

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-1

Passed January 22, 2007

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR PUBLIC IMPROVEMENTS ALONG DELAWARE AVENUE AND DECLARING AN EMERGENCY.**

WHEREAS, the Administration previously advised the Council that a certain section of Delaware Avenue within the City was identified as having a high number of collisions related to persons exiting existing businesses, and

WHEREAS, the Administration has successfully pursued an endeavor which will contribute to necessary design improvements along the aforementioned stretch of roadway

**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 public improvements along Delaware Avenue (State Route 423) related to the new Walgreens project and containing significant traffic design patterns on the subject section of roadway.

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

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

\_\_\_\_\_  
President of Council

Approved: January 23, 2007

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-101, Page One

Passed DEC 2 8 2007, 20  

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, CONTAINING 6.370 ACRES, THE PETITION HAVING BEEN APPROVED BY THE COMMISSIONERS FOR THE COUNTY OF MARION.  
(Applicant Citicasters)

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Ted McKinniss, as Agent on behalf of Citicasters Company, owners of real estate in the territory;

WHEREAS, the petition was duly filed with the Board of County Commissioners of Marion County, Ohio on August 15, 2007; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on September 18, 2007; and

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

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map, and the petition as required in connection therewith to the Clerk of Council who received the same on October 3, 2007; and

WHEREAS, sixty days from the date of the filing have now elapsed in accordance with the provisions of R.C. 709.04, now, therefore,

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

Section 1. That the proposed annexation as applied for in the petition of Ted McKinniss, as Agent on behalf of Citicasters Company, owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on August 15, 2007, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and which the petition was approved for annexation to the City of Marion by the Board of County Commissioners on September 18, 2007, be and is hereby accepted.

The territory is described as follows:

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

Being part of the Northwest Quarter of Section 15, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio; Being a tract now or formerly owned by Citicasters Company (O.R. 387 Pg. 455); and being more particularly described as follows;

Beginning at an existing railroad spike located at the intersection of the centerline of State Routes 4 and 423 (North Main Street) (now being 60 feet wide) with the centerline of County Road 162 (also being the North Line of Section 15 and the South Corporation Line of the City of Marion) (now being 60 feet wide); thence along said centerline of County Road 162 S 890 34' 00" E (for basis of bearing, see Survey Volume 5 Pg. 496, Marion County Engineer's Office) for a distance of 612.65 feet to a railroad spike set on Grantor's East Line; thence along Grantor's East Line S 00 04' 40"W for a distance of 470.48 feet to a 1" dia. iron pin set on the North Line of Marion Heights Addition (P.B. 3 Pg. 234) (passing over a 1" dia. iron pin set at 30.00 feet); thence along said North Line N 890 30' 30" W for a distance of 567.76 feet to a railroad spike set on the centerline of State Routes 4 and 423 (passing over a 1" dia. iron pin set at

Ordinance No. 2007-101, Page Two

Passed DEC 26 2007, 20

532.58 feet and an existing iron pipe at 537.60 feet); thence along said centerline N 50 22' 35"W for a distance of 472.31 feet to an existing railroad spike on the centerline of County Road 162 and the point of beginning.

Containing 6.370 acres more or less and being subject to legal highways, easements, restrictions, and agreements of record. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated February 27, 2007. All 5/8" dia. Iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

Parcel ID 16-003000.1700 also known as 1330 North Main Street, Marion, Ohio 43302

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, the amended petition for annexation, and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council and have been for more than sixty days.

Section 2. That the Council finds that the street known as North Main Street and Marion Williamsport Road will not be divided or segmented by the boundary line as to create a road maintenance problem.


Section 3. That the territory to be annexed becomes subject to the Zoning of the City of Marion, Ohio and that the Marion City Zoning Code does permit the intended use. The Zoning of the Municipal Corporation shall be designated as C-2 (Community Shopping District) which is not an incompatible use currently permitted under the Marion Township Zoning and no buffer shall be required pursuant to Ohio Revised Code Section 709.23 (C).

Section 4. 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 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

APPROVED: DEC 27 2007

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-102

Passed NOV 23 2007, 20  

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE TRANSPORTATION COORDINATOR – SENIOR CENTER.

Whereas, the Council for the City of Marion finds the job description for the Transportation Coordinator-Senior Center to be outdated, have been established by Ordinance No. 1969-29 without updating to date, and

Whereas, the Human Resources Director has proposed and provided an updated job description, and

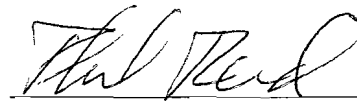
Whereas, the Council finds the redefined job description to be in the best interest of the City of Marion and therefore finds it necessary to further amend Ordinance No. 1969-29 (the Position Classification Report by Yarger and Associates, Inc. April, 1969), as amended.

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

Section 1. That the current job description for the Transportation Coordinator-Senior Center attached hereto as Exhibit A, shall be amended with the updated job description attached hereto as Exhibit B.

Section 2. That this ordinance makes no adjustments or modifications to any pay grades or scales. Pay grades and/or scales shall continue as previously established.

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




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President of Council

APPROVED: NOV 27 2007

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council



# RECORD OF ORDINANCES

Ordinance No. 2007-103, Page One

Passed SEE REVERSE SIDE, 2007

ORDINANCE REESTABLISHING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, OTHER THAN CITY COUNCIL, TO BE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN EMERGENCY

WHEREAS, the City Council for the City of Marion, being prohibited by State law from granting in-term pay increases to its' statutory office holders and therefore has historically reviewed the compensation and benefits provided said office holders prior to the beginning of each respective office's next term, and

WHEREAS, the Council has thoroughly reviewed each statutory office and finds a real and present need, in order to provide fair and just compensation and in order to continue to attract competent and proficient persons to serve in the aforementioned offices, and

WHEREAS, the Council has approved annual pay adjustments for the City's respective bargaining units and by previous Ordinance has provided for annual pay adjustments for the City's non-bargaining positions and having examined the practices within like communities in the State, and

WHEREAS, the Council finds the following adjustments to be equitable,

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

SECTION 1. The Council herein provides for the following salary and benefits adjustments for statutory office holders within the within the City, other than Council, each change to be effective the first day of each respective office's next term and amending the applicable sections of existing Ordinances, all previous terms not amended herein shall remain in full force, as follows:

Section 2. of Ordinance 1999-140 now reading as:

Section 2. That commencing on the first day of 2000 the annual salary for the holder of the office of Mayor shall be \$ 60,500, payable semi-monthly.

Shall be amended to:

Section 2. Commencing on the first day of the respective following years the annual salary for the office of the Mayor shall be:

<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
62,436	64,434	66,496	68,624

and shall be payable semi-monthly.

SECTION 2. All provisions contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.

SECTION 3 . That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the prohibition against in-term pay increases contained in Ohio law and that the present time is the historic review period for adjustment and the need to conclude the review prior to the beginning of the next term; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Ordinance No. 2007-103, Page Two

Passed \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
President of Council

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

By a majority vote of the members  
the legislation was defeated 12/26/2007

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-104

Passed DEC 10 2007, 2007

## ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007.

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

Section 1. That there be appropriations made in various funds in the amount \$46,135.86 as follows:

### GENERAL FUND

Dispatch Clothing Allowance	101.1113.510140	\$ 100.00
Fire EMS Equipment	101.1131.538223	3,000.00
Donations (Fire)	101.1131.540324	1,228.02
Admin Fee Utility Income Tax	101.7712.530324	547.19
Transfer to Airport Improvement	101.7745.580707	<u>320.00</u>
Total General Fund		\$ 5,195.21

### SCMR FUND

Excavation Bond Refund	207.6816.570267	\$ 4,000.00
Pavement Bond Refund	207.6816.570268	( 4,000.00)

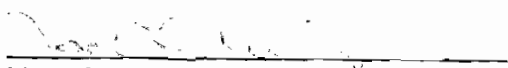
### AIRPORT IMPROVEMENT FUND

Professional Services	446.6405.530320	\$11,398.00
Land Acquisition	446.6405.550455	3,200.00
Capital Improvement	446.6405.550520	<u>26,342.65</u>
Total General Fund		\$40,940.65

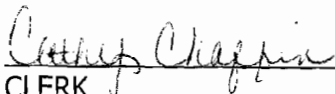
Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: DEC 11 2007

  
PRESIDENT OF COUNCIL

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 50043

Ordinance No. 2007-105

Passed DEC 10 2007, 20  

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS FROM VARIOUS CITY DEPARTMENTS 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:

Louis V. Imundo, Inc.

Invoice No. FNCS 07-55244

Amount: \$3,620.00

P.O. No. RG140725; Account No. 101.7715.530320

Work was performed prior to the issuance of the Purchase Order

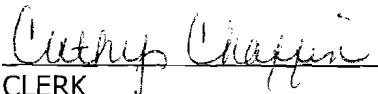
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for further reason that the invoice is past due, and as such, shall take effect and be in force immediately upon its passage and approval by the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

APPROVED: DEC 11 2007

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-106

Passed DEC 16 2007, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE STATE PATROL AGENCY FUND FOR THE YEAR ENDING DECEMBER 31, 2007.

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 State Patrol Agency Fund in the amount of \$4,432.00 as follows:

Marion County Law Library	728.1814.570730	\$4,432.00
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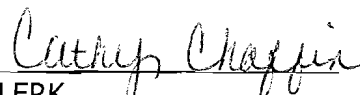
Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: DEC 13 2007

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Ordinance No. 2007-107, Page One

Passed DEC 10 2007, 20  

ORDINANCE REESTABLISHING THE DEPARTMENT OF SAFETY WITHIN THE CODIFIED ORDINANCES OF THE CITY OF MARION CHAPTER 133, CREATING NECESSARY SECTIONS, REPEALING THOSE SECTIONS OF ORDINANCE 1991-145 WHICH ARE INCONSISTENT HEREWITH, AMENDING THE YARGER REPORT, AND DECLARING AN EMERGENCY

WHEREAS, the City Council for the City of Marion, based upon good cause offered by the Mayor Elect and his plan of action as to providing the mechanisms that will best serve the people of Marion in the delivery of services, recognizing that the previous administrations modifications made in 1991 served a purpose at that time,

WHEREAS, the Council finds the return of the basic prior structure to be desirable given the current needs of the community,

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

SECTION 1. Council finds it to be in the best interests of the citizens of Marion, Ohio to separate the previously combined Departments of Safety and Service. Council hereby re-establishes the Department of Public Safety within Chapter 133 of the Codified Ordinances. Hereby re-establishing the position of Director of Public Safety.

SECTION 2. Section 133.01 currently reading as follows: "There is created a Department of Public Safety/Service which shall be administered by a Director of Public Safety/Service."

shall be amended to read:

Section 133.01 "There is created a Department of Public Safety which shall be administered by a Director of Public Safety."

SECTION 3. All reference to the former Safety/Service Director contained within Chapter 133 shall be replaced with and shall here forward be Safety Director. Throughout the Codified Ordinances for the City of Marion where reference was combined in a Safety/Service Director, said reference shall be split with those duties previously administered by the Safety Director shall again be under the direction of the Director of Public Safety or Safety Director.

SECTION 4. The amended job description shall be attached to this companion Ordinance amending the personal classification schedule (Yarger Report) heretofore adopted by City Council as if the same were rewritten in such personnel classification schedule (Yarger Report).

SECTION 5. Pursuant to authority granted under 737.01, the Council hereby waives the residency requirement contained therein. Said provision having been waived, Council determines the Director shall reside within the County of Marion, Ohio.

SECTION 6. Incorporating herein the relevant existing provisions contained within Section 1 of Ordinance 2002-101 now reading as follows:

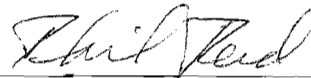
Section 133.02 COMPENSATION (A) Such annual salary shall be subject to adjustment on each anniversary of the appointee's date of appointment to this office. The Mayor may authorize such annual adjustment, based on merit within a salary range of \$50,205 minimum and \$67,128 maximum, not to exceed a 3 % increase in annual salary. The salary range remains subject to revision by Council.

Ordinance No. 2007-107, Page Two

Passed DEC 10 2007, 20    

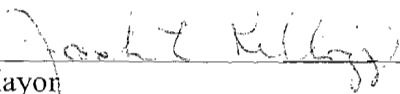
(B) In addition to the stated compensation, the Director shall be entitled to the working conditions and employee benefits as provided for full time permanent employees; excluding overtime, compensatory time, vacation and sick leave.

SECTION 7 . 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 implement the structural change due to the imminent transition between governing administrations and to provide for the most effective cohesive provision of services to 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 on the 1<sup>st</sup> day of January, 2008 or no later than the earliest date allowed by law.



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President of Council

APPROVED: **DEC 11 2007**



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Mayor

ATTEST:



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Clerk of Council

# RECORD OF ORDINANCES

Ordinance No. 2007-108, Page One

Passed DEC 10 2007, 20

ORDINANCE REESTABLISHING THE DEPARTMENT OF SERVICE WITHIN THE CODIFIED ORDINANCES OF THE CITY OF MARION CHAPTER 135, CREATING NECESSARY SECTIONS, REPEALING THOSE SECTIONS OF ORDINANCE 1991-147 WHICH ARE INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY

WHEREAS, the City Council for the City of Marion, based upon good cause offered by the Mayor Elect and his plan of action as to providing the mechanisms that will best serve the people of Marion in the delivery of services, recognizing that the previous administrations modifications made in 1991 served a purpose at that time,

WHEREAS, the Council finds the return of the basic prior structure to be desirable given the current needs of the community,

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

SECTION 1. Council finds it to be in the best interests of the citizens of Marion, Ohio to separate the previously combined Departments of Safety and Service. Council hereby re-establishes the Department of Public Service within Chapter 135 of the Codified Ordinances. Hereby re-establishing the position of Director of Public Service.

SECTION 2. Section 135.01 currently reading as follows: "There is created a Department of Human Resources which shall be administered by a Director of Human Resources."

shall be amended to read:

Section 135.01 "There is created a Department of Public Service which shall be administered by a Director of Public Service."

SECTION 3. All reference to the former Human Resources Director contained within Chapter 135 repealed. Throughout the Codified Ordinances for the City of Marion where reference was made to Human Resource Director, that duty or right shall be with the respective responsible party be it Director of Public Safety or Director of Public Service as those duties may have been previously administered prior to the repealed combining of the Safety/Service Director. If not previously administered, said duty or responsibility shall be as assigned by the Mayor.

SECTION 4. The Human Resource Director's job description shall be repealed and the replacement Director of Public Service job description shall be attached to this companion Ordinance amending the personal classification schedule (Yarger Report) heretofore adopted by City Council as fully as if the same were rewritten in such personnel classification schedule (Yarger Report).

SECTION 5. Pursuant to authority granted under 735.01, the Council hereby waives the residency requirement contained therein. Said provision having been waived, Council determines the Director shall reside within the County of Marion, Ohio.

SECTION 6. Incorporating herein the relevant existing provisions contained within Section 1 of Ordinance 2002-102 reading as follows:

Section 135.02 COMPENSATION (A) Such annual salary shall be subject to adjustment on each anniversary of the appointee's date of appointment to this office. The Mayor may authorize such annual adjustment, based on merit within a salary



Ordinance No. 2007-108, Page Two

Passed DEC 10 2007, 20  

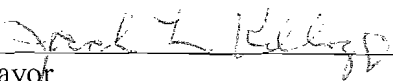
range of \$50,205 minimum and \$67,128 maximum, not to exceed a 3 % increase in annual salary. The salary range remains subject to revision by Council.

(B) In addition to the stated compensation, the Director shall be entitled to the working conditions and employee benefits as provided for full time permanent employees; excluding overtime, compensatory time, vacation and sick leave.


SECTION 7. 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 implement the structural change due to the imminent transition between governing administrations and to provide for the most effective cohesive provision of services to 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 on the 1<sup>st</sup> day of January, 2008 or no later than the earliest date allowed by law.

  
\_\_\_\_\_  
President of Council

APPROVED: **DEC 11 2007**

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-109

Passed DEC 10 2007, 20  

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTIONS OF THE DEPUTY AUDITOR, INTERNAL AND INVESTMENT AUDITOR AND TAX COMMISSIONER FOR THE CITY OF MARION

Whereas, the Council for the City of Marion finds the job descriptions for the Deputy Auditor, Internal and Investment Auditor and Tax Commissioner for the City of Marion to be outdated, having been established by Ordinance No. 1969-29, as amended, and

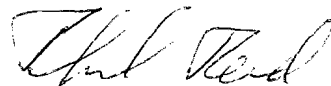
Whereas, the Council finds the redefined job descriptions to be in the best interest of the City of Marion and therefore finds it necessary to further amend Ordinance No. 1969-29 (the Position Classification Report by Yarger and Associates, Inc. April, 1969), as amended.

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

Section 1. That the current job description for the Deputy Auditor, Internal and Investment Auditor and Tax Commissioner attached hereto as Exhibit A, shall be amended as provided in Exhibit B attached hereto and made a part hereof as if fully restated herein.

Section 2. All previously existing provisions as to pay classification sometimes referred to as "grade" shall remain as previously established. All other benefits, rights or entitlements shall continue without modification.

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: DEC 11 2007

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Ordinance No. 2007-110, Page One

Passed DEC 26 2007, 20    

ORDINANCE REESTABLISHING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, OTHER THAN CITY COUNCIL, TO BE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN EMERGENCY

WHEREAS, the City Council for the City of Marion, being prohibited by State law from granting in-term pay increases to its' statutory office holders and therefore has historically reviewed the compensation and benefits provided said office holders prior to the beginning of each respective office's next term, and

WHEREAS, the Council has thoroughly reviewed each statutory office and finds a real and present need, in order to provide fair and just compensation and in order to continue to attract competent and proficient persons to serve in the aforementioned offices, and

WHEREAS, the Council has approved annual pay adjustments for the City's respective bargaining units and by previous Ordinance has provided for annual pay adjustments for the City's non-bargaining positions and having examined the practices within like communities in the State, and

WHEREAS, the Council finds the following adjustments to be equitable,

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

SECTION 1. The Council herein provides for the following salary and benefits adjustments for statutory office holders within the within the City, other than Council, each change to be effective the first day of each respective office's next term and amending the applicable sections of existing Ordinances, all previous terms not amended herein shall remain in full force, as follows:

Section 5. of Ordinance 1999-140 now reading as:

Section 1. That commencing on the first day of 2000 the existing position of City Director of Law shall be full time, further said position shall have a salary of \$75,000 per year, payable semi-monthly.

Shall be amended to:

Section 1. Commencing on the first day of the respective following years the annual salary for the Law Director shall be:

<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
77,400	79,877	82,433	85,071

and shall be payable semi-monthly.

SECTION 2. All provisions contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.

SECTION 3 . That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its= inhabitants thereof: given the prohibition against in-term pay increases contained in Ohio law and that the present time is the historic review period for adjustment and the need to conclude the review prior to the beginning of the next term; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Ordinance No. 2007-110, Page Two

Passed DEC 26 2007, 20    

  
\_\_\_\_\_  
President of Council

APPROVED:

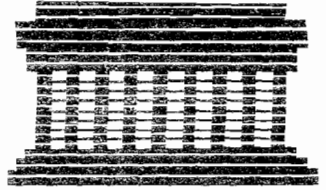
(See Attached Letter Dated December 28, 2007)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

# City of Marion



JACK L. KELLOGG  
Mayor (740) 387-3591

DANIEL A. COBB  
Safety/Service Director (740) 387-5865

N. RUTH STANLEY  
Human Resources Director (740) 387-4705

December 28, 2007

Cathy Chaffin  
Clerk of Council  
233 W. Center St.  
Marion, OH 43302

Re: Marion City Ordinance 2007-110

Dear Cathy:

Due to the number of individuals that spoke to me by telephone or in person opposing the manner in which the increase in salary for elected officials was handled, I felt it was necessary to refrain from signing Ordinance 2007-110. Therefore, please accept this letter as confirmation that I did not sign Marion City Ordinance 2007-110 (Ordinance re-establishing the salary and benefits for City Law Director) and that the unsigned piece of legislation was returned to you on Thursday, December 27.

Sincerely,

Jack L. Kellogg  
Mayor



# RECORD OF ORDINANCES

Ordinance No. 2007-111, Page One

Passed SEE REVERSE SIDE 20

ORDINANCE REESTABLISHING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, OTHER THAN CITY COUNCIL, TO BE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN EMERGENCY

WHEREAS, the City Council for the City of Marion, being prohibited by State law from granting in-term pay increases to its' statutory office holders and therefore has historically reviewed the compensation and benefits provided said office holders prior to the beginning of each respective office's next term, and

WHEREAS, the Council has thoroughly reviewed each statutory office and finds a real and present need, in order to provide fair and just compensation and in order to continue to attract competent and proficient persons to serve in the aforementioned offices, and

WHEREAS, the Council has approved annual pay adjustments for the City's respective bargaining units and by previous Ordinance has provided for annual pay adjustments for the City's non-bargaining positions and having examined the practices within like communities in the State, and

WHEREAS, the Council finds the following adjustments to be equitable,

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

SECTION 1. The Council herein provides for the following salary and benefits adjustments for statutory office holders within the within the City, other than Council, each change to be effective the first day of each respective office's next term and amending the applicable sections of existing Ordinances, all previous terms not amended herein shall remain in full force, as follows:

SECTION 2. Section 1 of Ordinance 2002-117 now reading in relevant part as:

Section 1. Beginning on the first day of January 2003, the ... First Assistant Law Director.... The salary for said position shall be \$ 63,000.00 with all the benefits previously provided the former position.

Shall be amended to:

Section 1. Commencing on the first day of the respective following years the annual salary for the First Assistant Law Director shall be:

<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
65,016	67,097	69,244	71,460

and shall be payable semi-monthly.

SECTION 3. All provisions contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.

SECTION 4. 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 prohibition against in-term pay increases contained in Ohio law and that the present time is the historic review period for adjustment and the need to conclude the review prior to the beginning of the next term; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Ordinance No. 2007-111, Page Two

Passed \_\_\_\_\_, 20\_\_\_\_

APPROVED:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

By a majority vote of the members  
the legislation was tabled  
12/26/2007

# RECORD OF ORDINANCES

Ordinance No. 2007-112, Page One

Passed SEE REVERSE SIDE, 2007

ORDINANCE REESTABLISHING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, OTHER THAN CITY COUNCIL, TO BE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN EMERGENCY

WHEREAS, the City Council for the City of Marion, being prohibited by State law from granting in-term pay increases to its' statutory office holders and therefore has historically reviewed the compensation and benefits provided said office holders prior to the beginning of each respective office's next term, and

WHEREAS, the Council has thoroughly reviewed each statutory office and finds a real and present need, in order to provide fair and just compensation and in order to continue to attract competent and proficient persons to serve in the aforementioned offices, and

WHEREAS, the Council has approved annual pay adjustments for the City's respective bargaining units and by previous Ordinance has provided for annual pay adjustments for the City's non-bargaining positions and having examined the practices within like communities in the State, and

WHEREAS, the Council finds the following adjustments to be equitable,

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

SECTION 1. The Council herein provides for the following salary and benefits adjustments for statutory office holders within the within the City, other than Council, each change to be effective the first day of each respective office's next term and amending the applicable sections of existing Ordinances, all previous terms not amended herein shall remain in full force, as follows:

SECTION 2. Section 6 of Ordinance 1999-140 now reading as:

Section 3. That commencing on the first day of 2000 the salary for the holder of the office of Second Assistant Law Director shall be \$ 20,900 per year, payable semi-monthly.

Shall be amended to:

Section 3. Commencing on the first day of the respective following years the annual salary for the office of the Second Assistant Law Director shall be:

<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
21,569	22,259	22,971	23,706

and shall be payable semi-monthly.

SECTION 3. All provisions contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.

SECTION 4 . 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 prohibition against in-term pay increases contained in Ohio law and that the present time is the historic review period for adjustment and the need to conclude the review prior to the beginning of the next term; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.



Ordinance No. 2007-112, Page Two

Passed \_\_\_\_\_, 20\_\_\_\_

APPROVED:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

By a majority vote of the members  
the legisaiton was tabled 12/26/2007

# RECORD OF ORDINANCES

Ordinance No. 2007-113, Page One

Passed SEE REVERSE SIDE 20

ORDINANCE REESTABLISHING THE SALARY AND BENEFITS FOR STATUTORY OFFICE HOLDERS WITHIN THE CITY, OTHER THAN CITY COUNCIL, TO BE EFFECTIVE THE FIRST DAY OF EACH RESPECTIVE OFFICE'S NEXT TERM, AMENDING THOSE RELEVANT SECTIONS OF EACH APPLICABLE PREVIOUS ORDINANCE, AND DECLARING AN EMERGENCY

WHEREAS, the City Council for the City of Marion, being prohibited by State law from granting in-term pay increases to its' statutory office holders and therefore has historically reviewed the compensation and benefits provided said office holders prior to the beginning of each respective office's next term, and

WHEREAS, the Council has thoroughly reviewed each statutory office and finds a real and present need, in order to provide fair and just compensation and in order to continue to attract competent and proficient persons to serve in the aforementioned offices, and

WHEREAS, the Council has approved annual pay adjustments for the City's respective bargaining units and by previous Ordinance has provided for annual pay adjustments for the City's non-bargaining positions and having examined the practices within like communities in the State, and

WHEREAS, the Council finds the following adjustments to be equitable,

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

SECTION 1. The Council herein provides for the following salary and benefits adjustments for statutory office holders within the within the City, other than Council, each change to be effective the first day of each respective office's next term and amending the applicable sections of existing Ordinances, all previous terms not amended herein shall remain in full force, as follows:

SECTION 2. Section 7. of Ordinance 1999-140 now reading as:

Section 1. That commencing on the first day of 2000 the annual salary for the holder of the office of Assistant Law Director for Prosecution in the Marion Municipal Court (3<sup>rd</sup> Assistant) shall be \$ 20,900 per year, payable semi-monthly.

Shall be amended to:

Section 1. Commencing on the first day of the respective following years the annual salary for the office of the Assistant Law Director for Prosecution in the Marion Municipal Court (3<sup>rd</sup> Assistant) shall be:

<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
21,569	22,259	22,971	23,706

and shall be payable semi-monthly.

SECTION 3. All provisions contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.

SECTION 4. 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 prohibition against in-term pay increases contained in Ohio law and that the present time is the historic review period for adjustment and the need to conclude the review prior to the beginning of the next term; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

RECORD OF ORDINANCES

Ordinance No. 2007-113, Page Two

Passed \_\_\_\_\_, 20\_\_\_\_

APPROVED:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

By a majority vote of the members  
the legislation was tabled 12/26/2007.

# RECORD OF ORDINANCES

Ordinance No. 2007-114

Passed DEC 2 5 2007, 20  

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CUSTOM CRETE TO REPLACE CONCRETE ENTRANCE AND SIDEWALKS, AT THE MARION MUNICIPAL AIRPORT ADMINISTRATION BUILDING AND DECLARING AN EMERGENCY.**

**WHEREAS**, in order repair damaged concrete entrance at Marion Municipal Airport Administration Building, and

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

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Custom Crete, Waldo, Ohio, 43356, for the replacement of damaged concrete entrance at the Marion Municipal Airport Administration Building. Contract price will be \$5,428.00.

**Section 2.** That said contract shall be payable from the Capital Improvement Fund account 401.6621.557520.

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


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

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

Approved: **DEC 2 7 2007**

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-115

Passed DEC 23 2007, 20  

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE MATERIALS FROM VAN ATTA SUPPLY TO UPGRADE ELECTRICAL AND SURGE SUPPRESSION SYSTEMS AT THE ADMINISTRATION BUILDING AND AIRFIELD ELECTRICAL VAULT AT MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.**

**WHEREAS**, in order to meet various requirements for electrical upgrades at Marion Municipal Airport, and

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

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Van Atta Supply, Marion, Ohio, 43302, for the electrical and surge suppression materials needed at the Marion Municipal Airport. Contract price will be \$5,099.71


**Section 2.** That said contract shall be payable from the Capital Improvement Fund account 401.6621.557520.

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


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

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

Approved: **DEC 27 2007**

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-12, Page One

Passed FEB 13 2007, 2007

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007.

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 \$408,021.01 for the year ending December 31, 2007 as follows:

**GENERAL FUND**

UNIFORMED WAGES	101.1111.510111	\$ 70,000.00
TRAVEL	101.1111.520220	1,150.00
SMART CAMP	101.1111.530219	8,850.00
FY'07 EMS GRANT	101.1131.537223	92.16
DONATIONS	101.1131.540324	25.00
PROFESSIONAL SERVICES	101.7714.530320	21,402.00
SALARIES	101.7716.510110	1,550.00
BENEFITS	101.7716.510120	330.00
UTILITIES	101.7731.530310	480.00
FY '06 FLEX SPENDING	101.7744.570776	<u>2,449.82</u>
TOTAL GENERAL FUND		\$ 106,328.98

**SENIOR CITIZENS IIB**

ADMINISTRATION	203.3424.540324	5,651.37
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**SCMR FUND**

RESURFACING	207.6613.530531	\$ 100,099.99
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**STATE HIGHWAY FUND**

RESURFACING	208.6612.5300531	\$ 125,000.00
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**VIOLENCE AGAINST WOMEN FUND**

BENEFITS	212.1546.510120	\$ 191.00
SCHOOLING	212.1546.530221	<u>( 1,000.00)</u>
TOTAL V.A.W.A. FUND		\$( 809.00)

**HEALTH FUND**

DONATIONS	214.2221.540324	\$ 60.65
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**WIC FUND**

CONTINGENCY	215.2548.570624	\$ 11,764.66
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**SCHOOL RESOURCE OFFICER FUND**

SALARIES	218.1546.510111	\$( 49,192.00)
BENEFITS	218.1546.510120	<u>( 26,769.00)</u>
TOTAL SCHOOL RESOURCE OFFICER		\$( 75,961.00)

**COMMUNITY CORRECTIONS FUND**

SALARIES	224.7547.510110	\$( 717.64)
BENEFITS	224.7547.510120	959.54
FLEXIBLE SPENDING ACCOUNT	224.7547.570777	<u>( 770.00)</u>
TOTAL COMMUNITY CORRECTIONS		\$( 528.10)

**HEALTH LICENSE FUND**

TATTOO & BODY PIERCING	247.2224.530722	\$ 300.00
TRAILER PARK	247.2224.530723	744.00
FOOD SERVICE	247.2224.530724	3,513.47
FOOD ESTABLISHMENT	247.2224.530726	4,916.91
INFECTIONS WASTE	247.2224.530728	150.00
SOLID WASTE	247.2224.530729	<u>500.00</u>
TOTAL HEALTH LICENSE FUND		\$ 10,124.38

**CHIP GRANT FUND**

ADMINISTRATION	272.4546.530324	\$( 5,750.00)
EMERGENCY REHAB	272.4546.530328	( 1,450.00)
RENTAL REHAB	272.4546.530329	( 1,050.00)
FAIR HOUSING	272.4546.530339	<u>( 200.00)</u>
TOTAL CHIP GRANT FUND		\$( 8,450.00)

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-12, Page Two :

Passed FEB 12 2007, 2007

**HOUSING REVOLVING LOAN FUND**

EMERGENCY REHAB 273.4539.530328 \$ 8,800.00

**REVOLVING LOAN FUND**

ADMINISTRATION 274.4539.530324 \$ 1,500.00

PRIVATE REHAB 274.4539.530322 50,000.00

REVOLVING LOAN 274.4539.530333 66,000.00

TOTAL REVOLVING LOAN FUND \$ 117,500.00

**FORMULA GRANT FUND**

FAIR HOUSING 275.4545.530339 \$ 50.00

**DOWNTOWN REVITALIZATION FUND**

PRIVATE REHAB 277.4546.530322 \$ 272,800.00

ADMINISTRATION 277.4546.530324 27,200.00

TOTAL DOWNTOWN REVITALIZATION \$ 300,000.00

**DRIP INFRASTRUCTURE**

NORTHWEST INDUSTRIAL CONNECTOR 430.6109.550520 \$(342,082.82)

**YOUTH CENTER IMPROVEMENT FUND**

SKATEBOARD PARK 442.3422.550520 \$( 40.00)

**AIRPORT IMPROVEMENT FUND**

CAPITAL IMPROVEMENTS 446.6407.550520 \$ 1,321.83

**STORM WATER UTILITY FUND**

BLAKE/WATERLOO PROJECT 509.5053.550520 \$ 4,374.90

**SWIMMING POOL FUND**

CAPITAL EQUIPMENT 516.3423.550450 \$ 9,138.00

**YOUTH RECREATION TRUST FUND**

TRUST EXPENSE 732.3422.570731 \$ 185.04

**SAFETY PATROL TRUST FUND**

TRUST EXPENSE 736.1822.570731 \$ 395.27

**LAW ENFORCEMENT TRUST FUND**

TRUST EXPENSE 737.1823.570731 \$ 24,087.58

**ROTARY FUND**

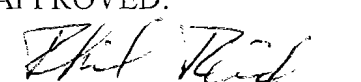
GREYHOUND FARES 788.6512.570269 \$ 11,009.28

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

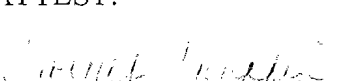
PASSED: **FEB 12 2007**

  
PRESIDENT OF COUNCIL  
Pro Tempore

APPROVED:

  
MAYOR Acting

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-13

Passed FEB 23 2007, 20

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC. FOR THE PURCHASE OF FIVE (5) VEHICLES FOR THE POLICE DEPARTMENT; THE NECESSARY EQUIPMENT FOR THESE VEHICLES, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance 2007-03, the Safety/Service Director was authorized to advertise for bids for the purchase of five (5) vehicles for the Police Department; and

WHEREAS, Mathews-Kennedy Ford had the best bid for the five (5) 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 five (5) Crown Victoria's at a cost of \$101,275.20 and shall be payable from the Police Department *Capital Improvement Fund*.

Section 3. That the necessary equipment for these five vehicles, such as light bars, sirens, radios, etc., be included in the *Capital Imp.* Fund expenditure. This equipment totals approximately \$67,725.00, which includes installation by the City Garage.

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.

*Mike Thomas*  
President of Council  
Pro Tempore

Approved: FEB 23 2007

*Phil Reid*  
Mayor *Acting*

*Wendy Harrison*  
Clerk



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 300-3

Ordinance No. 2007-14

Passed FEB 6 2007, 2007

## ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND THE YEAR ENDING DECEMBER 31, 2007.

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 \$40,500.00 for the year ending December 31, 2007 as follows:

Fire Department

Equipment	101.1131.550450	\$40,500.00
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Section 2. That this ordinance shall take effect and be in force from and  
after the earliest period allowed by law.

Walter J. Melotz  
PRESIDENT OF COUNCIL  
Pro Tempore

APPROVED: FEB 6 2007

Phil Reid  
MAYOR *Acting*

ATTEST:

Walter J. Melotz  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-15

Passed FEB 2 9 2007, 2007

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF OF THE CITY OF MARION TO EXECUTE A LEASE/PURCHASE OPTION OF REAL PROPERTY TO THE STEVENS CONSTRUCTION COMPANY AND DECLARING AN EMERGENCY.

WHEREAS, The Stevens Construction Company wishes to Lease/Purchase a parcel of land in the Marion Airport Industrial Park, and

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

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

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

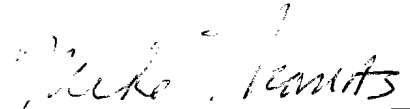
Section 1. That the City of Marion, by and through its Mayor and Safety/Service Director, is hereby authorized to enter into a written agreement with CIC as provided in Section 1724.10(B) of the Ohio Revised Code.

Section 2. That CIC is hereby authorized to enter into a lease/purchase agreement with The Stevens Construction Company, on behalf of the City of Marion, for a certain parcel of real property, and described as follows:

Lot # 17808 of the Marion Airport Industrial Park Subdivision consisting of 13.531 acres more or less.


Section 3. That the proceeds of said lease/purchase, after any expenses, shall be deposited in the General Fund.

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


  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

Pro Tempore

APPROVED: FEB 2 9 2007

  
\_\_\_\_\_  
MAYOR *Acting*

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc

Form No. 30043

Ordinance No. 2007-16

Passed FEB 23 2007, 20

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF OF THE CITY OF MARION TO EXECUTE A LEASE/PURCHASE OPTION OF REAL PROPERTY TO THE SLOB AND SONS PIPE AND CASING COMPANY AND DECLARING AN EMERGENCY.

WHEREAS, The Slob and Sons Pipe and Casing Company wishes to Lease/Purchase a parcel of land in the Marion Airport Industrial Park, and

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

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

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

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

Section 2. That CIC is hereby authorized to enter into a lease/purchase agreement with The Slob and Sons Pipe and Casing Company, on behalf of the City of Marion, for a certain parcel of real property, and described as follows:

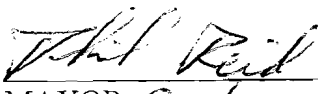
Consisting of 8 acres more or less, East of Lot # 17808. To be surveyed and platted to the Marion Airport Industrial Park Subdivision on file with the Marion county Engineers.

Section 3. That the proceeds of said lease/purchase, after any expenses, shall be deposited in the General Fund.

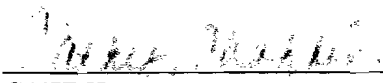
Section 4 That this ordinance is hereby declared to be an emergency measure necessary for the safety and welfare of the City of Marion and the inhabitants thereof; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative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

  
\_\_\_\_\_  
PRÉSIDENT OF COUNCIL  
Pro Tempore

APPROVED: FEB 23 2007

  
\_\_\_\_\_  
MAYOR *Acting*

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-17

Passed MAR 18 2007, 20  

ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR  
TO AMEND THE MASTER TRAFFIC CONTROL PLAN/MAP BY  
REMOVING EXISTING STOP SIGNS LOCATED UPON PARK BLVD  
AT COLUMBIA STREET

WHEREAS, the Traffic Commission received a request from a resident to review and consider removing two stop signs at the intersection of Park Blvd. and Columbia St., and

WHEREAS, the Council has given due consideration to the request finds the request to be justified given the opinion of the City Engineer.

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

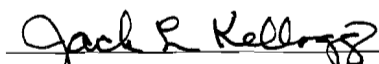
SECTION 1. The Council finds it to be in the best interests of the citizens of Marion for the existing stop located upon Park Blvd. at the intersection with Columbia St. to be no longer necessary given the analysis and professional opinion as provided by the City Engineer and directs that they be removed upon the completion of concurrent other traffic control modifications. The Safety/Service Director is directed to ensure the above is carried out and shall ensure that the master traffic control plan/map is properly amended.

SECTION 2. This Ordinance shall take effect on the earliest date allowed by law.



\_\_\_\_\_  
President of Council

APPROVED: MAR 18 2007

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-18

Passed FEB 2 8 2007, 2007

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH ZOLL, INC.  
TO PURCHASE TWO (2) DEFIBRILLATORS FOR USE AT THE MARION  
FIRE DEPARTMENT AND DECLARING AN EMERGENCY.**

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

*WHEREAS*, Zoll, Inc. submitted the best bid, therefore

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Zoll, Inc., to purchase two (2) Defibrillators for use at the Fire Department.


Section 2. That 10% of the \$42,500.70 cost of said contract shall be payable from the Capital Improvement Fund Account No. 401.1131.551450 and the balance is to be paid out of the FEMA Grant.

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



PRESIDENT OF COUNCIL  
Pro Tempore

APPROVED: FEB 2 8 2007

  
MAYOR *Ac Teny*

ATTEST:

  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-19

Passed MAR 1 8 2007, 20

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007.

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 \$858,517.22 for the year ending December 31, 2007 as follows:

### GENERAL FUND

SAFETY SERVICE TRAVEL	101.7716.520220	\$ 900.00
ENGINEERING TRAVEL	101.7743.520220	( 900.00)
TRANSFER TO AIRPORT IMPROVEMENT	101.7745.580707	55,176.25

### SCMR FUND

PERMISSIVE AUTO TAX	207.6612.530530	\$( 2,939.40)
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### CAPITAL IMPROVEMENT FUND

FY'05 CONTINGENCY	401.9545.570624	\$ 676.73
FY'06 CONTINGENCY	401.9546.570624	11,793.64
FY'07 CONTINGENCY	401.9547.570624	<u>1,950.00</u>

TOTAL CAPITAL IMPROVEMENT FUND \$ 14,420.37

### AIRPORT IMPROVEMENT FUND

<u>PROJECT 13</u>		
LAND ACQUISITION	446.6403.550455	\$434,513.50

<u>PROJECT 15</u>		
PROFESSIONAL SERVICES	446.6405.530320	8,255.00
LAND ACQUISITION	446.6405.550455	356,986.50

<u>PROJECT 18</u>		
CONTINGENCY	446.6408.570624	<u>( 7,895.00)</u>

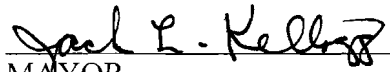
TOTAL AIRPORT IMPROVEMENT FUND \$791,860.00

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

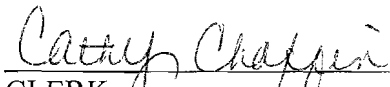


PRESIDENT OF COUNCIL

APPROVED: MAR 1 8 2007

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 40343

Ordinance No. 2007-20

Passed MAR 13 2007, 20  

## ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2007

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

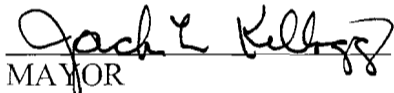
Section 1. That there be an additional appropriation made in the General Fund in the amount of \$172,821.36 for the year ending December 31, 2007 as follows:

Transfer to the Retirement/ Termination/27 <sup>th</sup> Pay Fund	101.7745.580220	\$172,821.36
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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 13 2007

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc

Form No. 30043

Ordinance No. 2007-2

Passed \_\_\_\_\_, 20\_\_\_\_

## ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN/MAP BY MAKING CUMMINS AVE. ONE-WAY SOUTH

WHEREAS, the Traffic Commission received a request from residents residing on Cummins Ave. to make said street one-way, south. The Traffic Commission heard from residents, representatives of the Marion Public Library and the City Engineer as to the Traffic study completed by his Office, and

WHEREAS, the vote taken upon the Motion to make the street one-way south was three in favor and three opposed, no member voiced opposition to the matter proceeding to Council for consideration by the Council for suspension of Rule 56 given no majority vote was achieved at Traffic Commission, and

WHEREAS, the Council has given due consideration to the request, having waived Rule 56, does hereby find the request of those in favor to be in order.

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

SECTION 1. The Council finds it to be in the best interests of the citizens of Marion for Cummins Ave. to be one-way, south. The Safety/Service Director is directed to place all necessary signage to effectuate this change and shall ensure that the master traffic control plan/map is duly amended.

SECTION 2. This Ordinance shall take effect on the earliest date allowed by law.

\_\_\_\_\_  
President of Council


APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

The legislation failed to pass by a vote of four members voting no and three members voting yes, at the meeting held on February 26, 2007.

  
\_\_\_\_\_  
Cathy Chaffin  
Clerk of Council



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-21

Passed 2007 18 2007, 2007

## ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR ASPHALT.

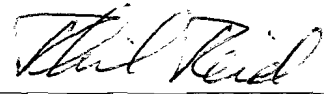
**WHEREAS**, The City of Marion bids bi-annually the necessary purchase of Asphalt, to be used in the daily operation of the City, and;

**WHEREAS**, the current contract expired in October of 2006.

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

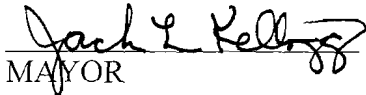
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids asphalt.

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



PRESIDENT OF COUNCIL

APPROVED: **MAR 18 2007**

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-22

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/  
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH  
LAFAYETTE ELECTRIC, INC. FOR THE DELAWARE AVENUE  
WALGREENS TRAFFIC SIGNAL IMPROVEMENTS FOR THE CITY  
OF MARION, OHIO, APPROPRIATING THE NECESSARY FUNDS AND  
DECLARING AN EMERGENCY, AS AMENDED.**

**WHEREAS**, Ordinance No. 2007-1 authorized the preparation of specifications and advertising for bids for the Delaware Avenue Walgreens Traffic Signal Improvements for the City of Marion, Ohio and

**WHEREAS**, Lafayette Electric, Inc. submitted the lowest and best bid of \$98,615.80.

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

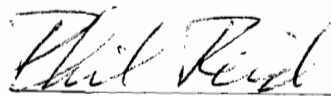
**Section 1:** That the Safety/Service Director be directed to enter into contract with Lafayette Electric, Inc., for the Delaware Avenue Walgreens Traffic Signal Improvements.

**Section 2:** ~~That the cost of such contract shall be payable from the Delaware-Barks TIF Fund.~~

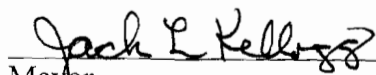
*As Amended:*

**Section 2:** *That the cost of such contract \$98,615.80 shall be payable from the General and is hereby appropriated in Account No. 101.7743.550520.*

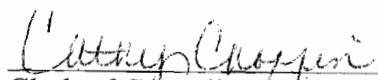
**Section 3:** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and as such, shall take effect and be in force immediately upon its passage and approval 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: **MAR 27 2007**

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-23

Passed MAR 1 9 2007, 20  

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECUTATE THE TRANSFER OF CERTAIN REAL PROPERTY OWNED BY THE CITY, NECESSARY FOR USE RELATED TO THE NORTHWEST INDUSTRIAL CONNECTOR AND DECLARING AN EMERGENCY

WHEREAS, the Council has continued to support the project commonly referred to as the Northwest Industrial Connector, and

WHEREAS, the Northwest Industrial Connector's intersection with existing State Route 95 is now known and, as was anticipated, there is a real and present need for the project to utilize approximately .5 acres of real property currently owned by the City, and

WHEREAS, the Council finds the real property as shown on the attached Exhibit to be no longer necessary for any municipal purpose,

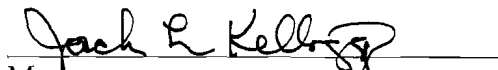
BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Mayor is hereby authorized to execute all documents necessary to effectuate the transfer of certain real property, depicted on Exhibit A attached hereto and made a part hereof, pursuant to authority contained within the Ohio Revised Code, including but not limited to 721.01 et al and existing case law. The transfer being made to the County of Marion, Ohio for use as roadway and all the accoutrements related thereto in connection with the Northwest Industrial Connector. Further, the Council finds the real property herein is no longer necessary for any municipal purpose and determines that adequate consideration exists given the entire parameters of the project and future expectations.

SECTION 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the need to proceed without delay due to the likelihood that delay will cause unwanted impact upon the project commonly referred to as the Northwest Industrial Connector; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

  
\_\_\_\_\_  
Phil Reid  
President of Council

APPROVED: MAR 1 9 2007

  
\_\_\_\_\_  
Jack R. Kellogg  
Mayor

ATTEST:

  
\_\_\_\_\_  
Cathy Chappin  
Clerk of Council



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-24

Passed APR 10 2007, 2007

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

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

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

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

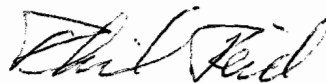
**WHEREFORE**, the Council funds the proposal to be in the best interests of the City of Marion and further finds a clear and present Municipal use for the subject real property in order to further develop the Marion Municipal Airport,

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

Section 1. The Mayor is authorized to enter into agreement with Don and Dorothy Yeoman and other interested parties, for the purchase of a certain parcel of real property declared to be necessary for a public purpose, located adjacent to the Marion Municipal Airport. Said lands being Northeast of the Marion Municipal Airport and containing approximately 186 acres. Said purchase contemplates the use of two (2) FAA grants and City matching funds in the ratio of 90%, 10% (first grant) and 95%, 5% (second grant). The entire acquisition being a part of the Airport's Master Plan Layout and in furtherance of expansion of the existing runway protection zones. This purchase having been approved by the FAA, subject only to final approval once the real estate purchase contract is executed. The aforementioned contract to be upon terms and conditions as approved by the Director of Law.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, given the restricting time frame as contained within the purchase contract and the fact that time is of the essence; and as such shall take effect and be in force immediately upon it's passage and approval by the Mayor, provided it receives the affirmative vote of two thirds vote of all members elected to Council, otherwise, it shall become effective from and after the earliest period allowed by law.

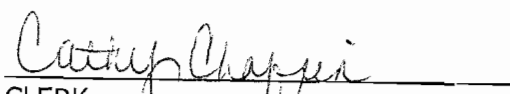
APPROVED: APR 10 2007



PRESIDENT OF COUNCIL

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-25

Passed APR 11 2007, 2007

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007.

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

Section 1. That there be additional appropriations made in various funds in the amount of \$12,393.02 for the year ending December 31, 2007 as follows:

### HEALTH FUND

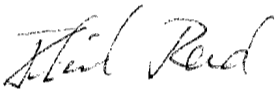
WIC ASSISTANCE	214.2223.540436	\$3,850.00
LEAD TESTING (STATE REIMBURSEMENT)		

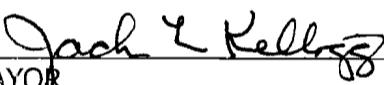
### CHIP FUND

FY'06 ADMINISTRATION	272.4546.530324	\$1,543.02
FY'06 EMERGENCY REHAB	272.4546.530328	5,000.00
FY'06 RENTAL REHAB	272.4546.530329	<u>2,000.00</u>
TOTAL CHIP FUND		\$8,543.02

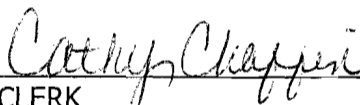
Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: APR 11 2007

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Ordinance No. 2007-26, Page One

Passed APR 24 2007, 20  

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$400,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS ASSOCIATED WITH PUBLIC IMPROVEMENTS RELATED TO DELAWARE AVENUE TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY, AS AMENDED**

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

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$400,000 (the Bonds) to pay the costs of constructing certain public infrastructure improvements related to Delaware Avenue, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated approximately June 1, 2008, shall bear interest at the now estimated rate of six (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 \$ 400,000(the **Notes**) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuances, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to fifteen days less than one year from the date of issuance by setting forth that maturity date in a certificate awarding the Notes (the Certificate of Award). The Notes shall bear interest at a rate or rates not to exceed five percent (5%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the Certificate of Award in accordance with Section 6.

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 Aware 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).

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

# RECORD OF ORDINANCES

Ordinance No. 2007-26, Page Two

Passed APR 23 2007, 20

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 interest 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 interest in the Notes or in 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 interest 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 interest shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

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



# RECORD OF ORDINANCES

Ordinance No. 2007-26, Page Three

Passed APR 13 2007, 20    

Section 6. The Notes shall be sold at not less than par plus accrued interest at private sale by the Auditor in accordance with law and the provisions of this Ordinance. They auditor shall sign the Certificate of Aware 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 is 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 and appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

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

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

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

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-26, Page Four

Passed APR 23 2007, 20    

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

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

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

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

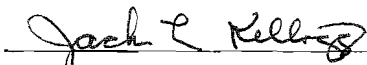
Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that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

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

APPROVED: **APR 25 2007**



President of Council

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of Council


FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$400,000 (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) to pay costs of associated with the public Improvements related to Delaware Avenue together with all necessary appurtenances thereto (the Improvements), that:

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

Dated: April 23, 2007

  
\_\_\_\_\_  
City Auditor  
City of Marion, Ohio

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-27

Passed APR 1 2007, 2007

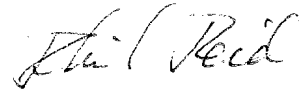
**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF TWO (2) 4 X 4 PICK UP TRUCKS WITH SNOW PLOWS AND TWO (2) DUMP TRUCKS WITH SNOW PLOWS AND SPREADERS FOR THE STREETS DEPARTMENT**

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

**Section 1.** That the Safety/Service Director is hereby authorized and directed to prepare specifications and advertise for bids for the purchase of two (2) 4 x 4 pick up trucks with snow plows and two (2) dump trucks with snow plows and spreaders for the Streets Department.

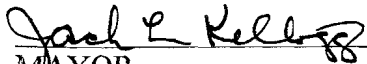
**Section 2.** That the cost of such contract shall be payable from the S.C.M.R. Fund.

**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: APR 1 2007



MAYOR

ATTEST:



CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-28

Passed APR 9 2007, 20  

ORDINANCE STATING THE COUNCIL OF MARION'S APPROVAL OF LYNN M. CLABAUGH'S APPLICATION TO DESIGNATE CERTAIN LANDS WITHIN THE MUNICIPALITY AS AGRICULTURAL DISTRICT PURSUANT TO O.R.C. 929 ET. AL. (RENEWAL)

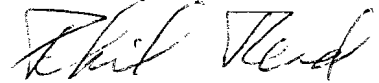
WHEREAS, O.R.C. 929 provides for a land owner to have that acreage which he/she has devoted to agricultural use be designated as being an agricultural district and thereby entitling said owner to enjoy the benefits of lower taxes, and

WHEREAS Lynn M. Clabaugh made application to the County Auditor on the 16th day of January, 2007 to have certain property owned by him to be approved as being utilized as agricultural lands,

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

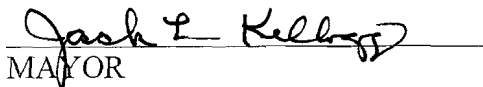
Section 1. The Council has considered the application filed by Lynn M. Clabaugh of 225 Campbell Rd., Marion, Ohio, who advises he is the owner of parcels: 12-330000.1200; 12-332000.3800; 12-332000.3900 and 12-332000.4100, and after due consideration and acting upon those facts presented the Council does hereby approve the placement (renewal) of said lands within an agricultural district pursuant to O.R.C. 929 et. al.

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



PRESIDENT OF COUNCIL

APPROVED: **APR 9 2007**



MAYOR

ATTEST:



CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-29

Passed \_\_\_\_\_, 20\_\_\_\_

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007

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

Section 1. That there be additional appropriations made in various funds in  
the amount of \$133,182.00 for the year ending December 31, 2007 as follows:

### GENERAL FUND

Engineering Benefits	101.7743.510120	\$40,140.00
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### MARION AREA TRANSIT FUND

Equipment	502.6547.556450	\$ 800.00
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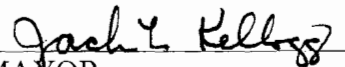
### SEWER REVENUE FUND

Salaries & Wages	505.5552.510110	\$38,768.00
Benefits	505.5552.510120	<u>53,474.00</u>
Total Sewer Revenue Fund		\$92,242.00

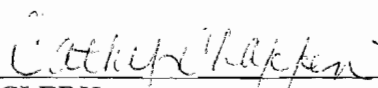
Section 2. That this ordinance shall take effect and be in force from and after  
the earliest period allowed by law.

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED: APR 28 2007

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-30

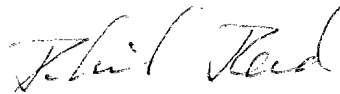
Passed APR 17, 2007

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE LOADING, HAULING AND LAND APPLICATION OF SLUDGE CAKE, 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 and he is hereby authorized to prepare specifications and advertise for bids for the loading, hauling and land application of sludge cake.

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



\_\_\_\_\_  
President of Council

Approved: APR 17 2007



\_\_\_\_\_  
Mayor Jack L. Kellogg

Attest;



\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-31

Passed APR 13 2007, 2007

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH POLYDYNE FOR THE PURCHASE OF LIQUID PLOYMER FLOCCULENT TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

Whereas, Polydyne submitted the best bid of \$.97 per pound for Liquid Polymer Flocculent; and


Whereas, This supplier having been selected as lowest and best given the detailed analysis provided by the WPC Superintendent as to distinctions related to product potency, strength and/or treating abilities. Council having conducted an investigation finds the supplier herein to be the lowest and best.

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 Polydyne for the purchase of Liquid Polymer Flocculent to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Sewer Revenue Fund (505.5552.540420).

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



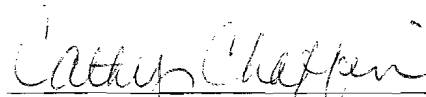
\_\_\_\_\_  
President of Council

Approved:

APR 13 2007

  
\_\_\_\_\_  
Mayor Jack L. Kellogg

Attest;

  
\_\_\_\_\_  
Clerk of Council



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc

Form No. 30043

Ordinance No. 2007-32

Passed APR 10 2007, 2007

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH NATURAL RESOURCE PROTECTION FOR THE PURCHASE OF DRY POLYMER FLOCCULENT TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

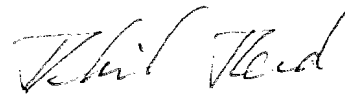
Whereas, Natural Resource Protection submitted the best bid of \$1.44 per pound for Dry Polymer Flocculent;

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

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

Section 2. That the contract shall be payable from the Sewer Revenue Fund (505.5552.540420).

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

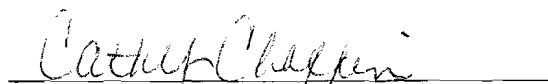


\_\_\_\_\_  
President of Council

Approved: APR 10 2007

  
\_\_\_\_\_  
Mayor Jack L. Kellogg

Attest;

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 50043

Ordinance No. 2007-33

Passed APR 5, 2007

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007

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

Section 1. That there be additional appropriations made in various funds in  
the amount of \$542,993.42 for the year ending December 31, 2007 as follows:

### GENERAL FUND

Senior Center Benefits	101.3424.510120	\$ 25,790.00
Walgreen Signal Project	101.7743.557520	27,203.45
Transfer to SRO Fund	101.7745.580694	<u>(10,000.00)</u>
Total General Fund		\$ 42,993.45

### CAPITAL IMPROVEMENT FUND

FY'06 Contingency	401.9546.570624	\$( .03)
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### DRIP INFRASTRUCTURE FUND

NW Industrial Connector – CP30J	430.6300.550520	\$500,000.00
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### AIRPORT IMPROVEMENT FUND

Project 13 – Land Acquisition	446.6403.550455	\$( 1.00)
Project 15 – Land Acquisition	446.6405.550455	1.00

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

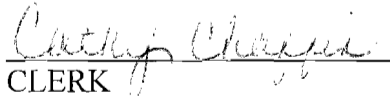


PRESIDENT OF COUNCIL

APPROVED: APR 5 2007

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 50043

Ordinance No. 2007-34

Passed APR 25 2007, 2007

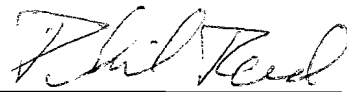
**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/  
SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND  
ADVERTISE FOR BIDS FOR THE INSTALLATION OF A  
PEDESTRIAN BRIDGE CROSSING GRAVE CREEK AT THE  
HARDING HIGH SCHOOL, AND DECLARING AN EMERGENCY**

**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 installation of a pedestrian bridge crossing Grave Creek at the Harding High School.

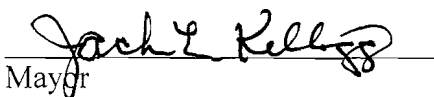
**Section 2.** That the cost of such contract shall be payable from the Streets Fund.

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



\_\_\_\_\_  
President of Council

Approved: APR 25 2007

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-35

Passed APR 25 2007, 2007

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A TWO (2) YEAR CONTRACT WITH MAR-ZANE MATERIALS FOR ASPHALT TO BE USED IN THE DAILY OPERATIONS OF THE CITY.

**Whereas**, the City of Marion has a need to purchase asphalt; and,

**Whereas**, the following bid was determined to be the lowest and best bid for asphalt;

Asphalt	Mar-Zane Materials	\$59.50 / Ton
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**Whereas**, the current two (2) year contracts with Mar-Zane Materials expired on October 31, 2006 and new bids have been submitted for asphalt.

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

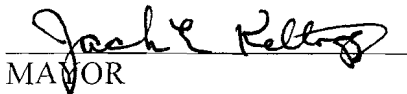
Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with Mar-Zane Materials as listed above, for asphalt to be used in the daily operations of the City of Marion for a period of two (2) years beginning April 5, 2007 and terminating not later than April 4, 2009.

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



\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED: APR 25 2007

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 300-3

Ordinance No. 2007-3

Passed January 22, 2007

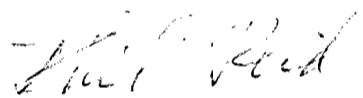
**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS THE PURCHASE OF FIVE (5) POLICE VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.**

**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 bid for the purchase of five new police vehicles.

**Section 2.** The final day that Ford Crown Victoria vehicles will be built is March 19, 2007.

**Section 3.** That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it 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: January 23, 2007

\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-36

Passed APR 23 2007, 2007

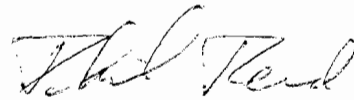
ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) INFRASTRUCTURE PROJECTS, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the CDBG funded FY 06 Formula and Community Distress grant Infrastructure Projects (Streets, Sewers, Curbs and Sidewalks).

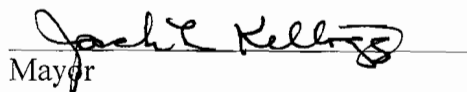
Section 2. That the cost of such contract shall be payable up to \$239,400 from the FY 06 Community Distress Grant and \$106,000 from the Formula Grant (CDBG) fund, and \$267,000 from city funds and \$20,000 from the CDBG Revolving Loan Fund.

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

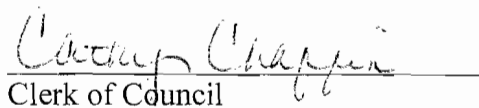


\_\_\_\_\_  
President of Council

APPROVED: APR 23 2007

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-37

Passed APR 24 2007, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE COMMUNITY DISTRESS GRANT PARK PROJECTS, AND DECLARING AN EMERGENCY.

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

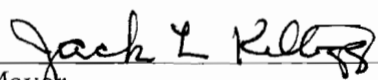
Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the Community Distress Grant Park Improvements at Brandy Winfield and Martin Luther King Parks.

Section 2. That the cost of such contract shall be payable up to \$22,000 from the FY 06 Community Distress Grant Fund.


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

  
\_\_\_\_\_  
President of Council

APPROVED: APR 24 2007

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 39043

Ordinance No. 2007-38

Passed APR 2 2007, 2007

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MILLIRON WASTE MANAGEMENT FOR THE TRANSPORTATION AND DISPOSAL OF SCREENINGS, GRIT, GREASE AND TRASH

WHEREAS, the Water Pollution Control Department has "put out" for bid the hauling of screenings, grit, grease and trash related to the operations at WPC, and

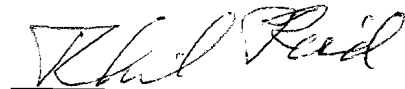
WHEREAS, the Superintendent of the WPC with the assistance of the Safety/Service Director has determined that the lowest, best and most responsive bidder is Milliron Waste Management,

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 transportation of screenings, grit, grease and trash, and finding after due consideration and deliberation that Milliron Waste Management is the lowest and best bidder (O.R.C. 735.05), the Council hereby authorizes and directs the Safety/Service Director enter into contract with Milliron Waste Management for the Transportation and disposal of screenings, grit, grease and trash at the Water Pollution Control Plant.

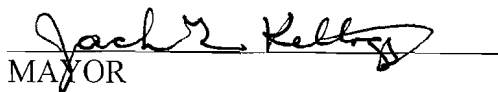
Section 2. That the contract shall be payable from the Water Pollution Control Sewer Revenue Fund, Professional Services Account.

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



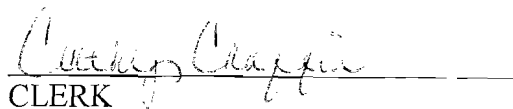
PRESIDENT OF COUNCIL

APPROVED: APR 2 2007



MAYOR

ATTEST:



CLERK



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-39

Passed MAY 14 2007, 20  

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007

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 \$127,419.91 for the year ending December 31, 2007 as follows:

### GENERAL FUND

FY '05 Bulletproof Vest Grant	101.1111.515223	\$ 8.29
FY '06 Bulletproof Vest Grant	101.1111.516223	4,500.00
Fire Dept. Benefits	101.1131.510120	68,779.20
Revenue Sharing	101.4539.530751	<u>7,133.71</u>
Total General Fund		\$ 80,421.40

### SOFTBALL FIELD IMPROVEMENT FUND

Capital Improvements	420.3421.550520	\$ 7,798.71
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### STORM WATER UTILITY FUND


Salaries & Wages	509.5554.510110	\$ 28,000.00
Benefits	509.5554.510120	<u>11,200.00</u>
Total Storm Water Utility Fund		\$ 39,200.00

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

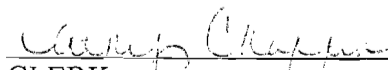


PRESIDENT OF COUNCIL

APPROVED: MAY 15 2007

  
MAYOR

ATTEST:

  
CLERK



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-41

Passed MAY 15 2007, 20  

## ORDINANCE AMENDING MARION CITY CODE SECTION 915.11 STORM LATERALS AND YARD DRAINS

WHEREAS, the Engineer has requested Council examine and recommended the existing 915.11 be revised, and

WHEREAS, the Council for the City finds it to be in the best interests of the citizens of the Marion to revise existing Ordinances as recommended by the City Engineer as provided herein.

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

Section 1. **§ 915.11 STORM LATERALS AND YARD DRAINS**, now reading:

Storm sewer laterals shall have minimum barrel diameters of 12 inches and a minimum grade of 0.22 percent. Yard drains may be taken to the curb line and discharge into streets and alleys.

shall be amended to read as follows:

Storm sewer laterals shall have minimum barrel diameters of six (6) inches and a minimum grade of 1.0 percent.

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 15 2007**

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-42

Passed NOV 14 2007, 20  

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD TRUCK SALES & SERVICE INC. FOR THE PURCHASE OF TWO (2) DUMP TRUCKS WITH SNOW PLOWS AND SPREADERS FOR USE IN THE STREETS DEPARTMENT, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance 2007-27, the Safety/Service Director was authorized to prepare specifications and advertise for bids for the purchase of two (2) dump trucks with snow plows and spreaders for the Streets Department; and

WHEREAS, Mansfield Truck Sales & Service Inc. submitted the lowest and best bid for the two (2) vehicles,

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

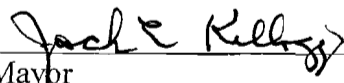
Section 1. That the Safety Director be, and he is hereby authorized to enter into contract with Mansfield Truck Sales & Service Inc. for the purchase of said vehicles at a total cost of \$182,254.00.

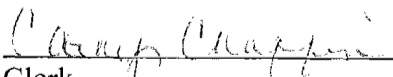
Section 2. That the cost of said contract shall be payable from the S.C.M.R. Fund.

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: \_\_\_\_\_

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-43

Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD FOR THE PURCHASE OF TWO (2) 4 X 4 PICKUP TRUCKS WITH PLOWS FOR USE IN THE STREETS DEPARTMENT, THE COUNCIL FINDING MATHEWS TO BE THE LOWEST AND BEST BIDDER, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance 2007-27, the Safety/Service Director was authorized to prepare specifications and advertise for bids for the purchase of two (2) 4 x4 pickup trucks with plows for the Streets Department; and

WHEREAS, the Streets Department in consultation with the Safety/Service Director and Law Director have recommended, after investigation and confirmation that the apparent low bidder failed to meet the specifications as published, awarding the contract to Mathews Ford the lowest and best bidder.

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 Ford for the purchase of said vehicles and with EE Johnson Co. for the snow plow components for a total cost of \$44,891.30. The Council having found the apparent low bidder to have not met the specifications as published and determining Mathews was the lowest and best bidder.

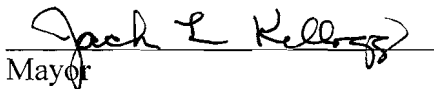
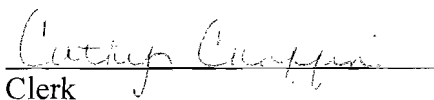
Section 2. That the cost of said contract shall be payable from the S.C.M.R. Fund.

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



\_\_\_\_\_  
President of Council

Approved: MAY 15 2007

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Clerk

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-44

Passed MAY 29 2007, 20  

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007

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 \$348,483.66 for the year ending December 31, 2007 as follows:

### HEALTH FUND

LEAD TESTING	214.2223.540436	\$ 2,750.00
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### WIC FUND

SALARIES & WAGES	215.2547.510110	\$(54,458.30)
BENEFITS	215.2547.510120	( 9,223.06)
TRAVEL	215.2547.520220	746.40
UTILITIES	215.2547.530310	5,750.00
LAND & BLDG MAINTENANCE	215.2547.530370	1,040.00
JANITORIAL SERVICES	215.2547.530424	( 960.00)
SUPPLIES	215.2547.540420	1,838.62
POSTAGE	215.2547.540423	<u>1,000.00</u>
TOTAL WIC FUND		\$(54,266.34)

### DELAWARE-BARKS ROAD TIF FUND

WALGREEN SIGNAL PROJECT	350.6612.557520	\$400,000.00
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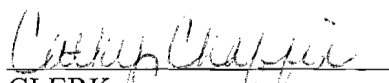
Section 2. That this ordinance shall take effect and be in force from and after  
the earliest period allowed by law.

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED: MAY 29 2007

\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-4

Passed January 22, 2007

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007.

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 \$81,769.92 for the year ending December 31, 2007 as follows:

### GENERAL FUND

FIRE DONATIONS	101.1131.540324	\$ 1,879.42
RECREATION BENEFITS	101.3422.510120	( 1,540.00)
SENIOR CITIZEN BENEFITS	101.3424.510120	( 1,540.00)
MAYOR BENEFITS	101.7710.510120	( 770.00)
COURT BENEFITS	101.7731.510120	( 1,540.00)
CITY HALL BENEFITS	101.7741.510120	( 1,540.00)
PROPERTY TAXES	101.7741.540381	1,751.50
ENGINEERING BENEFITS	101.7743.510120	( 770.00)
FLEXIBLE SPENDING ACCOUNT	101.7744.570777	10,340.00
TRANSFER TO HEALTH FUND	101.7745.580711	<u>22,000.00</u>
TOTAL GENERAL FUND		\$28,270.92

### SCMR FUND

BENEFITS	207.6612.510120	\$( 1,540.00)
FLEXIBLE SPENDING ACCOUNT	207.6612.570777	1,540.00

### HEALTH FUND

#### HEALTH ADMINISTRATION

BENEFITS	214.2221.510120	\$( 1,540.00)
STATE REIMBURSEMENTS	214.2221.570722	22,000.00
FLEXIBLE SPENDING ACCOUNT	214.2221.570777	1,540.00

#### PUBLIC HEALTH INFRASTRUCTURE GRANT

TRAVEL	214.2225.520220	1,000.00
TRAINING/MEETINGS	214.2225.530221	4,807.00
COMMUNICATIONS	214.2225.530310	3,000.00
ADMINISTRATION	214.2225.530324	15,542.00
SUPPLIES	214.2225.540420	<u>500.00</u>
TOTAL HEALTH FUND		\$ 46,849.00

### PARKS FUND

BENEFITS	221.3421.510120	\$( 1,540.00)
FLEXIBLE SPENDING ACCOUNT	221.3421.570777	1,540.00

### COMMUNITY CORRECTIONS FUND

BENEFITS	224.7547.510120	\$( 770.00)
FLEXIBLE SPENDING ACCOUNT	224.7547.570777	770.00

### MARION AREA TRANSIT

BENEFITS	502.6547.510120	\$( 3,850.00)
SICKLEAVE SELLBACK	502.6547.510122	5,000.00
FLEXIBLE SPENDING ACCOUNT	502.6547.570777	<u>4,840.00</u>
TOTAL MAT FUND		\$ 5,990.00

### SEWER REVENUE FUND

BENEFITS	505.5552.510120	\$( 1,540.00)
FLEXIBLE SPENDING ACCOUNT	505.5552.570777	<u>2,200.00</u>
TOTAL SEWER REVENUE FUND		\$ 660.00

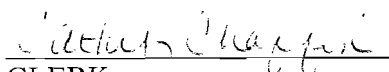
Section 2. That this ordinance shall take effect and be in force from and  
after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

APPROVED: January 23, 2007

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-5

Passed FEB 26 2007, 2007

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

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

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

SECTION 1. The Council directs and authorizes the Mayor to enter into agreement, for a twelve (12) month period beginning with January 1, 2007 and ending December 31, 2007 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. 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.

APPROVED: FEB 26 2007

Phil Reid  
Mayor (Acting)

Carrie ...  
Clerk of Council

Mark ...  
President of Council  
Pro Tempore



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-6

Passed January 22, 2007

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

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

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

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

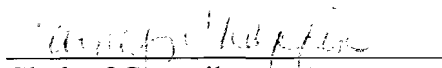
SECTION 1. The Council directs and authorizes the Mayor to ensure that the . economic development organization commonly referred to as CAN DO! continues to receive support, including but not limited to financial support in the amount of \$6,500.00 per month, beginning the first day of the month following the expiration of the current financial support and continuing until the 31st day of December, 2007. CAN DO! shall provide the Council with an annual report in the last quarter of each year and at such other times as the Council requests or CAN DO! believes it to be appropriate. This support shall be renewable upon the commencement of each new term of Council. As was stated in previous Ordinance, it was the desire of Council to provide support for an initial period of five years, however the current Council has seen the real need to continue to foster economic growth; and opportunities. The support in the future conditioned upon subsequent Councils adopting similar appropriation legislation to provide for funding, if they believe it to be appropriate.

SECTION 2. 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: January 23, 2007

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Ordinance No. 2007-45, Page One

Passed JUN 11, 2007, 20    

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$750,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF CONSTRUCTING AND EXTENDING LAKES BOULEVARD, AND IMPROVING BARKS ROAD BETWEEN DELAWARE AVENUE AND STATE ROUTE 529, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$750,000 (the Bonds) to pay the costs of constructing and extending Lakes Boulevard, and improving Barks Road between Delaware Avenue and State Route 529, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated approximately June 1, 2008, 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, 2009.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$750,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated June 27, 2007 and shall mature June 26, 2008. 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 of Award in accordance with Section 6.

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

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor. The entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Auditor will serve as note registrar), and may be issued in

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-47

Passed JUN 28 2007, 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 has and currently is in need of a contractor to provide services related to the land application of biosolids, and

WHEREAS, the Superintendent of the WPCP has advised, detailed specifications were prepared and a bidding procedure was utilized to find an appropriate contractor and said Superintendent has detailed to the Council the results of the bid procedure and the subsequent analysis,

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

Section 1. The Council having analyzed the bids received on the biosolids contract, and the Council having determined after due consideration and deliberation that Neidhart Brothers Trucking Co. is the lowest and best bidder (O.R.C. 735.05) for the land application of the biosolids, the Council hereby authorizes and directs the Safety/Service Director to enter into contract with Neidhart Brothers Co. for the application of biosolids produced at the Water Pollution Control Plant in the amount of \$10.00 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: **JUN 28 2007**

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-48

Passed JUN 2 5 2007, 20  

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 401 AND 411 EAST FAIRGROUND STREET FROM A C1-B NEIGHBORHOOD SHOPPING DISTRICT TO A C-2 COMMUNITY SHOPPING DISTRICT. (Applicant Mark Darling)

WHEREAS, Council finds that the real property known as 401 and 411 East Fairground Street and more particularly described below, should be rezoned, from a C1-B Neighborhood Shopping District to a C-2 Community Shopping District, and

WHEREAS, on the 8<sup>th</sup> day of May, 2007 the City Planning Commission recommended a change to the existing zoning code,

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

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

SECTION 1. That the property known as 401 and 411 East Fairground Street, Marion, Ohio and being more particularly described in the attached Exhibit A. Said parcel currently zoned as a C-1B Neighborhood Shopping District shall be rezoned to a C-2 Community Shopping District, and

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

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

  
\_\_\_\_\_  
President of Council

APPROVED: **JUN 2 6 2007**

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-49

Passed MAY 29 2007, 20    

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PETE MILLER, INC. FOR THE INSTALLATION OF A NEW ROOF ON THE MARION RECREATION CENTER AND DECLARING AN EMERGENCY.

WHEREAS, Pete Miller, Inc. submitted the best proposal to replace the roof on the Marion Recreation Center at a cost of \$21,822.00, and

WHEREAS, the current roof is in urgent need of repair, 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 Pete Miller, Inc. for the installation of a new roof on the Marion Recreation Center as per their proposal dated April 30, 2007 at a cost of \$21,822.00.

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

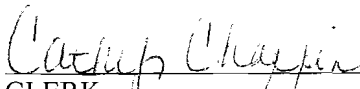
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, 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 30 2007**

  
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MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Ordinance No. 2007-50, Page One

Passed JUN 25 2007, 2007

**AN ORDINANCE ACCEPTING THE PROPOSAL OF CSX RAILROAD, PUCO, AND ODOT/ORDC FOR THE IMPROVEMENT AND CLOSURE OF A CERTAIN GRADE CROSSING (518423K) IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

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

WHEREAS, a proposal has been to change the character of 100 Block of E. Huber St. Crossing (518423K) by prohibiting through traffic over the at-grade crossing thereby benefiting the safety of the traveling public, and;

WHEREAS, if vehicular traffic at the grade crossing is discontinued, CSX, PUCO, and ODOT/ORDC have agreed to arrange for the accommodation, funding, and installation of improvements to the Northwest Industrial Connector within Marion County, Ohio, and;

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

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

Now, THEREFORE, BE IT ORDAINED by the Council of the CITY of Marion, Marion County, Ohio, at least a majority of its members concurring:

## **SECTION I**

That this Council hereby declares it to be in the public interest that the consent of the CITY be and hereby given to County of Marion in partnership with the City of Marion related to the NW Industrial Connector project by constructing the herein described improvements as approved by the Director of ODOT.

## **SECTION II**

That this Council hereby authorized and approves changing the character of 100 Block of E. Huber St. Crossing (518423K ) by barricading and prohibiting traffic across the at-grade railroad crossing traversing the street.

## **SECTION III**

That this Council hereby accepts the offer of CSX, PUCO, and ODOT/ORDC to provide funding to install or facilitate the following safety improvements to the County and/or City highway system.

A. Related to the NW Industrial Connector and/or City streets and alleys.

## **SECTION IV**

The CITY agrees to perpetuate and maintain all advance warning signs and pavement markings on the approaches to the at-grade crossings in conformance with the Ohio Manual of Uniform Traffic Control Devices, as adopted under Section

# RECORD OF ORDINANCES

Ordinance No. 2007-50, Page Two ~~2007~~ Passed JUN 25 2007, 20  

4511.11 of the Ohio Revised Code. The CITY further agrees to provide for the maintenance of highway traffic during the construction of the improvements by either closing the road with no signed detour or by designating a temporary detour with all necessary incidentals and assuming and bearing the costs of erecting, maintaining and removing signs and barricades required to close the crossing and detour traffic.

### SECTION V

That the CITY administration is hereby authorized to execute any and all documents and to do all other things they deem necessary to effectuate the purposes of this Legislation, including entering into any contractual agreements with CSX, PUCO, and ODOT/ORDC.

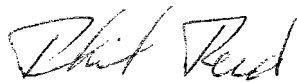
### SECTION VI

The CITY hereby agrees that ODOT/ORDC shall be and is saved harmless from any and all damages or claims thereof arising from or growing out of the certification or obligation made or agreed to hereinabove.

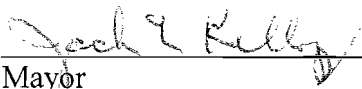
### SECTION VII

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting the planning and construction of the aforesaid improvement, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, and upon its acceptance and approval by the Director of ORDC it shall become a binding agreement on the CITY and the Director.

Approved: JUN 26 2007



\_\_\_\_\_  
President of Council



\_\_\_\_\_  
Mayor

Attest;



\_\_\_\_\_  
Clerk of Council

I hereby certify that the foregoing is a true and correct copy of the Ordinance No. 2007-50 passed June 25, 2007.



\_\_\_\_\_  
Clerk of Council

Accepted and approved

Attest \_\_\_\_\_

\_\_\_\_\_  
Executive Director, Ohio Rail  
Development Commission

# RECORD OF ORDINANCES

Ordinance No. 2007-51, Page One

Passed JUN 2 2007, 20    

**AN ORDINANCE ACCEPTING THE PROPOSAL OF NS RAILROAD, PUCO, AND ODOT/ORDC FOR THE IMPROVEMENT AND CLOSURE OF A CERTAIN GRADE CROSSING (228715F) IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY**

To provide consent for the permanent closure to vehicle traffic of a public grade crossing as recommended by the Public Utilities commission of Ohio (PUCO), the Ohio Department of Transportation (ODOT)/Ohio Rail Development Commission (ORDC), and NS RAILROAD.

WHEREAS, a proposal has been to change the character of the Otis St. Crossing (228715F) by prohibiting through traffic over the at-grade crossing thereby benefiting the safety of the traveling public, and;

WHEREAS, if vehicular traffic at the grade crossing is discontinued, NS, PUCO, and ODOT/ORDC have agreed to arrange for the accommodation, funding, and installation of improvements to the Northwest Industrial Connector within Marion County, Ohio, and;

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

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

Now, THEREFORE, BE IT ORDAINED by the Council of the CITY of Marion, Marion County, Ohio, at least a majority of its members concurring:

**SECTION I**

That this Council hereby declares it to be in the public interest that the consent of the CITY be and hereby given to County of Marion in partnership with the City of Marion related to the NW Industrial Connector project by constructing the herein described improvements as approved by the Director of ODOT.

**SECTION II**

That this Council hereby authorized and approves changing the character of Otis St. Crossing (228715F) by barricading and prohibiting traffic across the at-grade railroad crossing traversing the street.

**SECTION III**

That this Council hereby accepts the offer of NS, PUCO, and ODOT/ORDC to provide funding to install or facilitate the following safety improvements to the County and/or City highway system.

A. Related to the NW Industrial Connector and/or City streets and alleys.

**SECTION IV**

The CITY agrees to perpetuate and maintain all advance warning signs and pavement markings on the approaches to the at-grade crossings in conformance with the Ohio Manual of Uniform Traffic Control Devices, as adopted under Section



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-51, Page Two **MUL** Passed JUN 25 2007, 20  

4511.11 of the Ohio Revised Code. The CITY further agrees to provide for the maintenance of highway traffic during the construction of the improvements by either closing the road with no signed detour or by designating a temporary detour with all necessary incidentals and assuming and bearing the costs of erecting, maintaining and removing signs and barricades required to close the crossing and detour traffic.

## SECTION V

That the CITY administration is hereby authorized to execute any and all documents and to do all other things they deem necessary to effectuate the purposes of this Legislation, including entering into any contractual agreements with NS, PUCO, and ODOT/ORDC.

## SECTION VI

The CITY hereby agrees that ODOT/ORDC shall be and is saved harmless from any and all damages or claims thereof arising from or growing out of the certification or obligation made or agreed to hereinabove.

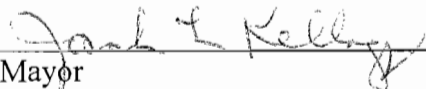
## SECTION VII

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting the planning and construction of the aforesaid improvement, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, and upon its acceptance and approval by the Director of ORDC it shall become a binding agreement on the CITY and the Director.

Approved: **JUN 26 2007**



\_\_\_\_\_  
President of Council



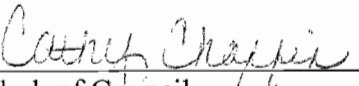
\_\_\_\_\_  
Mayor

Attest;



\_\_\_\_\_  
Clerk of Council

I hereby certify that the foregoing is a true and correct copy of the Ordinance No. 2007-51 passed June 25, 2007.



\_\_\_\_\_  
Clerk of Council

Accepted and approved

Attest \_\_\_\_\_

\_\_\_\_\_  
Executive Director, Ohio Rail  
Development Commission

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-52

Passed 10 3 2007, 2007

ORDINANCE AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH GREAT IMPRESSIONS, FOR THE PURCHASE AND INSTALLATION OF CARPET IN MUNICIPAL COURT AND RELATED OFFICES, AND DECLARING AN EMERGENCY.

WHEREAS, Great Impressions, submitted the best proposal for the purchase and installation of carpet at a cost of \$23,045.14, and

WHEREAS, the current carpet is in urgent need of replacement, therefore

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

Section 1. That the Marion Municipal Court be authorized and is hereby directed to enter into contract with Great Impressions for the purchase and installation of carpet in Municipal Court and related offices as per the proposal dated May 29, 2007 at a cost of \$23,045.14.

Section 2. That the contract shall be payable from the Capital Improvement line of the Court Assistance Fund.

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

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL  
Pro Tempore

APPROVED: 10 3 2007

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Ordinance No. 2007-53, Page One

Passed JUL 9 9 2007, 20    

ORDINANCE CREATING A CITY OF MARION JOB CREATION TAX CREDIT TO OFFER A LOCAL TAX CREDIT TO COMPANIES THAT ARE ELIGIBLE TO APPLY FOR AND RECEIVE AN OHIO JOBS CREATION TAX CREDIT TO BE USED IN WHOLE OR IN PART AS A LOCAL MATCH FOR THE STATE TAX CREDIT, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, The Ohio Job Creation Tax Credit ( Ohio JCTC ) is a very important state economic development incentive that has been used by many Marion companies to encourage new employment by offering a refundable tax credit to corporations based on a percentage of the employee state income tax that Ohio will receive from the newly created jobs, and

WHEREAS, Ohio requires a local match for the Ohio JCTC which numerous times in the past has been local tax abatement on new machinery and equipment, which is no longer subject to personal property tax and thus can not be an abatable local match, and

WHEREAS, Under authority of Section 718.15 of the Ohio Revised Code, municipalities are authorized to create local job creation tax credits,

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

SECTION 1. A Marion Job Creation Tax Credit (Marion JCTC) is hereby created within the City of Marion which may be authorized by the Council of the City of Marion for individual companies that meet the following minimum thresholds:

- a. Eligible Companies – Any non-retail oriented project, which commits to the creation of new, full-time, or full-time equivalent jobs in the City of Marion. These new, full-time, or full-time equivalent jobs must be created, and maintained, by the company (Company), within three years of the granting of the Marion Jobs Creation Tax Credit incentive. An eligible company must currently be paying, or will be paying, municipal income taxes.
- b. Eligible Projects – Eligible projects may include headquarter, manufacturing, science and technology, research and development, distribution, and certain types of service projects that have applied for State of Ohio development assistance and require a local financial assistance match.
- c. Each applicant must concurrently apply for, and secure, a State of Ohio Jobs Creation Tax Credit Agreement as authorized by Ohio Revised Code Section 122.17. **(This is a mandatory program requirement)** Local application must be made either to the City Planning Director or the Clerk of City Council.
- d. At least 25 new, full-time jobs must be created and maintained by the Company within three years of initial operations. If employment subsequently falls below 25 new full-time jobs, the credit may only continue if the Ohio JCTC is allowed to continue by the State of Ohio.
- e. The average hourly base wage rate (excluding benefits) of the project's new, full-time, or full-time equivalent jobs for three years must be at, or above 150% of the higher of the U.S. Federal minimum wage or the Ohio minimum wage (average income jobs).
- f. If the project involves an expansion or consolidation of an existing facility, the company must commit to retaining the current number of employees. The

# RECORD OF ORDINANCES

Ordinance No. 2007-53, Page Two

Passed

**JUL 9 2007**

, 20

Marion JCTC will apply only to the net new, full-time, or full-time equivalent positions in the project at the Marion City location.

- g. The project must involve a substantial fixed-asset investment in land, building, machinery/equipment, and/or infrastructure.
- h. The project must not have already begun. The applicant shall not make a public announcement of the proposed project prior to receiving JCTC program approvals from both the State of Ohio and the Marion City Council. Employees hired prior to the above-referenced approvals cannot be counted as eligible, new employees for the purpose of the tax credit programs.
- i. The company must agree to maintain operations at the project site for at least twice the term of the tax credit, up to 20 years.

SECTION 2. For companies meeting the above criteria when approved by City Council, the following criteria shall apply:

- a. Refundable income tax credits shall be established by a written Marion Jobs Creation Tax Credit Agreement with each Company as authorized by Municipal ordinance.
- b. The policy of the City of Marion is that the amount of the Marion JCTC will not exceed the amount required as the match for the Ohio JCTC. But, the rate of each tax credit will be established by the Marion City Council which may grant a higher rate for a company that will have a combination of high paying jobs and/OR a large number of jobs. Consideration of the location of the project and the difficulty in occupying the site also may be considered. In no case shall the Marion JCTC credit exceed 50% of the additional income tax revenue generated from the jobs associated with the application.
- c. The tax credit shall only apply to income taxes actually collected from the qualifying new jobs or against the Company's Marion profit tax.
- d. Under no circumstances shall the term of the tax credit exceed that provided to the applicant under the State of Ohio Jobs Creation Tax Credit Agreement as authorized by the Ohio Revised Code Section 122.12.
- e. Failure to comply with the terms and conditions of the Marion Jobs Creation Tax Credit Agreement may result in the loss of subsequent credit for the duration of the agreement by action of the City Council. The Agreement shall contain terms and provisions for the recovery or "claw back" to address situation in which the Company moves out of the City of Marion during the term required in section 1 (i) of this Ordinance. Recovery and "claw back" being the repayment of all or a portion of previous forgiven tax credits.
- f. The participant shall comply with all applicable Municipal Codes, Regulations and Rules. Further, the Company shall provide copies of all required reports to the Ohio Department of Development, in duplicated to City Council, required as a part of the obligations and terms of the Ohio JCTC.

*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 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.*

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-53, Page Three

Passed JUL 09 2007, 20  

PRESIDENT OF COUNCIL  
Pro Tempore

APPROVED: JUL 10 2007

  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-54

Passed JUN 1 2 2007, 2007

## 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. 2007-15 authorized the city to participate in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program.

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

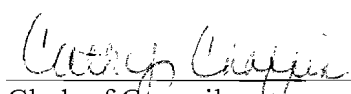
Section 1. That the Safety/Service Director is hereby authorized to enter into contract for the purchase of two (2) buses from Whitworth Bus Sales through the Ohio Department of Transportation Cooperative Purchasing Program for Marion Area Transit.

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



\_\_\_\_\_  
President of Council

APPROVED: JUN 1 2 2007

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-55

Passed JUN 11 2007 2007

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007.

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 \$48,100.02 for the year ending December 31, 2007 as follows:

**MARION MUNICIPAL COURT ASSISTANCE FUND**

Capital Improvements 209.7731.550520 \$25,000.00

**RAILROAD GRADE CROSSING IMPROVEMENT FUND**

Capital Improvements 229.6614.550520 \$12,600.00

**SEWER REVENUE FUND**

Equipment Rental 505.5552.530361 \$10,000.00

**SWIMMING POOL FUND**

Donation 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: JUN 11 2007

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Ordinance No. 2007-56

Passed JUL 10 2007, 20

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RON'S TREE SERVICE FOR THE TREE REMOVAL PROGRAM, PROJECT 07-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 2007-10 authorized the preparation of plans, specifications and advertising for bids for the 2007 Tree Removal Program Project 07-1M for the City of Marion, Ohio, and

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

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

**Section 1.** That the Safety/Service Director be directed to enter into contract with Ron's Tree Service, for the 2007 Tree Removal Program, Project 07-1M.

**Section 2.** That said contract shall be payable from the Tree Care Fund (101.7743.530316).

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



PRESIDENT OF COUNCIL  
Pro Tempore

APPROVED: JUL 10 2007

[Signature]  
MAYOR

ATTEST:

[Signature]  
CLERK OF COUNCIL



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-57

Passed JUL 26 2007, 2007

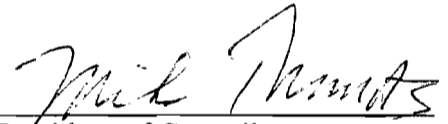
**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/  
SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS,  
AND ADVERTISE FOR BIDS FOR THE 2007 STREET RESURFACING  
PROGRAM, PROJECT 07-1R, IN THE CITY OF MARION, OHIO AND  
DECLARING AN EMERGENCY.**

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

**Section 1.** That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the 2007 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 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  
Pro Tempore

Approved: JUL 26 2007

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-58

Passed JUN 18 2007, 2007

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE OAKGROVE AND WATERLOO STREET SEWER IMPROVEMENTS, PROJECT 06-1S, AND DECLARING AN EMERGENCY.**

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

**Section 1.** That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the Oakgrove and Waterloo Street Sewer Improvements Project:

**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 1 grant and loan.

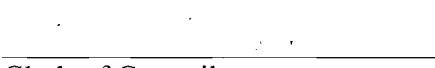
**Section 3.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and as such, shall take effect and be in force immediately upon its passage and approval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

Approved: JUL 10 2007

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Ordinance No. 2007-59, Page One

Passed July 10, 2007, 2007

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007

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 \$2,689,198.22 for the year ending December 31, 2007 as follows:

<b><u>GENERAL FUND</u></b>		
TRANSFER TO AIRPORT IMPROVEMENT	101.7745.580704	\$ 500.00
<b><u>PARKS FUND</u></b>		
DOG PARK CONSTRUCTION	221.3421.557520	\$ 75.00
<b><u>CHIP FUND</u></b>		
ADMINISTRATION	272.4546.530324	\$ 2,281.23
EMERGENCY REHAB	272.4546.530328	286.21
RENTAL REHAB	272.4546.530329	<u>1,050.00</u>
TOTAL CHIP FUND		\$ 3,617.44
<b><u>REVOLVING LOAN FUND</u></b>		
REVOLVING LOANS	274.4539.530333	\$( 33,000.00)
<b><u>BARKS ROAD TIF FUND</u></b>		
NOTE ISSUANCE COSTS	348.8052.560320	\$( 1,156.57)
NOTE INTEREST	348.8052.560611	<u>( 4,086.11)</u>
TOTAL BARKS ROAD TIF FUND		\$( 5,242.68)
<b><u>SBR ENTERPRISES TIF FUND</u></b>		
LAKE BLVD/BARKS RD	349.6062.550520	\$ 750,000.00
NOTE ISSUANCE COSTS	349.8062.560320	<u>1,797.46</u>
TOTAL SBR ENTERPRISES TIF FUND		\$ 751,797.46
<b><u>DELAWARE-BARKS TIF FUND</u></b>		
WALGREEN SIGNAL PROJECT	350.6612.557520	\$( 956.20)
NOTE ISSUANCE COSTS	350.8612.560320	\$ 956.20
<b><u>AIRPORT IMPROVEMENT FUND</u></b>		
LAND ACQUISITION	446.6405.550455	\$ 10,000.00
<b><u>STREET IMPROVEMENT FUND</u></b>		
07-1R RESURFACING PROJECT	461.6071.530531	\$ 200,000.00
<b><u>SEWER SYSTEM IMPROVEMENT FUND</u></b>		
G.O. NOTE INTEREST	503.8913.560609	\$ 90,000.00
G.O. NOTE PRINCIPAL	503.8913.560610	<u>75,000.00</u>
TOTAL SEWER SYSTEM IMPR. FUND		\$ 165,000.00
<b><u>SEWER REPLACEMENT FUND</u></b>		
PROFESSIONAL SERVICES	504.5553.530320	\$( 50,000.00)
CAPITAL IMPROVEMENTS	504.5553.550520	<u>( 221,000.00)</u>
TOTAL SEWER REPLACEMENT FUND		\$( 271,000.00)
<b><u>STORM WATER UTILITY FUND</u></b>		
G.O. NOTE INTEREST	509.8913.560609	\$ 55,000.00
G.O. NOTE PRINCIPAL	509.8913.560610	<u>104,000.00</u>
TOTAL STORM WATER UTILITY FUND		\$ 159,000.00
<b><u>SANITARY SEWER IMPROVEMENT FUND</u></b>		
OAKGROVE/WATERLOO PROJECT	550.5061.550520	\$ 525,000.00
<b><u>OPWC SANITARY/STORM SEWER FUND</u></b>		
OAKGROVE/WATERLOO PROJECT	555.5061.550520	\$ 353,451.00
<b><u>STORM SEWER IMPROVEMENT FUND</u></b>		
OAKGROVE/WATERLOO PROJECT	560.5061.550520	\$ 825,000.00
<b><u>CENTRAL GARAGE FUND</u></b>		
PROFESSIONAL SERVICES	601.9601.530320	\$ 5,000.00
TOTAL		\$2,689,198.22


Ordinance No. 2007-59, Page Two

Passed JUL 09 2007, 20    

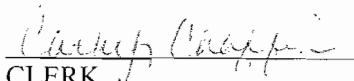
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL  
Pro Tempore

APPROVED: **JUL 10 2007**

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-60

Passed AUG 13 2007, 20  

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE ENGINEERING AIDE II.

Whereas, the Council for the City of Marion finds the job descriptions for the Engineering Aide II to be outdated, have been established by Ordinance No. 1969-29 without updating to date, and

Whereas, the Human Resources Director has proposed and provided an updated job description, and


Whereas, the Council finds the redefined job description to be in the best interest of the City of Marion and therefore finds it necessary to further amend Ordinance No. 1969-29 (the Position Classification Report by Yarger and Associates, Inc. April, 1969), as amended.

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

Section 1. That the current job description for the Engineering Aide II attached hereto as Exhibit A, shall be amended with the updated job description attached hereto as Exhibit B.

Section 2. That this ordinance makes no adjustments or modifications to any pay grades or scales. Pay grades and/or scales shall continue as previously established.

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

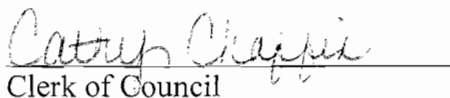


\_\_\_\_\_  
President of Council

APPROVED: AUG 14 2007

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-61

Passed AUG 13 2007, 20  

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE ASSISTANT CITY ENGINEER.

Whereas, the Council for the City of Marion finds the job descriptions for the Assistant City Engineer to be outdated, have been established by Ordinance No. 1969-29 without updating to date, and

Whereas, the Human Resources Director has proposed and provided an updated job description, and

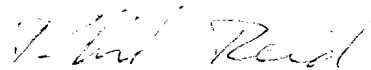
Whereas, the Council finds the redefined job description to be in the best interest of the City of Marion and therefore finds it necessary to further amend Ordinance No. 1969-29 (the Position Classification Report by Yarger and Associates, Inc. April, 1969), as amended.

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

Section 1. That the current job description for the Assistant City Engineer attached hereto as Exhibit A, shall be amended with the updated job description attached hereto as Exhibit B.

Section 2. That this ordinance makes no adjustments or modifications to any pay grades or scales. Pay grades and/or scales shall continue as previously established.

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



\_\_\_\_\_  
President of Council

APPROVED: AUG 14 2007

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-62

Passed AUG 13 2007, 20    

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE ASSISTANT DIRECTOR, MARION SENIOR CENTER.

Whereas, the Council for the City of Marion finds the job descriptions for the Assistant Director Marion Senior Center to be outdated, have been established by Ordinance No. 19981-115, which amended Ordinance No. 1969-29, was updated and last amended by Ordinance No. 1995-146, and

Whereas, the Human Resources Director has proposed and provided an updated job description, and

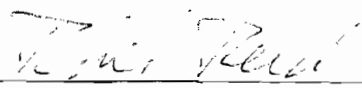
Whereas, the Council finds the redefined job description to be in the best interest of the City of Marion and therefore finds it necessary to further amend Ordinance No. 1969-29 (the Position Classification Report by Yarger and Associates, Inc. April, 1969), as amended.

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

Section 1. That the current job description for the Assistant Director Marion Senior Center attached hereto as Exhibit A, shall be amended with the updated job description attached hereto as Exhibit B.

Section 2. That this ordinance makes no adjustments or modifications to any pay grades or scales. Pay grades and/or scales shall continue as previously established.

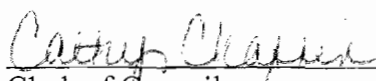
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
\_\_\_\_\_  
President of Council

APPROVED: AUG 13 2007

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-63

Passed, AUG 13 2007, 20    

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE ADMINISTRATIVE ASSISTANT, HUMAN RESOURCES.

Whereas, the Council for the City of Marion finds the job descriptions for the Administrative Assistant Human Resources to be outdated, have been established by Ordinance No. 1996-62, which amended Ordinance No. 1969-29, and

Whereas, the Human Resources Director has proposed and provided an updated job description, and

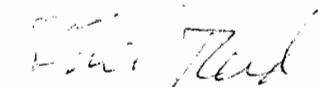
Whereas, the Council finds the redefined job description to be in the best interest of the City of Marion and therefore finds it necessary to further amend Ordinance No. 1969-29 (the Position Classification Report by Yarger and Associates, Inc. April, 1969), as amended.

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

Section 1. That the current job description for the Administrative Assistant Human Resources attached hereto as Exhibit A, shall be amended with the updated job description attached hereto as Exhibit B.

Section 2. That this ordinance makes no adjustments or modifications to any pay grades or scales. Pay grades and/or scales shall continue as previously established.

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

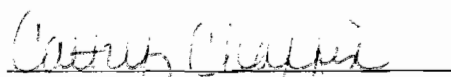


\_\_\_\_\_  
President of Council

APPROVED: AUG 14 2007

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 300-3

Ordinance No. 2007-64

Passed JUL 25 2007, 2007

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007.

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

Section 1. That there be additional appropriations made in various funds in the amount of \$3,300.00 for the year ending December 31, 2007 as follows:

GENERAL FUND

Fire Department		
Professional Services	101.1131.530320	\$3,000.00
Recreation Department		
Donations	101.3422.540324	<u>200.00</u>
Total General Fund		\$3,200.00


SWIMMING POOL FUND

Donations	516.3423.540324	\$ 100.00
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Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: JUL 25 2007

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-65

Passed AUG 1 8 2007, 20  

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE PARKS SUPERINTENDENT.

Whereas, the Council for the City of Marion finds the job description for the Parks Superintendent to be outdated, have been established by Ordinance No. 1969-29 without updating to date, and

Whereas, the Human Resources Director has proposed and provided an updated job description, and

Whereas, the Council funds the redefined job description to be in the best interest of the City of Marion and therefore finds it necessary to further amend Ordinance No. 1969-29 (the Position Classification Report by Yarger and Associates, Inc. April, 1969), as amended.

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

Section 1. That the current job description for the Parks Superintendent attached hereto as Exhibit A, shall be amended with the updated job description attached hereto as Exhibit B.

Section 2. That this ordinance makes no adjustments or modifications to any pay grades or scales. Pay grades and/or scales shall continue as previously established.

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

  
\_\_\_\_\_  
President of Council

APPROVED: AUG 1 8 2007

  
\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-66

Passed July 5, 2007, 2007

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:

Elizabeth A. Reed  
Dba: Optimal Testing Solutions  
Invoice No. 07-C01

Oral portion of the Fire Department Promotional Exams for Lieutenant & Captain given on June 2, 2007. No purchase order; Amount \$3,000.00; Account No. 101.1131.530320

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 is past due, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council, otherwise it shall become effective from and after the earliest period allowed by law.

APPROVED: **JUL 5 2007**

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-67

Passed August 14, 2007, 2007

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2007.

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

Section 1. That there be additional appropriations made in General Fund the amount of \$102,727.60 for the year ending December 31, 2007 as follows:

GENERAL FUND

Fire Department

Uniformed Wages	101.1131.510111	\$ 69,999.51
Benefits	101.1131.510120	18,318.53
Sick Leave Sell-back	101.1131.510122	<u>14,409.56</u>
Total General Fund		\$102,727.60

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

APPROVED: AUG 14 2007

*John R. ...*  
PRESIDENT OF COUNCIL

*[Signature]*  
MAYOR

ATTEST:

*Cathy Chapin*  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blanks, Inc.

Form No. 30043

Ordinance No. 2007-68

Passed AUG 29 2007, 20  

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

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

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

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

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

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED: **AUG 29 2007**

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Ordinance No. 2007-69, Page One

Passed AUG 1 8 2007, 2007

ORDINANCE TO AMEND SECTION 1 OF ORDINANCE 2000-84 AS AMENDED FROM ORDINANCES 1996-76 AND 1970-122 WHICH CREATED THE POSITIONS AND SALARIES FOR SAID POSITIONS IN THE RECREATION DEPARTMENT AND DECLARING AN EMERGENCY

WHEREAS, it is the desire of the Council to assure the health and safety of Marion youth while they attend and enjoy the Lincoln Park Pool, and

WHEREAS, the Federal and State Governments recently enacted legislation revising minimum wage standards and the Council concurs in said acts as same ensures valuable employees are able to earn a fair wage. Further, the modifications herein allow the pool to stay competitive while working to attract and retain qualified employees,

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

Section 1. That Section 1 of Ordinance 2000-84, as amended, now reading as follows:

"That the compensation of said employees in said positions shall be as follows:

Title	Step	1st year	2nd year	3rd year	4th year	5th year	E
		A	B	C	D		
Front Gate Attendant (Cashier)		5.15	5.40		5.65	6.00	6.50
Concession Stand Attendant		5.15	5.40		5.65	6.00	6.50
Lifeguard With WSI		7.00	7.25		7.50	7.75	8.00
Head Lifeguard		7.25	7.50		7.75	8.00	8.25

- Step A - No Previous recreational or related experiences.
- Step B - One (1) year of recreational and/or related experience, and/or two (2) years of college completed.
- Step C - Two (2) years of recreational and/or related experience or college graduate.
- Step D - Three (3) years of recreational and/or related experience or one (1) year of recreational or related experience and college graduate.
- Step E - Four (4) years of recreational and/or related experience, or two (2) years of recreational or related experience and college graduate.

Pool Manager

Pool Manager position would a salaried, exempt from FLSA position paying six thousand one hundred dollars (\$6,100) per season starting May 1 and ending September 15. The Pool Manager would have responsibility of all pre-season set up and post-season shut down, during this time frame.

All pool positions will be adjusted annually with a 2.5% increase unless changed by City Council.

**IS HEREBY AMENDED TO READ AS FOLLOWS:**

"That the compensation of said employees in said positions shall be as follows:

Title	Step	1st year	2nd year	3rd year	4th year	5th year	E
		A	B	C	D		
Front Gate Attendant (Cashier)		6.85	7.10		7.35	7.60	7.85
Concession Stand Attendant		6.85	7.10		7.35	7.60	7.85
Lifeguard With WSI		8.32	8.63		8.92	9.20	9.52
Head Lifeguard		8.63	8.92		9.20	9.52	9.81

Ordinance No. 2007-69, Page Two Passed AUG 13 2007, 20

- Step A - No Previous recreational or related experiences.
- Step B - One (1) year of recreational and/or related experience, and/or two (2) years of college completed.
- Step C - Two (2) years of recreational and/or related experience or college graduate.
- Step D - Three (3) years of recreational and/or related experience or one (1) year of recreational or related experience and college graduate.
- Step E - Four (4) years of recreational and/or related experience, or two (2) years of recreational or related experience and college graduate.

Pool Manager

Pool Manager position is a salaried position, exempt from FLSA, position currently paying \$7,250.98 per season starting May 1 and ending September 15. The Pool Manager would have responsibility of all pre-season set up and post-season shut down, during this time frame.

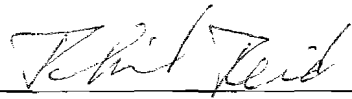
Head Lifeguard position shall be Pre-season maintenance supervisor at grade E + 25 = \$10.06

Each successive season, (annually) the positions of Front Gate Attendant (Cashier) and Concession Stand Attendant shall adjust concurrently with the adjustments made based upon the indexing contained within the Federal and State minimum wage statutes, however in no event shall any position be paid a wage less than the higher of: State or Federal minimum wage.

The positions of Pool Manager, Lifeguard With WSI and Head Lifeguard will be adjusted annually with a 2.5% increase unless changed by City Council.

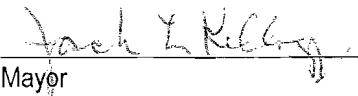
Section 2. That the compensation of employees in Front Gate Attendant and Concession Stand Attendant shall be retroactive from May 1, 2007.

Section 3. That this ordinance is hereby declared an emergency measure necessary for the immediate preservation of health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason it is necessary to bring the City into compliance with laws and regulations and to properly compensate its employees in 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.



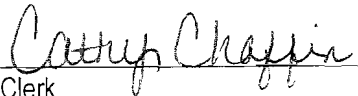
\_\_\_\_\_  
President of Council

Approved: AUG 14 2007



\_\_\_\_\_  
Mayor

Attest;



\_\_\_\_\_  
Clerk

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-70

Passed June 23 2007, 2007

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007,  
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 ~~\$76,200.00~~ \$76,500.00 for the year ending December 31, 2007 as  
follows:

**SENIOR CENTER TRANSPORTATION FUND**

WAGES	202.3547.510110	\$ 5,560.10
BENEFITS	202.3547.510120	1,239.90
SUPPLIES	202.3547.540420	400.00
FUEL	202.3547.540430	4,800.00
FUEL	202.3547.540430	5,000.00
TOTAL S.C. TRANSPORTATION FUND		\$12,200.00

**SENIOR CENTER HOMEMAKER FUND**

WAGES	206.3547.510110	\$ 2,044.15
BENEFITS	206.3547.510120	455.85
TRAVEL	206.3547.520220	1,000.00
SUPPLIES	206.3547.540420	500.00
SUPPLIES	206.3547.540420	600.00
TOTAL S.C. HOMEMAKER FUND		\$ 4,100.00

**COURT COMPUTERIZATION FUND**

EQUIPMENT	210.7731.550450	\$10,000.00
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**MARION DRUG/GUN REDUCTION FUND**

REIMBURSEMENTS	223.1547.570721	\$50,000.00
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**BARKS ROAD TIF FUND**

COST OF ISSUANCE	348.8052.560320	\$ 80.20
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**SBR ENTERPRISES TIF FUND**


COST OF ISSUANCE	349.8062.560320	\$ 78.20
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**DELAWARE/BARKS TIF FUND**

COST OF ISSUANCE	350.8612.560320	\$ 41.60
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Total \$76,500.00

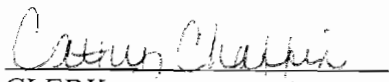
Section 2. That this ordinance shall take effect and be in force from and after  
the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

APPROVED: June 23 2007

  
MAYOR

ATTEST:

  
CLERK



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-71

Passed AUG 27 2007, 20  

ORDINANCE AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH SCHMIDT SECURITY PRO, FOR THE PURCHASE AND INSTALLATION OF A DIGITAL VIDEO RECORDING SYSTEM AND CAMERAS IN MUNICIPAL COURT AND RELATED OFFICES, AND DECLARING AN EMERGENCY.

WHEREAS, Schmidt Security Pro, submitted the best proposal for the purchase and installation of a digital recording system and cameras at a cost of \$21,190.00, and

WHEREAS, the current digital video recording system and cameras are in urgent need of replacement, therefore

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

Section 1. That the Marion Municipal Court be authorized and is hereby directed to enter into contract with Schmidt Security Pro for the purchase and installation of a digital video recording system in Municipal Court and related offices as per the proposal dated July 5, 2007 at a cost of \$21,190.00.

Section 2. That the contract shall be payable from the Court Computerization Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of health, welfare and safety of the City of Marion and 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: **AUG 23 2007**

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-72

Passed AUG 13 2007, 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH VANATTA SUPPLY COMPANY TO PURCHASE AN ELECTRICAL FLOOR BOX SYSTEM AND BOTTOM LINE TELECOMMUNICATIONS, INC. TO PURCHASE A BACK UP POWER SUPPLY FOR POLICE DEPARTMENT DISPATCH AND FINDING A REAL AND PRESENT EMERGENCY EXISTS WITH THE DIVISION OF PUBLIC SAFETY PURSUANT TO O.R.C. 735.051 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

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 VanAtta Supply to purchase one Electrical Floor Box System -\$6000.00 and Bottom Line Telecommunications, Inc to purchase a Back Up Power Supply - \$9,000.00 for use in the Police Dispatch. The cost is \$15,000.00 payable from the Capital Improvement Fund.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary to provide for urgent emergency services 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: AUG 13 2007

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-73

Passed SEP 2 2007, 20

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 136 PATTEN STREET FROM AN R-2 GENERAL DWELLING DISTRICT TO A C-5 GENERAL BUSINESS DISTRICT. (Applicant Josh Daniels)

WHEREAS, Council finds that the real property known as 136 Patten Street and more particularly described in the attached Exhibit A, should be rezoned, from an R-2 General Dwelling District to a C-5 General Business District, and

WHEREAS, on the 7<sup>th</sup> day of August, 2007 the City Planning Commission recommended a change to the existing zoning code,


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

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

SECTION 1. That the property known as 136 Patten Street, Marion, Ohio and being more particularly described in the attached Exhibit A. Said parcel currently zoned as an R-2 General Dwelling District shall be rezoned to a C-5 General Business District, and

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

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

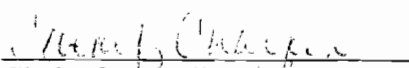


\_\_\_\_\_  
President of Council

APPROVED: SEP 2 5 2007

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-74

Passed August 2, 2007

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF SIX VEHICLES PREVIOUSLY UTILIZED BY THE STREETS DEPARTMENT AND TWO VEHICLES PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE, AND DECLARING AN EMERGENCY.**

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

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

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

1995 Chevrolet Pickup with plow	VIN 1GCGK24K3LE251733
1991 Ford Dump Truck with plow and spreader	VIN 1FDPF82K7MVA01807
1990 Chevy C-70 Dump Truck with plow and spreader	VIN 1GBM701EXLV102531
1969 International Farm Tractor	Serial No. 02174
1982 Elgin street Sweeper	Serial No. 65218D
1990 Chevy Pickup Truck	VIN 2GCEC14Z9L1241396
2001 Ford Crown Victoria	VIN 2FAFP71W61X184371
1989 Ford Bus	VIN 1FDKE37G9LHA82701

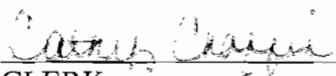
**Section 2.** That this ordinance is hereby declared to be an emergency measure necessary for the welfare and safety of the City of Marion and the inhabitants thereof and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative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

  
PRESIDENT OF COUNCIL

Approved: AUG 2 8 2007

\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30013

Ordinance No. 2007-75

Passed AUG 27 2007, 20  

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/  
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH  
SHELLY AND SANDS, INC. FOR THE 2007 STREET  
RESURFACING PROJECT 07-1R FOR THE CITY OF MARION,  
OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 2007-57 authorized the preparation of specifications and advertising for bids for the 2007 Street Resurfacing Project 07-1R for the City of Marion, Ohio and

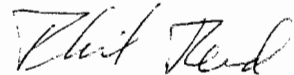
**WHEREAS**, Shelly and Sands, Inc. submitted the lowest and best bid of \$622,966.05.

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

**Section 1:** That the Safety/Service Director be directed to enter into contract with Shelly and Sands, Inc., for the 2007 Street Resurfacing Project 07-1R.

**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: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-76

Passed AUG 2 20

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO SPEC AND BID THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE AND DECLARING AN EMERGENCY**

*WHEREAS*, the Council, Mayor, Law Director and various Administrative support personnel have worked diligently to improve the community's well-being by eliminating nuisances which are present in Marion's neighborhoods, and

*WHEREAS*, certain real property containing structures which have been found to violate Marion City Code 1360 have been identified and declared to be nuisances by the Safety/Service Director, and

*WHEREAS*, the City's Nuisance Abatement Task Force has advised in regard to those properties referenced above, the necessary notices have been provided the responsible parties and/or the owners have consented to the intended act of the City to eliminate the nuisance, or there exist authority to proceed with the elimination of the nuisance and thereafter assess the property the costs thereof, and

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

**Section 1.** That the Safety/Service Director is authorized and directed to spec and bid the demolition of certain nuisance structures located within the City of Marion.

**Section 2.** That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and inhabitants thereof; more specifically in that the safety and security of the impacted neighborhoods is an imperative need that cannot afford further delay, 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: AUG 2 8 2007

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-77

Passed Aug 7 2007, 2007

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007  
*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 ~~\$23,691.19~~ \$28,014.06 for the year ending December 31, 2007 as  
follows:

**GENERAL FUND**

<u>CIVIL SERVICE</u> PROFESSIONAL SERVICES	101.7717.530320	\$ 1,500.00
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**HEALTH FUND**

<u>PHIG</u> TRAINING	214.2225.530221	\$ 1,964.83
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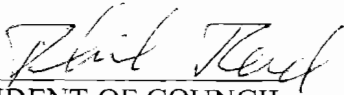
**PARKS FUND**

KAUFMAN DOG PARK	221.3421.557520	<del>\$19,877.36</del> \$24,200.23
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**SWIMMING POOL FUND**

DONATIONS	516.3423.540324	\$ 349.00
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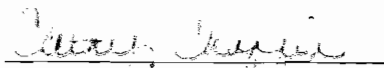
Section 2. That this ordinance shall take effect and be in force from and after  
the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

APPROVED:

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-78

Passed AUG 27 2007, 20  

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FIRE SAFETY SERVICES INC. FOR THE PURCHASE OF A GENERATOR FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY**

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

Whereas, the current generator for Fire Truck E-23 has been found to be in need of replacement, and

Whereas, Fire Safety Services Inc. has submitted the best proposal for the generator to be installed by the central garage, therefore,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Fire Safety Services for the purchase of a generator for Fire Truck E-23.

Section 2. That the estimated cost of the generator and installation is \$11,740.60, and shall be payable from the Capital Improvement Fund.


Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that 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: AUG 28 2007

\_\_\_\_\_  
Mayor

Attest;

  
\_\_\_\_\_  
Clerk of Council



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-79

Passed SEP 10 2007, 20  

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE WIC FUND FOR THE YEAR ENDING DECEMBER 31, 2007,

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

Section 1. That there be additional appropriations made in the WIC Fund in  
the amount of \$308,689.34 for the year ending December 31, 2007 as follows:

<u>WIC FUND</u>		
SALARIES AND WAGES	215.2548.510110	\$199,350.25
BENEFITS	215.2548.510120	86,809.69
TRAVEL	215.2548.520220	4,000.00
UTILITIES	215.2548.530310	15,000.00
EQUIPMENT MAINTENANCE	215.2548.530360	2,000.00
LAND & BUILDING MAINTENANCE	215.2548.530370	1,020.00
JANITORIAL SERVICES	215.2548.530424	4,080.00
SUPPLIES	215.2548540420	5,194.06
POSTAGE	215.2548.540423	3,000.00
CONTINGENCY	215.2548.570624	(11,764.66)
TOTAL WIC FUND		\$308,689.34

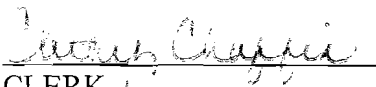
Section 2. That this ordinance shall take effect and be in force from and after  
the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

APPROVED: SEP 11 2007

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Ordinance No. 2007-7, Page One

Passed \_\_\_\_\_, 20\_\_\_\_

ORDINANCE EXPRESSING THE FINDINGS OF THE COUNCIL REGARDING THE WASTE WATER TREATMENT PLANT BIO-SOLIDS CONTRACT, DIRECTING THE SAFETY/SERVICE DIRECTOR TO EFFECTUATE THE EXTENSION OF THE EXISTING OPTION YEAR AND DECLARING AN EMERGENCY

WHEREAS, the Council was presented with the results of the Water Pollution Control Division's unilateral solicitation of requests for bids as to the land application of bio solids on or about the 31st day of October, 2006, and

WHEREAS, the Council took up the matter at Committee on or about the 6th of November, 2006 at which time Council members were made aware of a multitude of issues of concern. The matter proceeded to the floor of Council at its next regular meeting, at which time, given the significant concern of members the matter was referred back to Committee for further investigation into issues related to, but not limited to: Existing contractual obligations, spec and bid procedures, various unsubstantiated allegations. Joint Committee of Finance and Streets and Sewers took the matter up on the 21st day of November at which time, based upon the information before them they voted 4-0 to reject all bids and consented to the Administration's exercising of the option to renew.

WHEREAS, the Council finds, after thorough investigation: When the current contract (04-06) was put out for bid, Water Pollution Control recommended to Council the award go to the second highest bidder Burch Hydro at 13.99/ton, however, after review, Council authorized the contract be awarded to the previous provider and low bidder Neidhart Brothers at 12.00/ton with the addition of contractual language providing for concerns regarding timing of performance issues. This action by Council resulting in the 04-06 contract with Neidhart costing \$ 50,000+ less than what would have been paid if the contract had been awarded to Burch in 04. Further, investigation reveals and Council finds: Water Pollution Control exercised the option to renew contained within the 04-06 contract with the current provider by continued utilization on September 26, October 25 and 26. Evidence indicates W.P.C. didn't go out for bid until October, bid opening date being October 27. The bid publication contained the requisite provision: The City of Marion reserves the right to reject any and all bids.

WHEREAS, the Council finds based upon its investigation and review the best course available to it, based upon all known factors at his time, is as is set forth below,

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

Section 1. The Council after investigation, hereby determines the existing contract provision for the additional year was exercised by Water Pollution Control by their affirmative acts September 26, October 25 and 26. Based upon this finding and reasons set forth above, Council directs the Safety/Service Director to take all steps necessary to remove the build-up of bio solids by effectuating the extension, including but not limited to the execution of a writing evidencing the extension of the existing contract, without delay.

Section 2. The Council directs the Safety/Service Director to go out for bids for the August 07 09 contract period sufficiently in advance of the current contract expiration to ensure that bid results are known at least 30 days prior to the expiring contract.

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 urgent need to process the bio-solid material that has accumulated in storage as

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-7, Page Two

Passed \_\_\_\_\_, 20\_\_\_\_

a result of WWPC's failure to proceed and the real and present concern that the City may be subject to citation or suit; 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

\*\* On the 16th day of April, 2007 the Mayor returned the legislation to the office of the Clerk of Council unsigned.

# RECORD OF ORDINANCES

Ordinance No. 2007-8, Page One

Passed Feb 22 2007, 2007

ORDINANCE APPROVING THE MODIFICATION OF A CAFETERIA PLAN WITHIN THE CONTEXT OF SECTION 125 OF THE I.R.S. CODE IN ORDER TO COMPLY WITH FEDERAL LAW, AND AUTHORIZING THE MAYOR TO EXECUTE SAID DOCUMENT

WHEREAS, the Council by its action in Resolution 1992-43 adopted a cafeteria plan, hereinafter referred to as "Plan", for the benefit of the City's eligible employees in order to provide employees the benefits associated therewith, including but not limited to pre-tax treatment of certain benefit costs, and

WHEREAS, the Council by its action in Ordinance 2002-120 amended the Plan to allow for an IRS Code section 105 Flexible benefits provision, and

WHEREAS, the Council finds, based upon the recommendation of the Human Resources Director, there is a need to amend the Plan to copy with Federal Rules applicable to HSA accounts which permit FSA use only as to dental and vision,

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

SECTION 1. The Council finds good cause to amend the existing FSA Plan document to include the following limited purpose language:

**EMPLOYEES WITH A HEALTH SAVINGS ACCOUNT – EFFECTIVE 1/1/07**

**Eligible Medical Care Expenses for Health FSA.** Under the Health FSA Module, a Participant may receive reimbursement for Medical Care Expenses incurred during the Period of Coverage for which an election is in force.

**Medical Care Expenses.** "Medical Care Expenses" will vary depending on which health FSA coverage option the Participant has elected.

**- General-Purpose Health FSA Option-** For purposes of this Option, "Medical Care Expenses" means expenses incurred by a Participant or his or her Spouse or Dependents for medical care, as defined in Code 213(d)-provided, however, that this term does not include expenses that are excluded under Schedule B to this Plan nor any expenses for which the Participant or other person incurring the expense is reimbursed for the expense through the Medical Insurance Plan, other insurance, or any other accident or health plan. If only a portion of a Medical Care Expense has been reimbursed elsewhere (e.g., because the Medical Insurance Plan imposes co-payments or deductible limitations), then the Health FSA can reimburse the remaining portion of such Expense if it otherwise meets the requirements of the plan document.

**shall read:**

**-Limited (Vision/Dental) Health FSA Option.** For purposes of this Option, "Medical Care Expenses" means expenses incurred by a Participant or his or her Spouse or Dependents for medical care, as defined in Code 213(d)- provided, however, that such expense is for vision care or dental care (as defined in Code 223(c)) only, and provided that this term does not include expenses that are excluded under Schedule B to this Plan, nor any expenses for which the Participant or other person incurring the expense is reimbursed for the expense through the medical Insurance Plan, other insurance, or any other accident or health plan. If only a portion of a Medical Care expense has been reimbursed elsewhere (e.g., because the Medical Insurance Plan imposes copayment or deductible limitations), then the Health FSA can reimburse the remaining portion of such Expense if it otherwise meets the requirements of the plan document.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-8, Page Two

Passed FEB 14 2007, 20  

SECTION 2. This Ordinance shall take effect on the earliest date allowed by law.

Mike Thomas  
President of Council  
Pro Tempore

APPROVED: FEB 14 2007

Phil Reid  
Mayor Acting

ATTEST:

Michelle Thompson  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-80

Passed SEP 10 2007, 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, a 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:

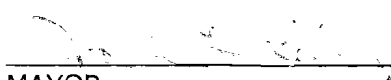
Section 1. That the City Auditor is hereby authorized and directed to pay the following invoice:

Makeever & Associates, Inc.  
Invoice No. 23061  
Amount: \$5,634.26  
P.O. No. RG140340; Account No. 346.6062.550520  
Work was performed prior to the issuance of the Purchase Order

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

APPROVED: SEP 11 2007

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

0171

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-81, Page OnePassed SEP 24 2007, 20  

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$5,240,000 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, AND (iii) IMPROVING CLINTON STREET, SILVER STREET, WATERLOO STREET AND 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. 2006-84, passed September 25, 2006, a note in anticipation of bonds in the amount of \$6,225,000 dated October 18, 2006 (the "Outstanding Note") was issued to mature on October 17, 2007;

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 the maximum maturity of \$1,400,000 of the principal amount of the Notes is April 24, 2021; the maximum maturity of \$1,155,000 of the principal amount of the Notes is October 21, 2024; and the maximum maturity of \$2,685,000 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 \$5,240,000 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, Vine Street, North Greenwood Street and State Street, between certain termini, by constructing sanitary sewers, together with all necessary appurtenances, and (iii) improving Clinton Street, Silver Street, Waterloo Street and 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, 2008, 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, 2009.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$5,240,000 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 17, 2007 and shall mature October 16, 2008. The Notes shall bear interest at a rate or rates not to exceed six

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-81, Page Two

Passed SEP 2 5 2007, 20    

percent per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes (the "Certificate of Award") in accordance with Section 6.

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

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

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

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

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

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall



# RECORD OF ORDINANCES

016

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-81, Page Three

Passed SEP 24 2007, 20    

not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

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

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

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

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

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior 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.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-81, Page Four

Passed SEP 2 2007, 20    

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.

In each year to the extent money from the City's storm water system is available for the payment of debt charges on that portion of the Notes or Bonds issued for purposes of constructing and improving storm water 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 represents that the Outstanding Note was designated or is treated as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Note from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating the Notes as "qualified tax-exempt obligations" and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code.

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.

# RECORD OF ORDINANCES

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-81, Page Five

Passed SEP 24 2007, 20    

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



President of Council

Approved: SEP 24 2007

Mayor: [Handwritten Signature]

Attest: [Handwritten Signature]  
Clerk of Council

# RECORD OF ORDINANCES

017

Ordinance No. 2007-82, Page One

Passed SEP 24 2007, 20  

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,600,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING FRANCONIA AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the 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 the maximum maturity of the Notes is 20 years.

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,600,000 to pay the costs of improving Franconia 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, 2008, 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, 2009.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,600,000 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 17, 2007 and shall mature October 16, 2008. The Notes shall bear interest at a rate or rates not to exceed six percent per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes (the "Certificate of Award") in accordance with Section 6.

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

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Auditor will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-82, Page Two

Passed SEP 24 2007, 20  

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

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

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

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

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

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

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

Section 6. The Notes shall be sold at not less than par plus accrued interest at private sale by the Auditor in accordance with law and the provisions of this Ordinance. The Auditor shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed

# RECORD OF ORDINANCES

07/23

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-82, Page Three

Passed SEP 24 2007, 20    

and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Auditor, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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

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

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

In each year to the extent money from the City's sanitary sewer system is available for the payment of the debt charges on 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.

In each year to the extent money from the City's storm water system is available for the payment of debt charges on that portion of the Notes or Bonds issued for purposes of constructing and improving storm water 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,

# RECORD OF ORDINANCES

Ordinance No. 2007-82, Page Four

Passed SEP 24 2007, 20    

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

The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

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.

# RECORD OF ORDINANCES

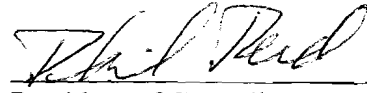
Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-82, Page Five

Passed SEP 24 2007, 20  

Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to combine the sale of the Notes with the sale of other notes of the City and thereby achieve savings in costs of issuing the Notes and possibly providing a lower interest rate on the Notes; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.



\_\_\_\_\_  
President of Council

Approved: SEP 25 2007

Mayor: [Handwritten Signature]

Attest: [Handwritten Signature]  
Clerk of Council



# RECORD OF ORDINANCES

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-83

Passed SEP 24 2007, 20  

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007, 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 ~~\$265,726.51~~ \$267,726.51 for the year ending December 31, 2007 as follows:

**GENERAL FUND**

**FIRE DEPT**

SALARIES & WAGES 101.1131.510111 \$(18,438.00)

BENEFITS 101.1131.510120 49,672.00

TOTAL FIRE DEPT \$ 31,234.00

**AIRPORT**

INSURANCE 101.6621.530380 \$ 2,000.00

**AUDITOR**

SCHOOLING 101.7711.530221 \$ 750.00

TOTAL GENERAL FUND \$ 33,984.00

**SCMR FUND**

CAPITAL IMPROVEMENTS 207.6612.550520 \$ 50,000.00

**HEALTH FUND**

FY 08 LEAD TESTING 214.2223.540436 \$ 6,600.00

**POLICE CONTINUING TRAINING FUND**

REIMBURSEMENTS 216.1547.570721 \$ 10,000.00

**COMMUNITY CORRECTIONS**

SALARIES 224.7548.510110 \$46,198.68

BENEFITS 224.7548.510120 10,943.83

TOTAL COMMUNITY CORRECTIONS \$57,142.51

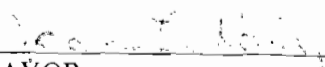
**CENTRAL GARAGE FUND**

FUEL 601.9604.540430 \$110,000.00

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

  
PRESIDENT OF COUNCIL

APPROVED: **SEP 25 2007**

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-84

Passed SEP 3 \* 2007, 20  

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CONTECH BRIDGE SOLUTIONS TO PURCHASE A PEDESTRIAN BRIDGE FOR THE HARDING HIGH SCHOOL AT A COST OF \$39,850.00, AND DECLARING AN EMERGENCY, *AS AMENDED*.

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

WHEREAS, CONTECH BRIDGE SOLUTIONS, 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 CONTECH Bridge Solutions, to purchase a Pedestrian Bridge.

Section 2. That the cost of \$39,850.00 shall be payable from the SCM&R fund.

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

*AS AMENDED:*

*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 manufacturing of the bridge will take approximately six weeks to complete and the construction season end is rapidly approaching; 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 25 2007**

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-85

Passed SEP 24 2007, 20  

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CARTER LUMBER FOR THE PURCHASE OF A FURNACE/AIR CONDITIONING UNIT AT A COST OF \$3,500.00 FOR THE STREETS DEPARTMENT TRAFFIC SIGNAL OFFICE 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

**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 Carter Lumber to purchase one(1) Furnace/Air Conditioning unit for the use in the Streets Department. The cost is \$3,500.00 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: SEP 25 2007

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-86

Passed SEP 2 2007, 2007

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE PREVIOUSLY EXECUTED LEASE OF REAL PROPERTY AT THE AIRPORT INDUSTRIAL PARK TO THE STEVENS CONSTRUCTION COMPANY AND DECLARING AN EMERGENCY.

WHEREAS, The Stevens Construction Company was granted a lease for certain real property at the Airport Industrial Park by the previous act of this Council, and

WHEREAS, the lease utilized contained various "boilerplate" provisions, which there has now been a request for clarification, but do not materially alter the substance of the lease document, and


WHEREAS, both the Lessor and the Lessees now agree and consent to the substitution of the The Stevens Family Trust in place of Stevens Construction Company as the lessor,

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

Section 1. The Council acknowledges herein, the Stevens Construction Company was granted a lease for certain real property at the Airport Industrial Park by the previous act of this Council, and the lease utilized contained various "boilerplate" provisions, which there has now been a request for clarification, but which do not materially alter the substance of the lease document. For example, more than one structure will be constructed, existing easements, that there will be a mortgage as to the leasehold interests and modification of the right of first refusal. And, substantive changes include: Lessor and the Lessees now agree and consent to the substitution of the The Stevens Family Trust in place of Stevens Construction Company as the Lessor.

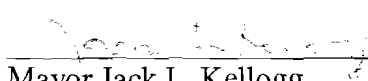
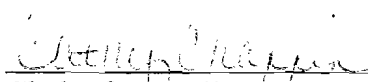
The Council hereby authorizes the Mayor for the City of Marion to execute the First Addendum document which shall be reviewed and approved as to form by the Law Director consistent with the intent referenced herein.

Section 2 That this ordinance is hereby declared to be an emergency measure necessary for the safety and welfare of the City of Marion and the inhabitants thereof: given the immediate need to move forward with the contemplated economic development; 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 2 5 2007

  
\_\_\_\_\_  
Mayor Jack L. Kellogg  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-87

Passed OC 5 8 2007 2007

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007

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 \$16,000.00 for the year ending December 31, 2007 as  
follows:

### GENERAL FUND

MUNICIPAL COURT		
CENTRAL GARAGE	101.7731.530601	\$ 1,000.00

### HEALTH FUND

INSPECTION		
BENEFITS	214.2222.510120	\$11,000.00
WEED CONTROL	214.2222.530426	1,500.00
BLIGHT CONTROL	214.2222.530427	<u>2,500.00</u>
TOTAL HEALTH FUND		\$15,000.00

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



PRESIDENT OF COUNCIL

APPROVED: OC 9 8 2007

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-88

Passed OCT 08 2007, 20

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

**WHEREAS**, on August 27, 2007 by passage of Ordinance # 2007-68, Council authorized the Safety/Service Director to prepare specifications and advertise for bids for snow removal at Marion Municipal Airport, and

**WHEREAS**, based upon bid opening held September 21, 2007, the lowest and best bid was thereby determined.

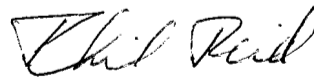
**BE IT ORDAINED BY** the Council of the City of Marion, Marion County, Ohio:

**SECTION 1** That the Safety/Service Director be directed to enter into contract with Johnson Property Services, W. Center St., Marion, Ohio, for a two year period and option for third year at mutual agreement.

**SECTION 2** That cost per "unit" consisting of vehicle, plow and experienced operator, Bobcat loader, sweeper/vacuum, sand and salt application will be \$115.00 per hour with exception Sicard Airport Snowmaster with 20 ft. blade at \$257.40 per hour, tractor loader and dump truck and snow blower at \$149.40 per hour.

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

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



PRESIDENT OF COUNCIL

APPROVED: OCT 08 2007



MAYOR

ATTEST:



CLERK OF COUNCIL  
PRO TEMPORE

# RECORD OF ORDINANCES

Ordinance No. 2007-89, Page One

Passed NOV 13 2007, 20

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, CONTAINING 1.262 ACRES, THE PETITION HAVING BEEN APPROVED BY THE COMMISSIONERS FOR THE COUNTY OF MARION.  
(Applicant Marion Homeless Shelter)

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Mark Lovett, as Agent on behalf of the Marion Homeless Shelter, owners of real estate in the territory;

WHEREAS, the petition was duly filed with the Board of County Commissioners of Marion County, Ohio on July 16, 2007; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on August 16, 2007; and

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

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map, and the petition as required in connection therewith to the Clerk of Council who received the same on August 17, 2007; and

WHEREAS, sixty days from the date of the filing have now elapsed in accordance with the provisions of R.C. 709.04, now, therefore,

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

Section 1. That the proposed annexation as applied for in the petition of Mark Lovett, as Agent on behalf of the Marion Homeless Shelter, owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on July 16, 2007, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and which the petition was approved for annexation to the City of Marion by the Board of County Commissioners on August 16, 2007, be and is hereby accepted.

The territory is described as follows:

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

Being part of the Southeast Quarter of Section 16, Township 5 South, Range 15 East, Marion Township, Marion County, state of Ohio, and being more particularly described as follows:

Commencing at a railroad spike set on the Southeast Corner of the above said Section 16; thence along the South Line of Section 16, also being the Centerline of County Road 175 (West Fairground Street), North 89 degrees 30 minutes 00 seconds West for a distance of 1119.57 feet to a railroad spike set and the POINT OF BEGINNING. Thence continuing along the South Line of Section 16, also being the Centerline of County Road 175 (West Fairground Street), North 89 degrees 30 minutes 00 seconds West for a distance of 100.00 feet to a railroad spike set; thence North 00 degrees 29 minutes 00 seconds West for a distance of 550.00 feet to a 518 inch dia. iron pin set (passing over a 518 inch dia. Iron pin set for reference at 20.00 feet); thence South 89 degrees 30 minutes 00 seconds East for a distance of 100.00 feet to a 518 inch dia. iron pin set: thence South 00 degrees 29 minutes 00 seconds East for a distance of 550.00 feet to a railroad spike set on the South Line of Section 16, also being the Centerline of County

Ordinance No. 2007-89, Page TwoPassed NOV 13 2007, 20    

Road 175 (West Fairground Street), and the POINT OF BEGINNING (passing over a 5/8 inch dia. iron pin set for reference at 530.00 feet). Containing 1.262 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record.

Parcel ID 16-0050001900 also known as 326 W. Fairground St., Marion, Ohio 43302

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, the amended petition for annexation, and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council and have been for more than sixty days.

Section 2. That the Council finds that the street known as West Fairground Street will not be divided or segmented by the boundary line as to create a road maintenance problem.

Section 3. That the territory to be annexed becomes subject to the Zoning of the City of Marion, Ohio and that the Marion City Zoning Code does permit the intended use. The Zoning of the Municipal Corporation shall be designated as O-I-A (Office -Institutional - Apartment District) which is not an incompatible use currently permitted under the Marion Township Zoning and no buffer shall be required pursuant to Ohio Revised Code Section 709.23 (C).

Section 4. 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 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

APPROVED: NOV 14 2007

  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK OF COUNCIL



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-90, Page One

Passed NOV 13 2007, 20    

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED SOUTH OF THE CITY OF MARION, CONTAINING .0614 ACRES, THE PETITION HAVING BEEN APPROVED BY THE COMMISSIONERS FOR THE COUNTY OF MARION.  
(Portion of Delaware Avenue)

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Assistant Law Director Steven Chaffin, as Agent on behalf of the owners of real estate in the territory;

WHEREAS, the petition was duly filed with the Board of County Commissioners of Marion County, Ohio on July 16, 2007; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on August 30, 2007; and

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

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map, and the petition as required in connection therewith to the Clerk of Council who received the same on September 12, 2007; and

WHEREAS, sixty days from the date of the filing have now elapsed in accordance with the provisions of R.C. 709.04, now, therefore,

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

Section 1. That the proposed annexation as applied for in the petition of Assistant Law Director Steven Chaffin, as Agent on behalf of the owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on July 16, 2007, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and which the petition was approved for annexation to the City of Marion by the Board of County Commissioners on August 30, 2007, be and is hereby accepted.

The territory is described as follows:

Situated in the State of Ohio, County of Marion, Township of Marion, being part of Section 34, Township 5 South, Range 15 East, Congress Lands, being 0.614 acres out of Section 34, and being more particularly described as follows:

COMMENCING for reference at the intersection of the centerline of Barks Road (County Road 138) and the centerline of Delaware Avenue (State Route 423); Thence North 17°32'20" West with the centerline of said Delaware Avenue, a distance of 155.21± feet to a point of curvature; Thence continuing with the centerline of said Delaware Avenue and with a curve to the left having a radius of 12277.67 feet, a central angle of 00°23'50", a chord bearing of North 17°44'15" West, a chord distance of 85.12± feet, and an arc length of 85.12± feet to a point and being the TRUE POINT OF BEGINNING of the tract to be described; Thence continuing with said centerline and with a curve to the left having a radius of 12277.67 feet, a central angle of 01°21'10", a chord bearing of North 18°36'45" West, a chord distance of 289.87± feet, and an arc length of 289.88± feet to a point; Thence North 19°17'20" West continuing with said centerline, a distance of 600.92± feet to a point; Thence North 88°22'40" East crossing said Delaware Avenue, a distance of 31.48± feet to a point on the original easterly right of way line of said Delaware Avenue; Thence South 19°17'20" East with said original right of way line, a distance of 591.36± feet to

I, Irene Fulton, Clerk of Council, of the City of Marion, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2007-90, as passed by the Council of the City of Marion, Ohio on the 13th day of November, 2007. In witness whereof, I have hereunto subscribed my name and affixed seal, this 11th day of March, 2008.

Irene Fulton, Clerk of Marion City Council

Ordinance No. 2007-90, Page Two

Passed NOV 13 2007, 20

a point; Thence continuing with the original right of way line and with a curve to the right having a radius of 12307.67 feet, a central angle of 01°23'42", a chord bearing of South 18°35'29" East, a chord distance of 299.66± feet, and an arc length of 299.67± feet to a point; Thence South 88°54'50" West crossing said Delaware Avenue, a distance of 31.34± feet to the true point of beginning containing 0.614 acres of land, more or less.

Basis of Bearing: Bearings are based on the centerline of Delaware Avenue being North 17°32'20" West of record in Official Record Volume 770, Page 324. The above description is based on and referenced to an exhibit prepared by Floyd Browne Group dated June 20, 2007, attached hereto and made a part hereof. All references are to records of the Recorder's Office, Marion County, Ohio.

Parcel ID Numbers: 124380002000; 124380002100; 124380002101; 124380002200; 124380002102; 124390000100; 124390000102; 124390000101; Said portion commonly referred to as Delaware Avenue South.

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, the amended petition for annexation, and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council and have been for more than sixty days.

Section 2. That the Council finds that the street known as Delaware Avenue is currently divided and with said annexation will not be divided or segmented by the boundary line as to create a road maintenance problem.

Section 3. That the territory to be annexed becomes subject to the Zoning of the City of Marion, Ohio and that the Marion City Zoning Code does permit the intended use. The Zoning of the Municipal Corporation shall be designated as C-2 (Community Shopping District) which is not an incompatible use currently permitted under the Marion Township Zoning and no buffer shall be required pursuant to Ohio Revised Code Section 709.23 (C).

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

APPROVED: NOV 14 2007

*Paul Reid*  
PRESIDENT OF COUNCIL

*Joseph E. Kilbegg*  
MAYOR

ATTEST:

*Caitlyn Chapin*  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-91

Passed OCT 0 8 2007, 20  

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DAVID WILLIAMS AND ASSOCIATES FOR THE COMMUNITY DISTRESS PARK IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2007-37 authorized the preparation of specifications and advertising for bids for the City of Marion, Ohio, and

WHEREAS, David Williams & Associates submitted the lowest and best bid of \$15,163.00

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 David Williams and Associates, P.O. Box 3315, Alliance, OH 44601 for the Community Distress Park Improvement Project.

Section 2. That said contract shall be payable from the Community Development Block Grant FY 06 Community Distress Grant.

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

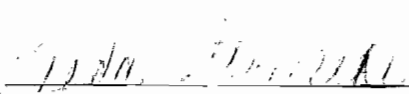


\_\_\_\_\_  
President of Council

Approved: **OCT 0 8 2007**

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc

Form No. 30043

Ordinance No. 2007-93

Passed OCT 8 2007, 2007

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH STEPHEN CAMPBELL & ASSOCIATES FOR THE PURCHASE OF ONE (1) DYNAMIC INSTRUMENTS VOICE VAULT 12 CHANNEL DVD RECORDER WITH 17" FLAT SCREEN MONITOR FOR USE IN THE COMBINED DISPATCH CENTER IN THE MARION POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, this council must approve all expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio, and

WHEREAS, the Stephen Campbell & Associates has offered the lowest, best and only bid for this recorder,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Stephen Campbell & Associates, to purchase a Dynamic Instruments Voice Vault recorder for use in the Combined Dispatch Center of the Marion Police Department.

Section 2. That the total cost of \$12,000.00 for the contract shall be payable from the Capital Equipment Fund.

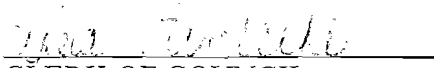
Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation the City; and as such, shall take effect and be in force immediately upon its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

  
PRESIDENT OF COUNCIL

APPROVED: OCT 8 2007

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-9

Passed Feb 23 2007, 2007

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE FROM OHIO TRANSMISSION & PUMP OF COLUMBUS, OHIO, TWO PUMPS TO BE USED AT THE LINCOLN PARK LIFTSTATION

WHEREAS, the Ohio Transmission & Pump submitted the lowest proposal of \$9,138.00.

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

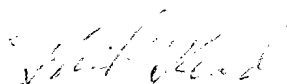
Section 1. That The Safety/Service Director be authorized and is hereby directed to purchase from Ohio Transmission & Pump, two pumps to be used at the Lincoln Park Liftstation.

Section 2. That the purchase shall be payable from the Capital Improvement Fund, Pool Fund, Account No. 516.3423.550450.

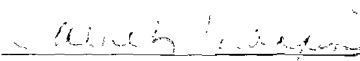
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
\_\_\_\_\_  
President of Council  
Pro Tempore

APPROVED: FEB 23 2007

  
\_\_\_\_\_  
Mayor Acting

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-10

Passed FEB 17 2007, 2007

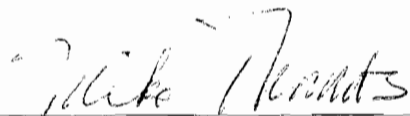
**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2007 TREE REMOVAL PROGRAM, PROJECT 07-1M, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

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

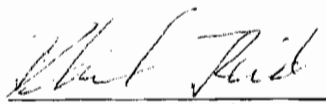
**Section 1.** That the Safety/Service Director be directed to prepare plans and specifications and advertise for bids, for the 2007 Tree Removal Program.

**Section 2.** That said contract shall be payable from the Tree Care Fund (101.7743.530316).

**Section 3.** That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it 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  
Pro Tempore

APPROVED: 

  
\_\_\_\_\_  
MAYOR *acting*

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-11

Passed SEP 18 2007, 2007

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HURON LIME, INC. FOR THE PURCHASE OF LIME TO BE USED AT THE WATER POLLUTION CONTROL PLANT.**

WHEREAS, Huron lime, Inc. submitted the best bid of \$113.00/ton delivered.

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


**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Huron Lime, Inc. for the purchase of lime to be used at the Water Pollution Control Plant.

**Section 2.** That said contract shall be payable from the Water Pollution Control Supplies and Materials (505.5552.540420).

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

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL  
Pro Tempore

APPROVED: SEP 18 2007

  
\_\_\_\_\_  
MAYOR ACTING

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-94

Passed 10 1 2007, 2007

ORDINANCE TO VACATE THE STREET KNOWN AS LINDEN PLACE IN THE W.T. JONES 3<sup>RD</sup> ADDITION TO THE CITY OF MARION, OHIO, VACATING THE PARTIAL PLAT OF LOTS A THROUGH R LOCATED IN PART OF W.T. JONES 3<sup>RD</sup> ADDITION TO THE CITY OF MARION AND C & C MARTIN'S SUBDIVISION OF H. PETERS 2<sup>ND</sup> ADDITION TO THE CITY OF MARION, OHIO AND PROVIDING FOR SAID PROPERTY'S NEW LEGAL DESCRIPTION

WHEREAS, in the opinion of this Council after due consideration of the findings and recommendations of the NiSource reports associated with the evaluation of the former Marion Gas Company site, there is good cause for vacating the street known as Linden Place in the W.T. Jones 3<sup>rd</sup> Addition to the City of Marion, Ohio and the partial plat of lots A through R in part of W.T. Jones 3<sup>rd</sup> Addition to the City of Marion and C & C Martin's Subdivision of H. Peters 2<sup>nd</sup> Addition to the City of Marion, Ohio.

WHEREAS, the petition to vacate the Street known as Linden Place and the abandonment of the former lots splits referenced above was considered and approved by the Marion City Planning Commission at its meeting of October 2, 2007, and

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinances 903.08, and

WHEREAS, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and should be approved as same is in the best interest of the citizens of the City of Marion, Ohio,

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

Section 1. That the street known as Linden Place as previously described in all legal documents and memoranda is hereby vacated.

Section 2. That the partial plat of lots A through R in part of W.T. Jones 3<sup>rd</sup> Addition to the City of Marion and C & C Martin's Subdivision of H. Peters 2<sup>nd</sup> Addition to the City of Marion, Ohio and further depicted and described in the attached Exhibit "A" shall be vacated and shall be known as is described in the attached exhibit.

Section 3. That the real estate comprising said lots in Section 2 above and the vacated Street formerly known as Linden Place (which shall become of the whole) in accordance with the laws of Ohio and further depicted and described in the attached Exhibit A.

Section 4. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned street for sewer purposed or for use by any public utility operating under a franchise with the City of Marion, and the vacation of said street herein is specifically made subject to the continued existence of any such existing right-of-way or easement, unless the abutting property owners renegotiate with the utility another right-of-way easement.


Section 5. The Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the County Engineer, Auditor of Marion County and to the Recorder of Marion County, Ohio.

Ordinance No. 2007-94, Page Two

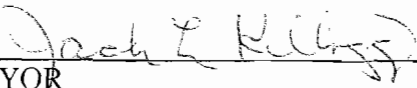
Passed NOV 26 2007, 20  

Section 6. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: **NOV 27 2007**

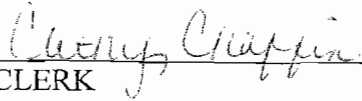


PRESIDENT OF COUNCIL



MAYOR

ATTEST:



CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-95

Passed OCT 22 2007, 2007

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007.

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 \$105,986.32 for the year ending December 31, 2007 as follows:

### GENERAL FUND

#### POLICE

FUEL & LUBRICANTS	101.1111.540430	\$46,000.00
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### PARKS FUND

KAUFMAN DOG PARK	221.3421.557520	\$ 1,200.00
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### SENIOR CITIZENS ASSOCIATION FUND

SENIOR CENTER EXPENSE	233.3819.570735	\$10,000.00
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### POLICE & FIRE PENSION FUND

POLICE PENSION	235.1111.510120	\$ 6,788.49
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FIRE PENSION	235.1131.510120	6,788.49
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TOTAL P&F PENSION FUND		\$13,576.98
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### PUBLIC HEALTH INFRASTRUCTURE FUND

TRAVEL	248.2548.520220	\$ 320.00
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TRAINING/MEETINGS	248.2548.530221	2,975.00
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COMMUNICATION	248.2548.530310	2,640.00
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SERVICE CONTRACTS	248.2548.530321	1,920.00
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ADMINISTRATION	248.2548.530324	26,554.34
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SUPPLIES	248.2548.540420	800.00
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TOTAL PHIG FUND		\$35,209.34
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Section 2. That this ordinance shall take effect and be in force from and  
after the earliest period allowed by law.

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED: OCT 22 2007

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc

Form No. 30043

Ordinance No. 2007-96

Passed OCT 22 2007, 20

## **ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council, Mayor, Law Director and various Administrative support personnel have worked diligently to improve the community's well-being by eliminating nuisances which are present in Marion's neighborhoods, and

**WHEREAS**, certain real property containing structures which have been found to violate Marion City Code 1360 have been identified and declared to be nuisances by the Safety/Service Director, and

**WHEREAS**, the City's Nuisance Abatement Task Force has advised in regard to those properties referenced above, the necessary notices have been provided the responsible parties and/or the owners have consented to the intended act of the City to eliminate the nuisance, or there exist authority to proceed with the elimination of the nuisance and thereafter assess the property the costs thereof, and

**WHEREAS**, by previous Ordinance the Council authorized the letting of demolitions as to the properties referenced above and the Task Force has completed the necessary review, along with the Safety/Service Director for the City of Marion and each respectfully recommend the action summarized below:

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

**Section 1.** The Safety/Service Director is authorized to enter into contract for the demolition of the following properties, the named contractors having been determined to be the lowest and best:

1014 Oak Grove – Earl Price Excavating, the successful bidder being lowest and best utilizing all factors permitted by law, including the fact as a past practice that Price Excavating is local. This contract cost \$ 4,000.00 shall be paid from funds contained within the Council's beautification line item. Said cost shall be assessed against the property upon completion as is the standard operating procedure pursuant to law.

290 Glad St.- At Grade, the successful bidder at \$ 6,120.00 shall be paid for by the funds contained within the Safety/Service Director's appropriate line item for demolitions Said cost shall be assessed against the property upon completion as is the standard operating procedure pursuant to law.

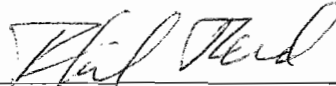
**Section 2.** The Safety/Service Director is authorized to enter into contract for the demolition of the following properties, subject to contingencies and discretion as contemplated by the City's Nuisance Abatement Task Force in regard to the collective effort to have private industry come forward to abate the nuisance, this being the preferred method.

443 Lee – At Grade, the successful bidder at \$ 6,540.00 which shall be paid from Community Block Grant Funds.

177 Lincoln – At Grade, the successful bidder at \$ 7,559.00 which shall be paid from . which shall be paid from funds contained within the Council's beautification line item.

Ordinance No. 2007-96, Page TwoPassed OCT 22 2007, 20  

**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; more specifically in that the safety and security of the impacted neighborhoods is an imperative need that cannot afford further delay, 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: OCT 22 2007

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-97

Passed NOV 13 2007, 20  

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN ROTARY FUND FOR THE YEAR ENDING DECEMBER 31, 2007.

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 \$5,000.00 for the year ending December 31, 2007 as follows:

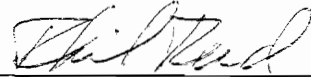
**ROTARY FUND**

Pass-Thru Payments

788.9750.570750

\$5,000.00

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



PRESIDENT OF COUNCIL

APPROVED: NOV 14 2007

  
MAYOR

ATTEST:

  
CLERK

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-98, Page One

Passed NOV 23 2007, 20  

## ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2007

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

Section 1. That there be appropriation adjustments made in various funds in the amount of ~~\$(19,049.80)~~ for the year ending December 31, 2007 as follows:

**General Fund**

Police Dept.		
Wages	101.1111.510110	\$(15,000.00)
Wages – Uniformed	101.1111.510111	83,000.00
Benefits	101.1111.510120	(16,500.00)
Insurance	101.1111.530380	7,500.00
Dispatch		
Wages	101.1113.510110	\$ 6,000.00
Benefits	101.1113.510120	(20,000.00)
Fire Dept.		
Wages	101.1131.510110	\$( 900.00)
Wages – Uniformed	101.1131.510111	1,500.00
Benefits	101.1131.510120	(9,000.00)
Central Garage	101.1131.530601	13,000.00
Recreation Dept.		
Wages	101.3422.510110	\$ 4,000.00
Benefits	101.3422.510120	( 1,500.00)
Senior Citizens		
Benefits	101.3424.510120	\$( 7,000.00)
Airport		
Wages	101.6621.510110	\$ 5,000.00
Benefits	101.6621.510120	500.00
Mayor		
Wages	101.7710.510110	\$ 250.00
Benefits	101.7710.510120	( 400.00)
Auditor		
Wages	101.7711.510110	\$( 200.00)
Benefits	101.7711.510120	( 7,500.00)
Income Tax		
Wages	101.7712.510110	\$( 500.00)
Benefits	101.7712.510120	( 6,900.00)
Treasurer		
Wages	101.7713.510110	\$( 220.00)
Benefits	101.7713.510120	( 60.00)
Law Director		
Benefits	101.7714.510120	\$( 5,000.00)
Supplies	101.7714.540420	100.00
H.R. Director		
Wages	101.7715.510110	\$(10,590.00)
Benefits	101.7715.510120	( 9,600.00)

Ordinance No. 2007-98, Page Two

Passed NOV 26 2007, 20

S/S Director			
Wages	101.7716.510110		\$( 1,400.00)
Benefits	101.7716.510120		(11,200.00)
Indigent Burials	101.7716.530425		1,500.00
Central Garage	101.7716.530601		2,500.00
Fuel	101.7716.540430		100.00
Council			
Wages	101.7721.510110		\$( 150.00)
Benefits	101.7721.510120		( 450.00)
Municipal Court			
Wages	101.7731.510110		\$ 15,500.00
Benefits	101.7731.510120		( 5,500.00)
Fuel	101.7731.540430		250.00
Probation			
Benefits	101.7732.510120		\$( 2,634.00)
Engineer			
Wages	101.7743.510110		\$(75,800.00)
Benefits	101.7743.510120		(22,000.00)
Walgreen Signal Project	101.7743.557520		(125,819.25)
Statutory			
Election Expense	101.7744.530621		\$(10,000.00)
FY'07 Flexible Spending	101.7744.570777		\$(24,590.00)
Income Tax Refunds	101.7744.570712		40,000.00
Transfers			
Violence Against Women	101.7745.580695		\$(13,000.00)
Swimming Pool	101.7745.580714		<u>(10,000.00)</u>
	Total General Fund		\$(232,713.25)
<b><u>SCMR Fund</u></b>			
Wages	207.6612.510110		\$131,400.00
Benefits	207.6612.510120		<u>14,600.00</u>
	Total SCMR Fund		\$146,000.00
<b><u>Violence Against Women Fund</u></b>			
Wages	212.1546.510110		\$ 166.00
Benefits	212.1546.510120		( 166.00)
<b><u>School Resource Officer Fund</u></b>			
Wages	218.1546.510111		\$ 180.00
Benefits	218.1546.510120		( 180.00)
<b><u>Capital Improvements Fund</u></b>			
FY'05 Contingency	401.9545.570624		\$ 310.74
FY'06 Contingency	401.9546.570624		<u>1,452.71</u>
	Total Capital Improvements Fund		\$ 1,763.45
<b><u>Transit Fund</u></b>			
Wages	502.6547.510110		\$( 5,000.00)
Benefits	502.6547.510120		(21,000.00)
Insurance	502.6547.530380		2,000.00
Central Garage	502.6547.530601		21,000.00
Fuel	502.6547.540430		3,000.00



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-98, Page Three

Passed NOV 28 2007, 20

## Sanitation Fund

Yard Waste Disposal	506.5561.530317	\$ 20,000.00	
Solid Waste Disposal	506.5561.530319	22,000.00	
Fuel	506.5561.540430	<u>18,000.00</u>	
Total Sanitation Fund			\$ 60,000.00

## Central Garage Fund

Wages	601.9601.510110	\$ 5,900.00	\$ 5,900.00
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## Utility Billing Fund

Wages	612.5571.510110	\$ 300.00	
Benefits	612.5571.510120	( 300.00)	

GRAND TOTAL \$( 19,049.80)

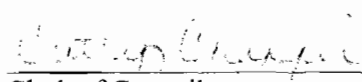
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
\_\_\_\_\_  
President of Council

APPROVED: **NOV 27 2007**

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc

Form No. 30043

Ordinance No. 2007-99

Passed NOV 27 2007, 2007

ORDINANCE APPROVING THE PROPOSAL SUBMITTED BY THE ADMINISTRATION, ITS HUMAN RESOURCE DIRECTOR AND THE EMPLOYEE BENEFIT COMMITTEE NECESSITATED BY SIGNIFICANT INCREASES ASSOCIATED WITH CONTINUING WITH THE CURRENT HEALTH INSURANCE PROVIDER, AUTHORIZING THE ADMINISTRATION TO COMPLETE ALL ACTS NECESSARY TO IMPLEMENT THE CONTRACT WITH MEDICAL MUTUAL OF OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Administration has advised, due to the negative experience level as to claims in 2007, the cost to continue with the current provider would result in an increase cost of over 59%. Further, after going out for proposals from other providers and finding a significant number refused to tender an offer of coverage, and whereas the Administration working with its expert, Preferred Benefits, and the Employee Benefit Committee have determined the best course of action is to accept the contract offer made by Medical Mutual of Ohio,

WHEREAS, the Council finds a real and immediate need to change providers without delay in order to continue to provide employees health insurance coverage's at similar levels,

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

SECTION 1. Council finds the change in providers as proposed by the Administration and the Employee Benefits Committee to be in the best interest of all parties, and in the best interests of the citizens of the City of Marion, finding the proposed plan to offer benefits similar to the expiring plan with the commitments involved and hereby authorizes the Administration to complete all acts necessary to implement Medical Mutual of Ohio option 3 proposal, including but not limited to appropriating all sums necessary to ensure that each employee is provide similar benefits, modifying HSA distributions accordingly and completing all other tasks related thereto.

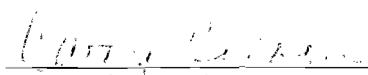
SECTION 2 . That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its= inhabitants thereof: given the immediate need to implement the modification due to the imminent plan changes and significant costs related thereto; and as such shall take effect and be in force immediately upon its= passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective on the 1<sup>st</sup> day of January, 2008 or no later than the earliest date allowed by law.

  
\_\_\_\_\_  
President of Council

APPROVED: **NOV 27 2007**

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-100

Passed SEE BELOW, 20    

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER), AS AMENDED, ORDINANCE NO. 1994-28, AS AMENDED, ORDINANCE 1995-144, AS AMENDED, ORDINANCE NO. 1999-126, AS AMENDED, AND ORDINANCE NO. 2002-100 BY UPGRADING THE SALARY RANGE OF PAY GRADE 28E, AND DECLARING AN EMERGENCY

WHEREAS, the salary of the Deputy City Auditor exceeds the maximum annual salary by \$1,234.00, and

WHEREAS, it is necessary to adjust said salary range retroactive to January 7, 2007 to reflect the actual amount paid, therefore

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

Section 1. "That Section 4.2 of Ordinance No. 2002-100 in part reads as follows:

Title and Position	Pay Grade	Salary Ranges	
		Minimum	Maximum
Deputy Auditor	28E	\$33,846	\$55,241
Tax Commissioner	28E	\$33,846	\$55,241
Assistant WPC Superintendent	28E	\$33,846	\$55,241

Is hereby amended, retroactive to January 7, 2007, to read as follows:

Deputy Auditor	28E	\$33,846	\$56,475
Tax Commissioner	28E	\$33,846	\$56,475
Assistant WPC Superintendent	28E	\$33,846	\$56,475

Section 2. 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 for the further reason that the salary adjustment was effective on January 7, 2007, and as such shall take effect and be in full 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:

By a majority vote of the members  
the legislation was defeated 12/26/2007

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council