 John Deere Manufacturing and delivered through McChesney Implement, Marion, Ohio, 43302, a State Purchasing Program Vendor, for the purchase of two John Deere Mowers, for use at the Marion Municipal Airport. Contract price with State Purchasing discount and trade-in value will be \$23,406.14.

Section 2. That the Safety/Service Director be authorized and is hereby directed to trade-in three used mowers from Marion Municipal Airport:
1996 - 20 foot flex wing rotary mower, S/N1200964
Purchased used in 2000 - 13 foot land pride mower, S/N AFM40133
1993 - 10 1/2 foot bush hog mower, S/N 1201798

Section 3. That said contract shall be payable from the Capital Improvement Fund account 401.6621.556450.

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

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

APPROVED: **APR 10 2006**


PRESIDENT OF COUNCIL
Pro Tempore


ACTING MAYOR

ATTEST:


CLERK OF COUNCIL
Pro Tempore

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-36 Passed APR 24 2006, 20

**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006
AS AMENDED.**

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

Section 1. That there be additional appropriations made in various funds in the amount of ~~\$978,889.39~~ for the year ending December 31, 2006 as follows:
\$843,429.39

<u>GENERAL FUND</u>		
TRANSFER TO SWIMMING POOL	101.7745.580714	\$ 4,000.00
<u>SCMR FUND</u>		
PERMISSIVE AUTO TAX	207.6612.530530	\$ 11,453.60
TRANSFER TO BOND RET.	207.6612.580719	135,260.00
TOTAL SCMR FUND		\$146,713.60
<u>WIC FUND</u>		
WAGES	215.2546.510110	\$ 7,100.00
BENEFITS	215.2546.510120	2,000.00
TRAVEL	215.2546.520220	600.00
UTILITIES	215.2546.530310	3,200.00
JANITORIAL SERVICES	215.2546.530424	2,000.00
SUPPLIES	215.2546.540420	1,900.00
EQUIPMENT	215.2546.550450	1,200.00
TOTAL WIC FUND		\$ 18,000.00
<u>BARKS ROAD TIF FUND</u>		
NOTE INTEREST	348.8052.560611	\$ 23,559.38
NOTE PRINCIPAL	348.8052.560612	750,000.00
ISSUANCE COSTS	348.8052.560320	3,000.00
TOTAL BARKS ROAD TIF FUND		\$776,559.38
<u>STREET IMPROVEMENT FUND</u>		
TRANSFER TO BARKS ROAD TIF	461.6052.580348	\$ 1,900.00
<u>SEWER SYSTEM IMPROVEMENT FUND</u>		
NOTE INTEREST	503.8913.560609	\$ 70,000.00
<u>STORM WATER UTILITY FUND</u>		
NOTE INTEREST	509.8913.560609	\$ 35,000.00
<u>SWIMMING POOL FUND</u>		
UTILITIES	516.3423.530310	\$ 4,000.00
<u>SANITARY SEWER IMPROVEMENT FUND</u>		
NOTE INTEREST	550.5554.560609	\$(61,817.52)
<u>STORM SEWER IMPROVEMENT FUND</u>		
NOTE INTEREST	560.5553.560609	\$(28,666.07)
<u>LAW ENFORCEMENT TRUST FUND</u>		
TRUST EXPENSE	737.1823.570731	\$ 13,000.00

Section 2. 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 25 2006**

Jack R. Kellogg
MAYOR

ATTEST:

Cathy Chappin
CLERK

RECORD OF ORDINANCES

7245

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-37

Passed APR 24 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) AERIAL LIFT TRUCK

WHEREAS, there is a real and present need to replace aging vehicles and equipment in part due to increased costs of maintaining the current equipment;

WHEREAS, these vehicles will be purchased from the S.C.M.R. Fund

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

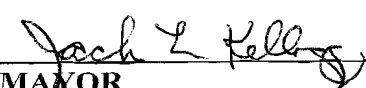
Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids the purchase of one (1) Aerial Lift Truck

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




PRESIDENT OF COUNCIL

APPROVED: APR 25 2006



MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

2007

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-38

Passed APR 24 2006, 20

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO PREPARE SPECIFICATIONS AND
ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1)
FRONT END TRACTOR/LOADER**

WHEREAS, there is a real and present need to replace aging vehicles and equipment in part due to increased costs of maintaining the current equipment;

WHEREAS, these vehicles will be purchased from the S.C.M.R. Fund

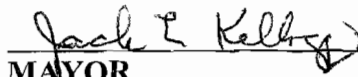
BE IT ORDAINED by the Council of the City of Marion, Ohio: Marion County,

Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for Bids the purchase of one (1) Front End Tractor/Loader.

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


PRESIDENT OF COUNCIL

APPROVED: APR 25 2006


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

2006

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-39

Passed APR 24 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) SINGLE AXLE DUMP TRUCK W/SNOWPLOW AND SALT SPREADER

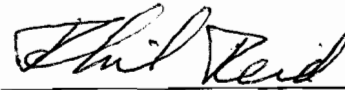
WHEREAS, there is a real and present need to replace aging vehicles and equipment in part due to increased costs of maintaining the current equipment;

WHEREAS, these vehicles will be purchased from the S.C.M.R. Fund

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

Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids the purchase of one (1) single axle dump truck w/snowplow and salt spreader.

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



PRESIDENT OF COUNCIL

APPROVED: APR 25 2006


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-40

Passed APR 24 2006, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

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 \$1,000.00 for the year ending December 31, 2006 as
follows:

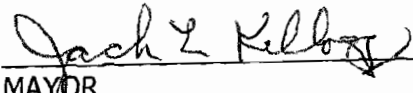
INDIGENT BURIALS	101.7716.530425	\$1,000.00
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Section 2. That this ordinance shall become effective from and after the
earliest period allowed by law.

APPROVED: APR 25 2006



PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

0273

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-41

Passed MAY 08 2006, 20

AN ORDINANCE TO ADOPT THE UPDATED DOWNTOWN DEVELOPMENT PLAN, MARKET ANALYSIS AND PROMOTIONAL PLAN AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion is interested in physically and economically revitalizing downtown Marion, and

WHEREAS, the Ohio Department of Development Office of Housing and Community Partnerships funded a Tier One, Downtown Revitalization Planning Grant for the purposes of updating the downtown development plan and developing a market analysis and promotional plan, and

WHEREAS, a downtown plan identifying infrastructure and building needs was created, and merchant and consumer data were gathered in order to perform a market analysis and develop an appropriate promotional and marketing strategy, and

WHEREAS, the Office of Housing and Community Partnerships require the plans to be formally adopted prior to May 22, 2006,

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

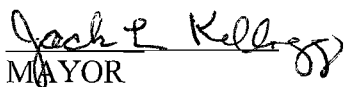
Section 1. Council adopts the 2006 Downtown Development Plan and its coordinating Market Analysis and Promotional Plan.

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



PRESIDENT OF COUNCIL

APPROVED: **MAY 09 2006**


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

0275

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-42

Passed MAY 0 8 2006, 20

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH
UNDERGROUND UTILITIES, INC. FOR THE CLINTON STREET
PAVEMENT IMPROVEMENTS, PROJECT 05-1P FOR THE CITY
OF MARION, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 2006-33 authorized the preparation of plans, specifications and advertising for bids for the Clinton Street Pavement Improvements Project 05-1P for the City of Marion, Ohio, and

WHEREAS, Underground Utilities, Inc. submitted the lowest and best bid of \$1,148,929.00

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

Section 1. That the Safety/Service Director be directed to enter into contract with Underground Utilities, Inc., for the Clinton Street Pavement Improvements Project 05-1P.

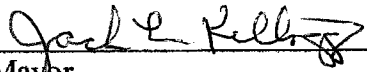
Section 2. That the cost of such contract shall be payable from the Sanitary Sewer Improvement Fund, the Storm Sewer Improvement Fund, and a State Issue 2 Grant.

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: MAY 0 9 2006



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0017

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-43

Passed MAY 0 8 2006, 20

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

WHEREAS, the current contract for Janitorial Services will be expiring on June 30, 2006.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the janitorial contract for City Hall and Wastewater Treatment Plant.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract is set to expire June 30, 2006 and as such shall take effect and be in force immediately upon passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: **MAY 0 9 2006**


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-44

Passed MAY 08 2006, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF A FIRE DAMAGED STRUCTURE AT 688 N. STATE STREET, AND DECLARING AN EMERGENCY.

WHEREAS, on September 28, 2003 a fire severely damaged the property located at 688 N. State Street, and ;

WHEREAS, written notices made to the property owner Mike Mason & Charlotte Meadows regarding the fact this nuisance must be remediated within one year of the fire, and

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

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

Section 1. That the Safety/Service Director be authorized and directed to demolish the structure located at 688 N. State Street in Marion, Ohio.

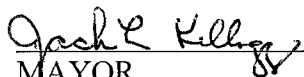
Section 2. That proper notification has been made to the owners of the property.

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



PRESIDENT OF COUNCIL

APPROVED: MAY 09 2006



MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

0204

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-45

Passed MAY 0 8 2006, 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:

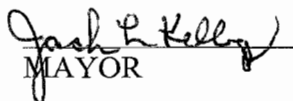
Section 1. That the Safety/Service Director is hereby authorized to enter into contract for the purchase of two (2) buses from Whitworth Bus Sales through the Ohio Department of Transportation Cooperative Purchasing Program for Marion Area Transit.

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 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: MAY 0 9 2006



MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

9213

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-46

Passed MAY 0 8 2006, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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

Section 1. That there be additional appropriations made in various funds in the amount of \$35,563.60 for the year ending December 31, 2006 as follows:

GENERAL FUND

Senior Center Utilities	101.3424.530310	\$ 6,300.00
Transfer to SRO Fund	101.7745.580694	6,000.00
Council Beautification Project	101.7721.530315	<u>19,815.00</u>
Total General Fund		\$32,115.00

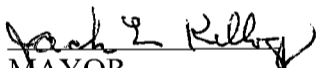
COMMUNITY DISTRESS FUND

Administration	271.4543.530324	\$ 3,448.60
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

APPROVED: **MAY 0 9 2006**


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

9295

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-47

Passed MAY 08 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) 2007 ¾ TON 4WD PICKUP TRUCK AND ONE(1) SIX DOOR UTILITY BODY FOR USE AT MARION MUNICIPAL AIRPORT.

WHEREAS, there is a real and present need to replace two aging pickup trucks. The trucks are 18 & 19 years old and were used by other departments until they were replaced.

WHEREAS, this vehicle and utility body will be purchased from the Capital Equipment Fund

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


Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids the purchase of one (1) 2007 ¾ ton 4WD pickup truck and one(1) six door utility body.

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



PRESIDENT OF COUNCIL

APPROVED: MAY 09 2006



MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

8287

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-48Passed MAY 0 8 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2006 STREET RESURFACING PROGRAM, PROJECT 06-1R, 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, and advertise for bids for the 2006 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: MAY 0 9 2006



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

3539

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-49

Passed MAY 22 2006, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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

Section 1. That there be additional appropriations made in various funds in the amount of \$139,223.25 for the year ending December 31, 2006 as follows:

SCMR Fund

Transfer to GO Bond Retirement Fund	207.6612.580719	\$135,260.00
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Rotary Fund


Greyhound Fares	788.6512.570269	\$ 3,963.25
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Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: MAY 23 2006

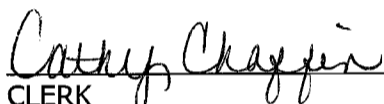


PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

3291

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-50

Passed MAY 22 2006, 20

ORDINANCE AMENDING THE TRAFFIC CONTROL MAP FOR THE CITY OF MARION TO MODIFY THE SPEED LIMIT UPON SOUTH GRAND AVE. AND SOUTH SEFFNER AVE, LOWERING SAME FROM 35 M.P.H. TO 25 M.P.H., REMOVING SAID ROADWAYS FROM THE DESIGNATION AS PORTIONS OF THROUGH STREETS

WHEREAS, the Traffic Commission heard considerable testimony regarding issues pertinent to the existing speed limit on S. Grand Ave. and S. Seffner Ave. within the City, and

WHEREAS, after consideration of all investigations and reports submitted on the subject, the Traffic Commission has forwarded a recommendation to the Council to amend the existing speed limit upon the aforementioned roadways from 35 MPH to 25 MPH in order to meet the current demands of the persons living in the relevant neighborhoods,

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

Section 1. The Council finds it necessary to modify the current posted speed limit of 35 MPH on South Grand Ave. and South Seffner Ave by reducing said limit to 25 MPH. The Council finds this change is necessary to best serve the residents of those living along the aforementioned streets and those who reside in the neighborhoods adjoining the affected streets. Based upon investigation, testimony and reports it is the conclusion of Council the aforementioned segments currently designated as being portions of through streets shall be removed from said designation as it is in the best interest of the community.

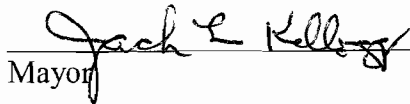
Section 2. That the Safety/Service Director and/or City Engineer is hereby authorized and directed to properly post the roadways and amend the Traffic Control Map or other relevant documents in order to carry out the directive of Council.

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: **MAY 23 2006**


Mayor

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

2006

Ordinance No. 2006-51, Page One

Passed JUN 12 2006, 2006

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 AND COMMUNITY DISTRESS FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY.

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

WHEREAS, the Ohio Department of Development makes CDBG funds available through the Community Development Program for projects which address these problems; and

WHEREAS, the Mayor must submit an application to the State of Ohio Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the community and economic development problems.

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

Section 1 That this Council hereby authorizes the Mayor to submit an application for CDBG Community Development Program including the following Formula grant projects:

1. Street Improvements - Creston & Cass Ave.	\$ 60,000
2. Curbs & Sidewalks - Elk St.	\$ 46,000
3. Public rehabilitation - Homeless shelter	\$ 30,000
4. <u>Environmental Review/Audit/Admin/Fair Hsg</u>	<u>\$ 24,000</u>
TOTAL FOR FORMULA GRANT	\$160,000

Section 2. That this Council hereby authorizes the Mayor to also submit a competitive application for CDBG Community Distress funds, including the following projects:

1. Street Improvements - Creston St./Cass Ave.	\$ 0
2. Flood & Drainage	\$ 0
3. Curbs and Sidewalks	\$197,000
4. Water & Sanitary Sewer	\$ 42,400
5. Park Improvements	\$ 22,000
6. Clearance	\$ 18,600
4. <u>Environmental Review/Audit/Admin/Fair Hsg</u>	<u>\$ 20,000</u>
TOTAL FOR DISTRESS GRANT	\$300,000

Section 3. That this Council hereby commits the following local funds as leverage for the Community Distress Grant:

CDBG Revolving Loan Fund	\$ 20,000
Local Funds	\$267,000

Section 4. That upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grants and administer the CDBG Community Development in the City of Marion.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; it shall become effective from and after the earliest period allowed by law.

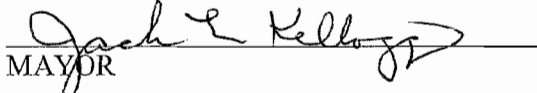
RECORD OF ORDINANCES

Ordinance No. 2006-51, Page Two

Passed JUN 12 2006, 20


PRESIDENT OF COUNCIL

APPROVED: JUN 12 2006


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-52

Passed MAY 22 2006, 20

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

WHEREAS, on the 17th day of April, 2006 the Ohio American Water Company filed a rate case with the Public Utilities Commission of Ohio requesting an approximate 17% increase in the system's charges. The effect of which the water company estimates will be a \$ 52.86 per annum increase in the average users bill, and

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

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

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

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

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

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediate need to proceed without delay in opposing excessive and unwarranted rate increases related to the privately held water system in order to provide for an environment of economic growth, opportunities and general well being for the citizens of Marion; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

APPROVED: **MAY 23 2006**



Mayor



Clerk of Council

RECORD OF ORDINANCES

3297

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-53, Page One

Passed MAY 22 2006, 20

AN ORDINANCE GRANTING TO MID OHIO ENERGY COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS A FRANCHISE FOR THE DISTRIBUTION OF ELECTRIC POWER AND ENERGY TO PARTS OF THE CITY OF MARION, OHIO WHICH ARE PRESENTLY WITHIN SAID COMPANY'S SERVICE AREA AND FOR THE TRANSMISSION OF ELECTRICITY WITHIN SAID CITY.

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

SECTION I. That Mid Ohio Energy Cooperative, Inc., its successors and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the City of Marion, State of Ohio, and its successors (hereinafter called "City"), lines for the distribution of electric power and energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances to render public utility service in the City and to the inhabitants thereof by supplying electric power and energy to the City and the inhabitants thereof, and to persons or corporations beyond the limits thereof, for light, heat, power or any other purposes or purpose for which electric power and energy is now or may hereafter be used, and the transmission of the same within, through or across the City, provided, however, that Grantee shall provide electric service hereunder only within: (1) the area or areas of the City either presently being provided electric service by Grantee, or at the date of this ordinance, included in the area shown on maps issued by the Public Utilities Commission of Ohio which indicate the certified territory of the Grantee established pursuant to Sections 4933.81 to 4933.90 of the Revised Code of Ohio, and (2) any other area or areas annexed to the City after the date of this ordinance any portion of which is either being provided electric service by Grantee at the time of such annexation, or which at the date of this ordinance is included within the Grantee's aforementioned certified territory.

SECTION 2. That said lines and appurtenances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges and public places of the city. The location of all poles, or conduits, shall be made under such reasonable supervision of the proper board or committee of the City government, as is permitted by law. The location of all poles, or conduits, shall be in accordance with the approval of the City of Marion Engineer, as is permitted by law.

SECTION 3. That the rights, privileges and franchise hereby granted shall be in force and effect for a period of twenty-five (25) years from the date of the passage of this ordinance.

That the rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Council of the City hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION 4. That said Grantee shall save the City harmless from any and all liability arising in any way from the Grantee's negligence in the erection, maintenance or operation of said lines for the distribution or transmission of electric power and energy.

SECTION 5. That whenever said Grantee shall begin the erection of any lines or equipment it shall promptly and diligently prosecute the work to completion

RECORD OF ORDINANCES

Ordinance No. 2006-53, Page Two

Passed MAY 22 2006, 20

and leave the streets, thoroughfares, alleys, bridges and public places where such work is done in as good condition of repair as before such work was commenced.

SECTION 6. That wherever in this ordinance, reference is made to the City or Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights,, privileges and obligations herein contained by or on behalf of said City or by or on behalf of said Grantee, shall be binding upon and inure to the benefit of the respective successors or assigns of said City or of said Grantee, whether so expressed or not.

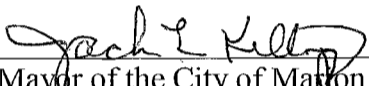
SECTION 7. That this ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of the same.

SECTION 8. 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 2006**



Mayor of the City of Marion

Attest:



Clerk of City Council

RECORD OF ORDINANCES

3209

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-54

Passed JUN 12 2006, 2006

ORDINANCE MAKING AN ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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 \$48,094.56 for the year ending December 31, 2006 as follows:

<u>GENERAL FUND</u>		
Revenue Sharing	101.4539.530751	\$12,497.63
<u>COURT COMPUTERIZATION FUND</u>		
Equipment	210.7731.550450	\$25,000.00
<u>COMMUNITY DISTRESS FUND</u>		
Administration	271.4543.530324	\$(44.17)
<u>HOUSING REVOLVING LOAN FUND</u>		
Emergency Rehabilitation	273.4539.530328	\$ 9,915.00
<u>MARION AREA TRANSIT FUND</u>		
Equipment	502.6546.556450	\$ 726.10

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

APPROVED: JUN 12 2006


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

3301

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-55Passed JUL 1 0 2006, 20

ORDINANCE CREATING THE RETIREMENT/TERMINATION/
27TH PAY FUND PURSUANT TO ORC 5705.13 (B) AND STATING
THE COUNCIL'S INTENT

WHEREAS, the Council and Administration have studied the obligations associated with employees of the City, specifically in relation to payments made to said employees upon retirement or termination of service to the City as to accumulated sick leave, vacation leave, holiday leave, payments in lieu of compensatory time off and 27th pay period of any fiscal year, and

WHEREAS, Ohio Revised Code section 5705. 13 (B) enables the Council to establish a Special Revenue Fund for the purpose of accumulating resources to address items such as those listed above and there has recently been a revenue payment which was otherwise not expected providing an opportunity to address the current unfunded obligations, and

WHEREAS, the current Council recognizes it cannot legislatively bind future Councils to continue to provide sufficient funding and/or mandate that this fund never be rescinded, however this Council states its' strong belief that future Councils continue to fund the Special Revenue Fund and not rescind said fund, but rather continue to provide sound financial management towards all obligations of the City of Marion including those associated with payments made to employees upon retirement or termination of service to the City as to accumulated sick leave, vacation leave, holiday leave, payments in lieu of compensatory time off and the 27th pay period when it occurs.

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

Section 1. The Council hereby establishes a special revenue fund known as The Retirement/Termination/27th pay Fund for the specific purpose of addressing contractual obligations existing and future as to payments due employees, by expressed contract or expressed written policy, upon retirement or termination of service to the City for accumulated sick leave, vacation leave, holiday leave and payments in lieu of compensatory time off and the 27th pay period of any fiscal year. Said authority as contained within Ohio Revised Code section 5705. 13 (B).

Further, although Council recognizes it cannot legislatively bind future Councils to continue to provide sufficient funding and/or mandate that this fund never be rescinded, this Council expressly states its' strong belief that future Councils should continue to fund the Special Revenue Fund and not rescind said fund.

Section 2. The interest earned on the Fund balance shall be deposited back into the Fund.

Section 3. The Auditor is directed to establish the Fund as set forth above and appropriate from the unexpected revenue payment the sum of \$500,000.00 from the General Fund, Account No. 101.7745.580220, as the initial Fund balance.

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

Approved: **JUL 1 1 2006**

Jack L. Kellogg
Mayor

Cathy Chappin
Clerk of Council

Neil Thurtz
President of Council
Pro Tempore

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-56

Passed JUN 12 2006, 20

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND IAFF LOCAL 379, AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with IAFF Local 379 and,

WHEREAS, an Agreement with IAFF Local 379 has been reached on behalf of said Bargaining Unit and the City of Marion and ratified by the Bargaining Unit to be effective April 1, 2006.

WHEREAS, the necessary funds needed for this contract must be appropriated, and therefore;

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

Section 1. The Auditor is authorized and directed to appropriate the necessary funds of \$89,910 to comply with the bargaining agreement and shall do so upon passage of this ordinance.

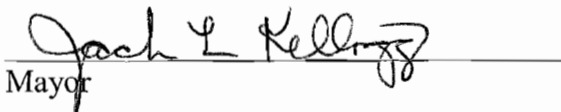
Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and IAFF Local 379.

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 all members elected by council; otherwise, it shall be effective from and after the earliest period allowed by law.



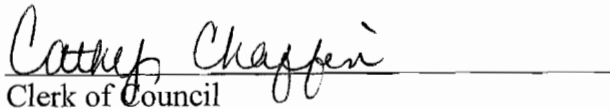
President of Council

APPROVED: JUN 12 2006



Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

3305

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-57

Passed JUN 12 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH INTERSTATE FORD INC. FOR THE PURCHASE OF (1) AERIAL LIFT TRUCK AT A COST OF \$63,110.00 FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

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

WHEREAS, Ordinance no. 2006-37 authorized the preparation of specifications and advertising for bids, and

WHEREAS, Interstate Ford Inc. submitted the lowest and best bid for the purchase of (1) Aerial Lift Truck, therefore

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

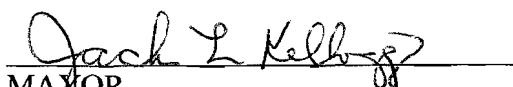
Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Interstate Ford Inc. to purchase (1) Aerial Lift Truck for the use in the Streets Department. The cost is \$63,110.00 funded from the S.C.M.R. Fund.

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



PRESIDENT OF COUNCIL

APPROVED: JUN 12 2006



MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

1307

Ordinance No. 2006-58

Passed JUN 12 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SOUTHEASTERN COMPANY FOR THE PURCHASE OF (1) FRONT END TRACTOR/LOADER AT A COST OF \$88,898.59 FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

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

WHEREAS, Ordinance no. 2006-38 authorized the preparation of specifications and advertising for bids, and

WHEREAS, Southeastern Company submitted the lowest and best bid for the purchase of (1) Front End Tractor/Loader, 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 Southeastern Company to purchase (1) Front End Tractor/Loader for the use in the Streets Department. The cost is \$88,898.59 funded from the S.C.M.R. Fund.

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


PRESIDENT OF COUNCIL

APPROVED: JUN 12 2006


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-59

Passed JUN 12 2006, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD TRUCK SALES & SERVICE FOR THE PURCHASE OF (1) SALT TRUCK WITH SNOW PLOW & SALT SPREADER AT A COST OF \$78,183.00 FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

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

WHEREAS, Ordinance no. 2006-39 authorized the preparation of specifications and advertising for bids, and

WHEREAS, Mansfield Truck Sales & Service submitted the lowest and best bid for the purchase of (1) Salt Truck with Snow Plow & Salt Spreader, therefore

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

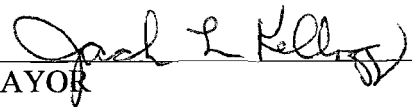
Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Mansfield Truck Sales & Service to purchase (1) Salt Truck with Snow Plow & Salt Spreader for the use in the Streets Department. The cost is \$78,183.00 funded from the S.C.M.R. Fund.

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



PRESIDENT OF COUNCIL

APPROVED: JUN 12 2006



MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

2006

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-60

Passed JUN 12 2006, 20

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

WHEREAS, It has been determined that Baker Maintenance has submitted the lowest and most responsive bid for janitorial services at City Hall, Marion, Ohio.

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

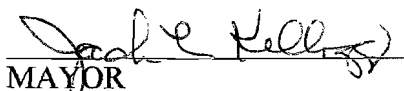
Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with Baker Maintenance for the janitorial services at City Hall for a period of one year and one additional option year.

Section 2. That the contract price of \$27,450. shall be payable from the General Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and the safety of the City of Marion and the inhabitants thereof, and as such, shall take effect and be in force immediately upon its passage and approval of 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: JUN 12 2006


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

2006

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-61

Passed JUN 12 2006, 2006

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH
KOKOSING CONSTRUCTION COMPANY, INC. FOR THE 2006
STREET RESURFACING PROJECT 06-1R FOR THE CITY OF
MARION, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 2006-48 authorized the preparation of specifications and advertising for bids for the 2006 Street Resurfacing Project 06-1R for the City of Marion, Ohio and

WHEREAS, Kokosing Construction Company, Inc. submitted the lowest and best bid of \$738,175.54.

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 Kokosing Construction Company, Inc., for the 2006 Street Resurfacing Project 06-1R.

Section 2: That the cost of such 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 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 12 2006



Mayor

Attest:



Clerk of Council

RECORD OF ORDINANCES

0015

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-62, Page One

Passed JUN 12 2006, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$775,000 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, pursuant to Ordinance No. 2005-47 passed June 13, 2006, a note in anticipation of bonds in the amount of \$750,000 dated June 29, 2005 (the Outstanding Note), was issued for the purpose stated in Section 1, to mature on June 28, 2006; and

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

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the 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 June 29, 2025;

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 \$775,000 (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, 2007, 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, 2008.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$775,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Note. The Notes shall be dated June 28, 2006 and shall mature June 27, 2007 provided that the Auditor may, if it is determined to be necessary or advisable for the sale of the Notes, establish a maturity date that is up to fifteen (15) days less than one year from the date of issuance of the Notes 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 and one-half percent (5-1/2%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes 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

RECORD OF ORDINANCES

Ordinance No. 2006-62, Page Two

Passed JUN 12 2006, 20

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, and 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 issuance of the Notes in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance. As used in this section and this ordinance:

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

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

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

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

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

RECORD OF ORDINANCES

Ordinance No. 2006-62, Page Three

Passed JUN 12 2006, 20

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 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 hereby covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the

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Ordinance No. 2006-62, Page FourPassed JUN 12 2006, 20

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 the regulations prescribed thereunder, including any expenditure requirements, investment limitations or rebate requirements. The Auditor or Deputy Auditor or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

This Council represents that the Outstanding Note was deemed a "qualified tax-exempt obligation" under Section 265 of the Code, and this Council covenants that it will take all necessary actions in order for the Notes to be deemed "tax-exempt obligations" under Section 265 of the Code.

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

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

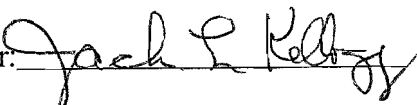
Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that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

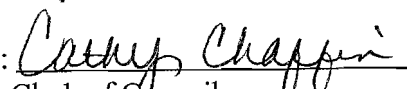
Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary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



President of Council

Approved: **JUN 12 2006**

Mayor: 

Attest: 
Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2006-63, Page One

Passed JUL 10 2006, 20

ORDINANCE ENACTING A MUNICIPAL EXOTIC ANIMAL CONTROL REGULATION BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CODIFIED ORDINANCES BY REPLACING THE EXISTING 618.18 WITH CERTAIN REGULATIONS PROVIDING FOR THE PROHIBITION AND CONTROL OF EXOTIC ANIMALS WITHIN THE CITY OF MARION HAVING DECLARED SAME TO BE A NUISANCE, AND ADOPTING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE

WHEREAS, the Council for the City of Marion has found a need for the adoption of Exotic Animal Control Regulations within the Municipality, after much investigation, consideration and public debate. The Council finds the possession, harboring and/or keeping of certain exotic animals to be declared a public nuisance. Further the Council finds the rules, laws and legislation provided herein are reasonable for the community standards and will eliminate the existing public nuisance given the real and present need to ensure the abatement of pre-existing public nuisances, along with future public nuisances, and

WHEREAS, the Council wishes no further delay in the enactment of exotic animal control regulations and controls it does hereby expressly determine and declare that all existing nonconforming animals constitute public nuisances in need of abatement in order to ensure the continued health, safety, morals and general welfare of the public as it has determined this act to be in the best interests of the citizens of Marion, Ohio.

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

Section 1. There shall be created, adopted and enacted an Exotic Animal Control Regulation Ordinance to be established under Chapter 618 of the existing Codified Ordinances replacing the existing 618.18 in its entirety by providing for prohibitions and regulations of exotic animals within the City of Marion, Ohio, to read as follows:

618.18 REGULATION OF EXOTIC OR DANGEROUS ANIMALS

(A) No person shall knowingly keep, maintain or have in his possession or under his control within the City any dangerous or carnivorous wild animal or reptile, or any other animal or reptile of wild, vicious or dangerous propensities (not including canines and domesticated cats), except to the extent that an exemption may be applicable pursuant to subsections (D) or (E) hereof. As used in this section, dangerous or vicious animal means and includes the following:

(1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(2) Any animal which attacks a human being or domestic animal without provocation; or

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

(B) Where an animal not prohibited herein or for which is granted an exception herein, the owner or keeper from which the animal escapes from his/her custody or control shall, within one hour after he/she discovers or reasonably should have discovered the escape, report it to:

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- (1) A law enforcement officer of the municipality; and
- (2) The Clerk of the Municipal Legislative Authority where the escape occurred.

(a) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by division (A) of this section, then it is sufficient compliance with division (B)(2) of this section if the owner or keeper makes the report within one hour after the office is next open to the public.

(C) For purposes of this section, there shall be an irrebuttable presumption that, when kept or maintained within the City of Marion, the animals listed below are considered dangerous animals to which the prohibition of subsection (a) hereof, in the absence of an exemption pursuant to subsections (d) or (e) hereof, applies:

- (1) All crotalid, elapid and venomous colubroid snakes;
- (2) Apes: Gibbons (*hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*);
- (3) Baboons (*Papoi*, *Mandrillus*);
- (4) Bears (*Ursidae*);
- (5) Bison (*Bison*);
- (6) Cheetahs (*Acinonyx jubatus*);
- (7) Crocodilians (*corcodilia*) and Alligators when twenty-four (24) inches in length or more;
- (8) Constrictor snakes exceeding six (6) feet in length;
- (9) Coyotes (*Cants latrans*);
- (10) Deer (*cervidae*) includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
- (11) Elephants (*Elephas* and *Loxodonta*);
- (12) Foxes (*Canis vulpes*);
- (13) Game cocks and other fighting birds;
- (14) Hippopotami (*Hippopotamidae*);
- (15) Hyenas (*Hyaenidae*);
- (16) Jaguars (*Panthera onca*);
- (17) Leopards (*Panthera pardus*);
- (18) Lions (*Panthera leo*);
- (19) Lynxes (*Lynx*);
- (20) Ostriches (*Struthio*);
- (21) Piranha fish (*Characidae*), except those considered vegetarians;
- (22) Pumas (*Felis concolor*), also known as cougars, mountain lions and panthers;
- (23) Rhinoceroses (*Rhinocerotidae*);
- (24) Sharks (Class *Chondrichthyes*);
- (25) Snow leopards (*Panthera uncia*);
- (26) Swine (*Suidae*); (excepting pot bellied pigs)
- (27) Tigers (*Panthera tigris*);
- (28) Wolves (*Canis lupus*) or Wolf hybrids;
- (29) Scorpions;
- (30) Birds of prey, except for those held by licensed falconers;
- (31) Venomous fish;
- (32) Poisonous spiders, except for tarantulas;
- (33) Stinging insects (except honey bees);
- (34) Bats being confined.

(D) Licensed menageries, zoological gardens, circuses, and the Marion County Fairgrounds shall be exempt from the provisions of subsection (A) hereof if all of the following conditions are applicable:

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Dayton Legal Blank, Inc.

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Passed JUL 10 2006, 20

- (1) The location conforms to the provisions of the City Zoning Code;
- (2) All animals and animal quarters are kept in a clean, humane and sanitary condition and so maintained as to eliminate objectionable odors;
- (3) Animals are maintained in quarters so constructed as to prevent their escape; and
- (4) No person resides within fifty (50) feet of the quarters in which the animals are kept.

(E) Notwithstanding any of the foregoing, the Director of Public Service/Safety may grant a specific exemption, on a temporary or permanent basis, from any of the provisions of this section to any person with a legitimate scientific, educational, commercial or other purpose for maintaining the prohibited animals, in accordance with the following provisions:

(1) Written application for exemption shall be filed by any person desiring to obtain an exemption with the Director of Public Service/Safety. The application shall state the applicant's name, address, type and number of animals desired to be kept, general purpose for which the animals will be kept, and a general description of provisions which will be made for safe, sanitary and secure maintenance of the animals.

(2) The Director of Public Service/Safety may grant, deny or restrict the terms of an application for exemption; provided, however, that he shall take some official action on an application within 120 days of its filing.

(3) In considering the merits of an application for exemption, the Director of Public Service/Safety may cause one or more inspections of the applicant's premises to be made by appropriate City employees or representatives, and may also refer the application to persons who are technically knowledgeable with respect to the animals involved for an advisory opinion.

(4) In evaluating an application for exemption, the Director of Public Service/Safety shall give consideration to the following criteria:

- a. The experience and knowledge of the applicant relative to the animals involved;
- b. Whether the applicant has obtained a federal or state permit relative to the animals involved;
- c. The relative danger, safety and health risks to the general public, to persons residing or passing near the applicant's premises, and to the applicant in connection with the animals involved;
- d. The provisions which have been or will be made for the safe, sanitary and secure maintenance of the animals for the protection of the general public, persons residing or passing near the applicant's premises, and the applicant, to include the provision of insurance coverage's;
- e. The provisions which have been made or will be made to protect the safety and health of the animals involved;
- f. Any other logically relevant information.

(5) An application for exemption under this subsection (E) shall be denied unless the Director of Public Service/Safety determines that, in view of all the relevant criteria and any restrictions which he may provide, reasonably appropriate measures commensurate with the degree of risk associated with the animals involved have been or will be taken to assure at least a minimum acceptable level of protection from danger to the health and safety of the general public, persons residing or passing near the applicant's premises, and the applicant.

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(6) An exemption granted pursuant to this subsection (E) may be withdrawn by action of the Director of Public Service/Safety in the event that the Director determines that there has been a change in the conditions or assumptions under which it was originally granted or in the event that the applicant fails to comply with restrictions originally placed on the exemption, including the right of the Director or his designee to access the confinement premises at any time for inspection.

(F) No exemption granted pursuant to any provision of this section shall be construed, nor is it intended by the City of Marion as a guaranty or warranty of any kind, whether express or implied, to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger or lack thereof, or degree of risk or health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.

(G) Penalty - Whoever violates any provision of this section shall be guilty of a misdemeanor of the third degree. However, if during the preceding twelve months there has been a previous conviction the offense shall be a misdemeanor of the first degree.

SECTION 2. All Ordinances, Resolutions, Regulations and/or Rules not referenced herein shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law, however the date upon which the enforcement of its provisions shall be enforced shall be the 1st day of July, 2007.

Mike Thomas
President of Council
Pro Tempore

APPROVED: **JUL 11 2006**

Jack L. Kellogg
Mayor

ATTEST:

Cathy Chappin
Clerk of Council

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-64, Page One

Passed JUN 26 2006, 20

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT BENEFIT THAT REAL PROPERTY, REQUIRING THE OWNERS OF THOSE PARCELS 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, the specific parcels of real property described and depicted on Exhibit A attached to this ordinance (each such parcel as now existing or as reconfigured, a "Parcel" and, collectively, the "Parcels" or "Property") are located within the City of Marion, Ohio (the "City"); and

WHEREAS, this Council anticipates that the present and future owners of the Property (each an "Owner", and collectively, the "Owners") will be constructing the Projects (as defined in the TIF Statutes) described in Exhibit B attached to this ordinance from time to time on the Property; and

WHEREAS, the public infrastructure improvements described in Exhibit C attached to this ordinance (the "Public Infrastructure") will directly benefit the Property; and

WHEREAS, it is in the best interest of the City to declare each Improvement (as defined in Ohio Revised Code Section 5709.40) 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, a notice of this Council's intention to declare the Improvements exempt from real property taxes and to pass this ordinance was delivered to the Board of Education of the Tri-Rivers Joint Vocational School District (the "JVSD"), and this Council ratifies and affirms the delivery of that notice; and

WHEREAS, pursuant to Ohio Revised Code Section 5709.83, a notice of this Council's intention to declare the Improvements exempt from real property taxes and to pass this ordinance was delivered to the Board of Education of the Pleasant Local School District (the "School District") and this Council ratifies and affirms the delivery of that notice; and

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

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WHEREAS, the Board of Education of the School District has passed a resolution approving the passage of this ordinance, and the exemption from real property taxes granted by this ordinance subject to the execution and delivery of a Compensation Agreement between the School District and the City (the Cooperative Agreement) in a form also approved pursuant to the Board of Education's resolution.

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;

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

Section 1. This Council finds and determines that it is in the best interest of the City to declare all the Improvements to be a public purpose and to grant an exemption from real property taxes on those Improvements, and this Council finds and determines that 100% of the applicable increase in true value of each Parcel (which increase in true value is the Improvements) subsequent to the effective date of this ordinance to that Parcel is hereby declared to be a public purpose, and shall be exempt from taxation for a period commencing on the tax collection year any Improvement attributable to a new structure constructed on that Parcel first appears on the tax list and duplicate of real and public utility property 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, the Owner of each Parcel of the Property is hereby required to, and shall make, service payments in lieu of taxes to the Treasurer of Marion County (the "County Treasurer") on or before the final dates for payment of real property taxes, which service payments shall be retained by the County Treasurer or remitted to the City for deposit in the TIF Fund (as defined below), pursuant to 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 had the exemption from taxation not been granted by this ordinance, 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 and 5703.47, as the same may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time (the payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes 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, pursuant to Ordinance No. 2005-106 (the "Prior TIF Ordinance"), has (i) previously established the SBR Enterprises Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund") which TIF Fund is maintained in the custody of the City and (ii) required certain payments in lieu of taxes

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Passed JUN 26 2006, 20

(the "Prior Service Payments") and certain amounts (the "Prior Property Tax Rollback Payments") to be deposited in the TIF Fund. This Council hereby directs the Auditor to establish a School Revenue Account and a Construction Account in the TIF Fund. 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.

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 allocated and used as follows:

(a) First, to the Construction Fund, all the Prior Service Payments and Prior Property Rollback Payments received by the City;

(b) Second, to the Construction Account, to the extent the Service Payments and Property Rollback Payments are sufficient, an amount, from those Service Payments and Property Rollback Payments, together with the amounts deposited pursuant to (a) above, sufficient to pay the sum of (i) an amount equal to the principal and interest payments due in that year on debt issued by the City in an aggregate principal amount of \$750,000 to pay costs of constructing the Public Infrastructure, and (ii) an amount sufficient to reimburse the City for principal and interest payments previously paid by the City on such debt;

(c) Third, to the School Revenue Account, to the extent that the Service Payments and Property Rollback Payments are sufficient, an amount equal to the sum of (i) the amount of real property taxes that the School District would have received on the Improvements in the year of the deposit if the Improvements were not exempted from those taxes pursuant to this ordinance, and (iii) the amount equal to any amount of real property taxes the School District would have received on the Improvements in prior years if the Improvements were not exempted from those taxes pursuant to this ordinance that was not previously deposited into the School Revenue Account; and

(d) Fourth, to the Construction Fund, the remaining Service Payments and Property Tax Rollback Payments.

Amounts deposited in the School Revenue Account shall be paid to the School District pursuant to the Compensation Agreement. Amounts deposited in the Construction Account shall be used to pay costs of constructing the Public Infrastructure, including payment of debt service on debt issued to pay those amounts.

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, and any incidental amounts shall be dispersed, in accordance with the TIF Statutes.

Section 5. The Tax Increment Financing Agreement (the "Management TIF Agreement") by and between this Council and Management Expansion, Inc., 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 a portion of the Property is hereby approved, and the Mayor is hereby authorized to execute and deliver the Management 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 Management TIF Agreement, and the character of the changes as not being substantially adverse to the City, shall be evidenced conclusively by the execution of the Management TIF Agreement by the Mayor.

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The Tax Increment Financing Agreement (the "Entertainment TIF Agreement") by and between this Council and Marion Entertainment Center, LLC, 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 a portion of the Property is hereby approved, and the Mayor is hereby authorized to execute and deliver the Entertainment 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 Entertainment TIF Agreement, and the character of the changes as not being substantially adverse to the City, shall be evidenced conclusively by the execution of the Entertainment TIF Agreement by the Mayor.

Section 6. The Compensation Agreement, in the form presently on file with this Council, providing for compensation payments to the School District is hereby approved, and the Mayor is hereby authorized to execute and deliver the Compensation 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 execution of the Compensation Agreement by the Mayor.

Section 7. The Mayor, the Auditor, the Treasurer and the Law Director, 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 8. 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 (15) days after its passage, and on or before March 31 of each year that the exemption from taxation granted by this ordinance 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(I).

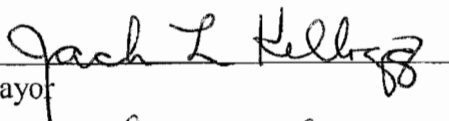
Section 9. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 10. 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.



President of Council

APPROVED: JUN 27 2006



Mayor

ATTEST: 

Clerk of Council

EXHIBIT A

PROPERTY

SITUATED IN THE STATE OF OHIO, COUNTY OF MARION, CITY OF MARION, BEING PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, BEING PART OUT LOT 743 AND PART OF A 25.8788 ACRE TRACT CONVEYED TO MANAGEMENT EXPANSION, INC. OF RECORD IN OFFICIAL RECORD 499, PAGE 588, OFFICIAL RECORD 493, PAGE 016, OFFICIAL RECORD 902, PAGE 258, A 5.091 ACRE TRACT AS CONVEYED TO MARION ENTERTAINMENT CENTER, LLC. OF RECORD IN OFFICIAL RECORD 899, PAGE 186 AND A 0.970 ACRE TRACT AS CONVEYED TO SBR ENTERPRISES, LLC. OF RECORD IN OFFICIAL RECORD 865, PAGE 142, RECORDS REFER TO THE COUNTY RECORDER'S OFFICE, MARION COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A RAILROAD SPIKE SET AT THE CENTERLINE INTERSECTION OF COUNTY ROAD 138 - BARKS ROAD (RIGHT-OF-WAY VARIES) AND LAKE BOULEVARD (60 FEET IN WIDTH), SAID RAILROAD SPIKE SET BEING IN THE NORTH LINE OF SAID MANAGEMENT EXPANSION TRACT;

THENCE SOUTH 89°49'54" EAST, A DISTANCE OF 171.04 FEET WITH THE CENTERLINE OF SAID BARKS ROAD, THE NORTH LINE OF SAID MANAGEMENT EXPANSION TRACT AND THE NORTH LINE OF SAID MARION ENTERTAINMENT TRACT (PASSING A RAILROAD SPIKE FOUND AT A DISTANCE OF 11.04 FEET MARKING A NORTHEAST CORNER OF SAID MANAGEMENT EXPANSION TRACT AND THE NORTHWEST CORNER OF SAID MARION ENTERTAINMENT TRACT) TO A RAILROAD SPIKE FOUND;

THENCE NORTH 01°00'29" EAST, A DISTANCE OF 30.00 FEET WITH A WEST LINE OF SAID MARION ENTERTAINMENT TRACT AND THE CENTERLINE OF SAID BARKS ROAD TO AN IRON PIN FOUND ON THE EAST-WEST HALF SECTION LINE OF SAID SECTION 35;

THENCE SOUTH 89°49'51" EAST, A DISTANCE OF 126.08 FEET, WITH THE SAID EAST-WEST HALF SECTION LINE, THE CENTERLINE OF SAID BARKS ROAD AND THE NORTH LINE OF SAID MARION ENTERTAINMENT TRACT TO A RAILROAD SPIKE FOUND MARKING THE NORTHEAST CORNER OF SAID OUT LOT 743, AND A NORTHWEST CORNER OF A TRACT CONVEYED TO DAVID S. & CYNTHIA M. PELTIER (SURV.) OF RECORD IN OFFICIAL RECORD 644, PAGE 175;

THENCE SOUTH 07°03'31" EAST, A DISTANCE OF 1337.65 FEET WITH THE WESTERLY LINE OF SAID PELTIER TRACT, AND THE CITY OF MARION CORPORATION LINE, TO A POINT ON THE NORTHERLY LINE OF THE MARION COUNTY CHILDRENS HOME OF RECORD IN DEED BOOK 92, PAGE 286, SAID POINT BEING REFERENCED BY AN IRON PIN FOUND NORTH 89°17'46" WEST, A DISTANCE OF 30.17 FEET;

THENCE NORTH 89°17'46" WEST, A DISTANCE OF 941.03 FEET, WITH THE SAID MARION COUNTY CHILDRENS HOME TRACT, PASSING SAID IRON PIN FOUND AT 30.17 FEET, TO AN IRON PIN FOUND AT THE SOUTHEAST CORNER OF A TRACT CONVEYED TO GLORIA J. CUBBERLY OF RECORD IN DEED BOOK 542, PAGE 831;

THENCE NORTH 16°16'51" WEST, A DISTANCE OF 531.23 FEET WITH THE EAST LINE OF SAID CUBBERLY TRACT AND THE EAST LINE OF A TRACT CONVEYED TO TRACTOR SUPPLY COMPANY OF RECORD IN OFFICIAL RECORD 613, PAGE 974 TO AN IRON PIN FOUND MARKING A SOUTHWEST CORNER OF A TRACT CONVEYED TO ELLEN KIRKHAM OF RECORD IN OFFICIAL RECORD 542, PAGE 309, OFFICIAL RECORD 483, PAGE 488, AND OFFICIAL RECORD 865, PAGE 176 AND A NORTHWEST CORNER OF SAID MANAGEMENT EXPANSION TRACT;

THENCE NORTH 89°53'39" EAST, A DISTANCE OF 31.24 FEET WITH THE SOUTH LINE OF SAID KIRKHAM TRACT AND A NORTH LINE OF SAID MANAGEMENT EXPANSION TRACT TO AN IRON PIN FOUND MARKING THE SOUTHWEST CORNER OF SAID SBR ENTERPRISES TRACT;

THENCE NORTH 16°16'51" WEST, A DISTANCE OF 217.00 FEET WITH THE EAST LINE OF SAID KIRKHAM TRACT AND THE WEST LINE OF SAID SBR ENETERPRISES TRACT TO AN IRON PIN FOUND ON THE SOUTH LINE OF A TRACT CONVEYED TO THE KROGER CO. OF RECORD IN OFFICIAL RECORD 835, PAGE 905;

THENCE NORTH 89°53'39" EAST, A DISTANCE OF 213.69 FEET, WITH THE SOUTH LINE OF SAID KROGER COMPANY TRACT TO AN IRON PIN FOUND;

THENCE NORTH 00°06'21" WEST, A DISTANCE OF 279.49 FEET, WITH AN EAST LINE OF SAID KROGER COMPANY TO AN IRON PIPE FOUND;

THENCE NORTH 01°03'09" EAST, A DISTANCE OF 290.00 FEET, WITH AN EAST LINE OF SAID KROGER COMPANY TRACT (PASSING AN IRON PIPE FOUND AT 259.97 FEET) TO A RAILROAD SPIKE FOUND IN THE CENTERLINE OF SAID BARKS ROAD;

THENCE SOUTH 89°49'51" EAST, A DISTANCE OF 150.00 FEET WITH THE NORTH LINE OF SAID MANAGEMENT EXPANSION, INC. TRACT TO A RAILROAD SPIKE SET AT THE NORTHWEST CORNER OF A TRACT AS CONVEYED TO JAMIE M. PUA OF RECORD IN DEED BOOK 523, PAGE 319;

THENCE SOUTH 01°03'09" WEST, A DISTANCE OF 290.00 FEET WITH THE WEST LINE OF SAID PUA TRACT TO AN IRON PIN SET;

THENCE SOUTH 89°49'51" EAST, A DISTANCE OF 150.00 FEET, WITH THE SOUTH LINE OF SAID PUA TRACT TO AN IRON PIN SET;

THENCE NORTH 01°03'09" EAST, A DISTANCE OF 290.00 FEET, WITH THE EAST LINE OF SAID PUA TRACT TO A RAILROAD SPIKE SET AT THE NORTHEAST CORNER OF SAID PUA TRACT AND IN THE CENTERLINE OF SAID BARKS ROAD;

THENCE SOUTH 89°49'51" EAST, A DISTANCE OF 138.96 FEET WITH THE CENTERLINE OF SAID BARKS ROAD AND THE NORTH LINE OF SAID MANAGEMENT EXPANSION TRACT TO THE POINT OF BEGINNING CONTAINING 25.729 ACRES OF LAND, OF WHICH 2.715 ACRES ARE IN THE RIGHT-OF-WAY, MORE OR LESS.

EXEMPTING THEREFROM THE FOLLOWING DESCRIBED LAND:

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.

FOR A NET ACREAGE OF 24.609 ACRES, MORE OR LESS.

EXHIBIT B

PROJECTS

The Projects consist of a recreation facility, multiple office buildings and other commercial buildings located on the Property.

EXHIBIT C

PUBLIC INFRASTRUCTURE

The Public Infrastructure consists of:

1. The construction and extension of Lakes Boulevard.
2. The improvement of Barks Road between Delaware Avenue and State Route 529.
3. Such other improvements to Barks Road that directly benefit the Property.
4. 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

2007

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-65

Passed JUN 26 2006, 2006

ORDINANCE MAKING AN ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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 \$257,212.15 for the year ending December 31, 2006 as follows:

GENERAL FUND

Police - Quartermaster 101.1111.510140 \$ 6,000.00

STREET IMPROVEMENT FUND

State Issue 2 Resurfacing 461.6061.530531 \$270,000.00

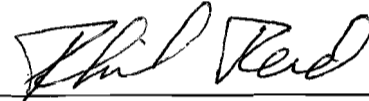
SWIMMING POOL FUND

Capital Improvements 516.3423.550520 \$ 800.00

OPWC SANITARY/STORM SEWER FUND

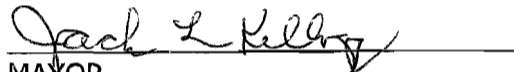
Main Trunk/Greenwood St. 555.5310.550520 \$(19,587.85)

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



PRESIDENT OF COUNCIL

APPROVED: JUN 27 2006



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc

Form No. 30043

Ordinance No. 2006-66

Passed _____, 20____

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

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

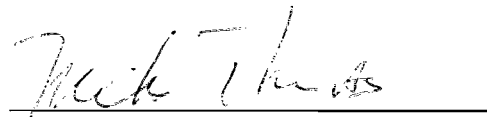
Section 1. That there be an additional appropriation made in the general fund in the amount of \$250.00 for the year ending December 31, 2006 as follows:

GENERAL FUND

Treasurer Supplies	101.7713.540420	\$250.00
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Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED:



PRESIDENT OF COUNCIL

Pro Tempore

MAYOR

ATTEST:

CLERK

RECORD OF ORDINANCES

Ordinance No. 2006-67

Passed _____, 20____

ORDINANCE ACCEPTING THE PLAT OF BARKS CROSSING, LOCATED IN PART OF OUT LOT 743, BEING PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN.

WHEREAS, Center Park of Marion Ltd., has hereunto submitted to the Planning Commission of the City of Marion, a Plat of the Barks Crossing located in Out Lot 743, being part of the Northwest Quarter of Section 35, Township 5 South, Range 15 East, in Said City of Marion, County of Marion, State of Ohio, and

WHEREAS, on the 3rd day of January, 2006, the Marion City Planning Commission approved said Plat.

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

Section 1. That the Plat of Barks Crossing located in Out Lot 743, being part of the Southwest Quarter of Section 35, Township 5 South, Range 15 East, in said City of Marion, County of Marion, State of Ohio, dated April 4, 2006, be and the same is hereby approved and accepted and dedicated to the public use of the streets shown therein, be and the same is hereby accepted and confirmed. (See attached Exhibit A)

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



President of Council
Pro Tempore

APPROVED:

Mayor

ATTEST:

Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2006-68

Passed _____, 20____

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO PURCHASE A .650 ACRE PARCEL ON LIKENS ROAD FOR THE WASTE WATER TREATMENT PLANT

Whereas, the City of Marion has determined that it is in the best interest of the City to purchase a certain parcel of land located on Likens Road, and

Whereas, the owner of said land has agreed to sell said parcel at its appraised value.

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

Section 1. The Mayor is hereby authorized to enter into contract with Glen Maddy, et. al., to purchase a .650 acre tract of land on Likens Road for the sum of \$9,750.00.

Section 2. That the \$9,750.00 purchase price be paid from the Capital Improvement Fund No. 504.5553.550455

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



President of Council
Pro Tempore

APPROVED:

Mayor

Attest:

Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2006-69

Passed _____, 20____

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO AMEND THE EXISTING AGREEMENT BETWEEN THE CITY OF MARION AND THE MARION SENIOR HOUSING LIMITED PARTNERSHIP

WHEREAS, the City of Marion and Marion Senior Housing Limited Partnership have entered into an agreement as mentioned herein, and

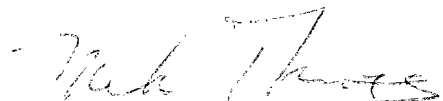
WHEREAS, Marion Senior Housing Limited Partnership, in order to pay for needed repairs to the Harding Center, and to keep the building operating, has requested deferral on payments on two loans, but offering to make very minimal payments each year on each loan that the current financial situation exists with larger payments when possible as follows:

1. Payments due under the terms of the CDBG Economic Development Grant Mortgage from July 1, 2006 to December 31, 2013, unless objected to by the State of Ohio, department of Development. Said Mortgage is commonly referred to as the 4th Mortgage. The absolute minimum payment each year shall be \$100.00.
2. Payments due under the terms of the CDBG Discretionary Grant Mortgage from July 1, 2006 to December 31, 2013, unless objected to by the State of Ohio, Department of Development. Said Mortgage is commonly referred to as the 5th Mortgage. The absolute minimum payment each year shall be \$100.00.

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

Section 1. The Mayor is hereby authorized to execute any and all documents necessary in order to defer the payments due under the above mentioned agreements, but, Marion Senior Housing Limited Partnership shall annually provide financial updates and information satisfactory to the City and if either the Mayor, Law Director, Development Director or the Ohio Department of Development feels there is adequate revenue to increase the payments, may recommend that City Council amend or suspend the deferral with the effective date of such amendment or suspension no sooner than 6 months from the date of City Council action.

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



PRESIDENT OF COUNCIL
Pro Tempore

APPROVED:

MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-70

Passed _____, 20____

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FUEL, ASPHALT, ROAD SALT AND ROAD PAINT, AS AMENDED.

WHEREAS, The City of Marion bids bi-annually the necessary purchases of Fuel, Asphalt, Road Salt and Road Paint to be used in the daily operation of the City, and;

WHEREAS, the current contracts are set to expire in October of 2006.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for fuel, asphalt, road salt and road paint.

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


PRESIDENT OF COUNCIL

APPROVED:

MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Ordinance No. 2006-71

Passed _____, 20____

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS FORD FOR THE PURCHASE OF (1) 2007 FORD F-350 CAB AND CHASSIS AND WITH AMERICAN'S BODY COMPANY FOR THE PURCHASE AND INSTALLATION OF (1) STAHL CHALLENGER 6 DOOR UTILITY BODY FOR USE AT THE MARION MUNICIPAL AIRPORT.

WHEREAS, in order to meet various requirements for grounds keeping at Marion Municipal Airport, and

WHEREAS, this vehicle and utility body will be purchased from the Capital Equipment Fund.

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

Section 1. That the Safety/Service Director was authorized to prepare specifications and advertise for bids the purchase of one (1) 2007 ¾ ton 4WD pickup truck and one(1) six door utility body. The bids were received and opened on July 6, 2006.

Section 2. Lowest bids were received from Mathews Ford for (1) 2007 Ford F-350 cab and chassis at a cost of \$20,880.77 and America's Body Company for (1) Stahl Challenger 6 door utility body and installation at a cost of \$5,295.00.

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

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




PRESIDENT OF COUNCIL

APPROVED:



MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-72

Passed _____, 20____

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND
ADVERTISE FOR BIDS FOR THE LAKE BOULEVARD/BARKS
ROAD IMPROVEMENTS, PROJECT 06-2P 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 Lake Boulevard/Barks Road Improvements, Project 06-2P.

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:

Mayor

Attest:



Clerk of Council *Pro Tempore*

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-73

Passed _____, 20__

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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 \$487,604.71 for the year ending December 31, 2006 as follows:

<u>GENERAL FUND</u>		
EMS FY'07 GRANT	101.1131.537223	\$ 3,500.00
<u>WIC FUND</u>		
SALARIES & WAGES	215.2547.510110	\$216,168.00
BENEFITS	215.2547.510120	97,472.00
TRAVEL & TRANSPORTATION	215.2547.520220	2,100.00
UTILITIES	215.2547.530310	15,000.00
EQUIPMENT MAINTENANCE	215.2547.530360	2,000.00
LAND & BLDG MAINTENANCE	215.2547.530370	1,060.00
JANITORIAL SERVICES	215.2547.530424	5,040.00
SUPPLIES & MATERIALS	215.2547.540420	6,953.00
POSTAGE	215.2547.540423	3,000.00
CONTINGENCY	215.2547.570624	(74,077.77)
	TOTAL WIC FUND	\$274,715.23
<u>PARKS FUND</u>		
DONATION	221.3421.540324	\$ 1,000.00
<u>COMMUNITY CORRECTIONS FUND</u>		
SALARIES & WAGES	224.7547.510110	\$ 47,852.09
BENEFITS	224.7547.510120	16,285.14
TRAVEL	224.7547.520220	(146.81)
SUPPLIES	224.7547.540420	(59.90)
	TOTAL COMMUNITY CORRECTIONS FD	\$ 63,930.52
<u>DOWNTOWN REVITALIZATION FUND</u>		
ADMINISTRATION	277.4544.530324	\$ (515.00)
<u>STREET IMPROVEMENT FUND</u>		
BARKS ROAD TIF FUND	461.6052.580348	\$ (26.04)
<u>STORM WATER UTILITY FUND</u>		
MERCHANT AVE	509.5983.550520	\$ 45,000.00
<u>CENTRAL GARAGE FUND</u>		
MOTOR FUEL	601.9601.540430	\$100,000.00

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

APPROVED:


PRESIDENT OF COUNCIL

MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

Ordinance No. 2006-74, Page One

Passed _____, 20____

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

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

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

Section 1. That the applications to serve as depositories of the active moneys of this City which have been received from the financial institutions referred to below, all of which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including Chapter 135 of the Ohio Revised Code, and the following financial institutions are hereby designated as public depositories of the active moneys under the control of this City for the period from September 14, 2006, to and including September 13, 2010, provided, however, that none of such institutions shall be permitted to receive and have on deposit at any one time a greater amount of active deposits of moneys of this City than that specified in its application for the same. That, on the basis of the operating needs of this City, the first \$25,000.00 of such moneys subject to the control of this City shall, in accordance with Section 135.04 of the Ohio Revised Code, be deposited in the Fahey Banking Co. and that the active moneys of this City in excess of such sum of \$25,000.00 shall be deposited in such institutions in proportion to their respective award quotas as determined pursuant to such Section 135.04. Said institutions and the amount of deposit in each are as follows:

<u>DEPOSITORY OF ACTIVE MONEYS</u>	<u>PERCENT TO BE DEPOSITED</u>
National City Bank	8.333%
Chase Bank	16.667%
The Fahey Banking Company	25.000%
The Commercial Savings Bank	8.333%
The Ohio State Bank	16.667%
Sky Bank	8.333%
First Citizens National Bank	8.333%
United Bank	8.333%

Section 2. That the applications to serve as depositories of the interim funds of this City which have been received from the finance institutions referred to below, all of which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including Chapter 135, Ohio Revised Code, and the financial institutions referred to below are hereby designated as public depositories of the interim moneys under the control of this City for the period from September 14, 2006 to and including September 13, 2010:

NAME OF INSTITUTION

The Commercial Savings Bank
The Fahey Banking Company
Chase Bank
National City Bank
Fifth Third Bank
The Ohio State Bank
Sky Bank
United Bank
First Citizens National Bank

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-74, Page Two

Passed SEP 11 2007, 20

Section 3. That the City Treasurer is hereby authorized to determine from time to time the amount of funds available for investment or deposit as interim moneys, to select the date or dates for investment or deposit of such interim moneys, and to select the classifications of obligations for the investment or deposit of such moneys as provided in Section 135.14, Ohio Revised Code, provided that if such moneys are determined to be deposited as interim deposits (evidenced by a certificate of deposit), in accordance with Division (C) of Section 135.14, the same shall be deposited with the financial institution specified above which offered to pay the highest permissible interest as nearly as practicable in proportion to the respective capital funds as defined in Section 135.01(C), Ohio Revised Code, taking into account, however, the amount of funds from time to time to be deposited, the amount required to be deposited to obtain the highest permissible interest rate, and the maturity dates and rights of redemption with respect to the respective deposits; and provided further that the Treasurer shall, within thirty days after classifying any public moneys as interim moneys, notify this Council of such classification and of the investment or deposits made pursuant to this Section.

Section 4. That the award of public moneys herein made is subject to the provisions of Chapter 135 of the Ohio Revised Code, including the limitation imposed by, and the variations permitted by, Sections 135.03 and 135.20 thereof, respectively; and, subject to the provisions of such Chapters, deposits of moneys shall be made pursuant to this ordinance from time to time in accordance with the financial requirements of this City.

Section 5. That the City Treasurer is hereby directed to keep all such applications on file in her office.

Section 6. That the City Treasurer is hereby directed to forward certified copies of this ordinance to the financial institutions herein designated as public depositories of this City and the Mayor and the City Treasurer are hereby authorized and directed to execute on behalf of this City such memorandum agreements relating to the designation of such institutions as public depositories and the securing of deposits therein as are required, authorized or permitted by law.

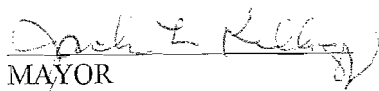
Section 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 8. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED: SEP 11 2007


MAYOR

ATTEST:


CLERK OF COUNCIL PRO TEMPORE

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-75

Passed _____, 20____

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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 \$85,000.00 for the year ending December 31, 2006 as follows:

GENERAL FUND

POLICE		
FUEL	101.1111.540430	\$45,000.00
FIRE		
FUEL	101.1131.540430	<u>12,000.00</u>
	TOTAL GENERAL FUND	\$57,000.00

MMC ASSISTANCE FUND

PROFESSIONAL SERVICES	209.7731.530320	\$13,000.00
EQUIPMENT	209.7731.550450	<u>15,000.00</u>
	TOTAL MMC FUND	\$28,000.00

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

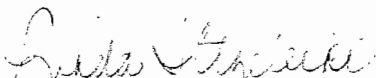
APPROVED:



PRESIDENT OF COUNCIL

MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-76

Passed _____, 20____

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HORTON EMERGENCY VEHICLES THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF (1) EMERGENCY SQUAD.

Whereas, the City of Marion is a member of the Ohio Cooperative Purchasing Program, and

Whereas, Horton Emergency Vehicles has an approved state contract listing for a 2006 Emergency Squad, therefore,

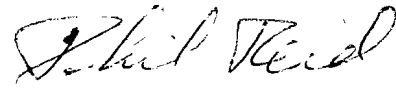
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Horton Emergency Vehicles for the purchase of a 2006 International Emergency Squad at an estimated cost of \$186,608.87.

Section 2. That said contract is through the Ohio Cooperative Purchasing Program.

Section 3. That the funding source for said contract will be determined at a later date.

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




President of Council

APPROVED:

Mayor

Attest;



Clerk of Council *Pro Tempore*

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ORDINANCE PROVIDING FOR A COMPREHENSIVE ENHANCEMENT OF NUISANCE ENFORCEMENT CODES, PROCESSES AND ORDINANCES WITHIN THE CITY OF MARION IN ORDER TO PROVIDE MORE RESPONSIVE AND EFFECTIVE SERVICE, BY AMENDING CERTAIN EXISTING SECTIONS OF CODE, ADOPTING NEW CODE PROVISIONS, AMENDING ORDINANCES 1969-29, 1995-79, 1972-11, 1979-03 AND DECLARING AN EMERGENCY

WHEREAS, the Council has conducted an exhaustive study of the existing Codes and the current structure, most of which was established more than 30 years ago and have evolved to be ineffective to meet the demands of the current community standards. Council hereby finding there exist specific nuisances within the community as identified by the Members and the citizens providing testimony thereon and Council hereby concludes there is a real and present need for comprehensive change to eliminate specific nuisances within the City of Marion, Ohio and to improve the manner in which nuisances are handled,

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

Section 1. The Council having found a necessity given the existence of specific nuisances within the community and it being in the public interest and general welfare for the provisions of this Code it hereby declares as a matter of legislative determination and finds the following to be necessary in order to eliminate the occurrence of nuisances both in existence and occurring in the future:

Be it adopted:

Marion City Code Section ' 665 PREMISES MAINTENANCE CODE

Section

General Provisions

665.01 Definitions
665.02 Title; purpose
665.03 Scope
665.04 Enforcement

Premises Standards

665.05 Unfit dwelling
665.06 Safety hazards
665.07 Maintenance responsibility
665.08 General structure maintenance requirements
665.09 Yard area maintenance
665.10 Abandoned structures and unoccupied lots
665.11 Minimum standards for rental dwellings
665.12 Designation of unfit dwellings and legal procedure of condemnation
665.13 Moratorium on legal action
665.99 Penalty

§ 665.01 DEFINITIONS.

(A) Generally. As used in this chapter, the following words shall have the following meanings:

ABATE. To improve, purify, correct or to remove.

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ABBANDONED: Vacant more than 12 months, unless occupied by the homeowner who is temporarily not residing within Ohio.

ACCESSORY BUILDING OR STRUCTURE. A detached building or structure in a secondary of subordinate capacity from the main or principal building or structure on the same premises. Examples would be a garage or shed.

APPROVED. Means in accordance with regulations promulgated by the codes and ordinances of the city.

BUILDING. A fixed construction with walls, foundation and roof, such as a house, factory, garage, etc.

CODE. Means any section of Marion City Code, including but not limited to the Premises Maintenance Code

CODE ENFORCEMENT COORDINATOR. Means the public officer or other designated authority charged with the administration and coordination of this code to whom the Code Enforcement Officers report. The Code Enforcement Coordinator shall possess all the powers and authority conferred upon the Code Enforcement Officers.

CODE ENFORCEMENT OFFICERS. Means the public officer(s) or other designated authority charged with the ensuring compliance with Marion City Codes or Regulations.

EGRESS. An arrangement of exit facilities to assure a safe means of exit from a building.

DILAPIDATED. A structure in such a poor state of repair that it has various potentially unsanitary or unsafe conditions, which when taken collectively, constitute an unsanitary and unsafe structure at the present time, no longer adequate for the purpose or use for which it was originally intended.

DULY DESIGNATED. Means the Police Chief, Fire Chief, City Engineer, Safety/Service Director or Law Director.

DWELLING. Means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants. Including parts of the whole sometimes described as Dwelling Units.

EXTERMINATION. The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods, approved by the local or state authority having such administration authority.

FACILITIES. Supplied conveniences, equipment or utilities. This shall include but is not limited to all types of heating and cooling systems, hot water tank, refrigerator, stove, bathroom and containers for garbage and rubbish.

FIXTURES. Include but is not limited to, ceiling lights, faucets, faucet handles, outlets, lavatory, tub, shower and kitchen sink.

FLUSH WATER CLOSET. A toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap above the floor.

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HABITABLE. A dwelling, dwelling unit or building in which the condition of such is satisfactory for occupancy.

HABITABLE ROOM. A room or enclosed floor space arranged for living, eating, or sleeping purposes, but does not include a room used as a bathroom, water closet compartment, laundry, pantry, foyer, hallway, or other accessory floor space.

GARBAGE. All putrescible waste from animal and vegetable resulting from the handling, preparation, cooking, serving and non-consumption of food.

INFESTATION. The presence within or around a dwelling of any insects, rodents, or other pests.

LITTER. Garbage, trash, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature, thrown, dropped, discarded or placed.

OCCUPANT. Means any person living, sleeping, cooking or eating in a dwelling unit.

OPERATOR. Any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER. Any person who, alone, or jointly or severally with others:

- A. Shall have legal title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof, or;
- B.. Shall have charge, care, or control of any premises, dwelling, or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of the regulation to the same extent as if he or she were the owner.

PERSON. Means any individual, company, corporation, firm, trust, association, partnership or any entity recognized by law.

PLUMBING. The practice, materials and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: drainage systems, and the water supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of the storm water, liquid waste, or drainage and water supply systems of any premises.

POTABLE WATER. Drinkable; safe from harmful bacteria and chemical impurities, from an approved source.

PUBLIC NUISANCE. Means any structure which is permitted to be or remain in any of the following conditions:

- (1) In a dilapidated, decayed, unsafe or unsanitary condition detrimental to the public health, safety, and welfare, or being of the surrounding area; or
- (2) A fire hazard; or
- (3) Any abandoned building; or
- (4) Any vacant building which is unsecured or in a state which permits ingress or egress of persons or animals through any available openings; or

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(5) Land, real estate, houses, buildings, residences, apartments, or premises of any kind which are used in violation of any division of Section 2925.13 (Drug Offenses)

(6) Any structure or real property which is in non-compliance with a any City of Marion Code or Regulation or any real property upon which its real property taxes have remained unpaid in excess of one (1) year from the date of assessment.

(7) Any building, premises or real estate, including vacant land, or any appurtenance thereto as defined as a nuisance or public nuisance in O.R.C. chapter 3767 (nuisances)

PREMISES. Means a lot, plat or parcel of land, which may include buildings or structures or any part thereof and is interchangeably used with the term "property".

REFUSE. All putrescible and non-putrescible solids (except body wastes) including garbage, rubbish, ashes, dead animals, clothing, furniture, appliances, wire, automotive and waste material.

RENTAL DWELLING. Means any dwelling or any part thereof which is rented, let, leased or a similar arrangement, to someone other than the person holding title to such property and where the owner receives money, services or other consideration for the use of such dwelling.

RUBBISH. A non liquid, non-putrescible solid wastes consisting of paper, cardboard, plastic, tree limbs, yard clippings, leaves, tin cans, glass, bottles, rags and crockery.

SOLID WASTE. Unwanted residual solids or semisolid material as results from industrial, commercial, agricultural and community operations excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material; street dirt, and debris.

STRUCTURE. Includes buildings or any part thereof for any occupancy, fences, signs, sidewalks, steps, billboards, fire escapes and railings.

SUPPLIED. Paid for, furnished by, provided by, or under the control of the owner, operator or agent.

WASTE MATERIAL. Recognizable industrial by-products, dead trees, tree limbs, trunks or stumps, or accumulation of bricks, concrete, stone, wood, metal, sand, gravel, earth, or other refuse from construction, remodeling or repair of buildings, appliances, worn furniture and other disposable items and materials.

§ 665.02 TITLE; PURPOSE AND SEVERABILITY.

(A) Title. These regulations shall be known as the Premises Maintenance Code of the City of Marion, Ohio, herein referred to as Premises Maintenance Code or "The Code". It's intent is to adopt minimum maintenance standards of all structures and buildings within the city, Strict liability is intended to be imposed for violation of any provision.

(B) Purpose. The purpose of the Code is to protect the public's health, safety and welfare by establishing minimum standards governing the condition, hygiene, sanitation, maintenance and appearances of structures and premises within

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the city. This code shall not be construed to prevent the enforcement of other provisions of Marion City Codes or the Ohio Revised Code that prescribe standards other than are provided in this code, however if any conflict exists the most stringent provision shall control.

(C) The provisions of this chapter shall be deemed severable; and, if any such provision shall be held unconstitutional by a court of competent jurisdiction the decision of such court shall not impair any of the remaining provisions.

§ 665.03 SCOPE.

(A) This code shall apply to every building or structure and all premises within the city.

(B) In any case where any part of this code is found to be in conflict with any existing code, ordinance or regulation of the city, the provision which establishes the higher standard shall prevail.

(1) CROSS REFERENCED SECTIONS:

(which shall have full force and effect as if fully re-written herein)

Accumulation of refuse, see 660.04

Junk cars, see 660.07

Weeds, see 678 et al.

Removal of unsafe structures, Chapter 1360 and/or R.C. §§ 715.26 through 715.30

Litter Deposit of Waste, see 660.03

Noxious odors; filth accumulations 660.04

Dangerous Buildings, see 1360 et al.

Barking Dogs, see 618 et al.

Zoning Code, Part 11 Marion City Code

715.30 O.R.C. Public nuisance

715.261 O.R.C. et. seq. Recovery of costs

(C) If any section, subsection, paragraph, sentence or phrase of this code is declared invalid for any reason, such decision shall not effect the remaining portions of the code which shall continue in full force.

(D) This code establishes minimum maintenance standards for all residential and nonresidential structures within the city.

(E) This code also establishes minimum standards for all rental dwellings within the city.

(F) This code establishes the responsibilities of owners and occupants of all structures within the city.

(G) This code also provides for the administration, enforcement and penalties to enforce the code.

§ 665.04 ENFORCEMENT.

(A) Code Enforcement Officer.

(1) It shall be the duty and responsibility of the person (herein called the Code Enforcement Officer) to enforce the code as herein provided. Code Enforcement Officer shall include any existing person charged with enforcing Codes contained within or related hereto. He/she shall work in close cooperation with other City Officials including the Law Director, Safety/Service Director, Fire Chief, Police

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the complaint is a violation of a type associated with Chapter 1360 Dangerous Building requiring extensive repairs the reasonable period of time shall be 30 days, unless it is determined, at the sole discretion of the Code Enforcement Officer, there is an immediate threat to health in which case the time may be reduced by the Code Enforcement Officer but in no case shall the time be less than 24 hours. In either case if there is a need for additional time the person in violation shall present the Code Enforcement Officer a letter stating that such a continuance is necessary and include in said letter the specific steps and time table that will be taken to abate the nuisance. The Code Enforcement Officer shall decide upon either a continuance of the order as long as it is not a threat to the health and safety of the general public or find that the person in violation, repair such violation in the length of time specified.

(2) Notice may be served personally or by certified mail addressed to the occupant, other person in charge thereof at the address where the violation exists or the owner to the tax mailing address shown on the books of the County Auditor for the parcel of real estate where said violation exists. In the event no return receipt is received when service is attempted and the certified mail is returned for any reason, it then can be served personally, sent certificate or proof of mailing, or the notice may be served by posting a copy of the notice of the violation upon the exterior of the dwelling in a conspicuous place where the addressee resides or violation exists. A return or other documentation stating the manner in which said service was made shall be attached to a copy of the complaint and retained in the records of Code Enforcement Coordinator's records.

If the last known address cannot be ascertained, the notice shall be posted in the local paper one time per week for three consecutive weeks.

(D) Appeal.

(1) General provisions. Any person, any municipal officer or official or any public body aggrieved by the action of the Code Enforcement Officer may take an appeal to the Board of Premises Maintenance Code Appeals. The Code Enforcement Officer, any municipal officer or official, any public body or any member of the Board of Premises Maintenance Code Appeals may request a hearing by the Board on any subject over which the Board has jurisdiction or power, as set forth in this Premises Maintenance Code, or may request the Board to review or interpret any provision of this Premises Maintenance Code.

(a) An appeal from any decision of the Code Enforcement Officer may be taken within 15 days from the date of the decision, from which the appeal is taken, by depositing \$10 and filing with the Board of Premises Maintenance Code Appeals Secretary a written notice of appeal, specifying the grounds therefor. The deposit shall be forfeited if the appeal is denied, but shall be returned if the appeal is granted. The Code Enforcement Officer shall forthwith transmit to the Board the papers upon which the action appealed was taken.

(b) Notice: The Board of Premises Maintenance Code Appeals shall hold a public hearing on each appeal. At the hearing, any party may appear in person or by his agent or attorney.

(c) Evidence and inspection: In passing upon appeals, the Board may require submission of evidence or proof to substantiate claims and may require such additional data and tests which, in the opinion of the Board, are needed for adequate consideration of the appeal. Any member of the Board or any person authorized by the Board may at any time enter, inspect and examine any plans, buildings or structures for the purpose of carrying out duties of the Board.

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(2) Appeals Board. There is hereby created an Appeals Board. It shall be constituted by five residents of the city who shall be appointed by the Mayor and shall be approved by a majority vote of Council. Not less than one member shall be a licensed realtor, not less than one member shall represent the interest of commercial/rental housing and not less than one member shall be a minority representative. In addition to the four appointed Appeals Board members, the Councilperson from the ward in which the subject premises is situated shall sit as the fifth member of the Appeals Board for that case. The term of each member shall be four years, except the term to be served by the original appointees shall begin as staggered terms. One member shall be appointed to serve a one-year term, one member a two- year term, one member a three-year term and one member a four-year term. If any member resigns, dies or moves out of the City a replacement member shall be appointed by the Mayor and approved by Council for the balance of the unexpired term of office. The Appeals Board shall elect one person to serve as chairman, and one as vice chairman. The Clerk of Council shall serve as secretary for the Board. The Board shall have the authority to call upon any City position holder, employee or agent to provide answers to inquiries.

(3) Board powers and duties. The Board of Premises Maintenance Code Appeals shall have the power, subject to the limitations and in the manner set forth in the Premises Maintenance Code, to:

(a) Affirm or reverse, in whole or in part, or modify any decision of the Code Enforcement Officer interpreting the provisions of this Premises Maintenance Code;

(b) Vary the application of any provision of this Code to any particular case, when, in its opinion, enforcement thereof should do manifest injustice, would be contrary to the spirit of the purpose of this Premises Maintenance Code or the public interest;

(c) Determine if any materials or method of construction may be used, even though not specifically authorized by this Premises Maintenance Code, and specify the manner in which such materials and methods shall be used;

(d) Determine whether any proposed rule of the Code Enforcement Officer supplements or aids in the interpretation of the requirements of this Premises Maintenance Code and is consistent therewith and affirm, amend, modify or nullify any such proposed rule;

(e) Report and recommend to Council any amendment, deletion or addition to this Premises Maintenance Code and can be adopted with Council approval.

(4) Board meeting and records. Meetings of the Board of Premises Maintenance Code Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings before the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such facts. It shall also keep records of its examinations and other official actions. Such minutes and such records shall be public record.

(5) Board procedure. The Board of Premises Maintenance Code Appeals shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Premises Maintenance Code.

(6) Vote. The Board shall hear all appeals relative to the enforcement of this Code and by a concurring vote of the majority of its members

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shall reverse or affirm wholly or partly, or modify, the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Code Official.

(7) Financial interest. A member of the Board shall not participate in any hearings or vote on any appeal in which that member has direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

(8) Decisions recorded. The Premises Maintenance Code Appeals Board shall in every case reach a decision without reasonable or unnecessary delay not exceeding ninety days from the date of the hearing. Every decision of the Board shall be in writing and shall indicate the vote upon a decision. Every decision shall be promptly filed in the office of the Code Enforcement Officer and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant or other interested party and a copy shall be kept publicly posted in the office of the Code Enforcement Officer for two weeks after filing.

(9) Decisions, variations and modifications. The Board, after public hearing, may vary the application of any provision of this Premises Maintenance Code to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and purpose of this Premises Maintenance Code or public interest or when, in its opinion, the interpretation of the Code Enforcement Officer should be modified or reversed. A decision of the Board to vary the application of any provision of this Premises Maintenance Code or to modify an order of the Code Enforcement Officer shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

(E) Failure to Comply With Order.

(1) If the owner or resident of a dwelling, building or premises fails to comply with the order of the Code Enforcement Officer to repair, alter or improve, close or vacate, remove or demolish the dwelling or building, the Code Enforcement Officer may cause the dwelling or building to be repaired, altered or improved, or to be vacated, closed, removed or demolished. The Code Enforcement Officer may cause to be posted on the main entrance a placard with the following words:

THIS BUILDING IS UNFIT FOR HUMAN HABITATION OR OTHER USE; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION OR OTHER USE HEREAFTER IS UNLAWFUL AND IS PROHIBITED.

(2) No person shall deface or remove the placard or other notice from any dwelling, building or premises until such time the defects upon which the placarding action were based have been corrected or removed, and then only after the Code Enforcement Officer has determined that the Code violations have been corrected.

(3) The amount of the repairs, abatement, elimination, alteration, improvement, cutting, vacating, closing, removal or demolition employed by the Code Enforcement Officer, including but not limited to administrative, clerical and the like, the costs of advertising and publishing notices, and shall be contained within a written return of his/her or its proceedings hereunder and shall certify such return to the County Auditor, together with a statement of the costs and expenses incurred for the items listed above or as herein provided, together with the costs and expenses hereinbefore set forth,

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shall, upon receipt and acceptance by the County Auditor, be entered upon the tax duplicate and become a lien upon such land or lands from and after the date of such entry upon the tax duplicate and may be collected, and the liens foreclosed, in the same manner as taxes and tax liens are collected and foreclosed or by other civil suit or process.

(4) All demolition proceedings shall comply with the section of the Ohio Revised Code dealing with demolition of structures.

PREMIESES STANDARDS

§ 665.05 UNFIT DWELLINGS.

The Code Enforcement Officer may determine that a dwelling is unfit for human habitation or that any building is unsafe, if he finds that conditions exist in the rental dwelling or other building which are dangerous to the health and safety of the occupants of neighboring buildings or the general public.

§ 665.06 SAFETY HAZARDS.

The following conditions are determined to be hazardous and shall warrant a finding that a building or its premises are unsafe or constitute a nuisance.

(A) Structural hazards such as:

(1) Any door, aisle, passageway, stairway or other means of exit not of sufficient width or size, or not arranged so as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to, or might use such door, aisle, passageway, stairway or other means of exit.

(2) Damage to any portion of a building by earthquake, wind, fire, flood or any other cause, in such a manner that the structural stability or strength thereof is appreciably less than minimum requirements for a new building or structure of similar size, construction, location and use.

(3) Likelihood of any portion, member or appurtenance of a building to fall, become dislodged or detached, or collapse, and thereby cause bodily injury or property damage.

(4) Settling of any building or portion thereof to such an extent that walls or other structural portions have been displaced or distorted and rendered structurally unstable or dangerous, or that the basic function of the element has been impaired.

(5) The building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, removal or movement of some portion of the ground necessary for the purpose of supporting the building or structure or portion thereof, or other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.

(6) The building or structure has been damaged by fire, wind, earthquake, flood, water or has become dilapidated or deteriorated, from any cause whatsoever, so as to become a hazard or nuisance to children who might play therein to their danger, or so as to afford a harbor for vagrants or criminals or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

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Every fuel-burning appliance shall discharge its products of combustion to a vent, factory-built chimney, masonry chimney or metal chimney designed for the type of appliance being vented. Connection to a chimney or a vent shall not be required for kerosene-fire space or room heaters approved in accordance with the Fire Code. Where permitted, appliances tested and approved for unvented use shall be used and installed in accordance with the manufacture's instructions.

- (4) unapproved or excessive electric space heaters.

§ 665.07 MAINTENANCE RESPONSIBILITY.

(A) The owner of every single or multiple unit structure within the city shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this chapter.

(B) The owner or occupant of every structure within the city shall be responsible for maintaining the yard area contingent thereto in conformance with the provisions of this chapter.

(C) It is the responsibility of the owner of a dwelling unit that the dwelling is properly connected to a sewer system and a potable water supply.

(D) It is the responsibility of the owner or occupant of a dwelling that all plumbing and fixtures are properly installed and maintained in good working condition, free from defects, leaks, obstructions and installed properly to prevent the escape of odors.

(E) Every dwelling shall contain a kitchen sink, flush water closet, lavatory and bathtub or shower, which is properly installed, maintained in good working condition, free from defects and is properly connected to an approved water supply and sewer system.

(F) Every kitchen sink, lavatory, bathtub or shower shall be properly connected to hot and cold water lines which shall have an adequate water supply and pressure. The hot water lines shall be connected to a hot water heating facility of satisfactory size which will provide adequate amounts of hot water at a temperature of not less than 120 deg. F..

(G) Each dwelling unit shall be supplied with sufficient amperage for safe and proper operation of all appliances, tools, equipment and facilities. The service panel box shall be properly installed, maintained, and safely connected to a source of electric power. Each circuit shall have the capacity required to supply current adequately and safely.

(H) Every habitable room shall contain one (1) wall or floor type electric duplex outlets. Each bathroom remodeled or installed after the effective date of this code shall contain at least one G.F.I. electric convenience outlet and a light fixture.

(I) Every electric outlet, switch and light fixture, shall be properly installed, shall be maintained in a safe working condition, shall be properly connected to wiring of proper size, which will operate all appliances, facilities, fixtures, and equipment in a safe and effective manner. All wiring shall be properly connected to the service panel box.

(J) Electric wiring shall not be exposed in a manner as to create nuisance or possible danger to individuals.

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(K) Each porch, balcony, steps, stairway or hallway, shall be provided with proper lighting which are controlled by switches located for convenient use by the occupants.

(L) Every owner of a dwelling unit shall have heating facilities which are properly installed, vented, which are maintained in a safe and good working condition, and are capable of safely and adequately heating all rooms located therein to a temperature of a least 65 degrees.

(M) Every owner is required that each supplied facility, fixture, piece of equipment and each utility is constructed, installed, vented, and operating safely and effectively.

(N) Every occupant shall keep all supplied facilities, fixtures, and equipment in a clean and operable condition and shall be responsible for the exercise of reasonable care in the proper use and safe operation thereof

(O) No owner, operator or occupant shall cause or allow any water or sewer service to be removed from, shut off, or discontinued for any occupied dwelling or dwelling unit let or occupied by him or her. The exception would be for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

(P) Every water closet compartment, bathroom, and kitchen floor shall have a water resistant floor covering which is impervious to water and so as to permit the floor to be easily kept in a clean and sanitary condition. It shall be kept in sound condition and good repair.

(Q) Every chimney, flue, vent or smoke pipe shall be properly installed, kept in sound condition and good repair.

(R) Every habitable room shall have at least one (1) window or skylight facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately, provided that if connected to a room or area used seasonally then adequate ventilation must be possible through this interconnection.

(S) (1) All bedrooms, flush water closet and bathroom shall have a door installed which affords privacy to a person. All doors shall be provided with a functioning door knob or latch and any other hardware need to properly operate the door. Doors shall be kept in sound condition, free from defects and in good repair.

(2) All exterior doors and windows of a dwelling or dwelling unit shall be equipped with a properly installed, functioning locking device.

(T) Structurally sound handrails shall be provided on any steps or stairways that rise higher than three (3) feet. Porches, patios and balconies located more than three (3) feet higher than the adjacent areas shall have structurally sound protective guards or handrails. Both sides of free standing or open stairways more than three (3) feet in height shall have a handrails.

(U) (1) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rodents on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.

(2) Notwithstanding, the foregoing provisions of this subsection,

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deteriorated or decayed exterior walls, doors, porches, floors, steps, railing or parts or features thereof which have lost their ability to perform their intended functions shall be repaired or replaced.

(G) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area which has become non-functional as determined by the Code Enforcement Officer shall be repaired or removed.

§ 665.09 YARD AREA MAINTENANCE.

(A) Refuse.

(1) All vacant lots or parcels of land, every dwelling, multiple dwelling, dwelling unit, accessory structure and the premises on which it is located shall be kept free of garbage, rubbish, refuse, sewage, waste material, animal wastes, stagnant water, offensive or hazardous substances, noxious or harmful vegetation or other conditions which are harmful, create a nuisance or maybe potential sources of breeding, harborage and infestation of insects, vermin, and rodents or as determine by the Code Enforcement Officer. In addition, all premises shall be maintained in a safe, clean and sanitary condition.

(2) No person shall be allowed, unless properly contained and or placed for immediate disposal, to throw, bury or litter on the exterior of any premises, parcel of land or vacant lot, any garbage, rubbish, refuse, waste material, unsafe or hazardous material or anything else of an unsanitary nature. Waste material such as brick, stone or concrete, shall be allowed for burial when used as a fill.

(3) No owner, lessee, agent or other person responsible for the parcel of land, premises, or lot, shall allow weeds, grass or other vegetation, to grow to an extent as to allow to, mature and seed, to become excessive in height, to become noxious or harmful to individuals, to become a potential source of breeding and harborage of insects and rodents or create other conditions which become a nuisance as defined by the Health Commissioner or his/her designee.

(4) No furniture, mattresses, household furnishings, rugs, appliances, junk automobiles or automobile parts shall be placed or stored in any yard area contingent to any structure within the city over a period in, excess of 48 hours, provided however, that such of the items as are set forth herein which are usually and ordinarily placed for refuse hauling may be so placed for a period of time not to exceed 48 hours prior to the next regularly scheduled refuse hauling date.

(5) Exterior property areas of all premises shall be kept free of debris, objects, materials or conditions that, in the opinion of the Code Enforcement Officer create a health, accident or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, filth, garbage, trash and debris shall not be permitted on any property.

(B) No owner, occupant, or operator shall create an Animal nuisance by feeding strays or by failing to prevent a companion animal from defecating upon the land of another.

§ 665.10 ABANDONED STRUCTURES AND UNOCCUPIED LOTS.

(A) If any structure becomes abandoned, such structure shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.

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Ordinance No. 2006-77, Page Sixteen

Passed _____, 20____

(B) Whenever the Code Enforcement Officer finds any structure to be abandoned he shall give notice in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods (see § 665.04(C)) to abate such abandoned condition within 30 days either by placing the structure in operation in accordance with this section, adapting and using the structure for another use, or by razing the structure, removing all debris, any signs, goods, supplies and equipment, and filling depressions to the grade level of the lot.

(C) Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Code Enforcement Officer shall advise the Director of Law of all the facts and the Director of Law may proceed to exercise on behalf of the city any remedy which shall then be available to him/her to secure an abatement of such abandonment, including any that pertains to the abatement of a public nuisance, and to recover any damages and/or assessments or enforce any penalties which may be recovered or imposed by the city.

(D) Unoccupied or inoperative structures, whether or not abandoned and the lot upon which any such structure is located, with any other unoccupied lot, shall be maintained in accordance with the provisions of this chapter.

(E) The owner of a vacant dwelling, vacant dwelling unit and any accessory building located on the premises, shall be responsible for securing the doors, windows, hatchways or any other entrances, making the structure or structures unaccessible for easy entry, with the purpose, in part, to decrease the likelihood of injury or fire.

§ 665.11 MINIMUM STANDARDS FOR RENTAL DWELLINGS.

(A) No person shall let to another occupant any dwelling, for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this code, nor shall any person use as owner or user or let to another for use of any kind, any building which is unfit and unsafe as determined by this Code.

(B) Minimum standards for basic equipment and facilities shall be as follows:

(1) Every rental dwelling unit shall contain a kitchen sink in good working condition.

(2) Every rental dwelling unit shall contain a room which affords privacy to a person within the room and which is equipped with a flush water closet and a lavatory basin in good working order.

(3) Every rental dwelling unit shall provide, within a room which affords privacy to a person within the room, a bathtub or shower in good working condition.

(4) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this chapter shall be properly connected with both hot and cold water lines.

(5) Every rental dwelling shall have supplied water heating facilities which are properly installed and properly connected with the hot water lines capable of heating water to such a temperature as to permit an adequate amount of

RECORD OF ORDINANCES

Ordinance No. 2006-77, Page Seventeen Passed _____, 20____

water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit.

(6) Every rental dwelling shall be supplied with a potable water supply.

(7) All plumbing fixtures installed within a rental dwelling shall be properly connected to sewer lines that discharge into a public sewerage system.

(8) Every rental dwelling unit shall have adequate rubbish storage facilities.

(9) Every rental dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

(10) Every owner of a property containing two (2) or more dwelling units shall see that all common areas that are shared by the occupants, are kept in a clean condition free of garbage, rubbish and refuse. Examples of common areas are: the grounds, hallway, garage, and basement.

(C) Minimum standards for light, ventilation and heating shall be as follows:

(1) Every habitable room shall have at least one window or skylight facing directly to the outdoors. to the outdoors and shall not be included as contributing to the required minimum total window area.

(2) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required where the bathrooms and water closet compartments are equipped with a ventilation system which provides ventilation.

(3) Where there is electric service every outlet and fixture shall be properly installed, maintained in good and safe working condition, and connected to the source of electric power in a safe manner.

(4) Every public hall and stairway in every multiple dwelling containing five or more dwelling units, shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units, may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(5) Every rental dwelling shall have heating facilities compliant with A.N.S.I. code which are installed and maintained capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 65° F., at a distance of three feet above floor level, when the outside temperature is zero degrees Fahrenheit. Fuel-burning space heaters located in sleeping rooms or rooms generally kept closed, and that are designated to be vented, shall be connected to a suitable chimney, flue or gas vent. There shall be provided an adequate air supply for combustion through one or more openings to the exterior, or by means of fixed openings to interior spaces which open to the exterior.

(6) Every rental dwelling shall have at least two (2) means of safe and easy egress, or escape, to ground level or as required by the laws of The State of Ohio, City of Marion, or as determine by the Code Enforcement Officer.

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Ordinance No. 2006-77, Page Eighteen

Passed _____, 20____

665.12 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION

- A) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Code Enforcement Officer, or his/her designee.
- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (2) One which because of its general condition or location is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.
- (B) Any dwelling or dwelling unit condemned as unfit, for human habitation, and so designated and placarded by the Code Enforcement Officer, or his/her designee, shall be vacated within a reasonable time as ordered by the Board of Premises Maintenance Code Appeals and shall remain vacant until written approval is secured from the Board of Premises Maintenance Code Appeals.
- (C) If the Board of Premises Maintenance Code Appeals determines that the structure cannot be improved so as to comply with provisions of these regulations and that the same is unsafe, the Board of Premises Maintenance Code Appeals may order and direct the owners to demolish said structure as a hazard. In the event that the owners fail to comply with said order the Board of Premises Maintenance Code Appeals may order the demolition of said structure and shall certify the cost and expense of demolition as set forth herein to the County Auditor and the same shall become a lien upon real estate.
- (D) Any person affected by any notice of an alleged violation under 665.12 may request and shall be granted a hearing before the Board of Premises Maintenance Code Appeals provided the request for such hearing is made within the number of days specified in the notice.
- (E) After such hearing, the Board of Premises Maintenance Code Appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of the regulations have been complied with.
- (F) The proceedings at such hearing, including the findings and decision of the Board of Premises Maintenance Code Appeals is to be summarized, reduced to writing, and entered as a matter of public record in the office of the Code Enforcement Coordinator. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decisions of the Board of Premises Maintenance Code Appeals may seek relief therefrom in any court of competent jurisdiction.

§ 665.13 MORATORIUM ON LEGAL ACTION.

There shall be a moratorium placed on legal corrective action for a period of six months. This moratorium shall commence upon passage of the Ordinance to which this Premises Maintenance Code is attached. This moratorium shall not affect

RECORD OF ORDINANCES

Ordinance No. 2006-77, Page Nineteen

Passed _____, 20____

enforcement related to violations which are prosecutable under previously existing or concurrently existing code sections. All violations not corrected within the moratorium period shall become subject to all provisions for corrective action as provided by this Code.

§ 665.99 PENALTY.

Whoever violates any provision of this chapter or any rule or regulation promulgated there under, or fails to comply therewith or with any written notice, or other issued there under, or whoever interferes with, obstructs or hinders the Code Enforcement Officer or his/her duly designated representative while attempting to make inspections thereof, is guilty of a fourth degree misdemeanor on the first offense, a third degree misdemeanor upon the second offense within one year after the first offense and a second degree misdemeanor upon each subsequent offense within one year after the second offense, all as defined by the Ohio Revised Code. Each day a violation continues shall constitute a separate offense. Any Order may include a requirement that the violator perform community service activity.

In addition to any criminal penalties the Municipality may impose on an owner, occupant or person responsible who fails to comply with a notice of violation a civil forfeiture up to the amount of one hundred fifty dollars (\$150.00) for each calendar day that the owner, occupant or person responsible fails to comply. In addition, the costs of repairs, abatement, elimination, alteration, improvement, cutting, vacating, closing, removal or demolition employed by the Code Enforcement Officer, including but not limited to administrative, clerical and the like shall be contained within a written return of his/her or its proceedings hereunder and shall certify such return to the County Auditor, together with a statement of the costs and expenses incurred for the items listed above or as herein provided, together with the costs and expenses hereinbefore set forth, shall, upon receipt and acceptance by the County Auditor, be entered upon the tax duplicate and become a lien upon such land or lands from and after the date of such entry upon the tax duplicate and may be collected, and the liens foreclosed, in the same manner as taxes and tax liens are collected and foreclosed or by other civil suit or process.

Section 2. Marion City Ordinance 1995-79, having amended Ordinance 1969-29 (Yarger Report), reading, in relevant part, as follows:

Section 1. That Ordinance No. 1969-29, as amended, (Yarger Report) is hereby amended by establishing the position of Senior Secretary – Law Director Office.

Section 2. That the job description for said position is attached hereto and incorporated herein by reference and shall by reference become a part of the personnel classification schedule heretofore adopted by this Council as fully as if the same were re-written in said personnel classification schedule.

Section 3. That the salary for the position of Senior Secretary – Law Director Office shall commence at Grade 21 in the position classification report prepared by Yarger & Assoc., Inc., April 1969 (as amended).

shall be amended as follows:

Section 1. That Ordinance No. 1969-29, as amended, (Yarger Report) is hereby further amended by establishing the position of Senior Secretary / Code Enforcement Administrator – Law Director Office.

RECORD OF ORDINANCES

Ordinance No. 2006-77, Page Twenty

Passed _____, 20____

Section 2. The job description previously attached to Ordinance 1995-79 shall continue and is incorporated herein by reference as if fully re-written herein, with the following paragraph added to the listing of Essential Duties and Responsibilities:

In addition to the above listed Essential Duties and Responsibilities, the Senior Secretary / Code Enforcement Administrator shall include the responsibility of coordinating nuisance abatement activities from point of receipt to end. Including, but not limited to cooperatively overseeing the operations of a central call point, participating in the maintenance and oversight of a complete database of nuisance abatement activities, effectively managing the nuisance abatement process, overseeing Code Enforcement personnel as to enforcement activities, performing activities associated with Code Enforcement Officers, ensuring the successful oversight of nuisance abatement process including, but not limited to: prosecution either civil or criminal of the responsible party and ensuring costs incurred in the abatement of code violations are recovered.

Remains unclassified under direction of the Law Director as provided by State statute. Shall be provided each and every benefit afforded what is commonly referred to as the non-bargaining employees class.

Section 3. That the salary for the position of Senior Secretary – Law Director Office shall commence at Grade 31E in the position classification report prepared by Yarger & Assoc., Inc., April 1969 (as amended).

Section 4. The effective date of this modification shall be December 1, 2006 and the Auditor is directed to appropriate the necessary monies.

Section 3. Marion City Ordinance 1972-11 (enabling – Second Assistant Law Director) and Marion City Ordinance 1979-3 (enabling – Third Assistant Law Director), and all those subsequent Ordinances which have amended the aforementioned Ordinances shall be further amended, in relevant part, to provide for the following:

Beginning the first day of December 2006, the positions of Second Assistant Law Director and Third Assistant Law Directors shall be combined into a single position to be known as the Second Assistant Law Director. The duties of said Second Assistant Law Director shall be as were previously set forth in the previous enabling Ordinances and their subsequent amendments, however all shall now be combined. In addition, the Second Assistant Law Director's duties shall include those as are assigned by the Law Director, including, but not limited to the prosecution of premises maintenance code violations. The First Assistant and Second Assistant shall be provided each and every benefit of every kind and effect afforded to what are commonly referred to as the non-bargaining employees class. The salary for the Second Assistant shall be initially established at the sum of 45,000.00.

The effective date of this modification shall be December 1, 2006 and the Auditor is directed to appropriate the necessary funds. All provision contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.

Section 4. The Auditor is directed to regularly, no less than monthly, appropriate monies received under the provisions and Codes contained with Section 1 of this Ordinance or any subsequent variation to the Code Enforcement line item to fund Code Enforcement operations.

RECORD OF ORDINANCES

Ordinance No. 2006-78

Passed _____, 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 DOWNTOWN REVITALIZATION TIER 2 GRANT, AND DECLARING AN EMERGENCY.

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

WHEREAS, the Ohio Department of Development makes CDBG funds available through the Community Development Program for projects which address these problems; and

WHEREAS, the Mayor must submit an application to the State of Ohio Department of Development, to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the community and economic development problems.

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

SECTION 1. That this Council hereby authorizes the Mayor to submit a competitive application for CDBG Downtown Revitalization Tier 2 Grant:

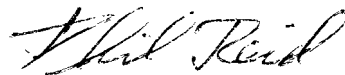
1. Private Rehabilitation/Engineering	\$360,000
2. Curbs & Sidewalks	\$ 10,000
3. Env. Review/Audit/Promotions/Admin/Fair Hsg	\$ 30,000
Total	\$400,000

SECTION 2. That this Council hereby commits the following local funds as leverage for the Downtown Revitalization Grant:

CDBG Revolving Loan Fund	\$ 50,000
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SECTION 3. That upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grants and administer the CDBG Downtown Revitalization Tier 2 Grant for the City of Marion.

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



President of Council

Approved:

Mayor

Attest:



Clerk of Council Pro Tempore

RECORD OF ORDINANCES

Ordinance No. 2006-79

Passed _____, 20____

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF 3 VEHICLES PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, 1 VEHICLE PREVIOUSLY UTILIZED BY THE STORM SEWER DEPARTMENT, ~~2~~ 1 VEHICLES PREVIOUSLY UTILIZED BY THE WASTE WATER TREATMENT PLANT, AND 3 VEHICLES UTILIZED BY THE AIRPORT AND DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY. AS AMENDED

WHEREAS, the Council has been advised by the Police Department, Waste Water Treatment Plant, Storm Sewer Department and Airport that the nine vehicles previously used by these departments are no longer necessary, and

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

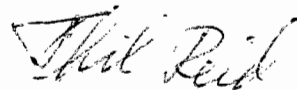
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio;

Section 1. That the Safety/Service Director is hereby authorized and directed to dispose of the following vehicles previously used by the Police Department, Waste Water Treatment Plant, Storm Sewer Department and Airport which have been determined to have exceeded its useful purpose and are no longer necessary for any municipal purpose, to-wit:

1995 Ford Crown Victoria	2FALP71W85X184182
1995 Ford Crown Victoria	2FALP71W85X184179
2000 Chevy Impala	261WF55K749355533
1995 Ford Crown Victoria	2FALP71W45X184180
1989 Ford F800 Camel Jet Truck	1FDPK84AXKVA25239
Pull Behind Street Sweeper	
1988 Chevy 3500 Pickup Truck	1GCCG34K6JE206704
1997 Ford Crown Victoria	2FALP71W2VX178009
1988 Ford F250 Pickup Truck	1FTHF26HOJKA10897

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 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 for further reason that the Police auction is occurring on October 7, 2006; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.




PRESIDENT OF COUNCIL

APPROVED:

MAYOR

ATTEST:



CLERK OF COUNCIL PROTEMPORE

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-80

Passed _____, 20____

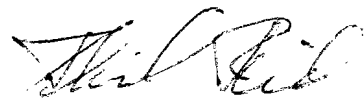
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2006

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 \$1,255.00 as follows:

<u>General Fund</u>		
Fire Donations	101-1131-540324	\$750.00
<u>Health Fund</u>		
Donations	214-2221-540324	\$ 5.00
<u>Swimming Pool Fund</u>		
Donations	516-3423-540324	\$500.00

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

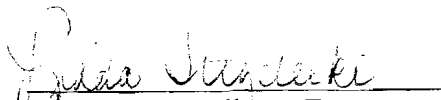


President of Council

APPROVED:

Mayor

Attest:



Clerk of Council Pro Tempore

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-81

Passed _____, 20____

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO TWO (2) YEAR CONTRACTS WITH VARIOUS VENDORS FOR MATERIALS TO BE USED IN THE DAILY OPERATIONS OF THE CITY. **AS AMENDED**

Whereas, the City of Marion has a need to purchase fuel, road salt, road paint, and asphalt; and,

Whereas, the following bids were determined to be the lowest and best bids for these various materials;

Unleaded Fuel	Marion Oil	\$.04/gallon over OPIS
Diesel Fuel	Marion Oil	\$.04/gallon over OPIS
Road Paint	Allstate Coating Co.	\$43.80 / 5 gallons
Road Salt	Cargill Technology Deicing	\$40.36 / Ton
Asphalt	Mar-Zane Materials	-\$59.50/-Ton

Whereas, the current two (2) year contracts with various vendors are set to expire on October 31, 2006 and new bids have been submitted for these various materials.

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

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with various vendors as listed above, for materials to be used in the daily operations of the City of Marion for a period of two (2) years beginning November 1, 2006 and terminating not later than October 31, 2008.

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



PRESIDENT OF COUNCIL

APPROVED:

MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Ordinance No. 2006-82

Passed _____, 20____

ORDINANCE MAKING A REDUCTION IN THE APPROPRIATIONS OF THE BUSBY PARK FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

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

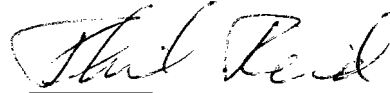
Section 1. That there be a reduction in the appropriations of the Busby Park fund in the amount of (\$6,906.50) for the year ending December 31, 2006 as follows:

BUSBY PARK FUND

Professional Services	433.3421.530320	\$(4,881.04)
Capital Improvement	433.3421.550520	<u>(2,025.46)</u>
Total Busby Park		\$(6,906.50)

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

APPROVED:



PRESIDENT OF COUNCIL

MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

Ordinance No. 2006-83

Passed _____, 20____

ORDINANCE AUTHORIZING THE MAYOR AND THE CITY AUDITOR TO COMPLETE ALL ACTS NECESSARY TO ENTER INTO A TAX EXEMPT LEASE AGREEMENT WITH SUNTRUST LEASING CORPORATION, AND DECLARING AN EMERGENCY.

Whereas, SunTrust Leasing Corporation submitted the lowest and best proposal to finance the purchase of (1) Horton Emergency Vehicle, and

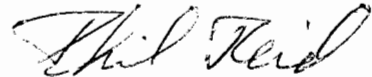
Whereas, the Council finds the need for the aforementioned financing to be in the best interest of the citizens of the City of Marion, therefore

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

Section 1. That the Mayor and City Auditor are hereby authorized to enter into a tax exempt lease agreement with SunTrust Leasing Corporation for the purchase of (1) Horton Emergency Vehicle and all financing documents, including, but not limited to, the Resolution of Governing Body. The terms of the lease are as follows:

Amount:	\$149,000.00
Interest Rate:	4.14%
Term:	Four (4) Years

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 to secure the favorable interest rate; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council, otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

APPROVED:

Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

2006-84, Page One

Ordinance No. _____

Passed _____, 20_____

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$6,225,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF (I) CONSTRUCTING, EQUIPPING AND FURNISHING A CENTRAL GARAGE BUILDING, TOGETHER WITH ALL NECESSARY APPURTENANCES, (II) 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, (III) IMPROVING CLINTON STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, (IV) IMPROVING SILVER STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, (V) IMPROVING WATERLOO STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND (VI) IMPROVING OAKGROVE AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2005-87, No. 2005-88, No. 2005-89, No. 2005-90 and 2005-91, each passed October 10, 2005, a note in anticipation of bonds in the amount of \$6,505,000 dated October 19, 2005 (the "Outstanding Note") was issued to mature on October 18, 2006; a portion of the principal amount of the Outstanding Note was issued to pay for the purposes stated in Section 1; and

WHEREAS, \$1,780,000 of the principal amount of the Outstanding Note was issued to pay costs of constructing, equipping and furnishing a central garage building, and this Council has decided to pay \$280,000 of the principal amount of the Outstanding Note with other funds currently available to the City; and

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 the 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 40 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 \$1,500,000 of the principal amount of the Notes is April 24, 2021; the maximum maturity of \$1,225,000 of the principal amount of the Notes is October 21, 2024; and the maximum maturity of \$3,500,000 of the principal amount of the Notes is October 19, 2025.

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 \$6,225,000 to pay the costs of (i) constructing, equipping and furnishing a central garage building, together with all necessary appurtenances, (ii) constructing a main trunk sanitary sewer and improving the Qu Qua Ditch, Mary Street, High Street,

RECORD OF ORDINANCES

Ordinance No. 2006-84, Page Two

Passed SFC 2 2 2006, 2006

Vine Street, North Greenwood Street and State Street, between certain termini, by constructing sanitary sewers, together with all necessary appurtenances, (iii) improving Clinton Street, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances, (iv) improving Silver Street, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances, (v) improving Waterloo Street, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances, and (vi) 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 5-1/2% 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, 2008.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$6,225,000 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 18, 2006 and shall mature October 17, 2007, 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 17, 2007 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

RECORD OF ORDINANCES

2006-84, Page Three

Ordinance No. _____

Passed _____, 20____

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 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

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2006-84, Page Four

Ordinance No. _____

Passed SEP 13 2006, 20____

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 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

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-85

Passed _____, 20____

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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


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 \$6,225,000 (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) to pay the costs of (i) constructing, equipping and furnishing a central garage building, together with all necessary appurtenances, (ii) 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, (iii) improving Clinton Street, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances, (iv) improving Silver Street, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances, (v) improving Waterloo Street, between certain termini, by constructing sanitary sewers and storm water sewers, together with all necessary appurtenances, and (vi) 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 with respect to \$1,500,000 of the principal amount is April 24, 2021; with respect to \$1,225,000 of the principal amount is October 21, 2024; and with respect to \$3,500,000 of the principal amount is October 19, 2025.

Dated: September 25, 2006



Auditor
City of Marion, Ohio

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-86

Passed _____, 20____

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE ROTARY FUND FOR THE YEAR ENDING DECEMBER 31, 2006

WHEREAS, the City of Marion has received a Judgement Entry from the Marion County Court of Common Pleas ordering the distribution of monies recovered by local law enforcement in connection with Case No, 06-CR-0171, *State v. Travis M. Smith*, and

WHEREAS, there are insufficient appropriations within the Rotary Fund to make the court-ordered distributions, therefore

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 Rotary Fund in the amount of \$26,707.95 for the year ending December 31, 2006 as follows:

Pass-thru payments	788,975.570750	\$26,707.95
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Section 2: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

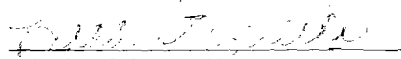


President of Council

Approved:

Mayor

Attest:



Clerk of Council Pro Tempore

RECORD OF ORDINANCES

Ordinance No. 2006-87

Passed _____, 20____

ORDINANCE TO AMEND ORDINANCE NO. 1973-24, FURTHER AMENDING ORDINANCE 1969-29 YARGER REPORT, BY REDEFINING THE DUTIES OF THE ZONING INSPECTOR AND PROVIDING FOR AN UPDATED JOB DESCRIPTION. AS AMENDED AND DECLARING AN EMERGENCY

WHEREAS, the Council for the City of Marion finds the job description for the Zoning Inspector to be outdated and in need of further refinement and updating, and

WHEREAS, the Human Resources Director has proposed and provided an updated job description, and

WHEREAS, the Council finds the redefinition and new job description to be in the best interests of the City of Marion and therefore finds it necessary to amend Ordinance No. 1973-24 found in the Position Classification Report by Yarger and Associates, Inc. April 1969 (as amended) regarding said position.

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

Section 1. Ordinance No. 1973-24, which amended 1969-29 Yarger Report, shall be amended to provide for the following updated job description for the Zoning Inspector, as follows:

**Human Resources (City of Marion)
Job Description**

Job Title:	Zoning Inspector
Department:	Safety/Service
Reports To:	Safety/Service Director
FLSA Status:	Non-Exempt (USWA Unit 2A – Grade 22)
Prepared By:	H. R. Director
Prepared Date:	September 15, 2006
Approved By:	Safety/Service Director
Approved Date:	September 15, 2006

SUMMARY

Under the supervision of the Safety-Service Director, is responsible for the accurate, timely administration and enforcement of the City Zoning Code. This includes issuing all permits required thereby, in addition to all other duties as may be assigned by the Safety-Service Director related to Zoning Codes. The Inspector shall also ensure all observations made in the field, which may be violations of the City Health Code, Premises Regulations or other Codified Ordinances, are referred to the proper enforcement authorities.

ESSENTIAL DUTIES AND RESPONSIBILITIES include, but not limited to, the following: Examines/inspects locations and uses of buildings/properties to determine compliance with Zoning Codes;

Investigates all allegations of violations of the Zoning Codes or related regulations; prepares and issues citations against the responsible parties; appears in legal proceedings associated with each enforcement action; monitors the progress of all Zoning enforcement cases;

Prepares forms and/or letters advising property owners and/or tenants of violations and time allowed for correction; Consults file of violation reports and revisits dwellings at periodic intervals to verify correction of violations by property owners and/or tenants;

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Ordinance No. 2006-87

Passed SEP 5 2006, 2006

Explains requirements of Zoning Codes to property owners, building contractors, and other interested parties;

Attends Zoning Board meetings and attends other meetings as directed;

Collects fees for Zoning Board Appeals applications and issues all permits under the provisions of the Zoning Codes; Reviews plans with applicants and suggests changes, when needed, for possible approval;

Prepares maps, drawings and other materials pertaining to zoning matters;

Photocopies/compiles new Zoning Code Books for sale once every two (2) to three (3) years; Initiates periodic and special reports; keeps records pertaining to zoning, designs and/or revises forms as may be necessary;

SUPERVISORY RESPONSIBILITIES

This job has no supervisory responsibilities.

QUALIFICATIONS To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions:

Thorough knowledge of the Zoning Codes;
Good knowledge of City Health Code and Premises Regulations;
Some knowledge of other City Codified Ordinances;
Good knowledge of Construction practices and techniques;
Some knowledge of State and other laws and practices of zoning;
Good knowledge of the various functions and operations of City government;
Thorough knowledge of the City of Marion street locations;
Above average knowledge of office practices, procedures and equipment;
Excellent skill in the use of personal computers and other office equipment.
Good Drawing/Drafting Skills;

Ability to: Read and understand blueprints; Carry out oral and written instructions, define problems, collect data and draw conclusions; Read and record data accurately, complete routine and complex forms; Interact with various government officials and the public with tact and courtesy; Speak clearly and distinctly to assure comprehension by clients, etc; and Maintain a friendly atmosphere in the workplace.

EDUCATION and/or EXPERIENCE

Associate's degree (A.A.) or equivalent from two-year college or technical school in a related field of work with six months to one year experience in Construction and Code/Law Enforcement preferred; or equivalent combination of education and experience which provides the required knowledge, skills and abilities may be accepted. Tests to determine acceptable level of skills may be required.

LANGUAGE SKILLS

Ability to read and interpret documents such as blue prints, safety rules, operating and maintenance instructions, and procedure manuals. Ability to compose concise, coherent reports and correspondence. Ability to speak effectively before groups of customers or employees of organization.

MATHEMATICAL SKILLS

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

REASONING ABILITY

Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in

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Ordinance No. 2006-87

Passed _____, 20____

standardized situations.

CERTIFICATES, LICENSES, REGISTRATIONS

Must possess a valid Ohio Driver's License, including the unrestricted privilege to drive within the State. Driver's License also shall be free from any requirement of High Risk Liability Insurance.

PHYSICAL DEMANDS The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to drive a motor vehicle; stand; walk; sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell. The employee must frequently lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.


WORK ENVIRONMENT The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently exposed to fumes or airborne particles, outside weather conditions, and risk of electrical shock. The employee is occasionally exposed to toxic or caustic chemicals and vibration. The noise level in the work environment is usually moderate.

Section 2. It is expressly found that this modification of the Zoning Inspector contains no adjustment or modification as to compensation in any form. The prior grade or pay scale shall continue as previously amended.

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

OVER




President of Council

Passed:

Approved:

Mayor

Attest:



Clerk of Council Pro Tempore

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed 01 10 20, 20____

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its inhabitants thereof and for the further reason to secure the favorable interest rate; 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.

RECORD OF ORDINANCES

Ordinance No. 2006-88

Passed _____, 20__

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2006 AND DECLARING AN EMERGENCY

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

Section 1. That there be appropriation adjustments made in the General Fund in the amount of \$172,538.87 for the year ending December 31, 2006 as follows:

<u>GENERAL FUND</u>		
Fire Equipment	101.1131.550450	\$148,188.87
S/S Director		
Professional Services	101.7716.530320	\$ 1,500.00
Election Expense	101.7744.530621	(2,510.00)
Annual Examination	101.7744.530622	(3,350.00)
County Auditor/		
Treasurer Fees	101.7744.530623	3,710.00
Income Tax Refunds	101.7744.570712	<u>25,000.00</u>
Total General Fund		\$ 172,538.87

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 to provide funding necessary for the purchase of a new emergency vehicle; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council, otherwise it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:



CLERK OF COUNCIL PRO TEMPORE

RECORD OF ORDINANCES

Ordinance No. 2006-39

Passed _____, 20____

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006

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 \$559,432.44 for the year ending December 31, 2006 as follows:

<u>GENERAL FUND</u>		
FIRE DONATIONS	101.1131.540324	\$ 2,500.00
<u>SCMR FUND</u>		
EXCAVATING BOND REFUND	207.6612.570267	\$ 4,000.00
<u>MMC ASSISTANCE FUND</u>		
EQUIPMENT	209.7731.550450	\$ 4,500.00
<u>COURT COMPUTERIZATION FUND</u>		
EQUIPMENT	210.7731.550450	\$ 17,500.00
<u>MDT/INFO SHARING NETWORK FUND</u>		
UTILITIES	222.1543.530310	\$(11,100.00)
SUPPLIES	222.1543.540420	(187.00)
TOTAL MTD FUND		\$(11,287.00)
<u>POLICE & FIRE PENSION FUND</u>		
POLICE PENSION	235.1111.510120	\$ 6,230.32
FIRE PENSION	235.1131.510120	6,230.32
TOTAL P&F PENSION FUND		\$ 12,460.64
<u>HEALTH LICENSE FUND</u>		
TATOO & BODY PIERCING	247.2224.530272	\$ 100.00
VENDING MACHINES	247.2224.530725	(231.25)
SOLID WASTE	247.2224.530729	131.25
TOTAL HEALTH LICENSE FUND		\$ 0.00
<u>CHIP FUND</u>		
<u>FY 2006</u>		
ADMINISTRATION	272.4546.530324	\$ 35,800.00
HOME & BUILDING REPAIR (STATE)	272.4546.530328	125,000.00
RENTAL REHAB	272.4546.530329	93,000.00
FAIR HOUSING	272.4546.530339	200.00
RENTAL ASSISTANCE	272.4546.530340	223,000.00
PUBLIC SERVICE	272.4546.530342	23,000.00
TOTAL CHIP FUND		\$500,000.00
<u>AIRPORT IMPROVEMENT FUND</u>		
PROFESSIONAL SERVICES	446.6406.530320	\$ 7,950.00
CAPITAL IMPROVEMENTS	446.6406.550520	11,583.44
TOTAL AIRPORT IMPROVEMENT		\$ 19,533.44
<u>STREET IMPROVEMENT FUND</u>		
2006 RESURFACING	461.6061.530531	\$(9,682.02)
<u>SANITARY SEWER IMPROVEMENT FUND</u>		
NOTE INTEREST	550.5553.560609	\$ 4,573.21
<u>STORM SEWER IMPROVEMENT FUND</u>		
NOTE INTEREST	560.5554.560609	\$ 5,496.65
<u>YOUTH RECREATION TRUST FUND</u>		
TRUST EXPENSE	732.3422.570731	\$ 612.38
<u>LAW ENFORCEMENT TRUST FUND</u>		
TRUST EXPENSE	737.1823.570731	\$ 9,225.14

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

APPROVED:



 PRESIDENT OF COUNCIL

MAYOR

ATTEST:

CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-90

Passed _____, 20____

ORDINANCE AUTHORIZING THE PAYMENT OF AN INVOICE PURSUANT TO SECTION 5705.41 (D)(1) OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

WHEREAS, the City Auditor, as per Section 5705.41 (D)(1), has certified that sufficient funds were available at the time the work was performed, therefore

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

Section 1. That the City Auditor is hereby authorized and directed to pay the following invoice:

Severn Trent Laboratories, Inc. - Invoice No. 24093647 in the amount of \$6,165.00

Said invoice, payable from the Landfill Monitoring Fund, was never received by the City and was due on June 23, 2006

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its inhabitants thereof and for the further reason that the invoice was due on June 23, 2006, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives that affirmative vote of two-thirds of all members elected to council, otherwise it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED:

MAYOR

ATTEST:

CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-91

Passed _____, 20____

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ALLEN EXCAVATING OF BLOOMVILLE OHIO FOR THE DEMOLITION OF 688 NORTH STATE STREET AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 2006-44 authorized the Safety/Service Director to prepare specifications and advertise for bids for the demolition of the fire damaged property at 688 N. State Street and

WHEREAS, the structure was heavily damaged by fire on September 28, 2003 and is declared a public nuisance and has not been remediated in accordance with Chapter 1360 of the Marion Codified Ordinances, and

WHEREAS, the property owners Lien Holders have been served proper notification; and

WHEREAS, Allen Excavating submitted the lowest and best bid for the demolition of 688 N. State Street

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

Section 1. That the Safety/Service Director be authorized to enter into contract with Allen Excavating for the demolition of 688 N. State Street.

Section 2. The demolition cost of \$7,900 will be paid for through General Fund – Demolition 101.7716.530323

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and 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:

MAYOR

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Ordinance No. 2006-92

Passed _____, 20____

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH NEIDHART BROTHERS TRUCKING CO., FOR THE LAND APPLICATION OF BIOSOLIDS AT THE WATER POLLUTION CONTROL PLANT HAVING DETERMINED SAID ENTITY TO HAVE SUBMITTED THE LOWEST AND BEST BID AND DECLARING AN EMERGENCY.

WHEREAS, the Water Pollution Control Plant contracts for the services related to the land application of biosolids, and

WHEREAS, the Superintendent of the WPCP has advised the ordinary and detailed specifications were prepared and a bidding procedure was utilized to find an appropriate contractor and said Superintendent has detailed to the Council the results of the bid procedure and the subsequent analysis,

WHEREAS, the Council conducted an lengthy discussion and debate regarding the bids submitted, conducting analysis as to performance issues and various matters related thereto as the record reflects., This in addition to evaluations and deliberations on behalf of the individual Councilperson's study and conclusions.

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

Section 1. The Council having analyzed the bids received on the biosolids contract, conducting lengthy discussion, deliberation and debate as to performance issues and various matters related thereto, the Council has determined that Neidhart Brothers Trucking Co. is the lowest and best bidder (O.R.C. 735.05) for the land application of the biosolids, the Council hereby authorizes and directs the Safety/Service Director to enter into contract with Neidhart Brothers Co. for the application of biosolids produced at the Water Pollution Control Plant in the amount of \$12.00 per ton.

Section 2. That the contract shall be payable from the Sewer Revenue Fund Account.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval by the Mayor given the immediate need to dispose of the accumulated biosolids at the WPCP and the negative impact a delay would cause if the matter did not proceed immediately; provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise, it shall become effective from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

APPROVED:

MAYOR

ATTEST:

CLERK

RECORD OF ORDINANCES

Ordinance No. 2006-94

Passed _____, 20____

ORDINANCE AMENDING ORDINANCE 1969-29, KNOWN AS THE YARGER REPORT, AND ORDINANCE 2001-159, TO UPDATE THE JOB DESCRIPTION AND ESTABLISH THE PAY GRADE FOR THE POSITION OF SOCIAL SERVICES COORDINATOR IN THE SENIOR CENTER OF THE CITY OF MARION.

WHEREAS, the Council of the City of Marion passed Ordinance 2001-159 that amended Ordinance 1969-219 and established the position, job description and pay grade of Social Services Coordinator within the Senior Center, and


WHEREAS, additional duties have been assigned to this position and the pay grade is not consistent with that assigned to positions with similar responsibilities, and

WHEREAS, the Personnel Committee has provided a revised Job Description and proposed an appropriate Pay Grade for this position.

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

Section 1. That this ordinance shall amend Ordinance 1969-29 (Yarger Report) as amended and Ordinance 2001-159 incorporating the revised Job Description attached hereto and establish the compensation of the Social Services Coordinator within the Marion Senior Center at Pay Grade Level 12 within the Non-Bargaining employee Salary Grid which is also attached hereto for reference.

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

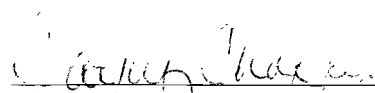


President of Council

APPROVED:

Mayor

Attest;



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-95

Passed _____, 20____

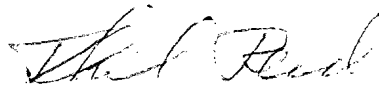
ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A HOUSING REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, AND DECLARING AN EMERGENCY

WHEREAS, The State of Ohio Department of Development has requested as a part of the CDBG Revolving Loan Fund, an Administration Agreement to be executed prior to December 31, 2006, 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, 2006, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

APPROVED:

Mayor

ATTEST:

Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc

Form No. 30043

Ordinance No. 2006-96, Page Two

Passed DEC 11 2006, 2006

Safety/Service

Salaries	101.7716.510110	(900.00)
Benefits	101.7716.510120	375.00

Municipal Court

Salaries	101.7731.510110	(5,000.00)
Benefits	101.7731.510120	5,100.00
Sick Leave Sell Back	101.7731.510122	337.60

City Hall

Benefits	101.7741.510120	600.00
Sick Leave Sell Back	101.7741.510120	11.60

Engineering

Salaries	101.7743.510110	8,000.00
Benefits	101.7743.510120	(4,000.00)
Sick Leave Sell Back	101.7743.510122	(1,524.05)

Transfers

Swimming Pool	101.7745.580714	(9,000.00)
Marion Area Transit	101.7745.580704	75,000.00

Total General Fund \$3,696.55

School Resource Officer

Salaries	218.1545.510111	(184.00)
Benefits	218.1545.510120	<u>184.00</u>
Total		0

Enforcement & Education Fund

Reimbursements	227.1111.570721	5,000.00
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Marion Areas Transit Fund

Benefits	502.6545.510120	10,500.00
Sick Leave Sell Back	502.6546.510122	684.48
Central Garage	502.6546.530601	<u>16,000.00</u>
Total		\$27,184.48

Sanitation Fund

Benefits	506.5561.510120	10,000.00
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Swimming Pool Fund

Salaries	516.3423.510110	(13,309.56)
Benefits	516.3423.510120	<u>(3,242.14)</u>
Total		\$(16,551.70)

Central Garage Fund

Salaries	601.9601.510110	7,000.00
Benefits	601.9601.510120	4,000.00
Sick Leave Sell Back	601.9601.510122	<u>(1,619.04)</u>
Total		\$9,380.96

Utility Billing Fund

Salaries	612.5571.510110	(1,366.98)
Benefits	612.5571.510120	1,000.00
Sick Leave Sell Back	612.5571.510122	<u>366.98</u>
Total		0

State Patrol Fines Agency Fund

Agency Expense	728.1814.570730	1,178.83
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Grand Total \$39,889.13

RECORD OF ORDINANCES

Ordinance No. 2006-97

Passed January 2,

2007

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, 2007.

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, 2007, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 177,134
Salaries - Uniformed	3,331,830
Benefits	1,607,926
Sick Leave Sellback	40,000
Quartermaster	35,000
Travel	5,000
Schooling	15,000
Service Contracts	6,500
Equipment Lease	5,000
Equipment Maintenance	9,800
Insurance	75,000
Supplies	50,000
Fuel & Lubricants	84,000
Professional Service	18,200
Membership Dues	1,000
Subscriptions/Publications	2,000
Utilities	10,000
Central Garage Maintenance	<u>113,884</u>

Total Police Department \$ 5,587,274

Dispatch Department

Salaries	\$ 457,507
Benefits	202,368
Sick Leave Sellback	9,225
Quartermaster	2,700
Travel	1,000
Schooling	5,650
Service Contracts	32,550
Equipment Maintenance	2,000
Supplies	2,000
Membership Dues	50
Subscriptions/Publications	50
Utilities	<u>30,000</u>

Total Dispatch Department \$ 745,100

RECORD OF ORDINANCES

Ordinance No. 2006-97 Passed January 2, 2007

Fire Department

Salaries - Civilian	\$ 35,090	
Salaries - Uniformed	3,280,214	
Benefits	1,589,852	
Sick Leave Sellback	101,475	
Quartermaster	35,500	
Travel	5,000	
Schooling	23,000	
Utilities	70,000	
Service Contracts	6,000	
Equipment Maintenance	11,000	
Building Maintenance	11,200	
Insurance	58,000	
Supplies	43,000	
Fuel & Lubricants	26,200	
Professional Service	8,300	
Membership Dues	1,500	
Subscriptions/Publications	3,000	
EMS Billing	70,000	
Equipment Lease	1,800	
Donations	3,275.52	
Central Garage Maintenance	<u>51,340</u>	
<i>Total Fire Department</i>		\$5,434,746.52

Disaster Services

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

Recreation Department

Salaries	\$ 161,169	
Benefits	71,185	
Sick Leave Sellback	1,000	
Travel	1,500	
Professional Service	38,000	
Insurance	5,300	
Supplies	26,000	
Utilities	32,000	
Equipment Maintenance	2,000	
Fuel	1,100	
Postage	150	
Membership Dues	500	
Subscriptions/Publications	200	
Schooling	1,500	
Service Contracts	3,300	
Building Lease/Rent	7,000	
Land & Bldg Maintenance	15,000	
Promotional Advertising	600	
Equipment Lease	1,500	
Central Garage Maintenance	<u>2,000</u>	
<i>Total Recreation Department</i>		\$ 371,004

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-97

Passed January 2,

2007

Senior Citizens Department

Salaries	\$ 159,019
Benefits	79,702
Sick Leave Sellback	3,075
Utilities	37,160
Building Maintenance	6,000
Insurance	8,000
Professional Service	750
Central Garage Maintenance	3,500
Fuel	<u>1,500</u>
<i>Total Senior Citizens Dept.</i>	\$ 298,706

Planning Department

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

Economic Development Department

Professional Service	\$ 108,000
Revenue Sharing	<u>190,000</u>
<i>Total Economic Development</i>	\$ 298,000

Street Lighting

Utilities	\$ <u>232,000</u>
<i>Total Street Lighting</i>	\$ 232,000

Airport

Salaries	\$ 152,379
Benefits	64,823
Sick Leave Sellback	2,500
Travel	700
Utilities	38,000
Service Contracts	12,500
Equipment Maintenance	8,000
Land/Bldg. Maintenance	27,000
Insurance	13,100
Taxes	7,000
Supplies	12,000
Fuel & Lubricants	6,000
Membership Dues	600
Professional Services	7,000
Postage	250
Subscriptions/Publications	400
Quartermaster	800
Janitorial Service	5,000
Schooling	300
Equipment Rent/Lease	200
Central Garage Maintenance	<u>1,000</u>
<i>Total Airport Operations</i>	\$ 359,552

RECORD OF ORDINANCES

Ordinance No. 2006-97 Passed January 2, 2007

Mayor

Salaries	\$ 103,360	
Benefits	39,584	
Travel	800	
Professional Service	400	
Supplies	1,000	
Utilities	450	
Membership Dues	250	
Subscriptions/Publications	200	
Schooling	<u>650</u>	
<i>Total Mayor's Office</i>		\$ 146,694

Auditor

Salaries	\$ 237,604	
Benefits	102,191	
Sick Leave Sellback	1,538	
Travel	300	
Professional Services	1,000	
Service Contracts	14,000	
Supplies	5,000	
Subscriptions/Publications	1,500	
Schooling	4,000	
Membership Dues	100	
Equipment Lease	<u>1,250</u>	
<i>Total Auditor's Office</i>		\$ 368,483

Income Tax

Salaries	\$ 162,406	
Benefits	72,736	
Sick Leave Sellback	2,153	
Travel	100	
Professional Services	3,000	
Supplies	14,500	
Postage	5,900	
Service Contracts	1,100	
Schooling	750	
Subscriptions/Publications	1,250	
Administrative Fee	<u>8,000</u>	
<i>Total Income Tax Office</i>		\$ 271,895

Treasurer

Salary	\$ 6,646	
Benefits	1,615	
Professional Services	600	
Supplies	300	
Travel	80	
Schooling	130	
Dues	<u>40</u>	
<i>Total Treasurer's Office</i>		\$ 9,411

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-97

Passed January 2,

2007

Law Director

Salaries	\$ 239,888
Benefits	119,536
Travel	450
Professional Services	3,000
Supplies	2,500
Schooling	1,950
Membership Dues	700
Subscriptions/Publications	2,500
Utilities	800
Equipment Lease	1,450
Building Lease	<u>965</u>

Total Law Director's Office \$ 373,739

Human Resource Director

Salaries	\$ 89,083
Benefits	30,483
Travel	50
Professional Services	25,000
Supplies	800
Membership Dues	100
Schooling	<u>50</u>

Total Human Resource Dir's Office \$ 145,566

Safety/Service Director

Salaries	\$ 135,205
Benefits	56,021
Travel	500
Professional Services	6,540
Supplies	5,000
Demolition	10,000
Burials	1,500
Service Contracts	400
Membership Dues	110
Litter Control	1,000
Utilities	960
Schooling	500
Equipment Lease	<u>1,200</u>

Total Safety/Service Dir's Office \$ 218,936

Civil Service Commission

Salaries	\$ 4,100
Benefits	996
Professional Services	6,000
Supplies	<u>500</u>

Total Civil Service Commission \$ 11,596

RECORD OF ORDINANCES

Ordinance No. _____ 2006-97 Passed _____ January 2 _____, 20__ 07

City Council

Salaries	\$ 105,590
Benefits	25,716
Membership Dues	4,200
Legal Advertising	2,500
Supplies	1,500
Professional Services	3,000
Beautification Projects	19,211
Equipment	<u>14,500</u>

Total City Council \$ 176,217

Municipal Court

Salaries	\$ 424,615
Benefits	184,099
Sick Leave Sellback	1,025
Travel	2,400
Professional Services	8,500
Equipment Maintenance	2,000
Supplies	17,500
Fuel & Lubricants	1,650
Utilities	540
Membership Dues	930
Subscriptions/Publications	400
Schooling	1,778
Court Security	3,137.20
Central Garage Maintenance	<u>1,000</u>

Total Municipal Court \$ 649,574.20

Community Corrections

Travel	\$ 600
Benefits	17,215
Schooling	350
Equipment Lease	960
Supplies	<u>500</u>

Total Community Corrections \$ 19,625

City Hall

Salaries	\$ 49,712
Benefits	20,535
Sick Leave Sellback	2,900
Utilities	185,000
Custodial Service	26,000
Postage Meter	77,000
Building Maintenance	17,000
Insurance	33,000
Supplies	15,000
Service Contracts	14,700
Equipment Lease	6,000
Clothing	450
Professional Services	<u>7,300</u>

Total City Hall \$ 454,597

RECORD OF ORDINANCES

Dayton Legal Blank, Inc

Form No. 3004.3

Ordinance No. 2006-97

Passed January 2,

2007

Engineering Department

Salaries	\$ 251,685	
Benefits	103,795	
Sick Leave Sellback	4,818	
Travel	1,400	
Equipment Maintenance	719	
Supplies	1,900	
Fuel & Lubricants	3,800	
Membership Dues	10	
Subscriptions/Publications	300	
Schooling	1,300	
Tree Care	12,000	
Clothing	550	
Utilities	3,000	
Central Garage Maintenance	<u>481</u>	
<u>Total Engineering Department</u>		\$ 385,758

Statutory Accounts

Election Expense	\$ 10,000	
Examiner Fees	41,000	
City Auditor/Treasurer Fees	37,000	
Income Tax Refunds	275,000	
Flexible Spending	30,000	
Pass Thru Tax Payment	<u>6,598.49</u>	
<u>Total Statutory Accounts</u>		\$ 399,598.49

Transfers

School Resource Officer	\$ 40,000	
Violence Against Women	58,000	
Health	486,000	
Swimming Pool	85,000	
Parks	528,000	
Transit	119,462	
Airport Improvement	<u>7,895</u>	
<u>Total Transfers</u>		\$ 1,324,357.00
<u>Total General Fund</u>		\$18,354,429.21

RECORD OF ORDINANCES

Ordinance No. 2006-97 Passed January 2, 2007

SENIOR CITIZENS III-B GRANT FUND

Administration	\$ 18,336.15
Salaries	35,501
Central Garage Maintenance	2,000
Vehicle Leases	7,200
Fuel & Lubricants	9,000
Professional Services	<u>2,200</u>
<i>Total Sr. Citizens III-B Grant Fund</i>	\$ 74,237.15

SENIOR CITIZENS III-E GRANT FUND

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

STATE BLOCK GRANT FUND

Salaries	\$ <u>10,222</u>
<i>Total State Block Grant Fund</i>	\$ 10,222

STREET CONSTRUCTION MAINTENANCE & REPAIR FUND

Street Maintenance

Salaries	\$ 854,213
Benefits	389,541
Sick Leave Sellback	24,907
Clothing Allowance	9,325
Travel	600
Professional Services	4,950
Service Contracts	2,000
Equipment Maintenance	5,000
Permissive Auto Tax	155,586
Insurance	22,978
Supplies	320,000
Fuel & Lubricants	58,000
Streetscape	6,000
Schooling	2,000
Utilities	52,000
Land & Building Maintenance	1,900
Resurfacing Projects	355,977
Excavation Bonds	15,000
Pavement Bonds	10,000
Central Garage Maintenance	246,000
Equipment Lease	500
Building Rent	9,000
Membership Dues	100
Transfer to Dofasco TIF Fund	25,228.56
Equipment	<u>250,200</u>
<i>Total SCMR Fund</i>	\$ 2,821,005.56

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 300-43

Ordinance No. 2006-97

Passed January 2,

2007

STATE HIGHWAY IMPROVEMENT FUND

Professional Service	\$ 70,000
Resurfacing	<u>35,000</u>
<i>Total State Highway Improvement</i>	\$ 105,000

MMC ASSISTANCE FUND

Travel	\$ 500
Schooling	500
Professional Services	52,400
Supplies	2,000
Reimbursements	500
Capital Improvements	2,000
Equipment	<u>2,000</u>
<i>Total MMC Assistance Fund</i>	\$ 59,900

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	\$ 79,033
Benefits	26,583
Schooling	<u>5,000</u>
<i>Total VAW Fund</i>	\$ 101,616

HEALTH FUND

Administration

Salaries	\$ 264,778
Benefits	113,800
Sick Leave Sellback	3,895
Travel	1,000
Professional Services	4,000
Service Contracts	2,000
Central Garage Maintenance	532
Supplies	7,801.55
Fuel & Lubricants	500
State Reimbursements	63,000
Insurance	7,000
Books/Publications	500
Dues & Memberships	1,500
Schooling	2,000
Equipment Lease	1,800
Administration	<u>9,298.23</u>
<i>Total Health Administration</i>	\$ 483,404.78

RECORD OF ORDINANCES

Ordinance No. 2006-97 Passed January 2, 2007

Inspection

Salaries	\$ 141,344	
Benefits	50,601	
Sick Leave Sellback	2,050	
Travel	2,000	
Professional Services	2,000	
Weed Control	16,500	
Blight Control	12,000	
Mosquito Control	6,000	
Supplies	1,500	
Fuel & Lubricants	900	
Insurance	600	
Schooling	500	
Dues	<u>400</u>	
<i>Total Health Inspection</i>		\$ 236,395

WIC Administration

Salaries	\$ 43,207.85	
Benefits	19,230.03	
Utilities	4,000	
Professional Services	1,000	
Land & Bldg. Maintenance	1,000	
Donations	<u>103.45</u>	
<i>Total Wic Administration</i>		\$ 68,541.33

TOTAL HEALTH FUND \$ 788,341.11

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 197,096	
Benefits	81,230	
Travel	1,000	
Equipment Maintenance	2,000	
Supplies	5,000	
Postage	2,000	
Utilities	9,000	
Janitorial Services	4,020	
Land & Bldg. Maintenance	<u>980</u>	
<i>Total WIC Fund</i>		\$ 302,326

SCHOOL RESOURCE OFFICER FUND

Salaries	\$ 99,965	
Benefits	<u>54,833</u>	
<i>Total School Resource Officer Fund</i>		\$ 154,798

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-97

Passed January 2,

2007

PARKS FUND

Salaries	\$ 278,782
Benefits	126,661
Sick Leave Sellback	4,000
Clothing Allowance	2,700
Utilities	24,000
Service Contracts	400
Equipment Maintenance	2,000
Land/Bldg. Maintenance	22,620
Insurance	9,000
Supplies	30,500
Fuel & Lubricants	11,000
Professional Service	1,650
Yard Waste Fees	3,000
Property Tax	880
Janitorial Services	7,200
Administration	9,968.36
Central Garage Maintenance	13,635
Founders Park	<u>1,596.85</u>

Total Parks Fund \$ 549,593.21

COMMUNITY CORRECTIONS FUND

Salaries	\$ 90,567
Benefits	<u>25,087</u>

Total Community Corrections Fund \$ 115,654

ENFORCEMENT AND EDUCATION FUND

Reimbursements	\$ 14,000
Equipment	<u>5,50</u>

Total Enforcement & Education Fund \$ 19,500

INDIGENT ALCOHOL DRIVER FUND

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

SMOKE DETECTOR FUND

Supplies	\$ 7,500
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Total Smoke Detector Fund \$ 7,500

SENIOR CITIZENS ASSOCIATION FUND

Senior Citizens Program	\$ <u>18,150</u>
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Total Sr. Citizens Association Fund \$ 18,150

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ 2006-97 Passed January 2, 20⁰⁷

POLICE & FIREMEN PENSION FUND

Police Benefits	\$ 120,513.91
Fire Benefits	<u>120,513.91</u>
<i>Total Police/Firemen Pension Fund</i>	\$ 241,027.82

FIRE INSURANCE PROCEEDS FUND

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

HEALTH LICENSE FUND

Tattoo & Body Piercing	\$ 1,000
Trailer Park	705
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>
<i>Total Health License Fund</i>	\$ 55,005

COMMUNITY DISTRESS FUND

Demolition of Buildings	\$ 18,600
Administration	20,000
Sanitary Sewer	42,400
Curbs & Sidewalks	197,000
Park & Recreation Facilities	<u>22,000</u>
<i>Total Community Distress Fund</i>	\$ 300,000

CHIP FUND

Administration	\$ 33,800
Emergency Rehab	120,000
Rental Rehab	91,000
Fair Housing	200
Rental Assistance	223,000
Public Service	<u>23,000</u>
<i>Total CHIP Fund</i>	\$ 491,000

REVOLVING LOAN FUND

Curbs & Sidewalks	\$ <u>20,000</u>
<i>Total Revolving Loan Fund</i>	\$ 20,000

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-97

Passed January 2,

2007

FORMULA GRANT FUND

Public Rehabilitation	\$ 30,000
Fair Housing	500
Administration	23,500
Street Improvements	60,000
Curbs & Sidewalks	<u>46,000</u>
<i>Total Formula Grant Fund</i>	\$ 160,000

UNDERGROUND STORAGE TANK FUND

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

G.O. BOND RETIREMENT FUND

Bond Interest	\$ 47,067.50
Bond Principal	<u>45,000</u>
<i>Total G.O. Bond Retirement Fund</i>	\$ 92,067.50

DOFASCO TIF FUND

Administrative Fee	\$ 3,088.87
Infrastructure Loan Interest	49,421.87
Infrastructure Loan Principal	<u>160,002.94</u>
<i>Total Dofasco TIF Fund</i>	\$ 212,513.68

D.R.I.P. TIF RIDGEDALE FUND

Transfer to DRIP Infrastructure	\$ 255,996.00
OPWC LOAN No. CP10D	<u>\$ 3,205.05</u>
<i>Total D.R.I.P. TIF Ridgedale Fund</i>	\$ 259,201.05

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

Transfer to DRIP Infrastructure	\$ 145,637
OPWC LOAN No. CP10D	<u>\$ 3,205.05</u>
<i>Total D.R.I.P. TIF Marion City Schools Fund</i>	\$ 148,842.05

BARKS ROAD TIF FUND

Cost of Issuance	\$ 3,000
Interest	35,000
Principal	<u>775,000</u>
<i>Total Barks Road TIF Fund</i>	\$ 813,000

RECORD OF ORDINANCES

Ordinance No. _____ 2006-97 Passed January 2, 20 07

CAPITAL IMPROVEMENT FUND

Transfer to MAT Fund	\$ 22,105
FY06 Contingency	72,005.74
Fire Truck Lease Interest	27,007.53
Fire Truck Lease Principal	101,048.55
FY '07 Contingency	<u>232,614.92</u>
<i>Total Capital Improvement Fund</i>	\$ 454,781.74

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>5,000</u>
<i>Total Softball Field Improvement Fund</i>	\$ 5,000

DRIP INFRASTRUCTURE FUND

Marion Williamsport Road	\$ <u>401,633</u>
<i>Total DRIP Infrastructure Fund</i>	\$ 401,633

DRIP PARK FUND

Quarry Park	\$ <u>740</u>
<i>Total DRIP Park Fund</i>	\$ 740

YOUTH CENTER CONSTRUCTION FUND

Equipment	\$ 7,437.65
Skateboard Park	<u>13,057.38</u>
<i>Total Youth Center Construction Fund</i>	\$ 20,495.03

HARDING CENTRE LOAN FUND

Principal	\$ 23,178.75
Interest	<u>25,000</u>
<i>Total Harding Centre Loan Fund</i>	\$ 48,178.75

AIRPORT IMPROVEMENT FUND

Project 18	\$ <u>157,895</u>
<i>Total Airport Imp. Fund</i>	\$ 157,895

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

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Passed January 2,

2007

TRANSIT FUND

Salaries	\$ 429,349
Benefits	194,901
Utilities	10,000
Professional Services	2,500
Central Garage Maintenance	96,000
Land/Bldg. Maintenance	2,850
Insurance	12,000
Supplies	4,500
Fuel & Lubricants	65,000
Subscriptions/Publications	450
Membership Dues	550
Promotional Advertising	1,000
Legal Advertising	1,000
Building Lease	18,000
Equipment Lease	500
Equipment	221,048
Travel	<u>1,100</u>
<i>Total Transit Fund</i>	\$ 1,060,748

SEWER SYSTEM IMPROVEMENT FUND

OWDA Loan Interest	\$ 394,420.35
OWDA Loan Principal	1,374,397.61
G.O. Bond Interest	110,135
G.O. Bond Principal	110,000
OPWC Loan	<u>61,325.38</u>
<i>Total Sewer System Imp. Fund</i>	\$2,050,278.34

SEWER REPLACEMENT FUND

Professional Services	\$ 175,000
Equipment Maintenance	50,000
Land/Building Maintenance	44,000
Equipment	125,000
Capital Improvements	<u>300,000</u>
<i>Total Sewer Replacement Fund</i>	\$ 694,000

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

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Ordinance No. 2006-97 Passed January 2, 2007

SEWER REVENUE FUND

Water Pollution Control

Salaries	\$1,268,137
Benefits	537,072
Sick Leave Sellback	21,000.20
Clothing Allowance	12,000
Travel	3,000
Utilities	538,900
Professional Services	229,500
Equipment Maintenance	20,000
Land/Building Maintenance	5,000
Insurance	102,000
Supplies	442,400
Fuel & Lubricants	46,000
Equipment	26,000
Postage	3,300
Refunds	5,000
Transfer-Replacement	200,000
Utility Billing-Reimbursements	70,000
Subscriptions/Publications	1,500
Schooling	12,000
Dues	3,000
Service Contracts	11,500
Janitorial Services	18,000
Capital Improvements	10,000
Central Garage Maintenance	<u>17,000</u>

TOTAL SEWER REVENUE FUND \$ 3,602,309.20

SANITATION FUND

Refuse Collection

Salaries	\$ 663,848
Benefits	301,507
Sick Leave Sellback	12,300
Clothing Allowance	7,010
Equipment Maintenance	5,000
Insurance	20,000
Supplies	12,000
Fuel & Lubricants	50,000
Yard Waste Fees	45,000
Utility Billing Services	67,370
Service Contracts	1,000
Solid Waste Transfer Expense	587,032
Professional Service	10,000
Equipment Lease	1,050
Schooling	400
Travel	500
Utilities	1,350
Commingling Expense	21,000
Building Rent	9,000
Refunds	600
Central Garage Maintenance	102,000
Capital Lease Interest	5,683.93
Capital Lease Principal	77,634.19
Equipment	<u>120,000</u>

TOTAL SANITATION FUND \$ 2,121,285.12

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Dayton Legal Blank, Inc.

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2007

LANDFILL MONITORING FUND

Equipment Maintenance	\$ 4,000
Utilities	5,000
Supplies	4,800
Professional Services	75,000
OWDA Loan Interest	64,338.01
OWDA Loan Principal	140,736.11
Equipment	<u>25,000</u>
<i>Total Landfill Monitoring Fund</i>	\$ 318,874.12

STORM WATER UTILITY FUND

Salaries	\$ 392,480
Benefits	157,000
Professional Service	170,000
Equipment Maintenance	11,000
Equipment Lease	4,000
Supplies	72,760
Equipment	50,000
Utility Billing Services	70,070
Insurance	8,000
Fuel	40,000
Capital Improvements	15,000
Clothing	2,700
G.O. Bond Interest	201,685
G.O. Bond Principal	200,000
OPWC Loan No. CP10F	6,348.16
OPWC Loan No. CP16E	5,959.28
OPWC Loan No. CP06G	777.58
Central Garage Maintenance	8,000
Solid Waste Expense	20,000
Refunds	<u>400</u>
<i>Total Storm Water Utility Fund</i>	\$ 1,436,810.02

SWIMMING POOL FUND

Salaries	\$ 65,000
Benefits	14,951
Utilities	15,000
Equipment Maintenance	600
Land/Building Maintenance	2,350
Insurance	1,200
Supplies	27,000
Professional Services	1,000
Schooling	<u>400</u>
<i>Total Swimming Pool Fund</i>	\$ 127,501

SANITARY SEWER IMPROVEMENT FUND

GO Note Interest	\$ 111,676.42
GO Note Principal	<u>2,635,000</u>
<i>Total Sanitary Sewer Imp. Fund</i>	\$ 2,746,676.42

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Ordinance No. 2006-97 Passed January 2, 2007

NW INTERCEPTOR IMPROVEMENT FUND

OPWC Loan No. CP522	\$ 35,000
OPWC Loan No. CP18A	<u>10,477.90</u>
<i>Total NW Interceptor Imp. Fund</i>	\$ 45,477.90

STORM SEWER IMPROVEMENT FUND

G.O. Note Interest	\$ 88,578.26
G.O. Note Principal	<u>2,090,000</u>
<i>Total Storm Sewer Impr. Fund</i>	\$ 2,178,578.26

CENTRAL GARAGE FUND

Salaries	\$ 184,267
Benefits	70,748
Sick Leave Sellback	3,280
Clothing	1,800
Travel	300
Schooling	500
Utilities	56,000
Professional Services	5,000
Service Contracts	5,600
Equipment Maintenance	5,000
Land & Bldg. Maintenance	2,000
Insurance	10,915
Supplies	176,000
Fuel & Lubricants	282,000
Equipment	5,000
Janitorial Services	6,000
G.O. Note Interest	63,572.92
G.O. Note Principal	<u>1,500,000</u>
<i>Total Central Garage Fund</i>	\$ 2,377,982.92

UTILITY BILLING FUND

Salaries	\$ 115,082
Benefits	49,004
Sick Leave Sellback	1,025
Travel	200
Professional Services	2,000
Supplies	5,600
Service Contracts	14,200
Postage	19,320
Equipment	1,600
Equipment Lease	<u>800</u>
<i>Total Utility Billing Fund</i>	\$ 208,831

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

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2007

STATE PATROL FINES AGENCY FUND

State Patrol Fines	\$ <u>80,000</u>	
<u>Total State Patrol Agency Fund</u>		\$ 80,000

YOUTH RECREATION TRUST FUND

Recreation Expense	\$ <u>1,000</u>	
<u>Total Youth Recreation Trust Fund</u>		\$ 1,000

SAFETY PATROL TRUST FUND

Safety Patrol Program	\$ <u>1,000</u>	
<u>Total Safety Patrol Trust Fund</u>		\$ 1,000

LAW ENFORCEMENT TRUST FUND

Law Enforcement	\$ <u>21,500</u>	
<u>Total Law Enforcement Trust Fund</u>		\$ 21,500

PARKING METER AGENCY FUND

Jenkins & Jenkins	\$ <u>3,000</u>	
<u>Total Parking Meter Agency Fund</u>		\$ 3,000

ROTARY AGENCY FUND

Pass-Thru Payments	\$ 30,000	
Greyhound Fares	<u>75,000</u>	
<u>Total Rotary Agency Fund</u>		\$ 105,000

<u>GRAND TOTAL</u>		\$46,883,505.16
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RECORD OF ORDINANCES

Ordinance No. 2006-97 Passed January 2, 2007

SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
General	\$16,755,072.21	\$275,000	\$1,324,357	\$18,354,429.21
 <u>Special Revenue</u>				
Sr. Cit. III-B Grant	74,237.15			74,237.15
Sr. Cit. III-E Grant	5,000			5,000
Sr. Cit. State Block Grant	10,222			10,222
SCMR	2,795,777		25,228.56	2,821,005.56
State Highway Improvement	105,000			105,000
MMC Assistance	59,400	500		59,900
Court Computerization	80,000			80,000
Violence Against Women Grant	101,616			101,616
Health	725,341.11	63,000		788,341.11
WIC Grant	302,326			302,326
SRO Grant	154,798			154,798
Parks	549,593.21			549,593.21
Community Corrections Grant	115,654			115,654
Enforcement & Education	5,500	14,000		19,500
Indigent Alcohol Driver	75,000			75,000
Smoke Detector	7,500			7,500
Senior Citizens Association	18,150			18,150
Police & Firemen Pension	241,027.82			241,027.82
Fire Insurance Proceeds		150,000		150,000
Health License		55,005		55,005
Community Distress	300,000			300,000
CHIP	491,000			491,000
Revolving Loan	20,000			20,000
Formula Grant	160,000			160,000
Underground Storage Tank	11,000			11,000
 <u>Total Special Revenue Funds</u>	 \$6,408,142.29	 \$282,505	 \$ 25,228.56	 \$6,715,875.85
 <u>Debt Service Funds</u>				
G.O. Bond Retirement	\$ 92,067.50			\$ 92,067.50
Dofasco T.I.F.	212,513.68			212,513.68
DRIP T.I.F. Ridgedale Schools	3,205.05		255,996	259,201.05
DRIP T.I.F. Mm. City Schools	3,205.05		145,637	148,842.05
Barks Road TIF	813,000			813,000
Harding Centre Loan	48,178.75			48,178.75
 <u>Total Debt Service Funds</u>	 \$ 1,172,170.03		 \$ 401,633	 \$ 1,573,803.03

RECORD OF ORDINANCES

Ordinance No. 2006-97

Passed January 2,

2007

SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
<u>Capital Project Funds</u>				
Capital Improvement	\$ 454,781.74			\$ 454,781.74
Airport Industrial Park	18,000			18,000
Softball Field Improvement	5,000			5,000
DRIP Infrastructure	401,633			401,633
DRIP Park (Quarry I)	740			740
Youth Center Construction	20,495.03			20,495.03
Airport Improvement	<u>157,895</u>			<u>157,895</u>
<u>Total Capital Project Funds</u>	<u>\$ 1,058,544.77</u>			<u>\$ 1,058,544.77</u>
<u>Enterprise Funds</u>				
Marion Area Transit	\$ 1,060,748			\$ 1,060,748
Sewer System Improvement	2,050,278.34			2,050,278.34
Sewer Replacement	694,000			694,000
Sewer Revenue	3,397,309.20	5,000	200,000	3,602,309.20
Sanitation	2,120,685.12	600		2,121,285.12
Landfill Monitoring	318,874.12			318,874.12
Storm Water Utility	1,436,410.02	400		1,436,810.02
Swimming Pool	127,501			127,501
Sanitary Sewer Improvement	2,746,676.42			2,746,676.42
NW Interceptor Improvement	45,477.90			45,477.90
Storm Sewer Improvement	<u>2,178,578.26</u>			<u>2,178,578.26</u>
<u>Total Enterprise Funds</u>	<u>\$ 16,176,538.38</u>	<u>\$ 6,000</u>	<u>\$ 200,000</u>	<u>\$ 16,382,538.38</u>
<u>Internal Service Funds</u>				
Central Garage	\$ 2,377,982.92			\$ 2,377,982.92
Utility Billing	<u>208,831</u>			<u>208,831</u>
<u>Total Internal Service Funds</u>	<u>\$ 2,586,813.92</u>			<u>\$ 2,586,813.92</u>
<u>Trust and Agency Funds</u>				
State Patrol Agency	\$ 80,000			\$ 80,000
Youth Recreation Trust	1,000			1,000
Safety Patrol Trust	1,000			1,000
Law Enforcement Trust	21,500			21,500
Parking Meter Agency	3,000			3,000
Rotary Agency	<u>105,000</u>			<u>105,000</u>
<u>Total Trust & Agency Funds</u>	<u>\$ 211,500</u>			<u>\$ 211,500</u>
 GRAND TOTAL	 \$44,368,781.60	 \$ 563,505	 \$1,951,218.56	 \$46,883,505.16

RECORD OF ORDINANCES

Ordinance No. 2006-97 Passed January 2, 2007

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


PRESIDENT OF COUNCIL
Pro Tempore

APPROVED:

MAYOR

ATTEST:

CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-98

Passed _____, 20____

ORDINANCE MAKING AN APPROPRIATION REDUCTION IN THE G.O.
BOND RETIREMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

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

Section 1. That there be an appropriation reduction made in the G.O. Bond Retirement fund in the amount of \$(17.41) for the year ending December 31, 2006 as follows:

Note Interest	343.8911.560609	\$(17.41)
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

APPROVED:

MAYOR

ATTEST:



CLERK OF COUNCIL

RECORD OF ORDINANCES

Ordinance No. 2006-99, Page Two

Passed _____, 20____

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



President of Council

APPROVED:

Mayor



Clerk of Council