

RECORD OF ORDINANCES

Amended
2008-13

Dayton Legal Blank, Inc.

Form No. 30043

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Passed JAN 1 2009, 2008

ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2008, **AS AMENDED.**

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

Section 1. To provide for the current expenses and transfers and other expenditures of the City of Marion, Ohio during the fiscal year ending December 31, 2008, **HOWEVER AT THE REQUEST OF THE ADMINISTRATION THE BUDGET SHALL BE CONSIDERED "INTERIM" AS IT IS UNDERSTOOD ADJUSTMENTS WILL NEED TO BE MADE FOR THE 2ND, 3RD AND 4TH QUARTERS OF 2008**, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 173,326
Salaries - Uniformed	3,438,332
Benefits	1,867,510
Sick Leave Sellback	40,000
Quartermaster	44,000
Travel	9,000
Schooling	30,000
Service Contracts	7,000
Equipment Lease	5,500
Equipment Maintenance	10,900
Insurance	75,000
Supplies	52,000
Fuel & Lubricants	100,000
Professional Service	18,200
Membership Dues	1,000
Subscriptions/Publications	2,000
Utilities	10,000
Central Garage Maintenance	123,000
Smart Camp	<u>12,500</u>

Total Police Department \$ 6,019,268

Dispatch Department

Salaries	\$ 445,673
Benefits	215,815
Sick Leave Sellback	9,500
Quartermaster	3,900
Travel	1,000
Schooling	5,650
Service Contracts	34,175
Equipment Maintenance	2,000
Supplies	2,000
Membership Dues	100
Subscriptions/Publications	50
Utilities	29,000
Professional Services	<u>1,000</u>

Total Dispatch Department \$ 749,863

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Fire Department

Salaries - Civilian	\$ 35,610	
Salaries - Uniformed	3,509,271	
Benefits	1,940,323	
Sick Leave Sellback	121,678	
Quartermaster	35,500	
Travel	5,000	
Schooling	23,000	
Utilities	70,000	
Service Contracts	6,000	
Equipment Maintenance	11,000	
Building Maintenance	11,200	
Insurance	58,000	
Supplies	43,000	
Fuel & Lubricants	26,200	
Professional Service	13,700	
Membership Dues	1,500	
Subscriptions/Publications	3,000	
EMS Billing	70,000	
Equipment Lease	1,800	
Central Garage Maintenance	<u>51,340</u>	
<i>Total Fire Department</i>		\$6,037,122

Disaster Services

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

Recreation Department

Salaries	\$ 157,928	
Benefits	79,725	
Sick Leave Sellback	1,000	
Travel	1,500	
Professional Service	40,000	
Insurance	5,500	
Supplies	28,000	
Utilities	34,000	
Equipment Maintenance	2,000	
Fuel	1,100	
Postage	100	
Membership Dues	500	
Subscriptions/Publications	250	
Schooling	1,500	
Service Contracts	3,300	
Building Lease/Rent	7,500	
Land & Bldg Maintenance	15,000	
Promotional Advertising	1,000	
Equipment Lease	2,000	
Central Garage Maintenance	<u>2,000</u>	
<i>Total Recreation Department</i>		\$ 383,903

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Salaries	\$ 179,130
Benefits	92,698
Sick Leave Sellback	4,110
Utilities	40,000
Building Maintenance	7,000
Insurance	8,000
Professional Service	1,050
Central Garage Maintenance	4,000
Fuel	<u>2,000</u>
<i>Total Senior Citizens Dept.</i>	<i>\$ 337,988</i>

Planning Department

Marion Regional Planning	<u>\$ 62,500</u>
<i>Total Planning Department</i>	<i>\$ 62,500</i>

Economic Development Department

Professional Service	\$ 108,000
Revenue Sharing	<u>210,000</u>
<i>Total Economic Development</i>	<i>\$ 318,000</i>

Street Lighting

Utilities	<u>\$ 297,000</u>
<i>Total Street Lighting</i>	<i>\$ 297,000</i>

Airport

Salaries	\$ 160,437
Benefits	77,699
Sick Leave Sellback	2,500
Travel	900
Utilities	38,000
Service Contracts	12,500
Equipment Maintenance	8,000
Land/Bldg. Maintenance	27,000
Insurance	14,000
Taxes	8,000
Supplies	13,000
Fuel & Lubricants	8,000
Membership Dues	900
Professional Services	7,000
Postage	250
Subscriptions/Publications	500
Quartermaster	800
Janitorial Service	5,000
Schooling	500
Equipment Rent/Lease	500
Central Garage Maintenance	<u>1,500</u>
<i>Total Airport Operations</i>	<i>\$ 386,986</i>

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Mayor

Salaries	\$ 104,597
Benefits	46,538
Travel	1,200
Professional Service	400
Supplies	2,000
Utilities	450
Membership Dues	250
Subscriptions/Publications	200
Schooling	<u>1,000</u>

Total Mayor's Office \$ 156,635

Auditor

Salaries	\$ 244,332
Benefits	115,337
Sick Leave Sellback	1,576
Travel	300
Professional Services	1,000
Service Contracts	14,000
Supplies	5,000
Subscriptions/Publications	1,500
Schooling	4,000
Membership Dues	120
Equipment Lease	<u>1,250</u>

Total Auditor's Office \$ 388,415

Income Tax

Salaries	\$ 165,574
Benefits	78,545
Sick Leave Sellback	2,200
Travel	100
Professional Services	2,500
Supplies	15,500
Postage	6,500
Service Contracts	1,150
Schooling	750
Subscriptions/Publications	700
Administrative Fee	<u>8,000</u>

Total Income Tax Office \$ 281,519

Treasurer

Salary	\$ 6,358
Benefits	1,555
Professional Services	600
Supplies	300
Travel	80
Schooling	130
Dues	<u>40</u>

Total Treasurer's Office \$ 9,063

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Law Director

Salaries	\$ 241,417	
Benefits	136,447	
Travel	450	
Professional Services	13,000	
Supplies	2,500	
Schooling	1,950	
Membership Dues	700	
Subscriptions/Publications	2,500	
Utilities	800	
Equipment Lease	1,450	
<u>Total Law Director's Office</u>		\$ 401,214

Human Resource Director

Salaries	\$ 90,040	
Benefits	34,550	
Travel	100	
Professional Services	25,000	
Supplies	800	
Membership Dues	150	
Schooling	300	
<u>Total Human Resource Dir's Office</u>		\$ 150,940

Safety/Service Director

Salaries	\$ 138,627	
Benefits	55,934	
Travel	1,600	
Professional Services	8,000	
Supplies	5,000	
Demolition	11,000	
Burials	1,500	
Service Contracts	400	
Membership Dues	110	
Litter Control	1,000	
Utilities	960	
Schooling	500	
Equipment Lease	1,500	
<u>Total Safety/Service Dir's Office</u>		\$ 226,131

Civil Service Commission

Salaries	\$ 4,100	
Benefits	1,002	
Professional Services	6,000	
Supplies	500	
<u>Total Civil Service Commission</u>		\$ 11,602

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Salaries	\$ 106,568
Benefits	26,109
Membership Dues	4,200
Legal Advertising	2,500
Supplies	1,500
Professional Services	3,000
Beautification Projects	14,111
Equipment	<u>3,197</u>

Total City Council \$ 161,185

Municipal Court

Salaries	\$ 489,267
Benefits	232,336
Sick Leave Sellback	1,000
Travel	2,400
Professional Services	8,500
Equipment Maintenance	3,500
Supplies	17,500
Fuel & Lubricants	1,700
Utilities	1,020
Membership Dues	930
Subscriptions/Publications	400
Schooling	1,500
Court Security	3,137.20
Central Garage Maintenance	<u>1,000</u>

Total Municipal Court \$ 764,190.20

Community Corrections

Travel	\$ 750
Benefits	28,686
Schooling	350
Equipment Lease	960
Supplies	<u>500</u>

Total Community Corrections \$ 31,246

City Hall

Salaries	\$ 50,461
Benefits	24,699
Sick Leave Sellback	3,000
Utilities	190,000
Custodial Service	27,000
Postage Meter	78,000
Building Maintenance	18,000
Insurance	33,000
Supplies	16,000
Service Contracts	15,000
Equipment Lease	6,000
Clothing	450
Professional Services	<u>7,300</u>

Total City Hall \$ 468,910

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Engineering Department

Salaries	\$ 259,585
Benefits	146,308
Sick Leave Sellback	3,200
Travel	1,000
Equipment Maintenance	719
Supplies	2,200
Fuel & Lubricants	4,400
Membership Dues	10
Subscriptions/Publications	300
Schooling	1,300
Tree Care	12,000
Clothing	550
Utilities	3,000
Central Garage Maintenance	<u>481</u>
<i><u>Total Engineering Department</u></i>	\$ 435,053

Statutory Accounts

Election Expense	\$ 5,000
Examiner Fees	44,000
City Auditor/Treasurer Fees	37,000
Income Tax Refunds	275,000
Flexible Spending	40,000
Pass Thru Tax Payment	<u>6,598.49</u>
<i><u>Total Statutory Accounts</u></i>	\$ 407,598.49

Transfers

School Resource Officer	\$ 35,000
Violence Against Women	52,000
Health	548,698
Swimming Pool	93,000
Parks	575,982
Transit	<u>191,358</u>
<i><u>Total Transfers</u></i>	\$ 1,496,038.00
<u>Total General Fund</u>	\$19,994,369.69

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SENIOR CITIZENS TRANSPORTATION FUND

Wages	\$ 17,357
Benefits	4,243
Supplies	1,600
Fuel	<u>5,200</u>

Total Sr. Citizens Transportation Fund \$ 28,400.00

SENIOR CITIZENS III-B GRANT FUND

Administration	\$ 19,911.90
Salaries	35,501
Central Garage Maintenance	2,000
Vehicle Leases	7,200
Fuel & Lubricants	9,000
Professional Services	<u>2,200</u>

Total Sr. Citizens III-B Grant Fund \$ 75,812.90

SENIOR CITIZENS III-E GRANT FUND

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

STATE BLOCK GRANT FUND

Salaries	\$ <u>10,222</u>
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Total State Block Grant Fund \$ 10,222

SENIOR CITIZENS HOMEMAKER FUND

Wages	\$ 8,035
Benefits	1,965
Travel	<u>2,000</u>

Total Sr. Citizens Homemaker Fund \$ 12,000

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

Salaries	\$ 989,792
Benefits	537,159
Sick Leave Sellback	26,907
Clothing Allowance	9,325
Travel	600
Professional Services	5,047
Service Contracts	2,060
Equipment Maintenance	5,150
Permissive Auto Tax	152,646

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Insurance	22,978
Supplies	320,000
Fuel & Lubricants	59,740
Streetscape	6,000
Schooling	7,000
Utilities	53,560
Land & Building Maintenance	5,400
Resurfacing Projects	370,807
Excavation Bonds	15,000
Pavement Bonds	5,000
Central Garage Maintenance	246,000
Equipment Lease	1,000
Building Rent	9,000
Membership Dues	100
Transfer to Defasco TIF Fund	25,228.56
Equipment	200,000
Flex Spending	<u>2,340</u>
<u>Total SCMR Fund</u>	\$ 3,077,839.56

STATE HIGHWAY IMPROVEMENT FUND

Resurfacing	\$ <u>105,000</u>
<u>Total State Highway Improvement</u>	\$ 105,000

MMC ASSISTANCE FUND

Travel	\$ 500
Schooling	1,000
Professional Services	53,000
Supplies	2,000
Reimbursements	500
Capital Improvements	15,000
Equipment	<u>2,000</u>
<u>Total MMC Assistance Fund</u>	\$ 74,000

COURT COMPUTERIZATION FUND

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

VIOLENCE AGAINST WOMEN FUND

Salaries	\$ 70,792
Benefits	24,629
Schooling	<u>4,579</u>
<u>Total VAW Fund</u>	\$ 100,000

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HEALTH FUND**Administration**

Salaries	\$ 279,295
Benefits	123,817
Sick Leave Sellback	3,895
Travel	1,000
Professional Services	4,000
Service Contracts	2,000
Central Garage Maintenance	1,000
Supplies	8,000
Fuel & Lubricants	500
State Reimbursements	85,000
Insurance	7,000
Books/Publications	500
Dues & Memberships	1,500
Schooling	2,000
Equipment Lease	1,800
Administration	8,158.54
Flex Spending	<u>2,340</u>

Total Health Administration \$ 531,805.54

Inspection

Salaries	\$ 153,379
Benefits	77,269
Sick Leave Sellback	2,060
Travel	2,000
Professional Services	2,000
Weed Control	29,000
Blight Control	12,000
Mosquito Control	6,000
Supplies	1,500
Fuel & Lubricants	900
Insurance	600
Schooling	800
Dues	<u>400</u>

Total Health Inspection \$ 287,908

WIC Administration

Salaries	\$ 39,469
Benefits	14,062
Utilities	4,000
Professional Services	1,300
Land & Bldg. Maintenance	1,000
Donations	533.40
Travel	500
Supplies	<u>500</u>

Total WIC Administration \$ 61,364.40

TOTAL HEALTH FUND

\$ 881,077.94

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WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 199,350.25
Benefits	86,809.69
Travel	4,000
Equipment Maintenance	2,000
Supplies	5,194.06
Postage	3,000
Utilities	15,000
Janitorial Services	4,080
Land & Bldg. Maintenance	<u>1,020</u>
 <u>Total WIC Fund</u>	 \$ 320,454

SCHOOL RESOURCE OFFICER FUND

Salaries	\$ 51,522
Benefits	<u>32,702</u>
 <u>Total School Resource Officer Fund</u>	 \$ 84,224

PARKS FUND

Salaries	\$ 289,578
Benefits	159,496
Sick Leave Sellback	4,000
Clothing Allowance	2,700
Utilities	25,000
Service Contracts	400
Equipment Maintenance	3,000
Land/Bldg. Maintenance	22,000
Insurance	9,000
Supplies	30,500
Fuel & Lubricants	13,000
Professional Service	1,650
Yard Waste Fees	3,000
Property Tax	880
Janitorial Services	8,000
Administration	8,738.56
Central Garage Maintenance	14,500
Founders Park	796.85
Kaufman Dog Park	<u>7,983.33</u>
 <u>Total Parks Fund</u>	 \$ 604,222.74

COMMUNITY CORRECTIONS FUND

Salaries	\$ 89,835
Benefits	<u>27,554</u>
 <u>Total Community Corrections Fund</u>	 \$ 117,389

ENFORCEMENT AND EDUCATION FUND

Reimbursements	\$ 7,500
Equipment	<u>2,500</u>
 <u>Total Enforcement & Education Fund</u>	 \$ 10,000

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INDIGENT ALCOHOL DRIVER FUND

Professional Services \$ 75,000

Total Indigent Alcohol Driver Fund \$ 75,000**SMOKE DETECTOR FUND**

Supplies \$ 5,000

Total Smoke Detector Fund \$ 5,000**SENIOR CITIZENS ASSOCIATION FUND**

Senior Citizens Program \$ 18,150

Total Sr. Citizens Association Fund \$ 18,150**POLICE & FIREMEN PENSION FUND**

Police Benefits \$ 123,686

Fire Benefits 123,686

Total Police/Firemen Pension Fund \$ 247,372**FIRE INSURANCE PROCEEDS FUND**

Insurance Proceeds \$ 150,000

Total Fire Insurance Proceeds Fund \$ 150,000**HEALTH LICENSE FUND**

Tattoo & Body Piercing \$ 1,000

Trailer Park 1,449

Food Service 32,000

Vending Machines 2,000

Swimming Pool 3,300

Infectious Waste 450

Solid Waste 2,500

Food Establishment 8,000

Total Health License Fund \$ 50,699**PUBLIC HEALTH INFRASTRUCTURE FUND**

Travel \$ 320

Training 2,975

Communications 2,640

Service Contracts 1,920

Administration 26,554.34

Supplies 800

Total Public Health Infrastructure Fund \$ 35,209.34

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COMMUNITY DISTRESS FUND

Demolition of Buildings	\$ 18,600	
Sanitary Sewer	42,400	
Curbs & Sidewalks	197,000	
Park & Recreation Facilities	<u>6,837</u>	
<u>Total Community Distress Fund</u>		\$ 264,837

HOUSING REVOLVING FUND

Implementation	\$ 1,000	
Emergency Rehab	<u>3,300</u>	
<u>Total Housing Revolving Fund</u>		\$ 4,300

REVOLVING LOAN FUND

Administration	\$ 2,000	
Curbs & Sidewalks	20,000	
Private Rehab	50,000	
Revolving Loans	<u>25,000</u>	
<u>Total Revolving Loan Fund</u>		\$ 97,000

FORMULA GRANT FUND

Street Improvements	\$ 60,000	
Curbs & Sidewalks	<u>46,000</u>	
<u>Total Formula Grant Fund</u>		\$ 106,000

UDAG LOAN REPAYMENT FUND

Revolving Loan	\$ <u>61,000</u>	
<u>Total UDAG Loan Repayment Fund</u>		\$ 61,000

UNDERGROUND STORAGE TANK FUND

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

G.O. BOND RETIREMENT FUND

Bond Interest	\$ 44,975	
Bond Principal	<u>50,000</u>	
<u>Total G.O. Bond Retirement Fund</u>		\$ 94,975

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DOFASCO TIF FUND

Administrative Fee	\$ 2,684.62
Infrastructure Loan Interest	42,953.75
Infrastructure Loan Principal	<u>166,875.31</u>

Total Dofasco TIF Fund \$ 212,513.68

D.R.I.P. TIF RIDGEDALE FUND

Transfer to DRIP Infrastructure	\$ 400,000.00
OPWC LOAN No. CP10D	<u>\$ 3,205.05</u>

Total D.R.I.P. TIF Ridgedale Fund \$ 403,205.05

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

Transfer to DRIP Infrastructure	\$ 166,000
OPWC LOAN No. CP10D	<u>\$ 3,205.05</u>

Total D.R.I.P. TIF Marion City Schools Fund \$ 169,205.05

BARKS ROAD TIF FUND

Cost of Issuance	\$ 2,000
Interest	30,714.44
Principal	<u>770,000</u>

Total Barks Road TIF Fund \$ 802,714.44

SBR ENTERPRISES TIF FUND

Cost of Issuance	\$ 1,900
Interest	29,916.67
Principal	<u>750,000.00</u>

Total SBR Enterprises TIF Fund \$ 781,816.67

DELAWARE-BARKS TIF FUND

Cost of Issuance	\$ 1,100
Interest	15,955.56
Principal	<u>400,000.00</u>

Total SBR Enterprises TIF Fund \$ 417,055.56

CAPITAL IMPROVEMENT FUND

Transfer to MAT Fund	\$ 10,838.60
Fire Truck Lease Interest	22,976.51
Fire Truck Lease Principal	105,079.57
FY '07 Contingency	56,949.29
FY '08 Contingency	<u>242,751</u>

Total Capital Improvement Fund \$ 438,594.97

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AIRPORT INDUSTRIAL PARK FUND

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

SOFTBALL FIELD IMPROVEMENT FUND

Capital Improvements	\$ <u>5,000</u>	
<u>Total Softball Field Improvement Fund</u>		\$ 5,000

DRIP INFRASTRUCTURE FUND

Marion Williamsport Road	\$ 566,000	
OPWC CP30J	<u>500,000</u>	
<u>Total DRIP Infrastructure Fund</u>		\$1,066,000

DRIP PARK FUND

Quarry Park	\$ <u>740</u>	
<u>Total DRIP Park Fund</u>		\$ 740

YOUTH CENTER CONSTRUCTION FUND

Equipment	\$ 7,480.37	
Skateboard Park	<u>6,209.72</u>	
<u>Total Youth Center Construction Fund</u>		\$ 13,690.09

HARDING CENTRE LOAN FUND

Principal	\$ 21,813.75	
Interest	<u>27,000</u>	
<u>Total Harding Centre Loan Fund</u>		\$ 48,813.75

AIRPORT IMPROVEMENT FUND

Project 18	\$ <u>150,000</u>	
<u>Total Airport Imp. Fund</u>		\$ 150,000

TRANSIT FUND

Salaries	\$ 486,561	
Benefits	222,609	
Utilities	11,000	
Professional Services	2,500	
Central Garage Maintenance	96,000	

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Land/Bldg. Maintenance	2,850
Insurance	13,000
Supplies	5,000
Fuel & Lubricants	68,000
Subscriptions/Publications	450
Membership Dues	550
Promotional Advertising	1,000
Legal Advertising	1,000
Building Lease	18,000
Equipment Lease	500
Equipment	177,000
Travel	1,100
Sick Leave Sell Back	5,000
Flex Spending	<u>4,680</u>

Total Transit Fund \$ 1,116,800

SEWER SYSTEM IMPROVEMENT FUND

G.O. Note Interest	\$ 87,550
OWDA Loan Interest	370,066.29
OWDA Loan Principal	1,398,751.67
G.O. Bond Interest	105,020
G.O. Bond Principal	115,000
OPWC Loan	<u>61,325.38</u>

Total Sewer System Imp. Fund \$2,137,713.34

SEWER REPLACEMENT FUND

Professional Services	\$ 175,000
Equipment Maintenance	75,000
Land/Building Maintenance	56,000
Equipment	167,000
Capital Improvements	<u>100,000</u>

Total Sewer Replacement Fund \$ 573,000

SEWER REVENUE FUND

Water Pollution Control

Salaries	\$1,299,327
Benefits	585,248
Sick Leave Sellback	18,000
Clothing Allowance	12,000
Travel	3,000
Utilities	497,400
Professional Services	214,500
Equipment Maintenance	22,000
Land/Building Maintenance	10,500
Insurance	86,500
Supplies	444,800
Fuel & Lubricants	46,000
Equipment	37,000

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Postage	4,300
Refunds	5,000
Transfer-Replacement	200,000
Utility Billing-Reimbursements	74,000
Subscriptions/Publications	1,800
Schooling	10,500
Dues	2,500
Service Contracts	27,700
Janitorial Services	18,000
Capital Improvements	10,000
Central Garage Maintenance	17,000
Flex Spending	2,340
Equipment Rental	<u>10,000</u>
<u>TOTAL SEWER REVENUE FUND</u>	\$ 3,659,415

SANITATION FUND

Refuse Collection

Salaries	\$ 670,042
Benefits	345,723
Sick Leave Sellback	12,800
Clothing Allowance	7,010
Equipment Maintenance	5,000
Insurance	20,000
Supplies	12,000
Fuel & Lubricants	60,000
Yard Waste Fees	45,000
Utility Billing Services	74,000
Service Contracts	1,000
Solid Waste Transfer Expense	594,032
Professional Service	10,000
Equipment Lease	1,050
Schooling	400
Travel	500
Utilities	1,350
Comingling Expense	21,000
Building Rent	9,000
Refunds	600
Central Garage Maintenance	102,000
Capital Lease Interest	3,057.49
Capital Lease Principal	80,260.63
Equipment	<u>120,000</u>
<u>TOTAL SANITATION FUND</u>	\$ 2,195,825.12

LANDFILL MONITORING FUND

Equipment Maintenance	\$ 4,000
Utilities	5,000
Supplies	4,800
Professional Services	75,000
OWDA Loan Interest	58,149.42
OWDA Loan Principal	146,924.70
Equipment	<u>50,000</u>
<u>Total Landfill Monitoring Fund</u>	\$ 343,874.12

Ordinance No. 2008-1, Page 18 of 23Passed JAN 1 2008, 20 **STORM WATER UTILITY FUND**

Salaries	\$ 372,706
Benefits	159,170
Professional Service	170,000
Equipment Maintenance	12,000
Equipment Lease	4,000
Supplies	84,390
Equipment	216,700
Utility Billing Services	74,000
Insurance	8,000
Fuel	40,000
Capital Improvements	22,000
Clothing	3,304
G.O. Bond Interest	192,385
G.O. Bond Principal	210,000
OPWC Loan No. CP10F	6,348.16
OPWC Loan No. CP16E	5,959.28
OPWC Loan No. CP06G	777.58
Central Garage Maintenance	12,000
Solid Waste Expense	20,000
Refunds	400
G.O. Note Interest	<u>77,775</u>
<u>Total Storm Water Utility Fund</u>	\$ 1,691,915.02

SWIMMING POOL FUND

Salaries	\$ 65,000
Benefits	14,951
Utilities	15,000
Equipment Maintenance	3,000
Land/Building Maintenance	2,350
Insurance	1,650
Supplies	27,000
Professional Services	1,000
Schooling	600
Travel	<u>200</u>
<u>Total Swimming Pool Fund</u>	\$ 130,751

SANITARY SEWER IMPROVEMENT FUND

GO Note Interest	\$ 121,600
GO Note Principal	<u>3,040,000</u>
<u>Total Sanitary Sewer Imp. Fund</u>	\$ 3,161,600

NW INTERCEPTOR IMPROVEMENT FUND

OPWC Loan No. CP522	\$ 35,000
OPWC Loan No. CP18A	<u>10,477.90</u>
<u>Total NW Interceptor Imp. Fund</u>	\$ 45,477.90

RECORD OF ORDINANCES

0269

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-1, Page 19 of 23 Passed JAN 1 2008, 20

STORM SEWER IMPROVEMENT FUND

G.O. Note Interest	\$ 96,000
G.O. Note Principal	<u>2,400,000</u>
 <i>Total Storm Sewer Impr. Fund</i>	 \$ 2,496,000

CENTRAL GARAGE FUND

Salaries	\$ 195,494
Benefits	84,526
Sick Leave Sellback	2,500
Clothing	1,800
Travel	300
Schooling	2,000
Utilities	56,000
Professional Services	5,000
Service Contracts	5,600
Equipment Maintenance	5,000
Land & Bldg. Maintenance	2,000
Insurance	10,915
Supplies	176,000
Fuel & Lubricants	300,000
Equipment	8,500
Janitorial Services	6,000
G.O. Note Interest	56,000
G.O. Note Principal	<u>1,400,000</u>
 <i>Total Central Garage Fund</i>	 \$ 2,317,635

UTILITY BILLING FUND

Salaries	\$ 119,343
Benefits	58,518
Sick Leave Sellback	1,050
Travel	200
Professional Services	2,000
Supplies	6,000
Service Contracts	14,500
Postage	20,500
Equipment	1,600
Equipment Lease	<u>800</u>
 <i>Total Utility Billing Fund</i>	 \$ 224,511

STATE PATROL FINES AGENCY FUND

State Patrol Fines	\$ <u>100,000</u>
 <i>Total State Patrol Agency Fund</i>	 \$ 100,000

YOUTH RECREATION TRUST FUND

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

Ordinance No. 2008-1, Page 20 of 23.

Passed JAN 1 2008, 2008

SAFETY PATROL TRUST FUND

Safety Patrol Program	<u>\$ 1,000</u>
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<u>Total Safety Patrol Trust Fund</u>	\$ 1,000
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LAW ENFORCEMENT TRUST FUND

Law Enforcement	<u>\$ 20,000</u>
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<u>Total Law Enforcement Trust Fund</u>	\$ 20,000
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PARKING METER AGENCY FUND

Jenkins & Jenkins	<u>\$ 2,000</u>
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<u>Total Parking Meter Agency Fund</u>	\$ 2,000
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ROTARY AGENCY FUND

Pass-Thru Payments	\$ 30,000
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Greyhound Fares 75,000

<u>Total Rotary Agency Fund</u>	\$ 105,000
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<u>GRAND TOTAL</u>	\$51,651,420.93
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SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
<u>Capital Project Funds</u>				
Capital Improvement	\$ 427,756.37		\$ 10,838.60	\$ 438,594.97
Airport Industrial Park	18,000			18,000
Softball Field Improvement	5,000			5,000
DRIP Infrastructure	1,066,000			1,066,000
DRIP Park (Quarry I)	740			740
Youth Center Construction	13,690.09			13,690.09
Airport Improvement	<u>150,000</u>			<u>150,000</u>
<u>Total Capital Project Funds</u>	\$ 1,681,186.46		\$ 10,838.60	\$ 1,692,025.06
<u>Enterprise Funds</u>				
Marion Area Transit	\$ 1,116,800			\$1,116,800
Sewer System Improvement	2,137,713.34			2,137,713.34
Sewer Replacement	573,000			573,000
Sewer Revenue	3,454,415	5,000	200,000	3,659,415
Sanitation	2,195,225.12	600		2,195,825.12
Landfill Monitoring	343,874.12			343,874.12
Storm Water Utility	1,691,515.02	400		1,691,915.02
Swimming Pool	130,751			130,751
Sanitary Sewer Improvement	3,161,600			3,161,600
NW Interceptor Improvement	45,477.90			45,477.90
Storm Sewer Improvement	<u>2,496,000</u>			<u>2,496,000</u>
<u>Total Enterprise Funds</u>	\$17,346,371.50	\$ 6,000	\$ 200,000	\$17,552,371.50
<u>Internal Service Funds</u>				
Central Garage	\$ 2,317,635			\$ 2,317,635
Utility Billing	<u>224,511</u>			<u>224,511</u>
<u>Total Internal Service Funds</u>	\$ 2,542,146			\$ 2,542,146
<u>Trust and Agency Funds</u>				
State Patrol Agency	\$ 100,000			\$ 100,000
Youth Recreation Trust	1,000			1,000
Safety Patrol Trust	1,000			1,000
Law Enforcement Trust	20,000			20,000
Parking Meter Agency	2,000			2,000
Rotary Agency	<u>105,000</u>			<u>105,000</u>
<u>Total Trust & Agency Funds</u>	\$ 229,000			\$ 229,000
GRAND TOTAL	\$48,758,616.77	\$ 594,699	\$2,298,105.16	\$51,651,420.93

SUMMARY OF FUNDS

<u>Fund</u>	<u>Appropriations</u>	<u>Reimbursements And Refunds</u>	<u>Transfers</u>	<u>Totals</u>
General	\$18,223,331.69	\$275,000	\$1,496,038	\$19,994,369.69
<u>Special Revenue</u>				
Sr. Cit. Transportation	28,400			28,400
Sr. Cit. III-B Grant	75,812.90			75,812.90
Sr. Cit. III-E Grant	5,000			5,000
Sr. Cit. State Block Grant	10,222			10,222
Sr. Cit. Homemaker	12,000			12,000
SCMR	3,032,611	20,000	25,228.56	3,077,839.56
State Highway Improvement	105,000			105,000
MMC Assistance	73,500	500		74,000
Court Computerization	80,000			80,000
Violence Against Women Grant	100,000			100,000
Health	796,077.94	85,000		881,077.94
WIC Grant	320,454			320,454
SRO Grant	84,224			84,224
Parks	604,222.74			604,222.74
Community Corrections Grant	117,389			117,389
Enforcement & Education	2,500	7,500		10,000
Indigent Alcohol Driver	75,000			75,000
Smoke Detector	5,000			5,000
Senior Citizens Association	18,150			18,150
Police & Firemen Pension	247,372			247,372
Fire Insurance Proceeds		150,000		150,000
Health License		50,699		50,699
Public Health Infrastructure	35,209.34			35,209.34
Community Distress	264,837			264,837
Housing Revolving	4,300			4,300
Revolving Loan	97,000			97,000
Formula Grant	106,000			106,000
UDAG Loan Repayment	61,000			61,000
Underground Storage Tank	11,000			11,000
<u>Total Special Revenue Funds</u>	<u>\$6,372,281.92</u>	<u>\$313,699</u>	<u>\$ 25,228.56</u>	<u>\$ 6,711,209.48</u>
<u>Debt Service Funds</u>				
G.O. Bond Retirement	\$ 94,975			\$ 94,975
Dofasco T.I.F.	212,513.68			212,513.68
DRIP T.I.F. Ridgedale Schools	3,205.05		400,000	403,205.05
DRIP T.I.F. Mtn. City Schools	3,205.05		166,000	169,205.05
Barks Road TIF	802,714.44			802,714.44
SBR Enterprises TIF	781,816.67			781,816.67
Delaware-Barks TIF	417,055.56			417,055.56
Harding Centre Loan	48,813.75			48,813.75
<u>Total Debt Service Funds</u>	<u>\$ 2,364,299.20</u>		<u>\$ 566,000</u>	<u>\$ 2,930,299.20</u>

RECORD OF ORDINANCES

0469

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-1, Page 23 of 23


Passed JAN 1 2008, 20

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



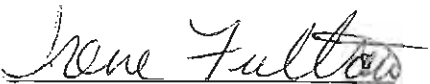
PRESIDENT OF COUNCIL

APPROVED: JAN 2 2008



MAYOR

ATTEST:



CLERK

Ordinance No. 2008-10

Passed MAR 2 5 2008, 20

ORDINANCE TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY ON THE SOUTH SIDE OF ELK AVENUE BETWEEN LOTS 10077, 10078, 10079, AND 10080 (APPLICANT, ROBERT ZINN).

WHEREAS, in the opinion of this Council, there is good cause for vacating the north/south alley to lots 10077, 10078, 10079 and 10080 (south of Elk Street), in the City of Marion, and,

WHEREAS, the petition to vacate this alley was considered and approved by the Marion City Planning Commission at its meeting of December 4, 2007.

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinances 903.08, and

WHEREAS, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and ought to be made;

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

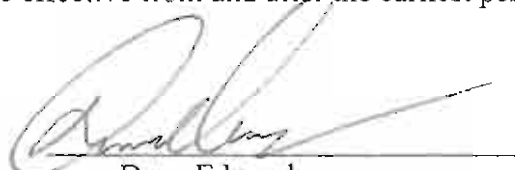
Section 1. That the alley as described in the attached Exhibit "A", be and is hereby vacated.


Section 2. That title to the real estate comprising said alley shall revert to the abutting property owners in accordance with the laws of Ohio.

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

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

APPROVED: MAR 2 5 2008


Dave Edwards
President of Council


Scott Schertzer, Mayor

ATTEST:


Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

0117

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-100

Passed 11 14 2008, 2009

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR CONTROLLED DENSITY FILL TO BE USED AT WATER POLLUTION CONTROL PLANT

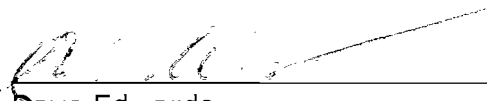
WHEREAS, there is a real and present need to purchase Controlled Density Fill to be used at the Water Pollution Control Plant for the year 2009,

WHEREAS, the Controlled Density Fill will be purchased from the Sanitation Supply Fund 505.5552.540420 and the Storm Sewer Supply Fund 509.5554.540420.

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

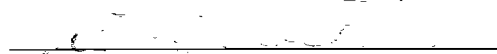
Section 1. That the Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for Controlled Density Fill to be used at Water Pollution Control Plant for the year 2009.

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



Dave Edwards
President of Council

APPROVED:

11 14 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0121

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-101

Passed 11, 2008

ORDINANCE AUTHORIZING THE SAFETY 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, APPROPRIATING AN ADDITIONAL SUM AND DECLARING AN EMERGENCY, **AS AMENDED**

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 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 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. In order to provide for the carrying out of the intended fall 2008 demolitions in the event each proceeds without any intervening event, the Council appropriates from the General Fund the additional sum of \$ 6,924.00 to the Safety Director Demolition line item.

Section 2. The Safety 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:

355 Pearl St. – Quality Excavating & Construction, the successful bidder at \$ 4,795.00 which shall be paid by funds from the Council "Beautification" and/or Safety Director "Demolition" line item. Said cost shall be assessed against the property upon completion as is the standard operating procedure pursuant to law.

181 E. Columbia St.- Quality Excavating & Construction, the successful bidder at \$ 6,395.00 which shall be paid for by the Council "Beautification" and/or Safety Director "Demolition" line item. Said cost shall be assessed against the property upon completion as is the standard operating procedure pursuant to law.

Section 3. The Safety Director is authorized to enter into contract for the demolition of the following properties, each having suffered recent devastating fires to such extent that they both are in a condition which warrants an immediate action permitted under M.C.C. 1360.07 (B). Further, the Safety Director has conducted an RFP process given the immediate need to move

Ordinance No. 2008-101

Passed OCT 1 3 2008, 20

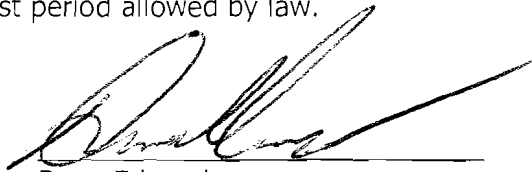
forward without additional delay, and is able to proceed with the lowest offer received from the following named contractors:

397 E. Farming St.- Quality Excavating & Construction, at \$ 3,500.00 which shall be paid for by the Council "Beautification" and/or Safety Director "Demolition" line item. Said cost shall be assessed against the property upon completion as permitted by law.

547 Davids St.- Quality Excavating & Construction, at \$ 4,650.00 which shall be paid for by the Council "Beautification" and/or Safety Director "Demolition" line item. Said cost shall be assessed against the property upon completion as permitted by law.

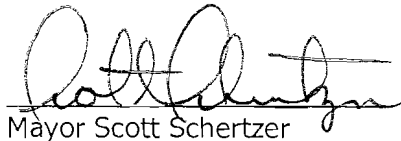
126 Canby Ct. – Earl Price Excavating at \$ 7,500.00 (City funding portion of the "Partnering Agreement") which shall be paid for by the Council "Beautification" and/or Safety Director "Demolition" line item. Said cost shall be assessed against the property upon completion as permitted by law.

Section 4. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and inhabitants thereof; more specifically in that the safety and security of the impacted neighborhoods is an imperative need that cannot be delayed any further in order to protect the neighborhoods well-being without 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.



Dave Edwards
President of Council

APPROVED: OCT 1 4 2008



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2008-102

Passed 7 7 2008, 2008

ORDINANCE AUTHORIZING AND DIRECTING THE CITY AUDITOR TO ENTER INTO CONTRACT WITH NEW WORLD SYSTEMS ON BEHALF OF THE CITY OF MARION FOR THE REPLACEMENT OF ITS' COMPUTER SYSTEM AND RELATED SOFTWARE, AND DECLARING AN EMERGENCY.

WHEREAS, the Council finds that the City Auditor has sufficiently demonstrated a real and present Emergency need to replace and/or update their current computer system, and

WHEREAS, the current software will cease to be operational as of January 1, 2010, and

WHEREAS, the Council recognizes that the City Auditor has researched and requested proposals from several vendors for these systems and that because of the nature of these services competitive bidding would not be applicable due to the highly subjective evaluation needed to determine the type of services required. The Auditor has advised she has received and evaluated the proposals submitted and has found that this vendor will meet the needs of the City, and

WHEREAS, the Council finds the proposals submitted by New World Systems to be the best bid.

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

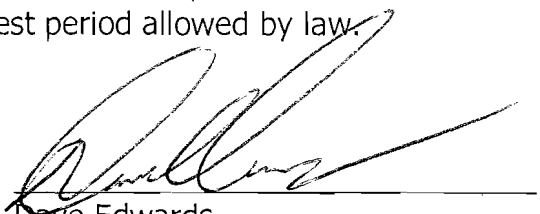
Section 1: The Council having previously found a real and present need for the replacement of the City of Marion's computer system, and related software, and the Council now having been advised by the Auditor as to the bids which were received and upon the Auditor's recommendation as to which is the best, and such bid being exempt from the competitive bidding process as per O.R.C. 735.051 and other provisions. The Council herein authorizes and directs the City Auditor enter into contract with the best bidder, to-wit: New World Systems. Further, the City Auditor is directed and authorized to complete all acts necessary to see that the projects is completed in a timely manner, pursuant to the project specifications. The project costs shall be paid from the contingency fund.

Section 2: The Council further recognizes the immediate cost savings from New World Systems in the amount of \$178,000.00 for the contract due to the expedited nature, and further that this provision of savings will expire October 30, 2008.

Section 3: This ordinance is declared to be an emergency measure necessary for the immediate preservation of public peace, welfare and safety of the City of Marion and the inhabitants thereof, due to the real and present need to move forward without delay given the frailty and immediate need to replace the City of Marion's server and related software and immediate

Ordinance No. 2008-102Passed OCT 27 2008, 20

savings, and as such shall take affect 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: OCT 28 2008
Dave Edwards
President of Council
Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF ORDINANCES

0133

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-103

Passed _____, 20____

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

WHEREAS, the police dept. has been successful in obtaining a reimbursement check for the storm damage insurance claim (receipt # 091820 dated 9-5-08) from the previous year for the amount of \$2,594.15.

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

Section 1. That there be additional appropriations made in the General Fund in the amount of \$2,594.15 as follows:

Police Department General Fund

Dispatch Capital		
Equipment Fund	101.1113.550450	\$2,594.15

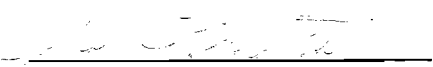
Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: 10/25/08


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0127

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008- 104

Passed 5 6 2008, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2008.

Whereas, the Council of the City of Marion is desirous of advancing funds to the Richmond Avenue Project, Project No. 08-1S, and

Whereas, the Council has previously authorized the City Engineer to enter into contract for the resurfacing project for the City of Marion, and

Whereas, the Council being advised that said funds are needed in order to proceed,

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

Section 1. That there be an additional appropriation made in various funds as follows:

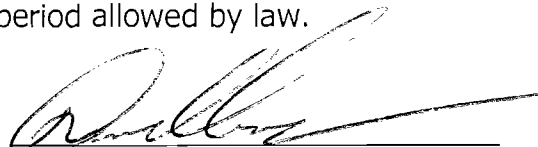
SCMR Fund

Resurfacing Project	207.6612.530531	\$133,580.29
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STORM SEWER IMPROVEMENT


Richmond Avenue Project	560.5003.550520	\$ 56 6,500.00
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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.

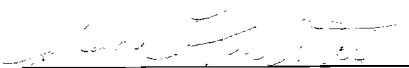


Dave Edwards
President of Council

APPROVED: 


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0131

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-105

Passed Nov. 18 2008, 2008

ORDINANCE AMENDING SECTION 1183.015 OF THE MARION CITY CODE AND TO PROVIDE A UNIFORM STRUCTURE OF FEES FOR DEPOSITS TO BE MAINTAINED BY THE CLERK OF COUNCIL,

WHEREAS, Marion City Code currently provides, applicants who seek to vacate an alley or street, or seek to change of a street name, or seek to amend the zoning map, or Franchise Fees, or all other grants, rights or privileges for the benefit of the owner, must place a deposit with the Clerk, the purpose of which is to ensure all costs associated with the request are paid for by the applicant (advertising, certified mailings, recording, printing); and

WHEREAS, the Council for the City of Marion, Ohio has found a real and present need to amend the deposits required in order to ensure flexibility and certainty in the carrying out the intent of the Marion City Code Section 1183.015; and

WHEREAS, the clerk, with the approval of the President of Council, has established a schedule of fees subject to future modification as approved by the President of Council;

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

Section 1. Section 1183.015 **MATTERS COMING BEFORE BOARD OF ZONING APPEALS**, now reading as:

Application for variance.....\$75.00 Deposit - Special exception or conditional use or any other matter to come before the board. All fees are to be paid by Check or Money Order made payable to the City of Marion (no cash will be accepted)(Ord. 1969-182, passed 1-12-70; Ord. 2003-66, passed 7-28-2003)

SHALL BE AMENDED TO READ AS FOLLOWS:

Section 1183.015 MATTERS COMING BEFORE THE BOARD OF ZONING APPEALS The fee for an application for variance, special exception or conditional use or any other matter, shall be set forth on the schedule of fees maintained by the Clerk of Council, as approved by the President of Council, said schedule being posted and available in the Clerk of Council's Office. (Ord. 1969-182, passed 1-12-70; Ord. 2003-66, passed 7-28-2003)

Section 2. That the attached schedule of fees has been approved by the President of Council.

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

APPROVED:

Dave Edwards
President of Council

Mayor Scott Schertzer

ATTEST:

Clerk of Council

RECORD OF ORDINANCES

0137

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-106

Passed NOV 20 2008, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE
POLICE DEPARTMENT FROM THE GENERAL FUND FOR THE YEAR
ENDING DECEMBER 31, 2008.

Whereas, the Council has been advised there is an immediate need to
provide additional funds to the Police Department for fuel expenses to cover
the cost of this item for the remainder of the 2008 year.

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 \$36,000 as follows

GENERAL FUND

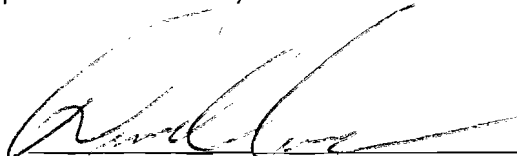
Police Department

Fuel

101.1111.540430

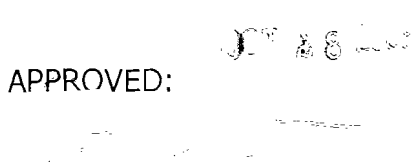
\$36,000.00

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



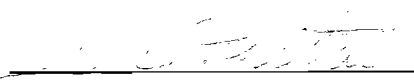
Dave Edwards
President of Council

APPROVED:



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0139

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-107

Passed June 29, 2008

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH DAVID WILLIAMS & ASSOCIATES, ALLIANCE, OHIO, FOR THE OLNEY & PATTERSON PARK PROJECTS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2008-53 authorized the preparation of specifications and advertising for bids for the Olney and Patterson Park Project in the City of Marion, Ohio, and

WHEREAS, David Williams & Associates, Inc. submitted the best combined bid of \$58,479.00

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

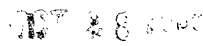
Section 1. That the Safety Director be directed to enter into contract with David Williams & Associates, Inc. For the Olney and Patterson Park Project.

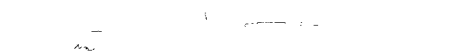
Section 2. That said contract shall be payable from the Community Development Block Grant FY 2007 Formula Program.

Section 3. The FY 07 Formula Grant requires that all work be completed by December 31, 2008


Section 4. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and because of Grant Deadlines, 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.


Dave Edwards
President of Council

Approved: 


Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF ORDINANCES

0143

Dayton Legal Blank, Inc.

Form No. 30013

Ordinance No. 2008-108

Passed 3-11-08, 20

ORDINANCE MAKING APPROPRIATIONS IN THE SMOKE
DETECTOR FUND AND GENERAL FUND FOR THE SMOKE
DETECTOR DONATIONS AND THE GENERAL DONATIONS LINE
ITEMS.

WHEREAS, there is an immediate need for the appropriations of the
donated money from donations paid into the Smoke Detector Fund
231.0180.483185 and General Donations Line Item 101.0180.483185.

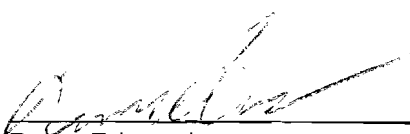
BE IT ORDAINED by the Council of the City of Marion, Marion
County, Ohio:


Section 1. That there be appropriations made in the Smoke Detector
Fund and the General Fund in the amount of \$7,102.62 as follows:

SMOKE DETECTOR FUND	231.1131.540420	\$3,399.25
GENERAL FUND	101.1131.540324	\$3,703.37
Total for both funds		<u>\$7,102.62</u>


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

APPROVED: 3-11-08


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-109

Passed August 12, 2008

ORDINANCE ENACTED BY THE CITY OF MARION, MARION
COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL
PUBLIC AGENCY (LPA), IN THE MATTER OF THE S-423/SR-4 AND
SR-95 Projects 2009 AND DECLARING AN EMERGENCY

Section I – Project Description

WHEREAS, the City has identified the need for the described project:

This project proposes to perform pavement repairs and curb ramps; plane and resurface pavement with asphalt concrete; and replace loop detectors and pavement markings.

Project limits are:

SR-423 (Delaware Ave) from Fairfax Road to Walnut Street

SR-4 (Delaware/State/Patten/Main) from Walnut Street to
Hecker/Copeland Ave

SR-95 (Mt. Vernon Ave) from South Grand Ave to the Kensington Place

NOW THEREFORE, be it ordained by the City of Marion, Ohio;

Section II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

Section III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

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

The City agrees to assume and bear one hundred percent (100%) of the costs of preliminary engineering, right-of-way, and construction less the amount of federal funds set aside by the Director of Transportation and the Federal Highway Administration. The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City with are not necessary for the improvement as determined by the State and Federal Highway Administration.

Section IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquire and/or made available in accordance with current State and Federal Regulations. The LPA also understands that right-of-way costs include eligible utility costs.

Ordinance No. 2008-109Passed NOV 10 2008, 20 **Section V – Maintenance**

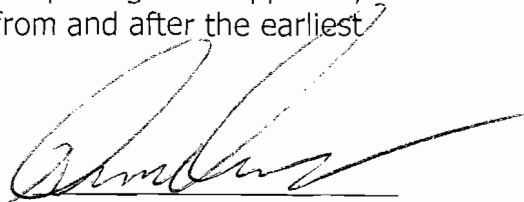
Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including but not limited to Title 23 U.S.C. 116; (2) provide ample financial resources, as necessary,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

Section VI – Consultants and Authority to Sign

The Safety/Service Director is hereby empowered on behalf of the City to enter into contracts with ODOT necessary to complete the above described project.

Section VII – Emergency

This Ordinance is hereby declared to be an emergency measure to expedite the transportation Project and to promote transportation safety and to meet deadlines. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Approved: **NOV 12 2008**
Mr. Dave Edwards
President of Council
Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2008- 11

Passed SEP 25 2008 20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC. FOR THE PURCHASE OF THREE (3) MARKED VEHICLES AND ONE (1) UNMARKED VEHICLE FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY. AS AMENDED

WHEREAS, pursuant to Ordinance 2005-14, the Safety/Service Director was authorized to advertise for bids for the purchase of three (3) marked vehicles and one (1) unmarked vehicle plus the necessary equipment for those vehicles, for the Police Department; and

WHEREAS, Mathews-Kennedy Ford had the best bid for the four (4) 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.

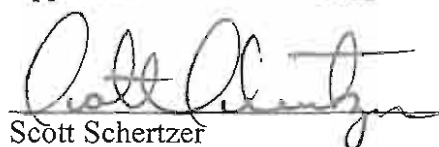
Section 2. That the vehicles purchased from Mathews-Kennedy Ford, being one (1) 2008 Ford Crown Victoria Police Interceptor (unmarked) at a cost of \$21,571.04 and three (3) 2008 Ford Crown Victoria Police Interceptor (marked) at cost of \$66,993.12 and the extra needed equipment for these vehicles which totals \$31,406.88 and shall be payable from the Police Department Capital Improvement Fund

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

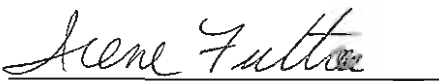


Dave Edwards
President of Council

Approved: SEP 23 2008



Scott Schertzer
Mayor



Irene Fulton
Clerk

RECORD OF ORDINANCES

0145

Dayton Legal Blank, Inc

Form No. 39043

Ordinance No. 2008-110

Passed 10/4/08, 2008

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL MAP BY MAKING THE FIRST ALLEY RUNNING EAST OFF OF CHICAGO AVE. AND THEN SOUTH JUST EAST OF THE CERTIFIED GAS STATION PROPERTY ONE-WAY EAST OFF OF CHICAGO AND THEN SOUTH TO EAST CENTER STREET.

WHEREAS, the Service Director has received a request from the residents abutting the alley located behind the Certified Gas Station @ 976 E. Center St. and Chicago Ave. to make said alley into a one-way alley, and

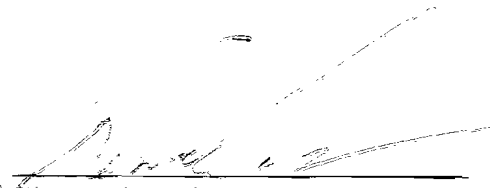
WHEREAS, the Traffic Commission entertained comments from Mayor Schertzer and residents abutting the alley and after due deliberation, by a 6-0 vote, has recommended that the alley be made into a one-way alley going east then south from Chicago to Center.

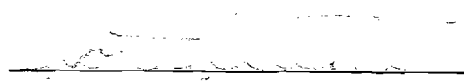
BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

SECTION 1. That Council determines it to be beneficial for said alley to become a one-way alley east off of Chicago and then south to E. Center St. Therefore, the Service Director is directed to place the necessary signage and shall ensure that the master traffic control map is duly amended.


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

APPROVED:


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0149

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-113

Passed 304 - 306, 2008

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECMEBER 31, 2008.

Whereas, the Council has been advised that the there is a need to adjust various funds in the City of Marion.

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 as follows:

General Fund

Police Department			
Sick Leave Sell Back	101.1111.510122	\$	8,000.00
Dispatch			
Benefits	101.1113.510120	\$	15,000.00
Quartermaster	101.1113.510140	\$	223.90
Utilities	101.1113.530310	\$	(8,000.00)
Recreation			
Salaries	101.3422.510110	\$	16,000.00
Benefits	101.3422.510120	\$	8,000.00
Land & Bldg Maint	101.3422.530370	\$	(8,000.00)
Land & Bldg	101.3422.530371	\$	(1,400.00)
Equipment Maint.	101.3422.530360	\$	(1,500.00)
Senior Center			
Salaries	101.3424.510110	\$	(37,000.00)
Benefits	101.3424.510120	\$	(4,000.00)
Land & Bldg Maint	101.3424.530370	\$	(2,000.00)
Airport			
Salaries	101.6621.510110	\$	(10,000.00)
Benefits	101.6621.510120	\$	14,600.00
Property Tax	101.6621.540381	\$	5,668.16
Income Tax			
Benefits	101.7712.510120	\$	1,518.39
Travel & Trans	101.7712.520220	\$	(100.00)
Schooling	101.7712.530221	\$	(160.00)
Service Contracts	101.7712.530321	\$	(29.00)
Professional Services	101.7712.530320	\$	(520.00)
Supplies	101.7712.540420	\$	(662.89)
Subscriptions	101.7712.540226	\$	(46.50)
Auditor			
Benefits	101.7711.510120	\$	4,173.98
Travel & Trans	101.7711.520220	\$	(293.58)
Schooling	101.7711.530221	\$	(190.00)
Membership Dues	101.7711.530225	\$	(50.00)
Professional Services	101.7711.530320	\$	(640.40)
Service Contracts	101.7711.530321	\$	(2,000.00)

Ordinance No. 2008-113  Passed NOV 10 2008, 20

Subscriptions	101.7711.540226	\$	(1,000.00)
Law Director			
Schooling	101.7714.530221	\$	(200.00)
Utilities	101.7714.530310	\$	200.00
Human Resources			
Salaries	101.7715.510110	\$	1,200.00
Benefits	101.7715.510120	\$	3,500.00
Professional Services	101.7715.530320	\$	3,500.00
Safety Director			
Professional Services	101.7716.530320	\$	(2,500.00)
Central Garage	101.7716.530601	\$	5,500.00
Service Director			
Benefits	101.7718.510120	\$	(4,000.00)
Schooling	101.7718.530221	\$	(380.00)
Supplies & Materials	101.7718.540420	\$	(500.00)
Council			
Salaries	101.7721.510110	\$	(8,000.00)
Benefits	101.7721.510120	\$	500.00
Professional Services	101.7721.530320	\$	500.00
Municipal Court			
Central Garage	101.7731.530601	\$	4,800.00
City Hall			
Salaries	101.7741.510110	\$	500.00
Benefits	101.7741.510120	\$	(500.00)
Engineering			
Benefits	101.7743.510120	\$	3,000.00
Central Garage	101.7743.530601	\$	1,200.00
Supplies	101.7743.540420	\$	(500.00)
Statutory Accounts			
Election Expenses	101.7744.530621	\$	3,355.57
County Auditor Fees	101.7744.530623	\$	18,000.00
Income Tax Refunds	101.7744.570712	\$	25,000.00
Annual Examination	101.7744.530622	\$	(4,000.00)
Total General Fund		\$	45,767.63
Less Transfer into General Fund		\$	(76,899.69)
Net Appropriation		\$	(31,132.06)
SCMR Fund			
Quartermaster	207.6612.510140	\$	268.24
Permissive Auto	207.6612.530530	\$	(12,430.19)
Supplies	207.6612.540420	\$	(268.24)

RECORD OF ORDINANCES

0151

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-113

Passed June 11, 2008, 2008

Revenue Sharing	101.4539.530751	\$	771.90
Revenue Sharing			
WIC Assistance			
Salaries	214.2223.510110	\$	(8,000.00)
Benefits	214.2223.510120	\$	(1,500.00)
Transfer back to General Fund	\$9,500.00		
Parks Fund			
Supplies & Material	221.3421.540420	\$	(20.00)
Refunds	221.3421.570720	\$	20.00
Health License Fund			
Tattoo & Body	247.2224.530722	\$	200.00
Swimming Pools	247.2224.530727	\$	5,885.48
Solid Waste	247.2224.530729	\$	500.00
Food Service	247.2224.530724	\$	(6,585.48)
Smoke Free Ohio Grant			
Salaries	249.2541.510110	\$	(56.96)
Benefits	249.2541.510120	\$	56.96
SBR Tiff Fund			
Note Principal	349.8062.560612	\$	(270,000.00)
Transit			
Capital Equipment	502.6548.550450	\$	(64,000.00)
Fuel	502.6548.540430	\$	30,000.00
Central Garage	502.6548.530601	\$	20,000.00
Transfer back to General Fund	\$14,000.00		
Swimming Pool			
Salaries	516.3423.510110	\$	(31,235.24)
Benefits	516.3423.510120	\$	(5,535.34)
Travel	516.3423.520220	\$	(200.00)
Schooling	516.3423.530221	\$	(260.00)
Professional Services	516.3423.530320	\$	(691.00)
Equipment Maintenance	516.3423.530360	\$	(2,500.00)
Land & Building Maintenance	516.3423.530370	\$	(1,825.00)
Supplies & Materials	516.3423.540420	\$	(11,153.11)
Transfer back to General Fund	\$53,399.69		
Utility Billing			
Salaries	612.5571.510110	\$	(19,801.12)
Benefits	612.5571.510120	\$	(6,908.65)
Sick Leave Sell Back	612.5571.510122	\$	(1,050.00)
Travel & Transportation	612.5571.520220	\$	(117.98)
Professional Services	612.5571.530320	\$	(1,528.26)
Equipment Rental	612.5571.530361	\$	(300.00)
Supplies & Materials	612.5571.540420	\$	(805.52)
Postage	612.5571.540423	\$	(3,500.00)
Capital Equipment	612.5571.550450	\$	(354.80)
Credit Card Fee Expense	612.5571.530502	\$	(500.00)
Total De-Appropriation	\$34,866.33		

Ordinance No. 2008-113Passed NOV 10 2008, 20

Sewer Revenue Fund

Salaries	505.5552.510110	\$	14,500.00
Benefits	505.5552.510120	\$	7,950.00
Sick Leave Sell Back	505.5552.510122	\$	400.00
Travel & Transportation	505.5552.520220	\$	100.00
Professional Services	505.5552.530320	\$	450.00
Equipment Rental	505.5552.530361	\$	100.00
Postage	505.5552.540423	\$	1,500.00
Credit Card Fee Expense	505.5552.530502	\$	400.00
Billing Service	505.5552.530324	\$	(13,782.80)

Sanitation Fund

Salaries	506.5561.510110	\$	13,890.00
Benefits	506.5561.510120	\$	6,950.00
Sick Leave Sell Back	506.5561.510122	\$	400.00
Travel & Transportation	506.5561.520220	\$	100.00
Professional Services	506.5561.530320	\$	1,500.00
Equipment Rental	506.5561.530361	\$	100.00
Postage	506.5561.540423	\$	1,500.00
Credit Card Fee Expense	506.5561.530502	\$	400.00
Billing Service	506.5561.530324	\$	(13,782.81)
Quartermaster	506.5561.510140	\$	60.00
Service Contracts	506.5561.530321	\$	500.00

Storm Sewer Fund

Salaries	509.5554.510110	\$	14,500.00
Benefits	509.5554.510120	\$	7,950.00
Sick Leave Sell Back	509.5554.510122	\$	400.00
Travel & Transportation	509.5554.520220	\$	100.00
Professional Services	509.5554.530320	\$	450.00
Equipment Rental	509.5554.530361	\$	100.00
Postage	509.5554.540423	\$	1,500.00
Credit Card Fee Expense	509.5554.530502	\$	400.00
Billing Service	509.5554.530324	\$	(13,782.81)
Central Garage	509.5554.530601	\$	5,000.00
Professional Services	509.5554.530320	\$	(5,000.00)

General Fund Capital

Improvements

Borrowed Funds Notes

City Hall Capital	401.7741.558450	\$	750,000.00
Fire Capital	401.1131.558450	\$	350,000.00
Police Capital	401.1111.558450	\$	350,000.00
		\$	1,450,000.00

Storm and Sanitary Sewer
Projects

OPWC Grant

Street Resurfacing Contract
Service

461.6072.530531	\$	200,000.00
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Pennsylvania Avenue

560.5004.550520	\$	585,600.00
550.5004.550520	\$	374,400.00

RECORD OF ORDINANCES

0153

Dayton Legal Blank, Inc.


Form No. 30043

Ordinance No. 2008-113

Passed Nov 12 2008, 2008


Woodrow Avenue	560.5005.550520	\$	1,239,000.00
	550.5005.550520	\$	861,000.00
Ballentine	550.5006.550520	\$	35,000.00
South Prospect Street	550.5007.550520	\$	90,000.00

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



Dave Edwards
President of Council

APPROVED:

NOV 12 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-114

Passed 10-2-2008, 20

ORDINANCE APPROPRIATING FUNDS FROM THE MUNICIPAL COURT REVENUE FUND TO THE MUNICIPAL COURT COMPUTER FUND TO ENABLE THE REPLACEMENT OF COMPUTERS WITHIN THE MUNICIPAL COURT, AND DECLARING AN EMERGENCY

WHEREAS, the Court accumulates monies pursuant to Statute and Court rule from costs to provide for the replacement of necessary computer equipment, and

WHEREAS, the Court has requested the Council authorize the appropriation of funds with the Court budget,

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

Section 1. The Council authorizes the following appropriation within the Court Fund :

From the COURT REVENUE FUND 210.0160.461161 in the amount of \$ 22,000.00 to the COURT COMPUTER FUND 210.7731.550450

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof by purchasing these computers as soon as possible because of rising prices within the technology field, 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.


Dave Edwards
President of Council

APPROVED: 10-2-2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-115

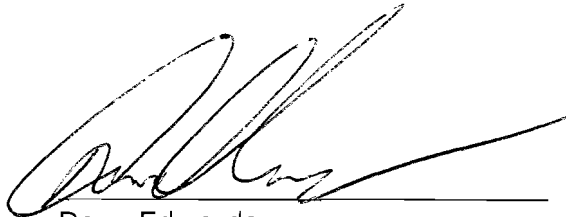
Passed DEC 8 2008, 2008

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CDBG Small Business REVOLVING LOAN ADMINISTRATION AGREEMENT
WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT,
AND DECLARING AN EMERGENCY

WHEREAS, The State of Ohio Department of Development has requested as a part of the CDBG Revolving Loan Fund, the current three year Administration Agreement which expires December 31, 2008 to be extended another three years through December 31, 2011; and

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

- Section 1. That the Mayor is authorized to enter into said Administration Agreement, attached hereto as Exhibit A.
- Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that said agreement must be executed prior to December 31, 2008, 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.



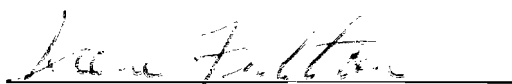
Dave Edwards
President of Council

APPROVED:



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0165

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-116

Passed Nov 13 2008, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE
CENTRAL GARAGE IN THE GENERAL FUND FOR THE YEAR ENDING
DECMEBER 31, 2008.

WHEREAS, the Council has been advised there is an immediate need to provide additional funds to the Central Garage line items for fuel and supply expenses to cover the cost of these items for the remained of the 2008 year.

WHEREAS, the practice previously established provides that the purchase is made and fuel obtained from the previously selected vendor and as the various Departments utilize the fuel source, their line items are charged with the repayment made to the General Fund.

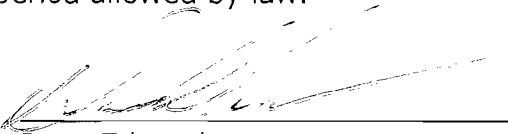
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriation made in the General Fund in the amount of \$47,000 as follows


GENERAL FUND

Fuel	601.9601.540430	\$40,000
Supplies	601.9601.540420	\$7,000


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


Dave Edwards
President of Council

APPROVED:


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-117

Passed NOV 24 2008, 20

**ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO
PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE
PURCHASE OF A PUMPER TRUCK AND DECLARING AN
EMERGENCY, *as amended.***

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

24.

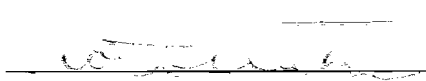
Section 1. That the Safety Director be authorized and is hereby
directed to prepare specifications and advertise for bids for the purchase of a
~~new~~ pumper truck.

Section 2. 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 the need to move forward due to the back up truck having been
unexpectedly retired recently; 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.




Dave Edwards
President of Council

APPROVED: NOV 24 2008



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2008-118

Passed June 10, 2008, 2008

ORDINANCE AMENDING CHAPTER 337 OF THE MARION
CITY CODE SECTION, MORE SPECIFICALLY SECTION 337.27
CHILD RESTRAINT SYSTEM USAGE; EXCEPTIONS;
DISMISSAL AND PENALTY TO INCORPORATE
MODIFICATIONS FROM THE OHIO REVISED CODE INTO
THE MARION CITY CODE

WHEREAS, the Council desires to incorporate modifications passed by the State Legislature into the Marion City Code, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion to update the Code as to mandatory child restraint system usage remaining consistent with requirements contained within the Ohio Revised Code,

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

Section 1. **§ 337.27 CHILD RESTRAINT SYSTEM USAGE; EXCEPTIONS; DISMISSAL AND PENALTY** now reading as:

(A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 4511.01, that is registered in this state and is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age.
- (2) A child who weighs less than 40 pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is registered in this state and is owned, leased, or otherwise under the control of a nursery school, kindergarten, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age.
- (2) A child who weighs less than 40 pounds.

(C) The Director of Highway Safety shall adopt such rules as are necessary to carry out this section.

(D) The failure of an operator of a motor vehicle to secure a child in a child restraint system as required in this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a

Ordinance No. 2008-118

Passed NOV 21 2008, 20

basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(E) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(F) If a person who is not a resident of this state is charged with a violation of division (A) or (B) above and does not prove to the court, by a preponderance of the evidence, that his/her use or nonuse of a child restraint system was in accordance with the law of the state of which he/she is a resident, the court shall impose the fine levied by division (G)(2) below.
(R.C. § 4511.81)

(G) Whoever violates division (A) or (B) above shall be punished as follows:

(1) Except as otherwise provided in division (G)(2) of this section, the offender is guilty of a minor misdemeanor.

(2) If the offender previously has been convicted of or pleaded guilty to a violation of division (A) or (B) of this section or of a state law or municipal ordinance that is substantially similar to either of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(3) Whoever is not a resident of this state, violates division (A) or (B) of this section, and fails to prove by a preponderance of the evidence that his/her use or nonuse of a child restraint system was in accordance with the law of the state of which he/she is a resident is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree.

(4) Sixty-five percent of every fine imposed pursuant to this division shall be forwarded to the Treasurer of State for deposit in the Child Highway Safety Fund. The balance of the fine shall be disbursed as otherwise provided by law. (R.C. § 4511.99(H)) ('70 Code, § 337.27) Penalty, see §§ 309.01 and 309.02

shall be amended to read as follows:

§ 337.27 CHILD RESTRAINT SYSTEM USAGE; EXCEPTIONS; DISMISSAL AND PENALTY

(A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-118

Passed , 20

Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(C) When any child who is at least four years of age but not older than fifteen years of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(E) The director of public safety shall adopt such rules as are necessary to carry out this section.

(F) The failure of an operator of a motor vehicle to secure a child in a child restraint system or in an occupant restraining device as

Ordinance No. 2008-118 • Passed **NOV 24 2008**, 20

required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(G) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(H) There is hereby created in the state treasury the "child highway safety fund," consisting of fines imposed pursuant to division (J)(1) of this section for violations of divisions (A), (B), and (C) of this section. The money in the fund shall be used by the department of health only to defray the cost of designating hospitals as pediatric trauma centers under section 3727.081 of the Revised Code and to establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems generally and the importance of their proper use. The program also shall include a process for providing child restraint systems to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and their proper use.

(I) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system under the department's child restraint system program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.

(J)(1) Whoever violates division (A), (B), or (C) of this section shall be punished as follows:

(a) Except as otherwise provided in division (J)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of this section or of a municipal ordinance that is substantially similar to any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

RECORD OF ORDINANCES

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Form No. 30043

Ordinance No. 2008-118

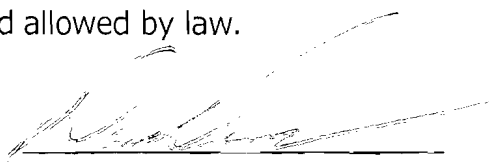
Passed NOV 13 2008, 2008

(2) The fine shall be disbursed as provided by law.

4511.81 Child restraint system - child highway safety fund.

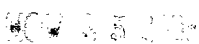
Effective Date: 01-01-2004; 04-06-2007; 2008 HB30 09-12-2008


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



Dave Edwards
President of Council

APPROVED:





Mayor Scott Schertzer

Attest;



Clerk of Council

Ordinance No. 2008-119

Passed DEC 8 2008, 2008

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION 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 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, due to the procedures utilized, at the direction of the Law Director, in the process of eliminating nuisances there now exists additional monies unexpended from grant funds which will enable the removal of additional nuisance structures. In order to utilize these grant funds it is necessary to declare an emergency to act prior to the impending deadline,

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

Section 1. The Safety Director is authorized to enter into contract for the demolition of the properties contained below with the named contractors, Council having determined this action to be necessary as an emergency under ORC 735.051 for various reasons, not limited to: Failing to do so will result in the under-utilization of grant funds which have been stretched to enable additional demolitions and the deadline to utilized these funds prior to the end of the period.

Said properties and contractors being as follows:

Cass Ave. Salt Barn structure and all appurtenances related thereto, (believed to be 12-221000.6900) – Park Enterprise Construction Company, Inc. The contract cost being \$ 3,999.00 and shall be paid from the FY06 CDBG Community Distress Grant.

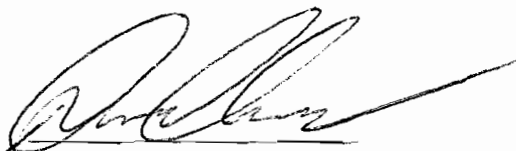
274 N. State St. – Quality Excavating & Construction. The contract cost being \$ 6,795.00 and shall be paid from the 07 CDBG Formula Grant. Said cost shall be assessed against the property upon completion as is the standard operating procedure pursuant to law.

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: Due to the real and present need to move forward without delay given the imminent loss of the grant funds which will be detrimental to the citizens and further the safety and security of the impacted neighborhoods is an



Ordinance No. 2008-119

Passed _____, 20____

imperative need that cannot afford further delay, of Marion, Ohio; 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.



Dave Edwards
President of Council

APPROVED:  8 2008
Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-12

Passed APR 23 2008, 2008

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE
ALL DOCUMENTS NECESSARY TO GRANT THE REAL
PROPERTY OWNER OF 163 EAST CENTER STREET AN
EASEMENT PROVIDING AUTHORITY TO CONSTRUCT A
WHEELCHAIR RAMP WITHIN THE CITY'S RIGHT-OF-WAY OF
SOUTH STATE STREET**

WHEREAS, KCI Development has requested the City of Marion grant it an easement to construct a wheelchair ramp within the City's South State Street right-of-way, and

WHEREAS, the Planning Commission and the Council's committee has reviewed and recommended approval of said request given the unique attributes of the subject real property and the demonstrated extreme hardship of requiring the ramp to be constructed internally,

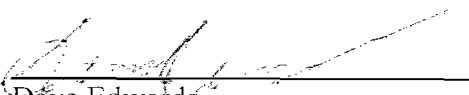
BE IT ORDAINED by the Council of the City of Marion, Ohio: Marion County,

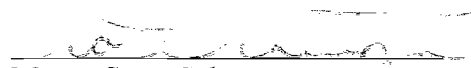
Section 1. The Council finds it to be in the best interest of the citizens of Marion to grant the request of KCI Development for a grant of an easement to construct a wheelchair ramp within the City's South State Street right-of-way and does hereby authorize the Mayor to execute all documents necessary to fulfill the grant referenced herein. The grant of easement shall be limited to the ramp and its necessary appurtenances as set forth on Exhibit A attached hereto and made a part hereof. (See Exhibit A). The real property owner shall provide the necessary recordable document to the Mayor's Office for review by the Law Director and ultimately the execution of same. The easement shall be revocable at the sole discretion of the City by act of its Council if it is later determined by said Council the revocation of same is necessary for any reason including but not limited to maintaining same in a proper state of repair and aesthetics.

Prior to the installation of the subject ramp and for all time said ramp continues in existence the owner of the real property served by the ramp shall provide the City of Marion, in a form satisfactory to the City, with liability coverage of no less than \$ 1,000,000.00 and said policy shall list the City of Marion as an additional insured as to the ramp and its appurtenances. Further, if the City exercises its right to terminate the easement any and all costs associated with the removal of the structure and the return of the subject area to its condition prior to the installation of the subject ramp shall be borne by the owner of the subject property and may be assessed against the real property as are tax liens and the like. The obligations contained herein shall be properly referenced within the real property's deed as covenants running with the land and this affirmative duty of the real property owner shall be completed within 60 days after the beginning of the construction of the subject ramp.

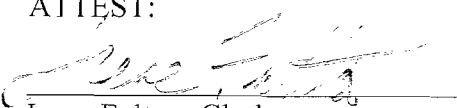
Section 2. this ordinance shall take effect and be in force from and after the earliest period allowed by law.

APPROVED: APR 23 2008


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Irene Fulton, Clerk

Ordinance No. 2008-120

Passed May 15, 2008

ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY TO THE MARION LAND BANK PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the Council by its action in Ordinance 2008-76 created the Marion Land Bank Program, and

WHEREAS, City Administrators working through the Nuisance Abatement Task Force has been making significant progress in relation to nuisance properties within the community and continue to make a difference not only removing nuisance structures, but also where achievable rehabilitating nuisance structures providing housing revitalization within our neighborhoods creating a community that is not only safer, but contains more housing opportunities for Marion families,

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

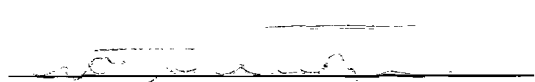
Section 1 The Council finds it to be in the best interests of the City to authorize the acceptance of the following real properties to the Marion Land Bank Program, said properties being found and determined by Council to qualify as properties fitting the expressed purposes, including but not limited to being non-productive lands, as contained within Marion City Code Chapter 1367 and viable for Land Reutilization as enabled by ORC 5722 et. al.:

344 Monroe St., Marion, Ohio
632 N. State St., Marion, Ohio


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: Due to the real and present need to move forward without delay given the imminent need to revitalize the neighborhoods in which these premises exist; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.


Dave Edwards
President of Council

APPROVED: May 15 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0175

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-121

Passed July 1, 2008, 2008

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

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

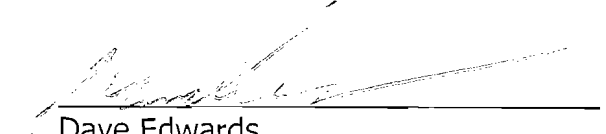
WHEREAS, the Program referenced above has experienced great success and has saved the participants in excess of 2.5 million dollars, and

WHEREAS, there is a real and present need to continue the existing relationship with the City's expert in regard to future abilities for savings when third party providers come back to "the market" and savings are made available to Aggregation programs again,

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

Section 1. The Council finds the citizens of the City to best be served by the entering into another Professional Management Service Agreement for the City's Electric Aggregation program and hereby authorizes and directs the Service Director to complete all documents necessary enter into an additional contract period for services to be provided to the City's Electric Aggregation Program,


Section 2. This Ordinance is hereby declared to be an emergency necessary for the welfare of the City of Marion and the inhabitants thereof due to the need to move as quickly as possible; and as such shall take effect and be enforce immediately upon it's passage by two thirds vote of all members elected and by approval of the Mayor, otherwise it shall become effective from and after the earliest period allowed by law.


Dave Edwards
President of Council

Approved: 

Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF ORDINANCES

0183

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-122

Passed Nov 14 2008, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2008.

Whereas, the Council having been advised that the City of Marion has been awarded the 2008 CDBG Formula Grant and the 2008 CHIP Housing Grant, and

Whereas, the Council has previously authorized the Mayor to apply for and administer said grants for the City of Marion, and

Whereas, the Council being advised that said funds are now needed in order to proceed.

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

Section 1. That there be an additional appropriation made in various funds as follows:

2008 CHIP HOUSING GRANT

Rental Rehab	272.4547.530329	\$ 69,600.00
Tenant Based Rental	272.4547.530340	\$150,000.00
Private Owner Rehab	272.4547.530322	\$162,400.00
Home Repair	272.4547.530327	\$ 49,000.00
Counseling	272.4547.530341	\$ 21,000.00
Administration	272.4547.530324	\$ 48,000.00
Total		\$500,000.00

2008 CDBG FORMULA GRANT

Clearance	275.4547.530323	\$ 20,000.00
Curbs & Sidewalks	275.4547.530337	\$ 34,000.00
Home Repair	275.4547.530342	\$ 76,100.00
Fair Housing	275.4547.530339	\$ 300.00
Administration	275.4547.530324	\$ 22,600.00
Total		\$153,000.00

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

APPROVED: [Signature]

[Signature]
Dave Edwards
President of Council

[Signature]
Mayor Scott Schertzer

ATTEST:

[Signature]
Clerk of Council

RECORD OF ORDINANCES

0177

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-123

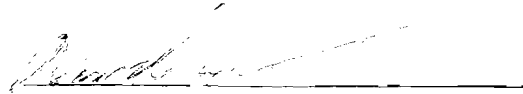
Passed Nov 4, 2008

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF BATTERY BACKUP SYSTEM FOR TRAFFIC SIGNALS, AND DECLARING AN EMERGENCY.

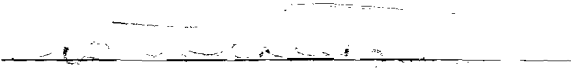
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the purchase of battery backup system for traffic signals.

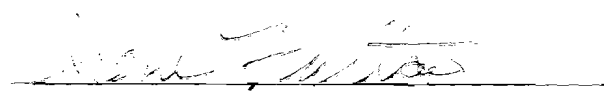
Section 2. That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation and the immediate need of the City; and as such, shall take effect and be in force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


Dave Edwards
President of Council

APPROVED: 


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0179

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-124

Passed DEC 6 2008, 2008

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND PARKS COMMISSION TO ENTER INTO A LICENSE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION / OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES FOR USE OF THEIR ABANDONED FACILITY AT 490 W. FAIRGROUND ST., AND DECLARING AN EMERGENCY

WHEREAS, the Parks Superintendent and Mayor have requested authority to enter into a license agreement for the use of the former ODOT facility at 490 W. fairground St., Marion, Ohio, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion to have the Parks Department utilize the facility referenced herein for public purposes,

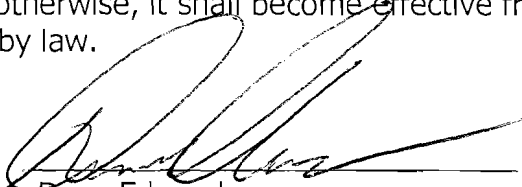
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:


Section 1. The Service Director and Parks Commission are granted all necessary authorities to enter into a license agreement with the Ohio Department of Transportation and/or Ohio Department of Administrative Services for the use of facilities at 490 W. Fairground St., Marion, Ohio in a form approved by the Law Director and Mayor. Any costs associated with said use shall be from the Parks budget.

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 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.

APPROVED: DEC 6 2008


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-125

Passed NOV 2 2008, 2008

ORDINANCE AMENDING CERTAIN PORTIONS OF ORDINANCES 2002-117 AND 1999-140 AND DECLARING AN EMERGENCY

WHEREAS, the City Council for the City of Marion finds it necessary to amend certain portions of Ordinances 2002-117, 1999-140 and such other previously adopted Ordinances in order to carry out the desired end, that being, enabling even greater efficiencies within the Office of the Law Director, and

WHEREAS, the Council finds the modifications, adjustments and amendments contained herein are necessary,

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

SECTION 1. The Council finds it necessary to make the following amendments to previously adopted Ordinances referenced below, all previous terms not amended herein shall remain in full force as if fully rewritten herein:

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. Beginning on the first day of January 2009, the ... First Assistant Law Director from time to time also referred to as Chief Prosecutor.... The base salary for said position shall be \$ 72,000.00 with all the benefits previously provided the former position.

SECTION 3 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.

AND

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 (3rd Assistant) shall be \$ 20,900 per year, payable semi-monthly.

Shall be amended to:

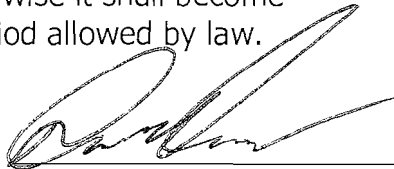
Commencing on the first day of 2009 the duties of the Assistant Law Director for Prosecution in the Marion Municipal Court (3rd Assistant) shall be

Ordinance No. _____ Passed NOV 24 2008, 20____

consolidated and combined with those duties assigned to the Second Assistant Law Director. The base salary for the holder of the Office of the newly reformatted Second Assistant Law Director shall be \$ 40,000 per year, payable semi-monthly.

SECTION 4. All provisions contained in previously adopted Ordinances not modified by the above shall remain in effect as if fully restated herein.

SECTION 5 . That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the need to take the opportunity to increase efficiencies taking into account the impending vacancy in the position of the 3rd Assistant position; 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.



Dave Edwards
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:



Clerk of Council

Returned by Mayor 12-5-08

RECORD OF ORDINANCES

0189

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-126

Passed DEC 9 2008, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

WHEREAS, the Council has been advised there is an immediate need to provide additional funds to the Police Department for an additional \$20,000 in their Central Garage Maintenance Fund.

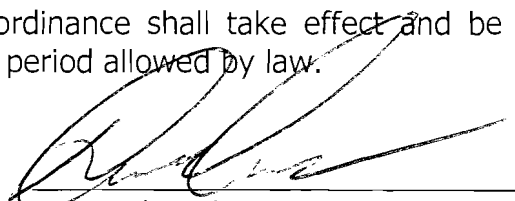
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriation made in the General Fund in the amount of \$20,000 as follows:

POLICE DEPT. GENERAL FUND

101.1111.530601 \$20,000.00

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



Dave Edwards
President of Council

APPROVED: DEC 9 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-13 Passed MAR 11 2008, 20

ORDINANCE TO MAKE APPROPRIATIONS FOR
CURRENT EXPENSES AND OTHER EXPENDITURES OF
THE CITY OF MARION, STATE OF OHIO, DURING THE
FISCAL YEAR ENDING DECEMBER 31, 2008,
AMENDING ORDINANCE 2008-1.

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

Section 1. To provide for the current expenses and transfers and other
expenditures of the City of Marion, Ohio during the fiscal year ending December 31,
2008, ~~HOWEVER AT THE REQUEST OF THE ADMINISTRATION THE~~
~~BUDGET SHALL BE CONSIDERED "INTERIM" AS IT IS UNDERSTOOD~~
~~ADJUSTMENTS WILL NEED TO BE MADE FOR THE 2ND, 3RD AND 4TH~~
~~QUARTERS OF 2008,~~ the following sums be and they are hereby set aside,
transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 173,326
Salaries - Uniformed	3,438,332
Benefits	1,867,510
Sick Leave Sellback	40,000
Quartermaster	44,000
Travel	9,000
Schooling	30,000
Service Contracts	7,000
Equipment Lease	5,500
Equipment Maintenance	10,900
Insurance	75,000
Supplies	52,000
Fuel & Lubricants	100,000
Professional Service	18,200
Membership Dues	1,000
Subscriptions/Publications	2,000
Utilities	10,000
Central Garage Maintenance	123,000
Smart Camp	<u>12,500</u>
 <i>Total Police Department</i>	 \$ 6,019,268

Dispatch Department

Salaries	\$ 445,673
Benefits	215,815
Sick Leave Sellback	9,500
Quartermaster	3,900
Travel	1,000
Schooling	5,650
Service Contracts	34,175
Equipment Maintenance	2,000
Supplies	2,000
Membership Dues	100
Subscriptions/Publications	50
Utilities	29,000
Professional Services	<u>1,000</u>
 <i>Total Dispatch Department</i>	 \$ 749,863

Ordinance No. 2008-13

Passed _____, 20____

Fire Department

Salaries - Civilian	\$ 35,610	
Salaries - Uniformed	3,509,271	3,329,528
Benefits	1,940,323	1,824,422
Sick Leave Sellback	121,678	
Quartermaster	35,500	
Travel	5,000	
Schooling	23,000	
Utilities	70,000	
Service Contracts	6,000	
Equipment Maintenance	11,000	
Building Maintenance	11,200	
Insurance	58,000	
Supplies	43,000	
Fuel & Lubricants	26,200	
Professional Service	13,700	
Membership Dues	1,500	
Subscriptions/Publications	3,000	
EMS Billing	70,000	
Equipment Lease	1,800	
Central Garage Maintenance	<u>51,340</u>	

Total Fire Department ~~\$6,037,122~~ \$5,741,478

Disaster Services

City Share \$ 12,000

Total Disaster Services \$ 12,000

Recreation Department

Salaries	\$ 157,928
Benefits	79,725
Sick Leave Sellback	1,000
Travel	1,500
Professional Service	40,000
Insurance	5,500
Supplies	28,000
Utilities	34,000
Equipment Maintenance	2,000
Fuel	1,100
Postage	100
Membership Dues	500
Subscriptions/Publications	250
Schooling	1,500
Service Contracts	3,300
Building Lease/Rent	7,500
Land & Bldg Maintenance	15,000
Promotional Advertising	1,000
Equipment Lease	2,000
Central Garage Maintenance	<u>2,000</u>

Total Recreation Department \$ 383,903

Ordinance No. 2008-13

Passed MAR 11 2008, 20

Senior Citizens Department

Salaries	\$ 179,130
Benefits	92,698
Sick Leave Sellback	4,110
Utilities	40,000
Building Maintenance	7,000
Insurance	8,000
Professional Service	1,050
Central Garage Maintenance	4,000
Fuel	<u>2,000</u>

Total Senior Citizens Dept. \$ 337,988

Planning Department

Marion Regional Planning	\$ <u>62,500</u>
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Total Planning Department \$ 62,500

Economic Development Department

Professional Service	\$ 108,000
Revenue Sharing	<u>210,000</u>

Total Economic Development \$ 318,000

Street Lighting

Utilities	\$ <u>297,000</u>
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Total Street Lighting \$ 297,000

Airport

Salaries	\$ 160,437	146,521
Benefits	77,699	52,868
Sick Leave Sellback	2,500	
Travel	900	
Utilities	38,000	
Service Contracts	12,500	
Equipment Maintenance	8,000	
Land/Bldg. Maintenance	27,000	
Insurance	14,000	
Taxes	8,000	
Supplies	13,000	
Fuel & Lubricants	8,000	
Membership Dues	900	
Professional Services	7,000	
Postage	250	
Subscriptions/Publications	500	
Quartermaster	800	
Janitorial Service	5,000	
Schooling	500	
Equipment Rent/Lease	500	
Central Garage Maintenance	<u>1,500</u>	
<u>Total Airport Operations</u>	\$ 386,986	\$348,239

Ordinance No. 2008-13

Passed _____, 20____

Mayor

Salaries	\$ 104,597
Benefits	46,538
Travel	1,200
Professional Service	400
Supplies	2,000
Utilities	450
Membership Dues	250
Subscriptions/Publications	200
Schooling	<u>1,000</u>

Total Mayor's Office \$ 156,635

Auditor

Salaries	\$ 244,332
Benefits	115,337
Sick Leave Sellback	1,576
Travel	300
Professional Services	1,000
Service Contracts	14,000
Supplies	5,000
Subscriptions/Publications	1,500
Schooling	4,000
Membership Dues	120
Equipment Lease	<u>1,250</u>

Total Auditor's Office \$ 388,415

Income Tax

Salaries	\$ 165,574
Benefits	78,545
Sick Leave Sellback	2,200
Travel	100
Professional Services	2,500
Supplies	15,500
Postage	6,500
Service Contracts	1,150
Schooling	750
Subscriptions/Publications	700
Administrative Fee	<u>8,000</u>

Total Income Tax Office \$ 281,519

Treasurer

Salary	\$ 6,358
Benefits	1,555
Professional Services	600
Supplies	300
Travel	80
Schooling	130
Dues	<u>40</u>

Total Treasurer's Office \$ 9,063

Ordinance No. 2008-13 Passed MAR 11 2008, 20

Law Director

Salaries	\$ 241,417
Benefits	136,447
Travel	450
Professional Services	13,000
Supplies	2,500
Schooling	1,950
Membership Dues	700
Subscriptions/Publications	2,500
Utilities	800
Equipment Lease	1,450
<u>Total Law Director's Office</u>	\$ 401,214

Human Resource Director

Salaries	\$ 90,040
Benefits	34,550
Travel	100
Professional Services	25,000
Supplies	800
Membership Dues	150
Schooling	300
<u>Total Human Resource Dir's Office</u>	\$ 150,940

Safety/Service Director

Salaries	\$ 138,627
Benefits	55,934
Travel	1,600
Professional Services	8,000
Supplies	5,000
Demolition	11,000
Burials	1,500
Service Contracts	400
Membership Dues	110
Litter Control	1,000
Utilities	960
Schooling	500
Equipment Lease	1,500
<u>Total Safety/Service Dir's Office</u>	\$ 226,131

Civil Service Commission

Salaries	\$ 4,100
Benefits	1,002
Professional Services	6,000
Supplies	500
<u>Total Civil Service Commission</u>	\$ 11,602

Ordinance No. 2008-13 Passed _____, 20____

City Council

Salaries	\$ 106,568
Benefits	26,109
Membership Dues	4,200
Legal Advertising	2,500
Supplies	1,500
Professional Services	3,000
Beautification Projects	14,111
Equipment	<u>3,197</u>
Total City Council	\$ 161,185

Municipal Court

Salaries	\$ 489,267
Benefits	232,336
Sick Leave Sellback	1,000
Travel	2,400
Professional Services	8,500
Equipment Maintenance	3,500
Supplies	17,500
Fuel & Lubricants	1,700
Utilities	1,020
Membership Dues	930
Subscriptions/Publications	400
Schooling	1,500
Court Security	3,137.20
Central Garage Maintenance	<u>1,000</u>
Total Municipal Court	\$ 764,190.20

Community Corrections

Travel	\$ 750
Benefits	28,686
Schooling	350
Equipment Lease	960
Supplies	<u>500</u>
Total Community Corrections	\$ 31,246

City Hall

Salaries	\$ 50,461
Benefits	24,699
Sick Leave Sellback	3,000
Utilities	190,000
Custodial Service	27,000
Postage Meter	78,000
Building Maintenance	18,000
Insurance	33,000
Supplies	16,000
Service Contracts	15,000
Equipment Lease	6,000
Clothing	450
Professional Services	<u>7,300</u>
Total City Hall	\$ 468,910

Ordinance No. 2008-13 Passed MAR 11 2008, 20

Engineering Department

Salaries	\$ 259,585	214,470
Benefits	146,308	118,341
Sick Leave Sellback	3,200	
Travel	1,000	
Equipment Maintenance	719	
Supplies	2,200	
Fuel & Lubricants	4,400	
Membership Dues	10	
Subscriptions/Publications	300	
Schooling	1,300	
Tree Care	12,000	
Clothing	550	
Utilities	3,000	
Central Garage Maintenance	481	

Total Engineering Department \$ 435,053 \$361,971

Statutory Accounts

Election Expense	\$ 5,000
Examiner Fees	44,000
City Auditor/Treasurer Fees	37,000
Income Tax Refunds	275,000
Flexible Spending	40,000
Pass Thru Tax Payment	6,598.49

Total Statutory Accounts \$ 407,598.49

Transfers

School Resource Officer	\$ 35,000
Violence Against Women	52,000
Health	548,698
Swimming Pool	93,000
Parks	575,982
Transit	191,358

Total Transfers \$ 1,496,038.00

Total General Fund \$19,994,369.69

Total General Fund \$19,586,897.69

Ordinance No. 2008-13 Passed _____, 20____

SENIOR CITIZENS TRANSPORTATION FUND

Wages	\$ 17,357
Benefits	4,243
Supplies	1,600
Fuel	<u>5,200</u>
<i>Total Sr. Citizens Transportation Fund</i>	\$ 28,400.00

SENIOR CITIZENS III-B GRANT FUND

Administration	\$ 19,911.90
Salaries	35,501
Central Garage Maintenance	2,000
Vehicle Leases	7,200
Fuel & Lubricants	9,000
Professional Services	<u>2,200</u>
<i>Total Sr. Citizens III-B Grant Fund</i>	\$ 75,812.90

SENIOR CITIZENS III-E GRANT FUND

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

STATE BLOCK GRANT FUND

Salaries	\$ <u>10,222</u>
<i>Total State Block Grant Fund</i>	\$ 10,222

SENIOR CITIZENS HOMEMAKER FUND

Wages	\$ 8,035
Benefits	1,965
Travel	<u>2,000</u>
<i>Total Sr. Citizens Homemaker Fund</i>	\$ 12,000

STREET CONSTRUCTION MAINTENANCE & REPAIR FUND

Street Maintenance

Salaries	\$ 989,792
Benefits	537,159
Sick Leave Sellback	26,907
Clothing Allowance	9,325
Travel	600
Professional Services	5,047
Service Contracts	2,060
Equipment Maintenance	5,150
Permissive Auto Tax	152,646
Insurance	22,978
Supplies	320,000

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Passed MAR 11 2008, 20

Fuel & Lubricants	59,740
Streetscape	6,000
Schooling	7,000
Utilities	53,560
Land & Building Maintenance	5,400
Resurfacing Projects	370,807
Excavation Bonds	15,000
Pavement Bonds	5,000
Central Garage Maintenance	246,000
Equipment Lease	1,000
Building Rent	9,000
Membership Dues	100
Transfer to Defasco TIF Fund	25,228.56
Equipment	200,000
Flex Spending	<u>2,340</u>
<i><u>Total SCMR Fund</u></i>	\$ 3,077,839.56

STATE HIGHWAY IMPROVEMENT FUND

Resurfacing	\$ <u>105,000</u>
<i><u>Total State Highway Improvement</u></i>	\$ 105,000

MMC ASSISTANCE FUND

Travel	\$ 500
Schooling	1,000
Professional Services	53,000
Supplies	2,000
Reimbursements	500
Capital Improvements	15,000
Equipment	<u>2,000</u>
<i><u>Total MMC Assistance Fund</u></i>	\$ 74,000

COURT COMPUTERIZATION FUND

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

VIOLENCE AGAINST WOMEN FUND

Salaries	\$ 70,792
Benefits	24,629
Schooling	<u>4,579</u>
<i><u>Total VAW Fund</u></i>	\$ 100,000

HEALTH FUND

Administration

Salaries	\$ 279,295
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Benefits	123,817
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Ordinance No. 2008-13 Passed _____, 20____

Sick Leave Sellback	3,895
Travel	1,000
Professional Services	4,000
Service Contracts	2,000
Central Garage Maintenance	1,000
Supplies	8,000
Fuel & Lubricants	500
State Reimbursements	85,000
Insurance	7,000
Books/Publications	500
Dues & Memberships	1,500
Schooling	2,000
Equipment Lease	1,800
Administration	8,158.54
Flex Spending	2,340

Total Health Administration \$ 531,805.54

Inspection

Salaries	\$ 153,379
Benefits	77,269
Sick Leave Sellback	2,060
Travel	2,000
Professional Services	2,000
Weed Control	29,000
Blight Control	12,000
Mosquito Control	6,000
Supplies	1,500
Fuel & Lubricants	900
Insurance	600
Schooling	800
Dues	400

Total Health Inspection \$ 287,908

WIC Administration

Salaries	\$ 39,469
Benefits	14,062
Utilities	4,000
Professional Services	1,300
Land & Bldg. Maintenance	1,000
Donations	533.40
Travel	500
Supplies	500

Total WIC Administration \$ 61,364.40

TOTAL HEALTH FUND

\$ 881,077.94

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 199,350.25
Benefits	86,809.69
Travel	4,000
Equipment Maintenance	2,000

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Supplies	5,194.06
Postage	3,000
Utilities	15,000
Janitorial Services	4,080
Land & Bldg. Maintenance	1,020
<i>Total WIC Fund</i>	\$ 320,454

SCHOOL RESOURCE OFFICER FUND

Salaries	\$ 51,522
Benefits	32,702
<i>Total School Resource Officer Fund</i>	\$ 84,224

PARKS FUND

Salaries	\$ 289,578
Benefits	159,496
Sick Leave Sellback	4,000
Clothing Allowance	2,700
Utilities	25,000
Service Contracts	400
Equipment Maintenance	3,000
Land/Bldg. Maintenance	22,000
Insurance	9,000
Supplies	30,500
Fuel & Lubricants	13,000
Professional Service	1,650
Yard Waste Fees	3,000
Property Tax	880
Janitorial Services	8,000
Administration	8,738.56
Central Garage Maintenance	14,500
Founders Park	796.85
Kaufman Dog Park	7,983.33
<i>Total Parks Fund</i>	\$ 604,222.74

COMMUNITY CORRECTIONS FUND

Salaries	\$ 89,835
Benefits	27,554
<i>Total Community Corrections Fund</i>	\$ 117,389

ENFORCEMENT AND EDUCATION FUND

Reimbursements	\$ 7,500
Equipment	2,500
<i>Total Enforcement & Education Fund</i>	\$ 10,000

INDIGENT ALCOHOL DRIVER FUND

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

SMOKE DETECTOR FUND

Ordinance No. 2008-13

Passed _____, 20____

Supplies \$ 5,000

Total Smoke Detector Fund \$ 5,000**SENIOR CITIZENS ASSOCIATION FUND**

Senior Citizens Program \$ 18,150

Total Sr. Citizens Association Fund \$ 18,150**POLICE & FIREMEN PENSION FUND**

Police Benefits \$ 123,686

Fire Benefits 123,686Total Police/Firemen Pension Fund \$ 247,372**FIRE INSURANCE PROCEEDS FUND**

Insurance Proceeds \$ 150,000

Total Fire Insurance Proceeds Fund \$ 150,000**HEALTH LICENSE FUND**

Tattoo & Body Piercing \$ 1,000

Trailer Park 1,449

Food Service 32,000

Vending Machines 2,000

Swimming Pool 3,300

Infectious Waste 450

Solid Waste 2,500

Food Establishment 8,000Total Health License Fund \$ 50,699**PUBLIC HEALTH INFRASTRUCTURE FUND**

Travel \$ 320

Training 2,975

Communications 2,640

Service Contracts 1,920

Administration 26,554.34

Supplies 800Total Public Health Infrastructure Fund \$ 35,209.34**COMMUNITY DISTRESS FUND**

Demolition of Buildings \$ 18,600

Sanitary Sewer 42,400

Curbs & Sidewalks 197,000

Park & Recreation Facilities 6,837Total Community Distress Fund \$ 264,837**HOUSING REVOLVING FUND**

Ordinance No. 2008-13 Passed MAR 11 2008, 20

Implementation \$ 1,000
Emergency Rehab 3,300

Total Housing Revolving Fund \$ 4,300

REVOLVING LOAN FUND

Administration \$ 2,000
Curbs & Sidewalks 20,000
Private Rehab 50,000
Revolving Loans 25,000

Total Revolving Loan Fund \$ 97,000

FORMULA GRANT FUND

Street Improvements \$ 60,000
Curbs & Sidewalks 46,000

Total Formula Grant Fund \$ 106,000

UDAG LOAN REPAYMENT FUND

Revolving Loan \$ 61,000

Total UDAG Loan Repayment Fund \$ 61,000

UNDERGROUND STORAGE TANK FUND

Professional Services \$ 11,000

Total UST Fund \$ 11,000

G.O. BOND RETIREMENT FUND

Bond Interest \$ 44,975
Bond Principal 50,000

Total G.O. Bond Retirement Fund \$ 94,975

DOFASCO TIF FUND

Administrative Fee \$ 2,684.62
Infrastructure Loan Interest 42,953.75
Infrastructure Loan Principal 166,875.31

Total Dofasco TIF Fund \$ 212,513.68

D.R.I.P. TIF RIDGEDALE FUND

Transfer to DRIP Infrastructure \$ 400,000.00

OPWC LOAN No. CP10D \$ 3,205.05

Ordinance No. 2008-13

Passed _____, 20____

Total D.R.I.P. TIF Ridgedale Fund \$ 403,205.05

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

Transfer to DRIP Infrastructure \$ 166,000
OPWC LOAN No. CP10D \$ 3,205.05

Total D.R.I.P. TIF Marion City Schools Fund \$ 169,205.05

BARKS ROAD TIF FUND

Cost of Issuance \$ 2,000
Interest 30,714.44
Principal 770,000

Total Barks Road TIF Fund \$ 802,714.44

SBR ENTERPRISES TIF FUND

Cost of Issuance \$ 1,900
Interest 29,916.67
Principal 750,000.00

Total SBR Enterprises TIF Fund \$ 781,816.67

DELAWARE-BARKS TIF FUND

Cost of Issuance \$ 1,100
Interest 15,955.56
Principal 400,000.00

Total SBR Enterprises TIF Fund \$ 417,055.56

CAPITAL IMPROVEMENT FUND

Transfer to MAT Fund \$ 10,838.60
Fire Truck Lease Interest 22,976.51
Fire Truck Lease Principal 105,079.57
FY '07 Contingency 56,949.29
FY '08 Contingency 242,751

Total Capital Improvement Fund \$ 438,594.97

AIRPORT INDUSTRIAL PARK FUND

Professional Services \$ 8,000
Property Tax 10,000

Total Airport Industrial Park Fund \$ 18,000

SOFTBALL FIELD IMPROVEMENT FUND

Capital Improvements \$ 5,000

Total Softball Field Improvement Fund \$ 5,000

Ordinance No. 2008-13

Passed MAR 11 2008, 20

DRIP INFRASTRUCTURE FUND

Marion Williamsport Road \$ 566,000
OPWC CP30J 500,000
Total DRIP Infrastructure Fund \$1,066,000

DRIP PARK FUND

Quarry Park \$ 740
Total DRIP Park Fund \$ 740

YOUTH CENTER CONSTRUCTION FUND

Equipment \$ 7,480.37
Skateboard Park 6,209.72
Total Youth Center Construction Fund \$ 13,690.09

HARDING CENTRE LOAN FUND

Principal \$ 21,813.75
Interest 27,000
Total Harding Centre Loan Fund \$ 48,813.75

AIRPORT IMPROVEMENT FUND

Project 18 \$ 150,000
Total Airport Imp. Fund \$ 150,000

TRANSIT FUND

Salaries \$ 486,561
Benefits 222,609
Utilities 11,000
Professional Services 2,500
Central Garage Maintenance 96,000
Land/Bldg. Maintenance 2,850
Insurance 13,000
Supplies 5,000
Fuel & Lubricants 68,000
Subscriptions/Publications 450
Membership Dues 550
Promotional Advertising 1,000
Legal Advertising 1,000
Building Lease 18,000
Equipment Lease 500
Equipment 177,000
Travel 1,100
Sick Leave Sell Back 5,000
Flex Spending 4,680

Total Transit Fund \$ 1,116,800

Ordinance No. 2008-13 ¹⁴⁰ Passed _____, 20____

SEWER SYSTEM IMPROVEMENT FUND

G.O. Note Interest	\$ 87,550
OWDA Loan Interest	370,066.29
OWDA Loan Principal	1,398,751.67
G.O. Bond Interest	105,020
G.O. Bond Principal	115,000
OPWC Loan	<u>61,325.38</u>

Total Sewer System Imp. Fund \$2,137,713.34

SEWER REPLACEMENT FUND

Professional Services	\$ 175,000
Equipment Maintenance	75,000
Land/Building Maintenance	56,000
Equipment	167,000
Capital Improvements	<u>100,000</u>

Total Sewer Replacement Fund \$ 573,000

SEWER REVENUE FUND

Water Pollution Control

Salaries	\$1,299,327
Benefits	585,248
Sick Leave Sellback	18,000
Clothing Allowance	12,000
Travel	3,000
Utilities	497,400
Professional Services	214,500
Equipment Maintenance	22,000
Land/Building Maintenance	10,500
Insurance	86,500
Supplies	444,800
Fuel & Lubricants	46,000
Equipment	37,000
Postage	4,300
Refunds	5,000
Transfer-Replacement	200,000
Utility Billing-Reimbursements	74,000
Subscriptions/Publications	1,800
Schooling	10,500
Dues	2,500
Service Contracts	27,700
Janitorial Services	18,000
Capital Improvements	10,000
Central Garage Maintenance	17,000
Flex Spending	2,340
Equipment Rental	<u>10,000</u>

TOTAL SEWER REVENUE FUND \$ 3,659,415

Ordinance No. 2008-13 Passed MAR 11 2008, 20

SANITATION FUND

Refuse Collection

Salaries	\$ 670,042
Benefits	345,723
Sick Leave Sellback	12,800
Clothing Allowance	7,010
Equipment Maintenance	5,000
Insurance	20,000
Supplies	12,000
Fuel & Lubricants	60,000
Yard Waste Fees	45,000
Utility Billing Services	74,000
Service Contracts	1,000
Solid Waste Transfer Expense	594,032
Professional Service	10,000
Equipment Lease	1,050
Schooling	400
Travel	500
Utilities	1,350
Comingling Expense	21,000
Building Rent	9,000
Refunds	600
Central Garage Maintenance	102,000
Capital Lease Interest	3,057.49
Capital Lease Principal	80,260.63
Equipment	<u>120,000</u>
<u>TOTAL SANITATION FUND</u>	\$ 2,195,825.12

LANDFILL MONITORING FUND

Equipment Maintenance	\$ 4,000
Utilities	5,000
Supplies	4,800
Professional Services	75,000
OWDA Loan Interest	58,149.42
OWDA Loan Principal	146,924.70
Equipment	<u>50,000</u>
<u>Total Landfill Monitoring Fund</u>	<u>\$ 343,874.12</u>

STORM WATER UTILITY FUND

Salaries	\$ 372,706
Benefits	159,170
Professional Service	170,000
Equipment Maintenance	12,000
Equipment Lease	4,000
Supplies	84,390
Equipment	216,700
Utility Billing Services	74,000
Insurance	8,000
Fuel	40,000
Capital Improvements	22,000
Clothing	3,304
G.O. Bond Interest	192,385
G.O. Bond Principal	210,000
OPWC Loan No. CP10F	6,348.16
OPWC Loan No. CP16E	5,959.28

OPWC Loan No. CP06G 777.58

Ordinance No. 2008-13

Passed _____, 20____

Central Garage Maintenance	12,000
Solid Waste Expense	20,000
Refunds	400
G.O. Note Interest	<u>77,775</u>

<u>Total Storm Water Utility Fund</u>	\$ 1,691,915.02
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SWIMMING POOL FUND

Salaries	\$ 65,000
Benefits	14,951
Utilities	15,000
Equipment Maintenance	3,000
Land/Building Maintenance	2,350
Insurance	1,650
Supplies	27,000
Professional Services	1,000
Schooling	600
Travel	<u>200</u>

<u>Total Swimming Pool Fund</u>	\$ 130,751
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SANITARY SEWER IMPROVEMENT FUND

GO Note Interest	\$ 121,600
GO Note Principal	<u>3,040,000</u>

Total Sanitary Sewer Imp. Fund \$ 3,161,600

NW INTERCEPTOR IMPROVEMENT FUND

OPWC Loan No. CP522	\$ 35,000
OPWC Loan No. CP18A	<u>10,477.90</u>

<u>Total NW Interceptor Imp. Fund</u>	\$ 45,477.90
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STORM SEWER IMPROVEMENT FUND

G.O. Note Interest	\$ 96,000
G.O. Note Principal	2,400,000

<u>Total Storm Sewer Impr. Fund</u>	\$ 2,496,000
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CENTRAL GARAGE FUND

Salaries	\$ 195,494
Benefits	84,526
Sick Leave Sellback	2,500
Clothing	1,800
Travel	300
Schooling	2,000
Utilities	56,000
Professional Services	5,000
Service Contracts	5,600
Equipment Maintenance	5,000
Land & Bldg. Maintenance	2,000

Insurance	10,915
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Ordinance No. 2008-13 Passed MAR 11 2008, 20

Supplies	176,000
Fuel & Lubricants	300,000
Equipment	8,500
Janitorial Services	6,000
G.O. Note Interest	56,000
G.O. Note Principal	<u>1,400,000</u>
<i>Total Central Garage Fund</i>	\$ 2,317,635

UTILITY BILLING FUND

Salaries	\$ 119,343
Benefits	58,518
Sick Leave Sellback	1,050
Travel	200
Professional Services	2,000
Supplies	6,000
Service Contracts	14,500
Postage	20,500
Equipment	1,600
Equipment Lease	<u>800</u>
<i>Total Utility Billing Fund</i>	\$ 224,511

STATE PATROL FINES AGENCY FUND

State Patrol Fines	\$ <u>100,000</u>
<i>Total State Patrol Agency Fund</i>	\$ 100,000

YOUTH RECREATION TRUST FUND

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

SAFETY PATROL TRUST FUND

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

LAW ENFORCEMENT TRUST FUND

Law Enforcement	\$ <u>20,000</u>
<i>Total Law Enforcement Trust Fund</i>	\$ 20,000

PARKING METER AGENCY FUND

Jenkins & Jenkins	\$ <u>2,000</u>
<i>Total Parking Meter Agency Fund</i>	\$ 2,000

ROTARY AGENCY FUND

Pass-Thru Payments	\$ 30,000
Greyhound Fares	<u>75,000</u>

RECORD OF ORDINANCES

0311

Dayton Legal Blank, Inc.

Page 23 of 23

Ordinance No. 2008-13

Passed MAR 11 2008, 20

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



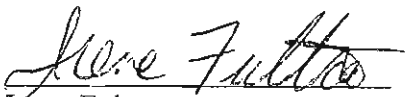
Dave Edwards
President of Council

APPROVED: MAR 12 2008



Mayor Scott Schertzer

ATTEST:



Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

0201

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-130

Passed DEC 15, 2008

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH STREACKER TRACTOR SALES, FINDLEY, OHIO FOR THE PURCHASE OF A 2006 NEW HOLLAND TRACTOR LOADER

WHEREAS, Council finds the need to purchase an updated tractor loader for the Parks Department. This replaces a non-working 1968 International Tractor Loader.

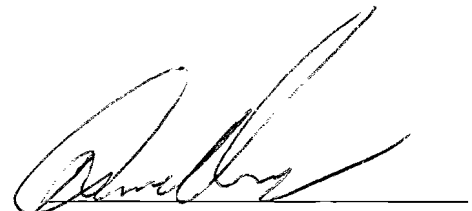
WHEREAS, that the Safety Director be directed to enter into contract with Streacker Tractor Sales, Findley, Ohio for the purchase of a 2006 New Holland Tractor Loader at the cost of \$20,000.00 and which would be paid out of the Capital Fund.

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

Section 1. That the Safety Director be directed to enter into contract with Streacker Tractor Sales, Findley, Ohio to purchase a Tractor Loader for the Parks Department.

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

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



Dave Edwards
President of Council

Approved:



Mayor Scott Schertzer

Attest:



Clerk of Council

RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-131

Passed 2008-5, 2008

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE BENEFIT OF THE FIRE DEPARTMENT FOR THE YEAR ENDING DECEMBER 31, 2008.

WHEREAS, the Council has been advised there is an immediate need for an additional appropriation in the Fire Departments various funds and sufficient funding was not budgeted in last years budget process,

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

Section 1. That there be additional appropriations made within the General Fund for the benefit of the Fire Department in the amount of \$96,000.00 as follows:

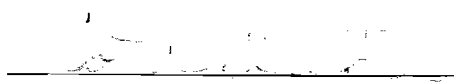
GENERAL FUND

Central Garage Maintenance (Fire)	101.1131.530601	\$15,000.00
Uniform Salaries (Fire)	101.1131.510111	\$55,000.00
Benefits (Fire)	101.1131.510120	<u>\$26,000.00</u>
Total General Fund		\$96,000.00

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

APPROVED:


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-132

Passed SEP 24, 2008

**ORDINANCE AUTHORIZING THE SAFETY DIRECTOR
TO ENTER INTO CONTRACT WITH STRYKER SALES
CORPORATION TO PURCHASE ONE (1) HYDRAULIC COT
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

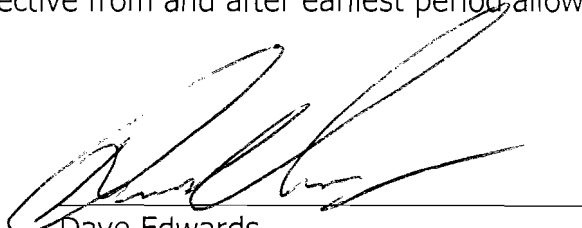
WHEREAS, Stryker Sales Corporation submitted a quote, therefore

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

Section 1. That the Safety Director be authorized and is hereby directed to enter into contract with Stryker Sales Corporation to purchase one (1) Hydraulic Cot for use at the Fire Department.

Section 2. That the \$8,600.00 cost of said contract shall be payable from the Donations Fund Account No. 101.1131.540324 in the amount of \$1,588.31 and the remainder being payable from the Capital Improvement Fund Account No. 401.1131.556450.


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 the wellbeing of City Firefighters and that is necessary to have the cot replaced; 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.


Dave Edwards
President Of Council

APPROVED:


Mayor Scott Schertzer

ATTEST:


Clerk Of Council

RECORD OF ORDINANCES

0207

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-133

Passed 7-22-08, 2008

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH SUNGARD PUBLIC SECTOR INC., FOR THE PURCHASE OF A RECORDS MANAGERMENTS SYSTEM FOR USE IN THE POLICE DEPARTMENT AND THE COMBINED DISPATCH CENTER AND DECLARING AN EMERGENCY.

WHEREAS, The Council had been advised of the need for the replacement of an aged police records system sometime ago and the Police Department Administration has diligently conducted a request for proposal process to identify those vendors and products that would best serve the City, and

WHEREAS, SUNGARD PUBLIC SECTOR Inc., the Police Administration's utilized process has found that Sungard is hereby determined to be a sole-source vendor, only vendor who can supply the necessary software system and related components to integrate the current CAD system, vehicle data units and the new records component at a functionality level to achieve the desired end, while considering total cost,

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 SUNGARD Inc., for the purchase of the proposed Records Management System, including but not limited all software, hardware and other necessary components as are identified within the proposed contract tendered by the Police Administration,

Section 2. That the Records Management System purchased from SUNGARD Inc., at a cost of \$349,944.69 shall be payable from Capital Equipment 401.1111.558450.

Section 3. That this ordinance is hereby declared an emergency measure necessary to receive the price offered by SUNGARD, Inc. that is considerably reduced if this ordinance is passed before the end of 2008, saving the City a great deal of expense: 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

0208

RECORD OF ORDINANCES

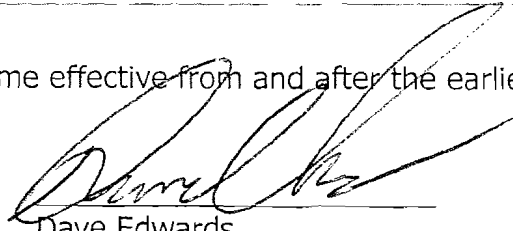
Dayton Legal Blank, Inc.

Form No. 20043

Ordinance No. 2008-133

Passed JEC 2 2 2009 20

Council; otherwise it shall become effective from and after the earliest period allowed by law.



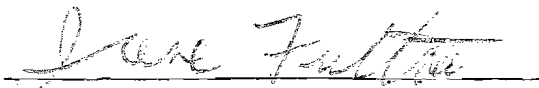
Dave Edwards
President of Council

Approved



Mayor Scott Schertzer

Attest;



Clerk of Council

RECORD OF ORDINANCES

0203

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-134

Passed DEC 22 11, 20

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

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

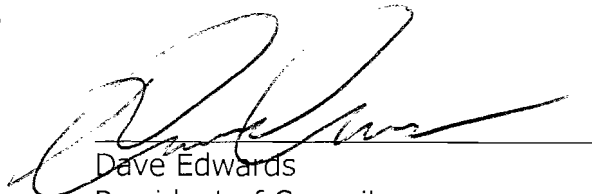
WHEREAS, an Agreement with Fraternal Order of Police, Ohio Labor Council, Inc., for the Blue Unit has been reached on behalf of said FOB and the City of Marion and ratified by the Bargaining Unit.

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

Section 1. That Council hereby appropriates \$79,000.00 which is necessary to implement the C.B.A.

Section 2. That Council hereby accepts the Fact Finders Report and ratifies and approves the bargaining agreement between the City of Marion and Fraternal Order of Police, Ohio Labor Council, Inc., for the Blue Unit.

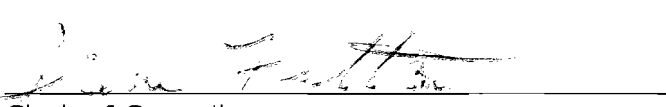
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval by the Mayor,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


Dave Edwards
President of Council

APPROVED:


Mayor Scott Schertzer

Attest;


Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

APR 14 2008

Ordinance No. 2008-14

Passed _____, 20

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT LOTS 4751 (SOUTHERN PORTION), 4752, 4753, AND 4754 FROM AN R1-C (SINGLE-FAMILY DISTRICT HIGH DENSITY) TO AN R-3 (MULTI-FAMILY DISTRICT) (Applicant Josh Daniels, co-applicant, Marie Clark)

WHEREAS, Council finds that the real property known as Lots 4751 (southern portion) 4752, 4753 and 4754 should be rezoned, from a R1-C (Single-Family District, High Density) to a R-3 (Multi-Family District), and

WHEREAS, on the 5th day of February, 2008 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 Lots 4751, 4752, 4753 and 4754, Marion, Ohio and being more particularly described in the attached Exhibit A. Said parcel currently zoned as an R1-C, Single Family District shall be rezoned to an R-3 Multi-Family District, and

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

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

Dave Edwards
President of Council

APPROVED: APR 15 2008

Mayor Scott Schertzer

ATTEST:

Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-15

Passed APR 14 2008 20

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

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

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

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

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

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

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

Activities to be:

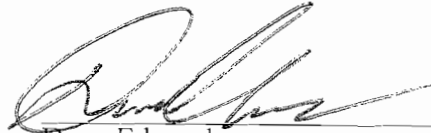
Rental Rehabilitation	=	69,600
Tenant Based Rental Assistance	=	150,000
Downpayment Assistance	=	
Private Owner Rehabilitation	=	162,400
Home Repair	=	49,000
Family Self-Sufficiency Counseling	=	21,000
Administration	=	48,000
		500,000

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

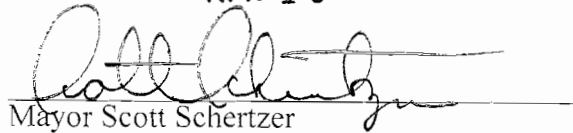
SECTION 3. That, upon approval of the City of Marion's grant application, the Mayor is authorized to sign a contract with the Marion Metropolitan Housing Authority.

Ordinance No. 2008-15Passed APR 14 2008, 20

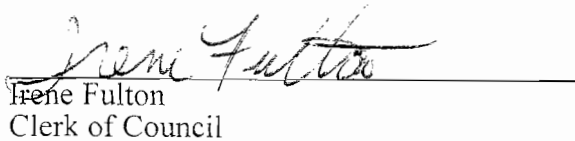
SECTION 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order to be eligible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



Dave Edwards
President of Council

APPROVED: **APR 15 2008**
Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-16

Passed MAR 24 2008, 2008

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

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

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

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

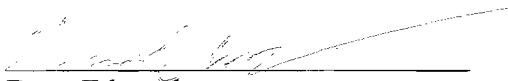
BE IT ORDAINED by the Council of the City of Marion, Ohio: Marion County,

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


Section 2. that the cost of such contract shall be conditioned on receiving the CHIP Grant.

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

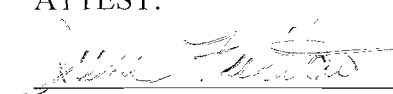
Section 4. this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants there of and for the further reason that the grant application must be filed immediately in order to be eligible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


Dave Edwards
President of Council

APPROVED: 


Mayor Scott Schertz

ATTEST:


Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-17

Passed APR 15 2008, 2008

**ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO EXTEND
A REQUEST FOR PROPOSALS UNDER THE FY 06 CDBG AND TO
THEREAFTER ENTER INTO CONTRACT FOR RESURFACING AT THE
MARTIN LUTHER KING JR. AND DECLARING AN EMERGENCY**

WHEREAS, the Council by previous action authorized the spec. and bid for resurfacing under the FY 06 CDBG at the Martin Luther King Jr. Park (Basketball court) in September 2007 and no bids were received, and

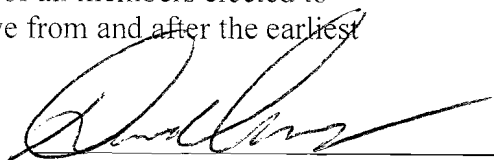
WHEREAS, in order to complete the project it is necessary to extend requests for proposals in order to act before the grant monies are lost,

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

Section 1. Based upon further review, and finding, during the previous letting for the basketball court resurfacing at the Martin Luther King Jr. Park no bids were received. And, the Council determines it is necessary as an emergency under ORC 735.051 that the project be let utilizing requests for proposals in order to avoid the communities loss of the grant funds. Therefore, the Council declares an emergency and authorizes the Safety Director to extend requests for proposals as for the aforementioned project and further authorizes the Director to enter into contract for the completion of the project.

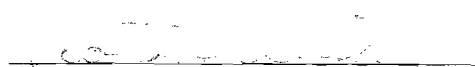
Section 2. The cost of the project shall be payable up to \$12,000 from the FY06 Community Development Block Grant (CDBG) fund.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: Due to the real and present need to move forward without delay given the imminent loss of the grant funds which will be detrimental to the citizens of Marion, Ohio; 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.



Dave Edwards
President of Council

APPROVED: APR 15 2008


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-18

Passed MAR 25 2008, 2008

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RMH CONCRETE AND FOUNDATIONS, INC FOR THE 2007 SIDEWALK PROGRAM, PROJECT 07-2M, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2007-36 authorized the preparation of plans, specifications and advertising for bids for the 2007 Sidewalk Program, Project 07-2M for the City of Marion, Ohio, and

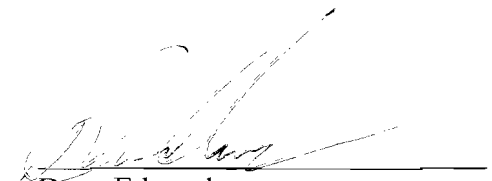
WHEREAS, RMH Concrete and Foundations, Inc submitted the lowest and best bid.

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


Section 1. That the Safety/Service Director be directed to enter into contract with RMH Concrete and Foundations, Inc., for the 2007 Sidewalk Program, Project 07-2M.

Section 2. That said contract shall be payable from the Community Distress Grant, Formula Grant, and City of Marion Revolving Loan Fund.

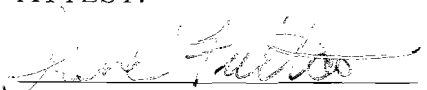
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that construction must be completed by June 30, 2008, and as such, shall take effect and be in force immediately upon its 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.


Dave Edwards
President of Council


APPROVED:


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-19

Passed June 2, 2008, 2008

**ORDINANCE AUTHORIZING AND DIRECTING THE
SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT
WITH OBERLANDER'S TREE AND LANDSCAPE, LTD. FOR
THE 2008 TREE REMOVAL PROGRAM, PROJECT 08-1M
FOR THE CITY OF MARION, OHIO AND DECLARING AN
EMERGENCY.**

WHEREAS, Ordinance No. 2007-36 authorized the preparation of plans, specifications and advertising for bids for the 2008 Tree Removal Program Project 08-1M for the City of Marion, Ohio, and

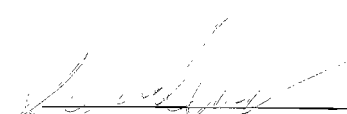
WHEREAS, Oberlander's Tree and Landscape, LTD. submitted the lowest and best bid.

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 Oberlander's Tree and Landscape, LTD., for the 2008 Tree Removal Program, Project 08-1M.

Section 2. That said contract shall be payable from the Community Distress Grant (271.4546.530337).

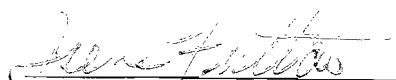
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants thereof, and for the further reason that construction must be completed by June 30, 2008, and as such, shall take effect and be in force immediately upon its 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.


Dave Edwards
President of Council

APPROVED: 


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

Ordinance No. 2008-2

Passed JAN 14 2008, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A GENERATOR FOR THE CITY OF MARION MUNICIPAL BUILDING AND DECLARING AN EMERGENCY

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

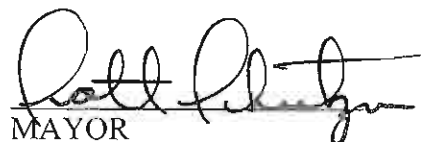
Section 1. That the Safety/Service Director is hereby authorized and directed to prepare specifications and advertise for bids for the purchase of a generator for City Hall

Section 2. That this purchase shall be payable from the Capital Improvement Fund for City Hall

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: JAN 14 2008


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-20

Passed MAR 24 2008, 2008

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2008.

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
of \$11,141.42 as follows:

HEALTH FUND


SmokeFree Ohio Grant

Salaries	249.2541.510110	\$1,518.12
Benefits	249.2541.510120	\$ 506.04
Total		\$2,024.16

GENERAL FUND

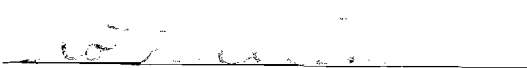
Law Enforcement Trust	737.1823.570731	\$9,117.26
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Section 2. That this ordinance shall become effective from and after the
earliest period allowed by law.



Dave Edwards
President of Council

APPROVED: MAR 25 2008



Mayor Scott Schertzer

Attest;



Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-21

Passed MAR 26 2008, 2008

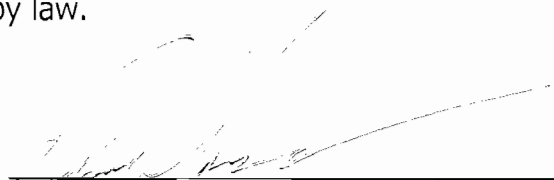
ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A NEW ROOF ON THE MARION SENIOR CENTER AND DECLARING AN EMERGENCY.

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


Section 1. That the Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for a new roof on the Marion Senior Center

Section 2. That this 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, due to the significant deterioration of the existing roof, and the need to move forward without delay, and as such shall take effect and be in force immediately upon it's passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise, it shall become effective from and after the earliest period allowed by law.


Dave Edwards
President of Council

APPROVED: 


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-22

Passed MAR 4 2008, 2008

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH THE STATE PURCHASING CONTRACTOR JACK DOHENY SUPPLIES OHIO, INC. FOR THE PURCHASE OF ONE (1) ELGIN WHIRLWIND STREET SWEEPER FOR THE USE IN THE STREETS DEPARTMENT, AND DECLARING AN EMERGENCY

WHEREAS, the existing street sweeper are in such a condition to warrant replacement,

WHEREAS, council finds it necessary to acquire a new street sweeper,

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

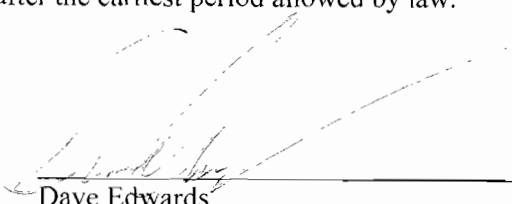
Section 1. That the Safety Director be authorized and is hereby directed to utilize the State of Ohio Department of Administrative Services State Term Schedule Number 7723500206 for the purchase of One (1) Elgin Whirlwind Street Sweeper for use in the Streets Department.

State Purchase Contractor	One (1) Elgin Whirlwind Street Sweeper \$182,682.00
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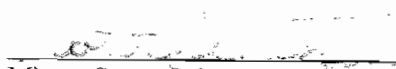
Jack Doheny Supplies Ohio, Inc.
1860 Summit Commerce Park
Twinsburg, Ohio 44087

Section 2. That the cost of said contract shall be payable from the Storm Water Utility Fund - Capital Equipment Fund (509.5554.550450).

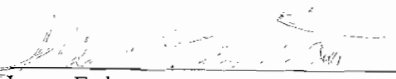
Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, the timetable associated with the state contract list and the need to move forward without delay, and shall take effect and be in force immediately 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.


Dave Edwards
President of Council

APPROVED: **MAR 25 2008**


Mayor Scott Schertzer

Attest:



RECORD OF ORDINANCES

0341

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-23Passed APR 14 2008, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH JONES BLACKTOP & EXCAVATING INC., MARION, OHIO, FOR THE MARTIN LUTHER KING PARK BASKETBALL COURT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2008-17 authorized the preparation of requests for proposals for the Martin Luther King Park Basketball Court Project in the City of Marion, Ohio, and

WHEREAS, Jones Blacktop & Excavating Inc., submitted the lowest and best offer of \$10,800

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

Section 1. That the Safety Director be authorized and directed to enter into contract with Jones Blacktop & Excavating Inc, for the Martin Luther King Park Basketball Court Project.

Section 2. That said contract shall be payable from the Community Development Block Grant FY 2006 Community Distress Grant in an amount not to exceed \$10,800.00.

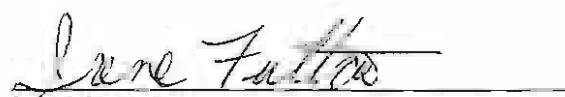
Section 3. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof: given the need to move forward without delay and complete the project prior to the loss of grant funds and as such, shall take effect and be in force immediately 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.


Dave Edwards
President of Council

Approved: APR 15 2008


Mayor Scott Schertzer

Attest:


Irene Fulton
Clerk of Council

Ordinance No. 2008-24 Passed APR 14 2008, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

WHEREAS, the Council has been advised there is an immediate need to
conduct entrance examinations in both the Police and Fire Departments and
sufficient funding was not budgeted in last years budget process,

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


Section 1. That there be additional appropriations made in the General Fund
in the amount of \$9,000.00 as follows:

GENERAL FUND

Professional Services	101.7721.530321	<u>9,000.00</u>
Total General Fund		\$ 9,000.00


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

APPROVED: APR 15 2008


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

Ordinance No. 2008-25 Passed APR 14 2008, 20

ORDINANCE MAKING AN ADDITIONAL
APPROPRIATION IN THE GENERAL FUND
FOR THE YEAR ENDING DECMEBER 31, 2008.

WHEREAS, that there is a need to utilize grant funding in the case of the
Police Department and to advance monies which will be recovered in the case of
card fees,


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 \$17,800.00 as follows:

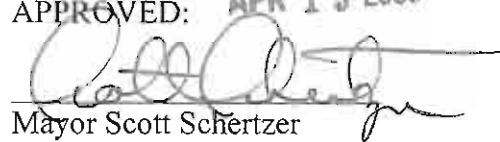
GENERAL FUND

Income Tax		
Credit Card Fees	101.7712.530502	\$1,500.00
Municipal Court		
Credit Card Fees	101.7731.530502	\$3,000.00
Utility Billing		
Credit Card Fees	612.5571.530502	\$3,000.00
Police Department		
Special Training	101.1111.530222	\$10,300.00
Total		\$17,500.00

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


Dave Edwards
President of Council

APPROVED: APR 15 2008


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

Ordinance No. 2008-26

Passed APR 14 2008, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BURGESS & NIPLE FOR THE FRANCONIA AVENUE SEWER IMPROVEMENTS PROJECT 07-1S FOR THE CITY OF MARION, OHIO, THIS THE RESULT OF THE R.F.P. AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to prepare construction plans for the Franconia Avenue Sewer Improvements, Project 07-1S, and;

WHEREAS, the City of Marion has determined Burgess & Niple to be the most qualified firm for this project after the R.F.P. process.

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

Section 1: That the Service Director be authorized to enter into contract with Burgess & Niple for design engineering services for the Franconia Avenue Sewer Improvements, Project No. 07-1S.

Section 2: That the cost of such contract shall be payable from the Storm water Utility Fund, Sewer Improvement Fund, and from the Ohio Public Works Commission.


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.


Dave Edwards
President of Council

Approved: APR 15 2008


Mayor Scott Schertzer

Attest:


Irene Fulton
Clerk of Council

Ordinance No. 2008-27

Passed APR 14 2008, 20

**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.**

WHEREAS, the Council has been advised there is an immediate need to conduct an oral promotional examination in the Fire Department and sufficient funding was not budgeted in last years budget process,

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

Section 1. That there be additional appropriations made in the General Fund in the amount of \$3,000.00 as follows:

GENERAL FUND

Professional Services	101.1131.530320	<u>\$3,000.00</u>
Total General Fund		<u>\$3,000.00</u>

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

APPROVED: APR 15 2008


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-29

Passed APR 28 2008, 2008


ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR JANITORIAL SERVICES AT CITY HALL AND DECLARING AN EMERGENCY.

WHEREAS, the current contract for Janitorial Services will be expiring on June 30, 2008.

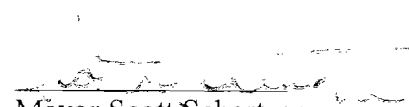
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

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

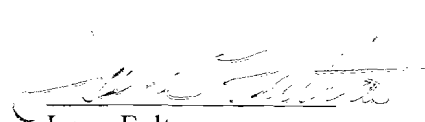
Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract is set to expire June 30, 2008 and as such shall take effect and be in force immediately upon passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.


Dave Edwards
President of Council

APPROVED: APR 28 2008


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

Ordinance No. 2008-3

Passed JAN 16 2008, 20

ORDINANCE APPROVING THE PURCHASE OF 1 Digital Video Recorder, 3 Day/Night Cameras, and 1-8 Camera Power Supply FROM HABITEC SECURITY

WHEREAS, this council, by passage of Ordinance No. 2008-3 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

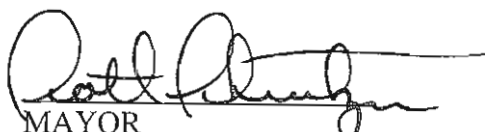
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director is hereby directed to enter into contract with Habitec Security to purchase 1 Digital Video Recorder, 3 Day/Night Cameras, and 1-8 Camera Power Supply for \$4606.00

Section 2. That the cost \$4606.00 shall be payable from the Capital Equipment Fund, Account 442.3422.550490


PRESIDENT OF COUNCIL

APPROVED: JAN 14 2008


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-30

Passed 10/22/08, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECMEBER 31, 2008.

Whereas, Council finds that the Service Department has been established and that in order to provide funding through 2008.

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 \$31,753.00 as follows:


GENERAL FUND

Service Department

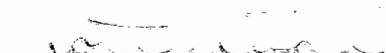
Salaries	101.7718.510110	21,753.00
Benefits	101.7718.510120	7,000.00
Travel & Trans.	101.7718.520220	100.00
Schooling	101.7718.530221	500.00
Supplies	101.7718.540420	3,000.00

Total		\$31,753.00
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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.


Dave Edwards
President of Council

APPROVED: 


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

Dayton Legal Blank, Inc.

Form No. 30043

Passed MAY 27 1968 20

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

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

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

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

- \$153,000

Section 2. That upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grant and administer the CDBG Community Development in the City of Marion.

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

[Signature]

Dave Edwards
President of Council

Mayor Scott Schertzer

ATTEST:

Irene Fulton
Clerk of Council

Ordinance No. 2008-32

Passed MAY 12 2008, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
GENERAL FUND FOR THE YEAR ENDING DECMEBER 31, 2008.

Whereas, the Marion Municipal Court has established a Marion Municipal Court Probation Services Fund pursuant to a Judgement Entry of the Court dated April 24, 2008 and per Ohio Revised Code Section 737.41, and

Whereas, the Court now desires to utilize the funds for Probation Services.

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 \$20,264.50 as follows:

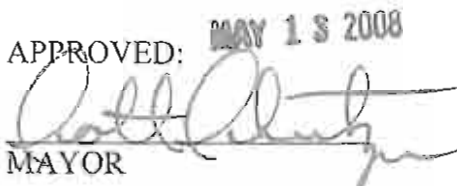
GENERAL FUND

Municipal Court Probations Services

Salaries	101.7733.510110	\$20,264.50
Supplies	101.7733.540420	2,000.00
Professional Serv.	101.7733.530320	<u>2,000.00</u>
Total		\$24,264.50

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 12 2008

MAYOR

ATTEST:


CLERK

Ordinance No. 2008-33

Passed MAY 12 2008, 2008

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,580,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING AND EXTENDING LAKES BOULEVARD, IMPROVING BARKS ROAD BETWEEN DELAWARE AVENUE AND STATE ROUTE 529, CONSTRUCTING A PORTION OF WELLNESS DRIVE AND CONSTRUCTING CERTAIN PUBLIC INFRASTRUCTURE RELATED TO DELAWARE AVENUE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2007-26 passed April 23, 2007, and Ordinance No. 2007-45 and Ordinance No. 2007-46 passed June 11, 2007, a note in anticipation of bonds in the amount of \$1,920,000 dated June 27, 2007 (the Outstanding Note), was issued for the purpose stated in Section 1, to mature on June 26, 2008; and

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

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years, and the maximum maturity of \$700,000 of the principal amount of the Notes described in Section 3 is June 29, 2025 and \$880,000 of the principal amount of the Notes described in Section 3 is June 27, 2027;

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 \$1,580,000 (the Bonds) to pay costs of constructing and extending Lakes Boulevard, improving Barks Road between Delaware Avenue and State Route 529, constructing a portion of Wellness Drive and constructing certain public infrastructure related to Delaware Avenue, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated June 1, 2009, shall bear interest at the now estimated rate of 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 \$1,580,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Note. The Notes shall be dated June 26, 2008 and shall mature June 25, 2009. The Notes shall bear interest at a rate or rates not to exceed five and one-half percent (5-1/2%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes in accordance with Section 6.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Auditor in the Certificate of Award after determining that

Ordinance No. 2008-33

Passed _____ 20____

the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the Paying Agent).

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, and the entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Auditor will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Auditor that issuance of the Notes in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance. As used in this section and this ordinance:

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

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

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

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

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

0373

Form No. 300-43

Passed _____, 20____

Section 10. This Council hereby covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the Notes are issued, so that the Notes will not constitute obligations the interest on which is subject to federal income taxation or “arbitrage bonds” under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”) and the regulations prescribed thereunder, including any expenditure requirements, investment limitations or rebate requirements. The Auditor or Deputy Auditor or any

Ordinance No. 2008-33

Passed _____, 20____

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

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

MAY 13 2008

Mayor: _____

Attest: _____

Clerk of Council

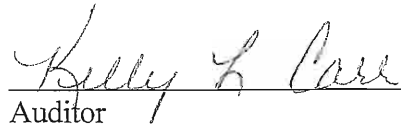
FISCAL OFFICER'S CERTIFICATE

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 \$1,580,000 (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) to pay costs of constructing and extending Lakes Boulevard, improving Barks Road between Delaware Avenue and State Route 529, constructing a portion of Wellness Drive and constructing certain public infrastructure related to Delaware Avenue, together with all necessary appurtenances thereto (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of \$700,000 of the principal amount of the Notes is June 29, 2025 which is 20 years from the date of the original issuance of notes to pay costs of constructing a portion of Wellness Drive, and the maximum maturity of \$880,000 of the principal amount of the notes is June 27, 2027, which is 20 years from the date of the original issuance of notes to pay costs of constructing and extending Lakes Boulevard, improving Barks Road and constructing public infrastructure related to Delaware Avenue.

Dated: May 12, 2008



Auditor
City of Marion, Ohio

Ordinance No. 2008-34

Passed MAY 12 2008, 20

ORDINANCE AUTHORIZING THE CITY AUDITOR TO ENTER INTO CONTRACT WITH THE STATE OF OHIO, OFFICE OF THE AUDITOR OF STATE FOR THE GAAP (GASB) FINANCIAL STATEMENTS AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion is required to file comprehensive annual financial statements, GAAP and GASB, and

WHEREAS, In previous years the Marion City Auditors Office has not completed a full and comprehensive GAAP (GASB) Financial Statement as required by the Ohio Revised Code, and

WHEREAS, these statements are required to be filed with the State of Ohio, Office of the Auditor on or before May 31, 2008, and

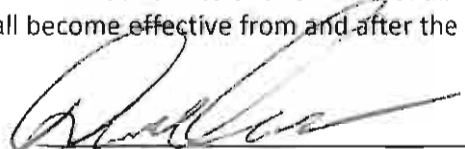
WHEREAS, the State of Ohio, Office of the Auditor has agreed to prepare and file said statements


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

Section 1. The City Auditor is hereby authorized to enter into contract with the State of Ohio, Office of the Auditor for the preparation and filing of the GAAP and GASB Financial Statements.

Section 2. That the cost of said contract shall be payable from the Annual Examination fees in an amount not to exceed \$30,000.00.

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 such further reason that the financial statements must be filed with the State of Ohio no later than May 31, 2008 and shall take effect and be in force immediately upon its' passage and approval by the Mayor; provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise, it shall become effective from and after the earliest period allowed by law.


President of Council

Approved: MAY 13 2008

Mayor Scott Schertzer


Clerk of Council

Ordinance No. 2008-35

Passed MAY 12 2008, 20

ORDINANCE AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH HENSCHEN & ASSOC., INC., FOR THE PURCHASE AND INSTALLATION OF A SYSTEM SERVER IN MUNICIPAL COURT.

WHEREAS, Henschen & Associates, Inc., submitted the best proposal for the purchase and installation of a system server at a cost of \$18,220.00, and

WHEREAS, the current server is five (5) years old and in 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 Henschen & Associates, Inc., for the purchase and installation of a system server in Municipal Court as per the proposal dated March 12, 2008 at a cost of \$18,220.00.

Section 2. That the contract shall be payable from the Capital Equipment line of the Computer Fund.

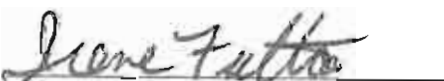
Section 3. That this resolution take affect on the earliest date allowed by law.


Dave Edwards
President of Council

APPROVED: MAY 13 2008


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

Ordinance No. 2008-36

Passed MAY 12 2008 20

**ORDINANCE AUTHORIZING THE MARION MUNICIPAL COURT
TO ENTER INTO CONTRACT WITH HENSCHEN & ASSOC., INC.,
FOR THE PURCHASE AND INSTALLATION OF THE CASE
MANAGEMENT SYSTEM UPGRADE FOR MUNICIPAL COURT.**

WHEREAS, Henschen & Associates, Inc., submitted the proposal for the purchase and installation of a case management system upgrade at a cost of \$9,755.00, and

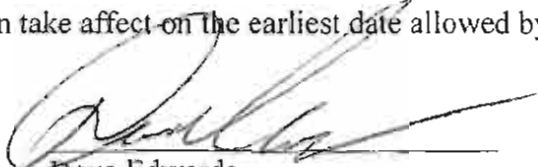
WHEREAS, the current case management system is five (5) years old and in need of upgrade, therefore

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 Henschen & Associates, Inc., for the purchase and installation of a case management system upgrade for Municipal Court as per the proposal dated April 9, 2008 at a cost of \$9,755.00.

Section 2. That the contract shall be payable from the Professional Services line of the Computer Fund.


Section 3. That this resolution take affect on the earliest date allowed by law.


Dave Edwards
President of Council

APPROVED: MAY 13 2008


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

Ordinance No. 2008-37

Passed MAY 12 2008, 20

**ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO
PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR
BIDS FOR THE 2008 TREE REMOVAL PROGRAM, PROJECT 08-
2M, 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 Service Director be directed to prepare plans and specifications and advertise for bids, for the 2008 Tree Removal Program, Project 08-2M.

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

Section 3. That this ordinance is hereby declared 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.


Dave Edwards
President of Council

APPROVED: MAY 13 2008


Mayor Scott Schertzer

ATTEST:


Irene Fulton
Clerk of Council

Ordinance No. 2008-38Passed MAY 12 2008, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH STABLE CONSTRUCTION COMPANY, LLC. FOR THE CONSTRUCTION OF ABUTMENTS AND INSTALLATION OF THE PEDESTRIAN BRIDGE ACROSS GRAVE CREEK NEAR THE HARDING HIGH, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2006-72 authorized the preparation of specifications and advertising for bids for the Harding High School Pedestrian Bridge Abutments and Setting for the City of Marion, Ohio and

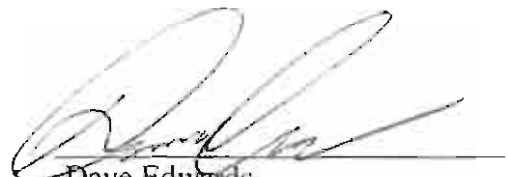
WHEREAS, Stable Construction Company, LLC, submitted the lowest and best bid of \$16,684.00

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

Section 1: That the Service Director be directed to enter into contract with Stable Construction Company, LLC, for the Haring High School Bridge Abutments and Setting.

Section 2: That Council hereby appropriates the cost of the contract in the amount of \$16,684.00 to fund 207.6612.550520 S.C.M.&R.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion, and the inhabitants, students, and patrons of Harding High School 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.


Dave Edwards
President of Council

Approved: MAY 13 2008


Mayor Scott Schertzer

Attest:


Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-39

Passed MAY 27 2008, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS

FOR THE YEAR ENDING DECMEBER 31, 2008. , *as amended*

Whereas, the City of Marion has borrowed funds from various sources and have received additional grant funds in order to complete various projects, and

Whereas, the City of Marion is proceeding and the funds must be appropriated to begin the projects, now therefore,

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

Section 1. That there be an additional appropriation made in various funds in the amount of \$3,825,451.00 as follows:

Franconia Avenue Project 07-1S

Sanitary Sewer Improvement Fund	550.5000.550520	\$601,872.00
Storm Sewer Improvement Fund	560.5000.550520	\$601,872.00

OPWC – Storm/Sanitary Sewer Improvement Fund

Loan	555.5000.550520	\$221,256.00
Grant	555.5000.550520	\$175,000.00

Total Project		\$1,600,000.00
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Oakgrove/Waterloo Project 06-1S

Sanitary Sewer Improvement Fund	550.5061.550520	\$525,000.00
Storm Sewer Improvement Fund	560.5061.550520	\$825,000.00

OPWC – Storm/Sanitary Sewer Improvement Fund

Loan	555.5061.550520	\$211,153.00
Grant	555.5061.550520	\$142,298.00

Total Project		\$1,703,451.00
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Silver Street Project

37. Sanitary Sewer Imp. Fund 550.5001.550520 \$250,000.00

OPWC – Storm/Sanitary Sewer Improvement Fund

Loan	555.5001.550520	\$500,000.00
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Storm Sewer Imp. Fund 560.5001.550520 \$250,000.00

Colonial Acres Ditch Project

Storm Water Utility Fund

Capital Outlay	509.5025.550520	\$22,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

APPROVED: 

PRESIDENT OF COUNCIL

MAYOR

ATTEST:


CLERK

Ordinance No. 2008-4 Passed JAN 14 2008 20


ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF THREE (3) MARKED POLICE VEHICLES FOR THE POLICE DEPARTMENT AND ONE (1) UNMARKED VEHICLE FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY

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

Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of three new police vehicles, which will be marked police vehicles, and one vehicle that will not be marked.

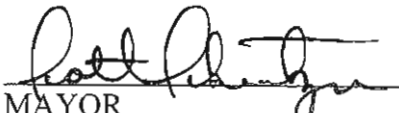
Section 2. The three police vehicles will be for the operations of the uniform division and the unmarked car will be for use in the detective division.

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: Due to the real and present need to move forward without delay given the failing condition of the vehicles these will replace, the fact that if we fail to act expeditiously we will miss an established ordering deadline which cause the City greater expense do to having to buy next years models; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: JAN 14 2008

APPROVED: JAN 14 2008


MAYOR

ATTEST:


CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-40

Passed _____, 20____

**ORDINANCE TO VACATE A CERTAIN 15' WIDE
PORTION OF THE EAST/WEST ALLEY BETWEEN LOTS
4251, 4252, 4253 (H. BARNHART'S 1ST SUBDIVISION)
AND LOTS 12981 AND 12982 (COURTLAND TERRACE
SUBDIVISION) TO THE CITY OF MARION. (Petitioner:
Scott Arend)**

WHEREAS, in the opinion of this Council, there is good cause for vacating the east/west alley in the H. Barnhart's 1st Subdivision to the City of Marion, Ohio located between lots 4251, 4252, 4253 and lots 12981 and 12982 and,

WHEREAS, the petition to vacate this alley was unanimously approved (4-2) by the Marion City Planning Commission at its meeting of August 7, 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 ought to be made;

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

Section 1. That the alley as described in the attached Exhibit "A", be and is hereby vacated.

Section 2. That title to the real estate comprising said alley shall revert to the abutting property owners in accordance with the laws of Ohio.

Section 3. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned property for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation of said property herein is specifically made subject to the continued existence of any such existing right-of-way easement, unless the abutting property owners renegotiate with the utility another right-of-way or easement.

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

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

APPROVED:

PRESIDENT OF COUNCIL

Mayor Scott Schertzer

ATTEST:

CLERK

Defeated 6-23-08 - 7-1 vote

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30045

Ordinance No. 2008-41

Passed JUN 8 2008, 2008

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH MIKE'S ROOFING INC., PROSPECT, OHIO FOR THE ROOF REPLACEMENT AT THE MARION SENIOR CENTER AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No.2008-21 authorized the preparation of requests for bids for the roof replacement at the Marion Senior Center in the City of Marion, Ohio, and

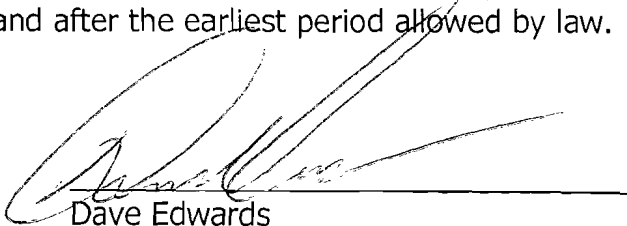
WHEREAS, Mike's Roofing Inc., submitted the lowest and only bid of \$38,169

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

Section 1. That the Safety Director be authorized and directed to enter into contract with Mike's Roofing Inc., for the roof replacement on the Marion Senior Center.


Section 2. That this purchase shall be payable from the Capital Improvement Fund for City Hall

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; current roof is failing and no ability to delay immediate action; 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.

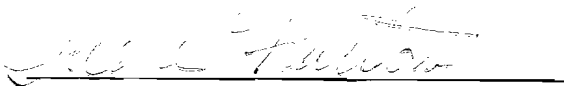


Dave Edwards
President of Council

APPROVED: JUN 8 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-42

Passed JUN 3 2008, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HURON LIME, INC. FOR THE PURCHASE OF LIME TO BE USED AT THE WATER POLLUTION CONTROL PLANT; *Declaring an emergency.*

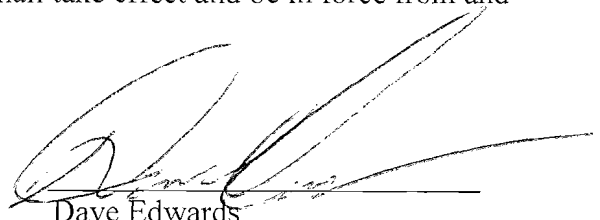
WHEREAS, Huron lime, Inc. submitted the best bid of \$118.75/ton delivered.

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

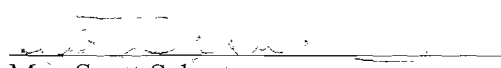
Section 1. That the Service Director be authorized and is hereby directed to enter into contract with Huron Lime, Inc. for the purchase of lime to be used at the Water Pollution Control Plant.

Section 2. That said contract shall be payable from the Water Pollution Control Supplies and Materials (505.5552.540420).

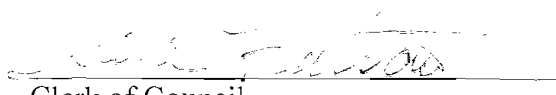
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


Dave Edwards
President of Council

APPROVED: JUN 3 2008


May Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-43

Passed JUN 9 2008, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATIONS, HEALTH DEPARTMENT, WIC, FOR THE YEAR ENDING DECEMBER 31, 2008.

Whereas, the City of Marion Health Department has received an additional allocation of ~~grant~~ ^{CONTRACT} funds in order to complete lead testing in the ~~City~~ ^{COUNTY}, a one time donation of \$ 1,000 designated for WIC and additional WIC Grant monies from the State of Ohio designated for the WIC Department as additional mid-year funding, and

Whereas, it is necessary to appropriate the funds to the proper line items in to carry out the funding intentions,

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

Section 1. That there be an additional appropriation from fund sources other than City Income tax dollars into various funds in the total amount of \$26,649.52 as follows:

Health Fund

WIC Assistance	214.2223.540324	\$1000.00
Donations		
WIC Assistance	214.2223.540436	\$13,362.52
Lead Testing (State Reimbursement)		
WIC Grant Benefits	215.2548.510120	\$12,287.00
Mid Year Funding		

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

APPROVED:


PRESIDENT OF COUNCIL


MAYOR

ATTEST:


CLERK

RECORD OF ORDINANCES

Ordinance No. 2008-44

Passed JUN 10 2008, 2008

AN ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY OF MARION PURSUANT TO A STATE AUTHORIZATION; AUTHORIZING THE CITY SERVICE DIRECTOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE FEE; AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio General Assembly enacted Sections 1332.21 through 1332.34 of the Ohio Revised Code, to be effective September 24, 2007, to provide a statewide "uniform regulatory framework" for the provision of cable television and/or other video service, which will substantially reduce the City of Marion's (hereinafter known as "City") traditional franchising authority to regulate cable and/or video service offered in the City using facilities located in the City's public rights-of-way; and

WHEREAS, the City has a cable television franchise agreement with Time Warner which expires by its own terms on or about December 14, 2020 and pursuant to which Time Warner pays franchise fees in the amount of Three percent (3%) of gross revenues which are defined by the franchise to include, *inter alia*, advertising revenues; and

WHEREAS, pursuant to R.C. Section 1332.23, any new video service provider (hereinafter described as a "VSP") intending to provide video service to subscribers in the City must apply for and obtain a video service authorization from the Director of the Ohio Department of Commerce; and

WHEREAS, R.C. Section 1332.23 also permits a cable operator with an effective franchise agreement to terminate its franchise with the City, at its option, by applying for a state-issued video service authorization when a competitive video service provider either gives notice that it will begin providing service to subscribers in the City or actually begins providing service to subscribers in the City, or if the FCC determines that the cable operator is subject to "effective competition" in the City pursuant to 47 CFR 76.907; and

WHEREAS, under R.C. Section 1332.32, a video service provider that is providing service to subscribers in the City pursuant to a state-issued video service authorization must pay the City a video service provider fee ("VSP Fee") based on a percentage of the provider's "gross revenues" derived from providing video service in the City, not to exceed Five percent (5%) of such revenues; and

WHEREAS, R.C. Section 1332.32 requires that the percentage of gross revenues on which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect, or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee shall be zero percent (0%) of gross revenues, unless the City determines by ordinance that the VSP Fee will be a percentage of gross revenues not to exceed five percent (5%) of gross revenues; and

WHEREAS, R.C. Section 1332.32(C)(2) further requires the City to provide all video service providers offering service in the City with notice of the VSP Fee requirements within ten (10) days of receiving notice from the video service provider that it will begin offering service in the City, or the video service provider is not required to pay the VSP Fee to the City; and

WHEREAS, R.C. Section 1332.32(B)(2)(g) provides that the VSP Fee is paid on a base of gross revenues consisting of revenues received from subscribers only, unless the City specifically determines, by ordinance uniformly applicable to all video service providers, that advertising revenues also be included in the base of gross revenues on which the VSP Fee is paid; and

WHEREAS, R.C. Section 1332.32(B)(2)(g) requires the City to promptly

Ordinance No. 2008-44Passed JUN 2 2008, 2008

notify affected video service providers of the ordinance determining to include advertising revenues in the base of gross revenues on which the VSP Fee is paid, but provides that the requirement to include advertising revenues in the base of gross revenues does not take effect until the first day of the first calendar quarter that begins more than thirty (30) days after giving such notice; and

WHEREAS, in order to minimize the negative financial impact on the City it is the intent of this Council that the Video Service Provider Fee shall be at least as much as the franchise fees required by the City's current franchise with Time Warner; and

WHEREAS, in order to provide timely notice to a video service provider of the VSP Fee, it is necessary for this Council to determine now that the percentage of gross revenues that shall be paid as a VSP Fee is five percent (5%) and that advertising revenues shall be included in the base of gross revenues on which the VSP Fee is paid, and to authorize the City Service Director to provide notice of the VSP Fee to a video service provider within ten (10) days of the City receiving notice that a video service provider will begin providing service in the City.

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

Section 1. Marion Codified Ordinance Section 730 shall be amended to include Section 730.17 and which shall read:

Video Service Providers (VSP)

730.17 (A) Subject to Ohio Revised Code Section 1332.32 taking effect, in accordance with the requirements of R.C. 1332.32, all video service providers (VSP) providing video service in the City pursuant to a video service authorization obtained from the Director of the Ohio Department of Commerce shall pay Video Service Provider Fees ("VSP Fees") in the amount of five percent (5%) of gross revenues received from providing video service in the City, which gross revenue base shall include advertising revenues. The VSP Fee shall be paid quarterly, not sooner than forty five (45) days nor later than sixty (60) days after the end of each calendar quarter.

730.17 (B). To the extent permitted by R. C. Section 1332.23, and unless the existing franchise agreement is terminated, the City of Marion hereby ratifies all existing agreements, franchises, and ordinances regulating cable television operators and other video service providers, including the imposition of a franchise fee of three percent (3%) imposed on the gross revenues of all such providers, and further declares that such agreements, franchises, and ordinances shall continue in full force and effect until expiration as provided therein, or until preempted by the issuance of video service authorizations by the Ohio Department of Commerce or otherwise by law, but only to the extent of said preemption.

730.17 (C) It shall be unlawful for any person to provide video services as defined by R. C. Section 1332.21 (J), within the City without either an agreement, franchise, or ordinance approved by the City or a video service authorization issued by the Ohio Department of Commerce.

730.17 (D) Upon receipt of notice from a video service provider that it will begin providing video service in the City pursuant to a state-issued video service authorization, the Mayor, City Law Director, or their designee, is authorized and directed to provide such video service provider with notice of the VSP Fee as determined by this Council herein, which notice shall be delivered in a manner that provides for proof of timely delivery.

730.17 (E) Upon receipt of notice from a VSP that it will begin providing Video Service in the City pursuant to a VSA, the Mayor, City Law Director, or

RECORD OF ORDINANCES

Ordinance No. 2008-44

Passed JUN 9 2008, 2008

their designee is authorized and directed to provide such VSP with notice that the VSP shall be required to provide the same number of PEG channels in the City (**NO LESS THAN TWO**) under the same service tier conditions and subject to the same channel reclamation conditions as may be proscribed by R.C. Section 1332.30(A)(1)(a-b) **OR 1332.27(C)(2) OBLIGATIONS ARISING THEREFROM WHICH SHALL BE CONTROLLING IN THE EVENT OF ANY CONFLICT** for the Incumbent Cable Provider with the most recent obligation in the City, which notice shall be delivered in a manner that provides for proof of timely delivery and shall state the appropriate number of PEG channels and service tiers required to be provided by the VSP within the City within one-hundred and twenty (120) days after delivery of such notice. Additionally, should no PEG channels currently be provided by an Incumbent Cable Provider with such an obligation in the City, the Mayor, City Law Director, or their designee may provide written notice to a VSP of its obligation to provide PEG channels in accordance with R.C. Section 1332.30(B)(1) **OR 1332.27(C)(2) OBLIGATIONS ARISING THEREFROM WHICH SHALL BE CONTROLLING IN THE EVENT OF ANY CONFLICT** and this Code.

730.17 (F) The franchise obligation of an incumbent cable operator to provide monetary and other support for PEG access facilities existing on September 24, 2007 shall continue until the date of franchise expiration (ignoring any termination by notice of issuance of a video service authorization) or December 14, 2020, whichever is earlier. Any other video service provider shall have the same obligation to support PEG access facilities as the incumbent cable operator, but if there is more than one (1) incumbent, then the incumbent with the most subscribers as of September 24, 2007. Such obligation shall be pro-rated, depending on the nature of the obligation, as provided in R. C. Section 1332. The City shall notify each video service provider of the amount of such fee on an annual basis, beginning one (1) year after issuance of the video service authorization.

730.17 (G) In order to provide the citizens of the community greater access to local government, Grantee shall continue to provide one (1) Government and Educational access channel to the City of Marion, which is currently being utilized by the Marion City School District. . In the event that the existing access channel is programmed with non-repeat, non-character generated programming for five (5) hours per day, six (6) days per week and for a period of four (4) consecutive weeks, Grantee shall provide a second Government and Educational channel for utilization by the CITY. Non-repeat being defined as not being a qualifying content after replaying on the 29th day after its first play. As of the date of this Ordinances' adoption, the incumbent cable operator has been provided the contractual required notice that City is entitled to the utilization of a second PEG channel this occurring prior to September 24, 2007. The VSP shall provide the transmission system, composed of a transmitter and receiver, from the Marion City Hall and the Marion City Schools facility to Grantee's principal headend. The VSP shall provide the necessary equipment, composed of a transmitter and receiver, and facilities within the Cable System to transmit the access channels to the Subscribers. The PEG programming origination point of the City for the delivery of VSP access services shall be located at the 233 W. Center St., Marion, Ohio 43302 building/location.

730.17 (H) The VSP shall furnish without charge, installation of one cable drop for expanded basic cable service and high speed internet service to buildings which now house, or may in the future house City of Marion Offices. VSP shall provide a drop without charge for the downtown music system of City selected music product

Ordinance No. 2008-44Passed JUN 9 2008, 20

730.17 (I) Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days, or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. **IN ADDITION, CIVIL PENALTIES CONTAINED WITHIN 1332 SHALL BE APPLICABLE.**

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

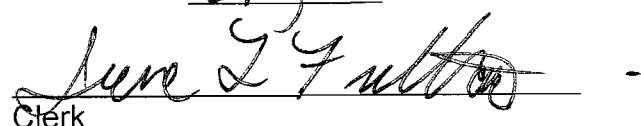
Section 3. This ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety and urgent benefit and protection of the inhabitants of the City of Marion such emergency being for the reason that in order to ensure that the City continues to receive appropriate fees from persons providing video and/or cable service in the City using the City's rights-of-way, it is necessary that the within ordinance become effective at the earliest possible time; wherefore, provided this ordinance receives the affirmative vote of two-thirds or more of the members elected or appointed to this Council, this ordinance shall take effect and be in force immediately upon its passage and execution by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.


President of CouncilApproved: JUN 10 2008
Mayor Scott Schertzer

Attest:


Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Law.

Dated 6-13-20 2008
Clerk

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-45

Passed June 11, 2008

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

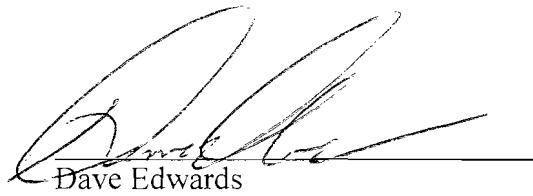
WHEREAS, it has been determined that Basol Maintenance Service has submitted the lowest and most responsive bid for janitorial services at City Hall, Marion, Ohio

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

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

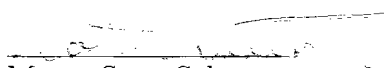
Section 2. That the current price of \$23,000.00 shall be payable from the General Fund.

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



Dave Edwards
President of Council

APPROVED: June 11 2008



Mayor Scott Schertzer

ATTEST:



CLERK OF COUNCIL

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 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 in need of revisions since the passage of Ordinance No. 2007-109, 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 and renamed in part with the updated job descriptions 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.

Dave Edwards
President of Council

APPROVED:

Mayor Scott Schertzer

Attest;

Clerk of Council

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN
THE SBR TIFF FUND FOR THE YEAR ENDING DECMEBER 31,
2008.

Whereas, the City of Marion has borrowed funds on hand for the cost of projects and a portion of the borrowed funds to be repaid on the notes, and

Whereas, the City of Marion is proceeding and the funds must be appropriated to complete the project and pay down a portion of the notes, now therefore,

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

Section 1. That there be an additional appropriation made in the SBR Tiff Fund in the amount of \$734,027.40 as follows:

SBR TIFF

Barks Road/Lake Blvd. Project	349.6062.550520	\$464,027.40
Notes Principal	349.8062.560612	\$270,000.00
Total		\$734,027.40

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

Dave Edwards
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

CLERK

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-48

Passed _____, 20____

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

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

WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council Inc., has been reached on behalf of said FOP and the City of Marion and ratified by the bargaining unit to be effective July 1, 2008.

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

Section 1. That Council hereby appropriates \$78,000.00 in the general fund, which is necessary to implement the CBA effective July 1, 2008.

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

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract is set to expire June 30, 2008, 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 Scott Schertzer

Attest;

Clerk of Council

Legislation Defeated 7-14-08 with a 8-0 vote

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 300-43

Ordinance No. 2008-49

Passed _____, 20__

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

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

WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council Inc., has been reached on behalf of said FOP and the City of Marion and ratified by the bargaining unit to be effective July 1, 2008.

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

Section 1. That Council hereby appropriates \$89,000.00 in the general fund, which is necessary to implement the CBA effective July 1, 2008.

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

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract is set to expire June 30, 2008, 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.

Dave Edwards
President of Council

APPROVED:

Mayor Scott Schertzer

Attest;

Clerk of Council

Legislation Defeated 7-14-08 with a 8-0 vote

Ordinance No. 2008-5

Passed FEB 26 2008 20

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK
ENTERPRISE CONSTRUCTION COMPANY, INC. FOR THE LAKE
BOULEVARD/BARKS ROAD IMPROVEMENTS, PROJECT 06-2P, FOR
THE CITY OF MARION, OHIO.**

WHEREAS, Ordinance No. 2006-72 authorized the preparation of specifications and advertising for bids for the Lake Boulevard/Barks Road Improvements Project 06-2P for the City of Marion, Ohio and

WHEREAS, Park Enterprise Construction Company, Inc. submitted the lowest and best bid of \$381,420.00

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 Park Enterprise Construction Company, Inc., for the Lake Boulevard/Barks Road Improvements Project 06-2P.

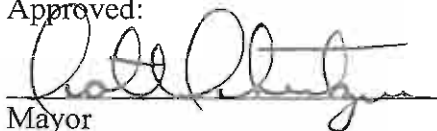
Section 2: That the cost of such contract shall be payable from the Street Improvement Fund and the SBR Tiff Fund.

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


President of Council

FEB 26 2008

Approved:


Mayor

Attest:


Clerk of Council

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

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

WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council Inc., has been reached on behalf of said FOP and the City of Marion and ratified by the bargaining unit to be effective July 1, 2008.

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

Section 1. That Council hereby appropriates \$60,000.00 in the general fund, which is necessary to implement the CBA effective July 1, 2008.

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

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract is set to expire June 30, 2008, 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 Scott Schertzer

Attest;

Clerk of Council

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY 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 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

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

Section 1. That the Safety Director is authorized and directed 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 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

ORDINANCE AUTHORIZING THE ENTERING INTO AN
AGREED ORDER IN REGARD TO PENDING LITIGATION
RELATED TO MARION GENERAL HOSPITAL AND
DECLARING AN EMERGENCY

WHEREAS, the Council for a considerable amount of time has been working with Marion General Hospital, Inc and the Marion County Commissioners to address the reality that MGH, Inc. is less than five (5) years from the expiration of its' first 30 years of the 1983 lease, and

WHEREAS, the County Commissioner filed an action seeking to enjoin the Council from taking further action, and

WHEREAS, the Council has deliberated and discussed its options with the Law Director and does hereby evidence its determination that the best course of action is allow the process to not become distracted on a constitutional issue as to whether or not an injunction is appropriate, but rather the best course of conduct would be to enter into an Agreed Entry the form of which is attached hereto. This Agreed Entry allowing for the efficient determination with finality as to a contractual claim the County has made as to the interpretation of the 1983 lease and the 1952 agreement as to terms contained therein and viability related thereto.

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

Section 1. The Law Director is authorized to execute the document attached hereto, and further the Council by the passage hereof, in order to achieve finality, does hereby concurrent with the County doing the same waives its rights to appeal any decision by the Court in the pending case no. 2008-CV-0503.

Section 2. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof: given the need to move forward without delay in regard to the underlying issue, ensuring our community receives the best quality health care and also given the pending litigation; 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.

Dave Edwards
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Clerk

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-53

Passed JUL 1 4 2008, 20

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO
PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE
FY07 FORMULA GRANT PARK PROJECTS, AND DECLARING AN EMERGENCY.**

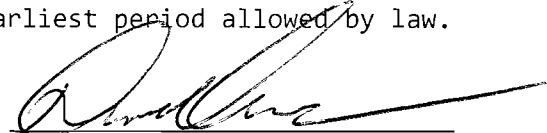
BE IT ORDAINED by the Council of the City of Marion,
Marion County, Ohio:

Section 1. That the Safety Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the the CDBG FY '07 Formula Park Improvements including playground equipment, park furniture, backstop, landscaping and water meter pit with hose bib, and other items related thereto at Olney Park; and sidewalks, shelter house roof, playground equipment and lighting, and other items related thereto at Patten St. Park and other items related to either project.

Section 2. That the cost of such contract shall be payable up to \$58,100 from the FY07 Community Development Block Grant (CDBG) fund.


Section 3 The FY07 Formula grant requires that all work be completed by December 31, 2008

Section 4. This Ordinance is hereby declared an emergency measure necessary for the immediate preservation of public peace, welfare and safety of the City of Marion and the inhabitants thereof, given that the price of steel has risen in the past month; 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.




Dave Edwards
President of Council

Approved: JUL 1 4 2008


Mayor Scott Schertzer

Attest:


Clerk of Council

Davton Legal Blank, Inc.

Form No. 30043

Passed JUL 14 2008, 2008

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-55

Passed SEP 18 2008, 2008

ORDINANCE AMENDING CHAPTER 678 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY SECTION 678.02 SERVICE OF NOTICE; FEES

WHEREAS, the Council has been advised by Administrators responsible for the enforcement of the existing nuisance provisions as to weeds of the need to revise out dated provisions, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion to update the Code as to the serving of notices on weed/grass cuttings to owners or other persons having charge of their property as a real and present needs exists,

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

Section 1. § 678.02 SERVICE OF NOTICE; FEES, now reading as:

§ 678.02 SERVICE OF NOTICE; FEES.

(A) The notice provided for in § 678.01 shall be served by any police officer of the municipality or by the Clerk of Council. The fees for such service shall be the same as are allowed for service and return of summons in civil cases before the Marion Municipal Court.

(B) If the owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to such owner or other person by registered or certified mail, return receipt requested; if such owner's or other person's address is unknown, publication of such notice shall be made one time in a newspaper of general circulation within the county and such publication of such notice shall be sufficient notice. ('70 Code, § 678.02) (Ord. 66-110, passed 8-8-66)

shall be amended to read as follows:

§ 678.02 SERVICE OF NOTICE; FEES.

(A) The notice provided for in § 678.01 *may be served* by any police officer of the municipality, the Clerk of Council *or other city employee*. The fees for such service shall be the same as are allowed for service and return of summons in civil cases before the Marion Municipal Court.

(B) If the owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to such owner or other person by registered or certified mail, return receipt requested; if such owner's or other person's address is unknown, publication of such notice shall be made one time in a newspaper of general circulation within the county and such publication of such notice shall be sufficient notice. *A notice properly made upon an owner or other person having charge of such lands in any one calendar year shall be good service for any repeated*

RECORD OF ORDINANCES

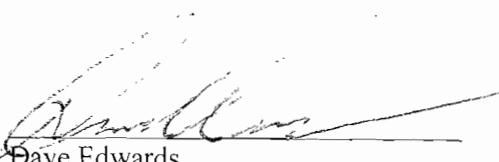
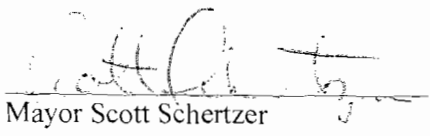
Dayton Legal Blank, Inc.

Form No. 30043


Ordinance No. 2008-55Passed SEP 23 2008, 20

violations of this Code in the same calendar year which may be found to occur subsequent to the notice being perfected.

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

APPROVED: **SEP 23 2008**
Dave Edwards
President of Council
Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2008-56

Passed 3-15-09, 2009

ORDINANCE AMENDING MARION CITY CODE SECTION 1148.02
CITY WIDE LIMITATIONS ON THE PLACEMENT OF MOBILE OR
MANUFACTURED HOMES IN MARION CITY AND THE ADDITION
OF A NEW MARION CITY CODE CHAPTER 1154: UNIFORM SINGLE-
FAMILY HOME REGULATIONS AND NEW DEFINITIONS RELATED
TO INDUSTRIALIZED UNIT, MANUFACTURED HOME, MOBILE
HOME, AND PERMANENT FOUNDATION, ***AS AMENDED***

WHEREAS, the only types of homes regulated in the City as to size, width, orientation, etc are mobile and manufactured homes.

WHEREAS, because of manufactured home product changes and new state laws, it has become apparent that the regulation of manufactured homes in Section 1148.02 has become outdated..

WHEREAS, the Council for the City finds it to be in the best interests of the citizens of the Marion Community to adopt uniform regulations for all single-family homes in the City.

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

Section 1., § **1148.02 CITY-WIDE LIMITATIONS**, now reading in relevant part:

No mobile home or manufactured home as defined in the R.C. § 4501.01(O) shall be permitted to be located or occupied as a dwelling in the municipality except under the following provisions:

- (A) It is to be located or occupied in a mobile home park as provided for in this chapter.
- (B) It is placed on an individual lot in the R-1C or R-2 district, and both lot and mobile home meet all the requirements for single family dwellings in the zoning district within which it is located and the following additional requirements are met prior to occupancy:
 - (1) The unit must be certified to have met HUD (Housing & Urban Development) National Construction standards.
 - (2) The applicant shall show plans to the Safety/Service Director for a full permanent concrete or masonry foundation around the entire perimeter of the unit. This shall be a foundation that provides adequate support of the home's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the home to the undisturbed ground below the frost line. Upon obtaining a zoning permit, the applicant shall notify the Safety/Service Director when the foundation is completed and not install the manufactured home until the Safety/Service Director or a designated representative, such as the Zoning Inspector or the City Engineer, inspects and approves it.
 - (3) The unit must be secured and attached to the foundation to meet or exceed manufacturer's instructions.

Ordinance No. 2008-56Passed OCT 27 2008, 20

- (4) The exterior walls of the unit shall not have a high-gloss finish.
- (5) The roof must be constructed of either shingles or other materials used on other dwelling units in the neighborhood, and be sloped to have at least a three-inch vertical rise for every 12 inches of horizontal run.
- (6) The roof overhang must not be less than eight inches measured from the vertical side of the unit.
- (7) Hitches, axles and wheels must be removed.
- (8) The unit must be at least 23 feet wide at its narrowest point, and have a total of not less than 900 square feet in floor area.
- (9) The unit must be oriented on the lot so that its length or long axis is parallel with the street, unless the unit's width is no less than 50% of its length.
- (10) The applicant upon installation must surrender title to the unit and have the unit classified and taxed as real property by the County Auditor.

(Ord. 1969-182, passed 1-12-70; Am. Ord. 1993-87, passed 8-9-93)

§ 1148.02 CITY-WIDE LIMITATIONS, is hereby amended to read as follows:

This section had been removed.

Section 2., **NEW CHAPTER 1154: UNIFORM SINGLE-FAMILY HOME REGULATIONS**, reading as follows:

Minimum Single-Family Dwelling Unit Requirements

All single-family dwelling units must meet the following requirements which shall be construed to be the minimum building requirements.

- 1. Minimum building width of 22 feet at the narrowest point, exclusive of breezeways, porches, terraces and garages or attachments.
- 2. Minimum building length of 22 feet at the narrowest point, exclusive of breezeways, porches, terraces and garages or attachments.
- 3.a. *The minimum floor area for a single-family dwelling unit shall be 900 square feet.*
 - a.1. *The aforementioned minimum may be reduced foot for foot to no lower than 700 square feet for each square foot of a basement or an attached garage space constructed and completed at the same time as the principal structure.*

Ordinance No. 2008-56

Passed 2008 8 7 2008, 2008

OR

a.2. The aforementioned minimum may be reduced one foot of dwelling space to no lower than 700 square feet of the dwelling for every two square foot of detached garage space constructed and completed at the same time as the principal structure.

4. All single-family dwelling units must be affixed to a permanent foundation and connected to appropriate utilities (water, sewer, electric, etc.). In the case of a manufactured home or industrialized unit, a full masonry foundation will be constructed around the entire perimeter of the unit. No skirting, siding or other materials will be permitted.

5. In the case of a manufactured home, the unit must have a manufacture date of January 1, 1995 or later.

Mobile or manufactured homes constructed prior to January 1, 1995 shall only be permitted within mobile or manufactured home parks.

6. All single-family dwelling units must have a minimum 3:12 residential roof pitch (HUD approved for manufactured homes). conventional residential siding, and six inch minimum eave overhang including appropriate guttering.

7. All single-family dwelling units shall have a functioning hinged door no less than 36" in width and 6'8" in height which shall face the primary address street.

All single-family dwelling units shall have a minimum of one functioning window facing the primary address street. The window shall meet the following requirements:

1. Minimum surface area of 5.7 square feet.
2. Minimum operable sash width of 20".
3. Minimum operable sash height of 24".

Section 3., Replace existing Mobile Home definition and delete existing Modular Home definition, now reading in relevant part:

Mobile Home. Any vehicle manufactured as a single-family dwelling, comprised of one or more units, excluding recreational vehicles, which has been designed and manufactured for transportation on the public streets and highways on its own wheels, arriving at the site ready for occupancy as a dwelling except for normal unpacking, assembly operations and connections to utilities. This definition shall not include a modular home, or an industrialized unit as defined in R.C. § 3781.10.

Modular Home. A structure comprised of one or more self-sufficient units, except site preparations, transported on a vehicle from the place of manufacture to a site where it is to be occupied as a dwelling. This definition shall not include a mobile home which has been designed and manufactured for transportation on public streets and highways, on its own wheels and axles.

New definitions are as follows:

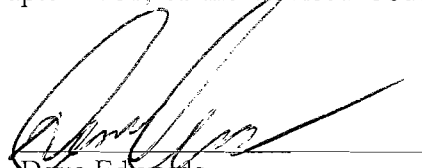
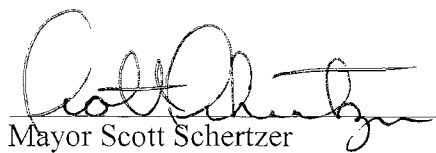
Ordinance No. 2008-56Passed OCT 27 2008, 20

Industrialized unit means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined in ORC Section 3781.06 (C) (4) or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

Manufactured home means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Mobile home means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

A **permanent foundation** for a single-family home, industrialized unit, or manufactured home means a permanent masonry or concrete footing and foundation around the entire perimeter of the unit. In addition to the requirement above, a manufactured home must be placed on a footing or foundation approved by the Manufactured Homes Commission pursuant to Chapter 4781, of the Revised Code, to which a manufactured home may be affixed.

Approved: OCT 28 2008
Dave Edwards
President of Council
Mayor Scott Schertzer

Attest:


Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates:
October 31, and November 7, 2008.


Clerk of Council11-8-08
Date

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-57

Passed JUL 14 2008, 2008

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO EXECUTE MARION'S PUCO RENEWAL CERTIFICATION AND AMENDING THE EXISTING THE CITY OF MARION NATURAL GAS AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE TO INCORPORATE CHANGES REQUIRED DUE TO AMENDMENTS TO THE OHIO ADMINISTRATIVE CODE AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2001-99 initiated and began the process creating the City of Marion Natural Gas Aggregation Program, and

WHEREAS, the aforementioned Ordinance initiated and began the process of putting in place the Program's Plan of Operation and Governance, and

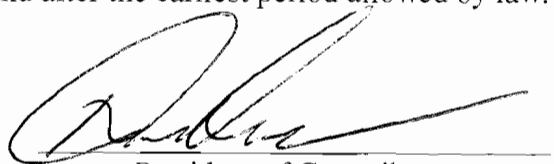
WHEREAS, due to modifications to Ohio Administrative Code it is necessary to modify the Plan to incorporate those changes into the Marion Plan,

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

Section 1. That the Service Director is authorized and directed to execute all documents necessary to renew the City of Marion's Natural Gas Aggregation Program, and

Section 2. The Council hereby incorporates the modifications which have taken place within the Ohio Administrative Code into the City of Marion's Natural Gas Aggregation Program Plan of Operation and Governance, as attached hereto as Exhibit A.

Section 3. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof: given the need to meet renewal deadlines for the very successful program; 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.

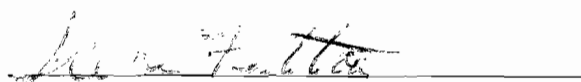


President of Council

Approved: JUL 14 2008


Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-58

Passed JUL 1 4 2008, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

WHEREAS, the Council has been advised there is an immediate need to provide additional funds to the Central Garage line item to allow for additional fuel purchases to finish out this budget year, and

WHEREAS, the practice previously established provides that the purchase is made and fuel obtained from the previously selected vendor and as the various Departments utilize the fuel source, their line items are charged with the repayment made to the General Fund,

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

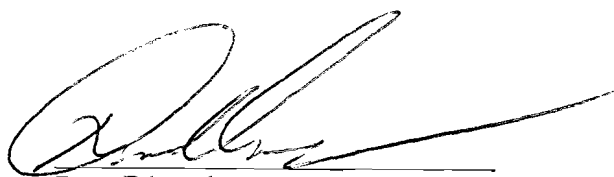
Section 1. That there be additional appropriations made in the General Fund in the amount of \$225,000.00 as follows:

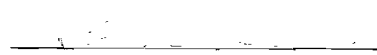
GENERAL FUND

Central Garage for Fuel Acc, #	601.9601.540430	150,000.00
Income Tax Dept. Refund Acc. #	101.7744.570712	75,000.00
Total General Fund		\$ 225,000.00

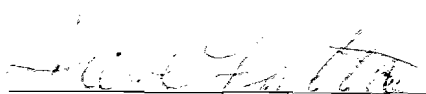
Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED: JUL 1 5 2008


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-59

Passed JUL 27 2008, 20

ORDINANCE AUTHORIZING THE SAFETY 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 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 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 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:

615 Silver St. – Quality Excavating & Construction, the successful bidder at 3,295.00 which shall be paid by funds from the Community Distress 2006 monies. Said cost shall be assessed against the property upon completion as is the standard operating procedure pursuant to law.

944 Bryant St.- Quality Excavating & Construction, the successful bidder at \$ 3,195.00 which shall be paid for by the by the funds from the Formula 2007 Grant. Said cost shall be assessed against the property upon completion as is the standard operating procedure pursuant to law.

344 Monroe St. - Quality Excavating & Construction, the successful bidder at \$ 3,495.00 shall be paid for by the funds from the Community Distress 2006 monies. Said cost shall be assessed against the property upon completion as is the standard operating procedure pursuant to law.

632 N. State St. - Quality Excavating & Construction, the successful bidder at \$ 5,495.00 which shall be paid for by funds from the Formula 2007 Grant. Said cost shall be assessed against the property upon completion as is the standard operating procedure pursuant to law.

Dayton Legal Blank, Inc.

Form No. 30043

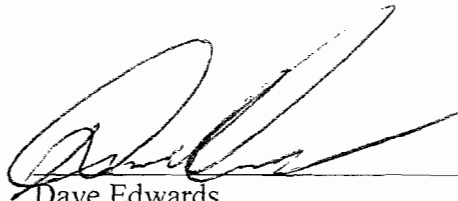
Ordinance No. 2008-59

Passed

JUL 28 2008

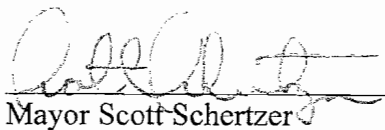
20

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 the need to utilize the grant funding prior to the end of term, 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.



Dave Edwards
President of Council

APPROVED: JUL 28 2008



Mayor Scott Schertzer

ATTEST:



CLERK OF COUNCIL

Ordinance No. 2008-6

Passed JAN 28 2008, 20

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR THE DOWNTOWN ECONOMIC DEVELOPMENT COMMITTEE, CONTINUE THE COMMUNITY'S EFFORTS TO REVITALIZE THE DOWNTOWN AREA AND DECLARING AN EMERGENCY

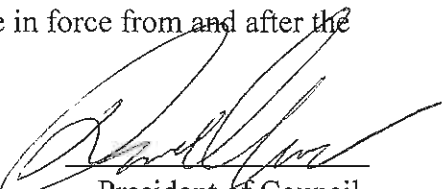
WHEREAS ,previous Ordinances have declared the Council's support for the Downtown Economic Development Committee and its continued efforts to enhance and revitalize the community's downtown and this Council has determined the benefits arising from the City's relationship with the Downtown Economic Development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

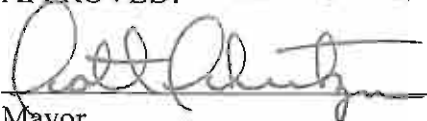
BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Council directs and authorizes the Mayor to enter into agreement, for a twelve (12) month period beginning with 1/1/08 and ending 12/31/08 upon the same terms and conditions contained in the previous agreement, with the Downtown Economic Development group to continue to provide funding at the rate of \$12,000 per annum payable \$1,000 per month 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 shall take effect and be in force from and after the earliest period allowed by law.


President of Council

APPROVED: JAN 30 2008


Mayor

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-60

Passed JUL 28 2008, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS TO
THE STORM SEWER SOLID WASTE TRANSFER FUND FROM
THE STORM WATER UTILITY REVENUE FUND FOR THE
YEAR ENDING DECEMBER 31, 2008.

WHEREAS, the Council has been advised there is an immediate need to
provide additional funds from the Storm Water Utility Revenue Fund to the Storm
Sewer Fund Solid Waste Transfer line item to allow for additional sweeper dirt
expense to finish out this budget year.

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

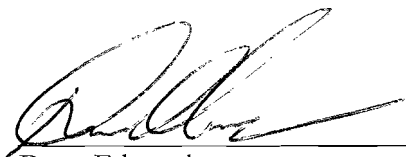
Section 1. That there be an additional appropriation made from:

STORM WATER UTILITY REVENUE FUND

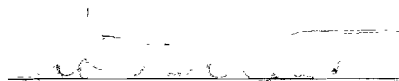
To the Storm Sewer Fund Solid Waste Transfer,
509.5554.530319. \$20,000.00

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

APPROVED: JUL 24 2008




Dave Edwards
President of Council



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-61

Passed JUL 2 8 2008, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2008 STREET RESURFACING PROGRAM, PROJECT 08-1R, IN THE CITY OF MARION, OHIO AND TO BE AUTHORIZED TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER, AND DECLARING AN EMERGENCY.

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

Section 1. That the Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the 2008 Street Resurfacing Program and be authorized and directed to enter into contract with the lowest and best bidder.

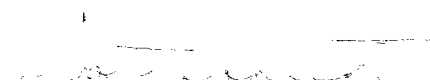
Section 2. That said contract shall be payable from the Street Improvement Fund and the Street Construction Maintenance & Repair Fund ("S.C.M. & R.")

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.




Dave Edwards
President of Council

Approved: JUL 2 8 2008



Mayor Scott Schertzer

Attest:



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-62

Passed JUL 9 5 10, 2008

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FUEL, SALT, AND ROAD PAINT.

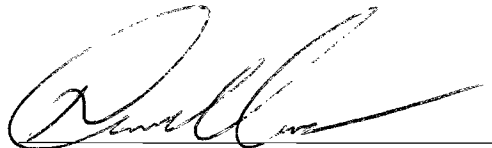
WHEREAS, The City of Marion bids bi-annually the necessary purchases of Fuel, Salt and Road Paint to be used in the daily operation of the City, and;

WHEREAS, the current contracts are set to expire in October of 2008.

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

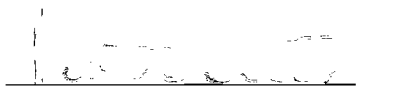
Section 1. That the Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for fuel, salt, and road paint.

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



Dave Edwards
President of Council

APPROVED: JUL 29 2008



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0001

Dayton Legal Blank, Inc.

Form No. 300-43

Ordinance No. 2008-63

Passed JUL 2 8 2008, 2008

ORDINANCE AUTHORIZING THE MAYOR AND HUMAN RESOURCES TO EXECUTE A CONTRACT WITH VSP VISION CARE FOR VOLUNTARY VISION BENEFITS FOR CITY EMPLOYEES, AND DECLARING AN EMERGENCY

WHEREAS, the Mayor and Human Resources desires to execute a contract, subject to the approval of City Council, with VSP Vision Services for voluntary vision benefits for city employees,

WHEREAS, this Council has determined by review all pertinent information that it is necessary and in the best interest of the City of Marion to authorize the Mayor and Human Resources to execute, subject to the approval of Council, the aforementioned contract;


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

SECTION 1. The Mayor and Human Resources are hereby authorized to execute a contract providing for VSP Vision Services Vision Service for voluntary vision benefits for City employees.

SECTION 2. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof: given the need to move without delay in order to take advantage of the savings being offered; 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.


Dave Edwards
President of Council

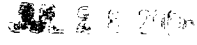
APPROVED: JUL 2 9 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-64

Passed  2008, 20

ORDINANCE AUTHORIZING THE MAYOR AND HUMAN RESOURCES TO CHANGE LIFE INSURANCE PROVIDERS FROM METLIFE TO AMERICAN UNITED LIFE INSURANCE COMPANY, AND DECLARING AN EMERGENCY

WHEREAS, the Mayor and Human Resources desires to change life insurance providers from MetLife to American United Life Insurance Company, and

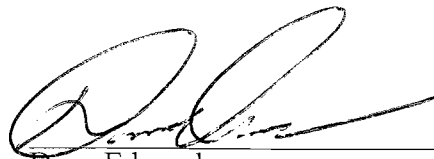
WHEREAS, this Council has determined by review all pertinent information that it is necessary and in the best interest of the City of Marion to authorize the Mayor and Human Resources to change to American United Life Insurance Company, and

WHEREAS, Council was made aware of rising costs of Life Insurance; American United Life Insurance Company does not question persons for their supplemental life; and offers the EAP ("Employee Assistant Program") Program, and

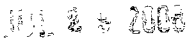
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:


SECTION 1. The Mayor and Human Resources are hereby authorized to change life insurance providers from MetLife to American United Life Insurance Company.

SECTION 2. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof: given the need to move without delay in order to take advantage of the savings being offered; 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. providing new life insurance benefits to Marion City employees.



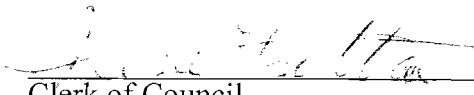
Dave Edwards
President of Council

APPROVED:  2008



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2008-65

Passed SEP 6 2008, 20

ORDINANCE TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY LOCATED BETWEEN TOLEDO AVENUE AND AVONDALE AVENUE, IN THE CITY OF MARION, OHIO

WHEREAS, in the opinion of this Council, there is good cause for vacating the north/south located between Toledo Avenue and Avondale Avenue, in the city of Marion, Ohio, and

WHEREAS, the petition to vacate this alley was not approved (5-0) by the Marion City Planning Commission at its meeting of May 5, 2008, and

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinances 903.08, and

WHEREAS, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and ought to be made;

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

Section 1. That the alley as described in the attached Exhibit "A", be and is hereby vacated.


Section 2. That title to the real estate comprising said alley shall revert to the abutting property owners in accordance with the laws of Ohio.


Section 3. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned property for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation of said property herein is specifically made subject to the continued existence of any such existing right-of-way easement, unless the abutting property owners renegotiate with the utility another right-of-way or easement.

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


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

APPROVED: SEP 6 2008


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


CLERK

RECORD OF ORDINANCES

0007

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-66

Passed _____, 20____

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE
MUNICIPAL COURT CREDIT CARD FEE FROM THE GENERAL
FUND FOR THE YEAR ENDING DECMEBER 31, 2008.

Whereas, the Marion Municipal Court has established an immediate need to provide additional funds from the Municipal Court Credit Card Fee Revenue line item to the Municipal Court Credit Card Fee Expense line item.

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 Municipal Court Credit Card Fee in the amount of \$2,000 as follows:

GENERAL FUND

Municipal Court Credit Card Fee

101.7731.530502

\$2,000.00

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

Dave Edwards
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Clerk of Council

0009

Form No. 30043

Passed _____, 20____

2008-67

RECORD OF ORDINANCES

0011

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-68

Passed August 11, 2008, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009.

WHEREAS, the City of Marion has borrowed funds from various sources and have received additional grant funds in order to complete various projects, and

WHEREAS, the City of Marion is proceeding and the funds must be appropriated to begin the projects, now therefore,

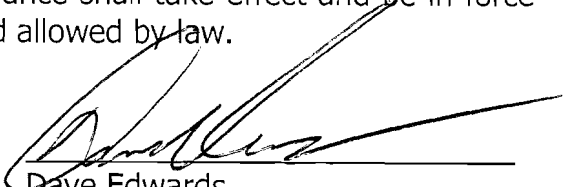
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. Funding has been received from the Public Health Infrastructure Grant which is provided for emergency preparedness. Once grant funds are received the general fund will be reimbursed in full. There shall be an appropriation made as follows:

Health Fund

PHIG	248.2548.520220	\$350.
	248.2548.530221	\$4,794.
	248.2548.530310	\$1,008.
	248.2548.530321	\$718.
	248.2548.530324	\$29,276.
	248.2548.540420	<u>\$800.</u>
		\$36,946.

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


Dave Edwards
President of Council

APPROVED: 

Mayor Scott Schertzer

ATTEST:

Clerk of Council

RECORD OF ORDINANCES

0013

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-69

Passed June 2, 2008, 2008

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RON'S TREE SERVICE FOR THE 2008 TREE REMOVAL PROGRAM, PROJECT 08-2M, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 2008-37 authorized the preparation of plans, specifications and advertising for bids for the 2008 Tree Removal Program Project 08-2M for the City of Marion, Ohio, and

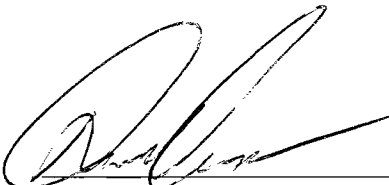
WHEREAS, Ron's Tree Service submitted the lowest and best bid, ~~\$9895.94~~, and

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

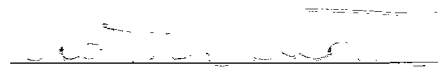
Section 1. That the Service Director be directed to enter into contract with Ron's Tree Service, for the 2008 Tree Removal Program, Project 08-2M.

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


Section 3. That this ordinance is hereby declared 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.


Dave Edwards
President of Council

APPROVED: June 2, 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-7

Passed JAN 28 2008, 20

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

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

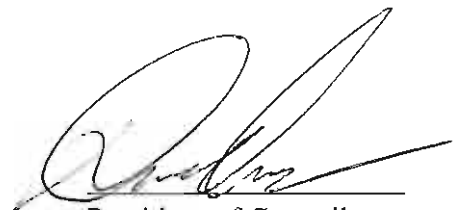
WHEREAS, the Council finds it in the best interests of the City of Marion to
continue its' financial support to the organization commonly known as CAN DO!
and the need to ensure its' economic well-being in order to allow it to perform its'
function within the greater Marion community,

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

SECTION 1. The Council directs and authorizes the Mayor to ensure that the
economic development organization commonly referred to as CAN DO! continues to
receive support, including but not limited to financial support in the amount of
\$6,500 per month, beginning the first day of the month following the expiration of
the current financial support and continuing until the 31st day of December, 2008.
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. 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 shall take effect and be in force from and after the
earliest period allowed by law.


President of Council

APPROVED: JAN 30 2008


Mayor

ATTEST:


Clerk of Council

Ordinance No. 2008-70

Passed AUG 11 2 00 2008

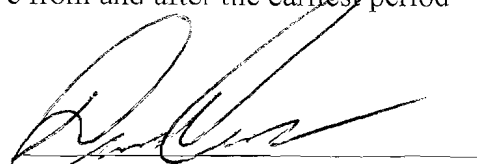
**ORDINANCE AUTHORIZING THE SERVICE
DIRECTOR TO PREPARE SPECIFICATIONS AND
ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1)
2009 ¾ TON 4/WD PICKUP TRUCK WITH SNOW PLOW FOR USE
AT STREETS/SANITATION DEPARTMENT, AND DECLARING AN
EMERGENCY**

WHEREAS, there is a real and present need to replace one (1) aging pickup truck. The truck is 16 years old with 157,307 miles on it; and


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

Section 1. That the Service Director is hereby authorized to prepare specifications and advertise for bids the purchase of one (1) 2009 ¾ ton 4/WD pickup truck with snow plow.


Section 2. 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 the winter season deadlines approaching; 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.


Dave Edwards
President of Council

APPROVED: AUG 11 2 00


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0023

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-71

Passed Sept 2 2008, 20

ORDINANCE DIRECTING THE SERVICE DIRECTOR
TO AMEND THE MASTER TRAFFIC CONTROL PLAN/MAP BY
REPLACING CERTAIN EXISTING STOP SIGNS LOCATED WITHIN
THE CITY WITH YIELD SIGNS AS APPROVED BY THE CITY
ENGINEER AND COMPLIANT WITH THE OHIO MANUAL OF TRAFFIC
CONTROL DEVICES

WHEREAS, the Traffic Commission considered the suggestion that
certain existing Stop Signs within the City be replaced by Yield signs as now
permitted by the Uniform Manual of Traffic Control Devices, and

WHEREAS, given the opinion of the City Engineer the Traffic
Commission voted unanimously to implement the change referenced herein,

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 Signs referenced below and existing
upon the Master Traffic Control map to now be converted to Yield signs as
now permitted by the Uniform Manual of Traffic Control Devices given the
findings of the City Engineer as to Section 2B.09 of the Manual. The Council
directs the Service Director and Engineer to amend the Traffic Control
Plan/Map and perform all acts necessary to implement this change at the
following locations:

- 1. Edwards Street @ Hocking
- 2. Daffodil Drive @ Lilac Lane
- 3. Sharp Street @ Hayes Street
- 4. Westlawn Drive @ Vancouver Drive

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

Dave Edwards
President of Council

APPROVED: Sept 2 2008

Mayor Scott Schertzer

ATTEST:
Clerk of Council

RECORD OF ORDINANCES

0017

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-72

Passed 11-27-2008, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE ANNUAL EXAMINATION FEES FROM THE GENERAL FUND FOR THE YEAR ENDING DECMEBER 31, 2008.

Whereas, the Council has advised there is an immediate need to provide additional funds to the Annual Examination fees line item to allow City Auditor to pay the cost of the City's GAAP and Single Audit expenses for the 2007 report year.

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

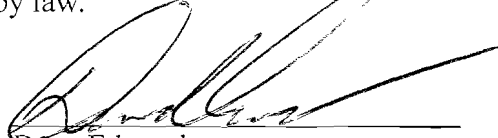
Section 1. That there be an additional appropriation made in the Annual Examination Fee line item in the amount of \$25,000.

GENERAL FUND

Annual Examination Fee

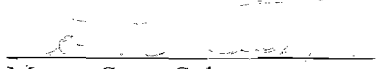
GAAP	101.7744.530622	\$10,000
Single Audit	101.7744.530622	\$15,000

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




Dave Edwards
President of Council

APPROVED: 


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0019

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-73

Passed SEP 18 2008, 2008

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION,
BY REZONING THE PROPERTY LOCATED AT 401 AND 411 EAST
FAIRGROUND STREET FROM A C-2 COMMUNITY SHOPPING DISTRICT
TO A C-4 CENTRAL FRAME BUSINESS DISTRICT (Applicant, Mark Darling)

WHEREAS, Council finds that the real property described below, should be rezoned, from an C-2 Community Shopping District to a C-4 Central Frame Business District, and

WHEREAS, the City Planning Commission has recommended a change to the existing zoning code on August 5, 2008, and

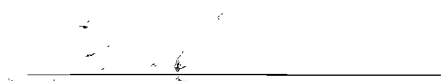
WHEREAS, due notice of the hearing on said rezoning has been given by publication in accordance with law, and

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-2 Community Shopping District shall be rezoned to a C-4 Central Frame Business District, and

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


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


Dave Edwards
President of Council

APPROVED: SEP 18 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-74

Passed Aug 23 2008, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE RICHMOND AVENUE STORMWATER IMPROVEMENTS, PROJECT 08-1S 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 Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the Richmond Avenue Stormwater Improvements, Project 08-1S.

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

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof by providing for the improvements necessary to insure the integrity of the roadway without further delay, 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.



Dave Edwards
President of Council

Approved: Aug 26 2008

Mayor Scott Schertzer

Attest:

Clerk of Council

RECORD OF ORDINANCES

0021

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-75

Passed AUG 4 2008, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE FIRE DEPARTMENTS SALARIES, BENEFITS AND FUEL LINE ITEMS FROM THE GENERAL FUND FOR THE YEAR ENDING DECMEBER 31, 2008.

Whereas, the Council has been advised there is an immediate need to provide additional funds to the Fire Department salaries, benefits and fuel line items to allow for the additional cost to be covered out of this budget year.

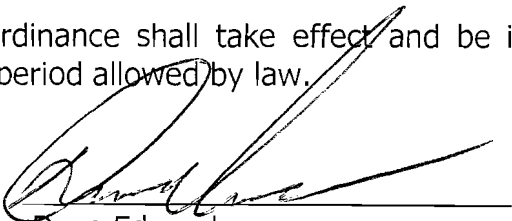
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriation made in the Fire Department budget line items salaries, benefits and fuel in the amount of \$175,000

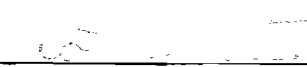
GENERAL FUND

Salaries	101.1131.510111	\$120,000
Benefits	101.1131.510120	\$ 39,000
Fuel	101.1131.540430	\$ 16,000
Total General Fund		\$175,000


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


Dave Edwards
President of Council

APPROVED: AUG 4 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-76

Passed Aug 25 2008, 2008

ORDINANCE AUTHORIZING THE MAYOR TO EXECUT ALL DOCUMENTS NECESSARY TO MAKE APPLICATION TO SEEK GRANT FUNDING TO ENABLE A NUISANCE ABATEMENT HOUSING PROGRAM, CREATING THE MARION DOLLAR HOME PROGRAM AND THE MARION LAND BANK PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, there continues to be an urgent need to address housing needs within the City, and

WHEREAS, the Nuisance Abatement Task Force has been making progress in relation to the above and has identified a worthwhile program to enhance the efforts within the community to provide housing revitalization within our neighborhoods and safe, viable housing for Marion families,

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

Section 1. The Council finds it to be in the best interests of the City to authorize the Mayor for the City to execute all documents necessary to seek available grant funding to enable a nuisance abatement housing program. Further, the Council encourages the Nuisance Abatement Task Force to continue to provide much needed over-sight and guidance in the continual battle against the deterioration of our neighborhoods.

Section 2. The Council authorizes the Mayor's Marion Land Bank program, hereinafter referred to MLB, which shall encompass the application referenced above, manage the abatement of structures according to City Code Section 1360 which contains the underlying authority for citing neglectful property owners and enable the development of rules, regulations and programs to enhance the revitalization of Marion's neighborhoods. The MLB shall be created by the adoption of Exhibit B attached hereto.

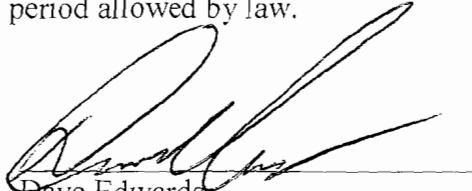
As a part of the MLB and in addition to authorization of the Federal Land Bank program, the Mayor is authorized to participate in HUD's Dollar Homes program. The Marion Dollar Homes Program created by the adoption of Exhibit A attached hereto.

The grant document in regard to the FLB application shall provide that at least four (4) properties be committed to the non-profits: Turning Point (2) and/or Marion's Habitat for Humanity (2).


The MLB shall consider other community based non-profits in order to allow for the most flexibility and best chance of success in the intended goal.

Ordinance No.  2008-76 Passed **AUG 2 5 2008**, 20


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: Due to the real and present need to move forward without delay given the imminent filing deadlines and urgent need to move without delay; 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.


Dave Edwards
President of Council

APPROVED: **AUG 2 6 2008**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-76

Passed April 23 2008, 2008

EXHIBIT A

MARION HUD ENABLED "DOLLAR HOMES" PROGRAM PART THIRTEEN – STRUCTURE AND SAFETY CODE CHAPTER 1366

- 1365.01 Purpose
- 1365.02 Enabling Provision
- 1365.03 Program Disposition Strategy and Statement of Compliance

§ 1365.01 PURPOSE STATEMENT

Through the U. S. Department of Housing and Urban Development (HUD) Dollar Homes Initiative allowS the City to use or dispose of the properties purchased under a disposition strategy developed by the City and accepted by HUD.

Homes Initiative allows local governments acquire vacant housing units by offering the City of Marion the opportunity to purchase qualified HUD-owned homes for One Dollar (\$1) each. Dollar Homes are single-family homes that are acquired by the Federal Housing Administration as a result of foreclosure actions. Single-family properties are available through the Dollar Homes Initiative whenever FHA is unable to sell the homes after six (6) months.

Selling vacant homes for One Dollar (\$1), HUD makes it possible for communities to rehabilitate the homes and put them back into productive use at a considerable savings. The newly occupied homes can then act as catalysts for neighborhood revitalization, attracting new residents and businesses to an area. The Program also encourages the re-occupancy of these properties as owner-occupied housing and return them to tax-producing status, or the City may demolish a home if it is not suitable for rehabilitation.

§ 1365.02 ENABLING PROVISION

The Mayor of the City of Marion, or his designee, be, and is hereby authorized and directed to enter into a Sales Contract Agreement and Addendum with the U. S. Department of Housing and Urban Development (HUD) for each property for which the City intends to participate in HUD's Dollar Homes Initiative, which would allow the City to purchase homes for One Dollar (\$1) and use or dispose of the property under a disposition plan developed by the City.

The Sales Contract Agreement and Addendum required by HUD for each property purchased by the City of Marion shall be determined by the Director of Law and made available to the public in the form of a sample copy.

§ 1365.03 PROGRAM DISPOSITION STRATEGY AND STATEMENT OF COMPLIANCE

As part of disposition strategy, the City may indicate that it intends to purchase the property and convey it to a non profit organization for rehabilitateion and resale to first time homebuyers, low to moderate income buyers or some other public purpose objective. City shall ensure all information pertaining to the purchase and subsequent resale must be included in the annual report provided to HUD's Program Support Staff Director. A failure to comply subjects City possible removal from participation in the HUD program.

Ordinance No. 2008-76Passed AUG 25 2008, 20

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance and provisions related hereto were adopted in an open meeting of this Council, and that all deliberations of this Council and 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.

EXHIBIT B

MARION LAND BANK PROGRAM PART THIRTEEN – STRUCTURE
AND SAFETY CODE CHAPTER 1367

- 1367.01 Purpose Statement
- 1367.02 Enabling Provision
- 1367.03 Deferment of taxes pursuant to ORC, Court Costs
- 1367.04 Administration
- 1367.05 Neighborhood Advisory

§ 1367.01 PURPOSE STATEMENT

The Ohio General Assembly has enacted Revised Code Section 5722 which allows a Municipality to take title to non productive land and the City finds that taking title to this land and utilizing the provisions of this Section would promote economic development and the health and safety of the City.

The purpose of this ordinance is to establish the Marion Land Bank Program (MLB) a Land Reutilization Program pursuant to Ohio Revised Code Section 5722. Adopted for the purpose of reducing the number of deteriorated and abandoned properties that presently exist in the City of Marion and continuing to increase favorable living and economic conditions. The Municipality finds that the Program established herein is necessary, and the need for this program outweighs any anti-competitive effect that may result from adoption.

The adoption hereof implements the MLB a Land Reutilization Program with procedures set forth in Ohio R. C. Chapter 5722. The City further declares that there exists sufficient and substantial nonproductive land within its boundaries which is of such nature and extent as to necessitate the implementation of a Land Reutilization Program to foster either the return of such nonproductive land to tax revenue generating status or the devotion thereof to public use. The City hereby agrees to implement and abide by the provisions of Ohio R.C. Chapter 5722 for a Land Reutilization Program as provided therein to be known as the Marion Land Bank Program.

§ 1367.02 ENABLING PROVISION

Any tax delinquent lands situated within the boundaries of the City which have been determined by the City to constitute nonproductive lands shall be purchased, managed and disposed of by the City pursuant to the applicable procedures and provisions set forth in Ohio R. C. Chapter 5722 as the same may be amended from time to time, and which statutory provisions are collectively referred to as the Marion Land Bank Program, under the “Urban Land Reutilization Act”.

§ 1367.03 DEFERMENT OF TAXES, COURT COSTS

Payment of any delinquent taxes, assessments, charges and penalties due and

Ordinance No. 2008-76

Passed 16 5 2011, 20

owing upon any parcels of tax delinquent and nonproductive real property acquired by the City pursuant to this chapter will be deferred until the City resells or otherwise disposes of such land in accordance with the applicable provisions of the "Urban Land Reutilization Act".

Court Costs incurred during the course of any tax delinquency and foreclosure or forfeiture proceedings resulting in the acquisition of title to any lands by the City pursuant to this chapter shall be payable to the County Auditor, as required by Ohio R. C. 5722.03, upon the confirmation of the sale of such lands to the City.

§ 1367.04 ADMINISTRATION

The Safety Director shall implement and carry out the MLB Program and shall hold, administer and coordinate the disposition of the lands acquired by the City pursuant to this chapter and shall create, issue and publish necessary regulations for the administration of such program. The Director shall have the authority to designate lands as nonproductive in conformity with this chapter and

The City Auditor is authorized and directed to draw warrants from any funds designed upon receipt of vouchers duly approved by the proper departmental authority, for the maintenance of lands properly designated according to this chapter or the regulations promulgated there under, and for other purposes.

§ 1367.05 NEIGHBORHOOD ADVISORY AND TAX DISTRICT COMMITTEES

There is hereby established a Neighborhood Advisory Committee. The Neighborhood Advisory Committee shall be comprised of seven (7) persons owning real property in the City. Each ward of the City shall have at least one resident to serve as a member of the Committee. The members of the Committee shall be appointed by the Mayor, with the approval of Council, for two-year overlapping terms. The Safety Director shall consult with the Neighborhood Advisory Committee at least quarterly to review the operations of the Marion Land Bank, a Land Reutilization Program and to receive input of the Committee.

There is hereby established a Tax District Committee as authorized by the Ohio R.C. 5722.09 which shall be comprised of one representative of each taxing district which has an interest in the taxes, assessments, charges, interest and penalties on the real property acquired as part of the Land Reutilization Program. Each member shall be appointed by the taxing district he or she represents; may be an employee of said taxing district and shall serve without compensation; meeting at least quarterly. The Mayor, with approval of Council, shall appoint the representative for the City, who shall then serve at the pleasure of the Mayor.

Ordinance No. 2008-77

Passed AUG 6 2008, 2008

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING DUTIES AT THE MARION SENIOR CENTER

Whereas, the Council for the City of Marion finds the job descriptions for the Informational and Referral/Community Outreach position and the Activity Coordinator at the Senior Center to be outdated, and

Whereas, the Human Resources Director has proposed and provided an updated job description for each of the positions referenced above, and

Whereas, the Council finds the redefined job descriptions to be in the best interests 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 Supervisor/Community Outreach/Information and Referral position and the Activity Coordinator positions shall be amended as is provided in the attachment hereto as Exhibit A and made a part hereof as if fully re-stated hereinto.

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, to wit:

Informational and Referral/Community Outreach : Grade 16

Activity Coordinator: Grade 12

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



Dave Edwards
President of Council

APPROVED: AUG 6 2008


 Mayor Scott Schertzer

Attest:


 Clerk of Council

Ordinance No. 2008-78

Passed 04 2 5 2008, 2008

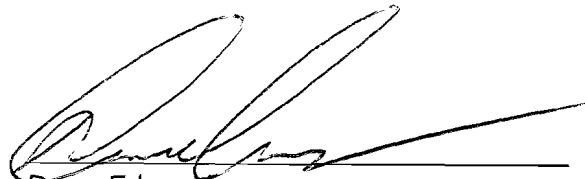
**ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN
AS THE YARGER REPORT) AS AMENDED, BY UPGRADING THE
JOB POSITION OF THE PROPERTY CARETAKER IN THE
POLICE DEPARTMENT**

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

Section 1. That the current job description for the Property Caretaker
is attached hereto as Exhibit A.

Section 2. That this ordinance makes adjustments and modifications
to the pay grade, specifically taking it from a pay grade of 18 to the pay
grade of 20 from the effective date of this Ordinance. All other provisions
shall remain as previously provided.

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



Dave Edwards
President of Council

APPROVED: 04 2 6 2008

Mayor Scott Schertzer

Attest:

Clerk of Council

Ordinance No. 2008-79

Passed SEP 2 2008, 2008

ORDINANCE TO ESTABLISH A DOWNTOWN REVITALIZATION PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM FOR A TIER TWO DOWNTOWN REVITALIZATION GRANT, AND TO AUTHORIZE THE MAYOR TO APPLY FOR SAID FUNDS AND ADMINISTER THE GRANT IF RECEIVED, AND DECLARING AN EMERGENCY.

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

WHEREAS, the CDBG Small Cities Program Comprehensive Downtown Revitalization Program funds Downtown Revitalization Grant application which funds physical renovations. and

WHEREAS, the Mayor must submit an application to the State of Ohio Department of Development, to receive funds for the City of Marion to be used on eligible activities which address the downtown revitalization needs.

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

Section 1. That this Council hereby authorizes the Mayor to submit an application for a Tier 2 Downtown Revitalization Grant:

Private rehabilitation	250,000
Sidewalk improvement	25,000
Administration	25,000

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

Tier Two Downtown Revitalization Planning Grant	\$	300,000
Revolving Loan Fund CDBG 2009 Formula	\$	35,000
TOTAL Project	\$	335,000

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

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

APPROVED:

Dave Edwards
President of Council

Mayor Scott Schertzer

ATTEST:

Clerk
2008-79

Ordinance No. 2008-8

Passed FEB 25 2008, 20

ORDINANCE ENACTED BY THE CITY OF MARION, MARION
COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL
PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED
DESCRIBED PROJECT AND DECLARING AN EMERGENCY

Section I – Project Description

WHEREAS, the City has identified the need for the described project:

This project proposes to reconstruct, upgrade, or remove various traffic signals and to perform post-construction traffic signal optimization.

NOW THEREFORE, be it ordained by the City of Marion of Marion County, Ohio;

Section II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

Section III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

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

The City agrees to assume and bear one hundred percent (100%) of the costs of preliminary engineering, right-of-way, and construction less the amount of federal funds set aside by the Director of Transportation;

The city agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City with are not necessary for the improvement as determined by the State and Federal Highway Administration.

Section IV – Utilities and Right-of-Way Statement

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

Section V – Maintenance

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

Ordinance No. _____

Passed _____

FEB 25 2008

, 20____

Section VI – Consultants and Authority to Sign



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

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

Section VII – Emergency

This Ordinance is hereby declared to be an emergency measure to expedite the transportation Project and to promote transportation safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Approved: FEB 26 2008


Mr. Dave Edwards
President of Council
Mayor Schertzer

Attest:


Clerk of Council

RECORD OF ORDINANCES

0041

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-80

Passed SEP 1 2008, 2008

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECMEBER 31, 2008.

Whereas, the Council has been advised that the City of Marion has been reimbursed by FEMA for the expenses incurred during the March of 2008 storm, and

Whereas, through the successful effort of Mayor Schertzer, who worked with the County Commissioners, and obtained their participation in the roof replacement at the Marion Senior Center and it is necessary to appropriate the County portion of funding for said project,

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 \$53,679.00 as follows:

FEMA FUND

FEMA	217.1141.570721	\$39,557.00
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CAPITAL IMPROVEMENT FUND


Capital Improvement	401.9548.570624	\$14,122.00
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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.



Dave Edwards
President of Council

APPROVED: SEP 1 2008



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0047

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-81

Passed SEP 8 2008, 20

ORDINANCE AUTHORIZING THE CITY AUDITOR TO ENTER INTO CONTRACT WITH HOLBROOK AND MANTER CPA, FOR THE 2008 SINGLE AUDIT.

WHEREAS, The City of Marion is required to contract for the 2008 financial audit, and

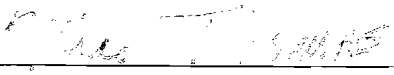
WHEREAS, The State of Ohio has approved an addendum to the current contract for the 2008 Single Audit to be performed by Holbrook and Manter as required by the Ohio Revised Code for a total cost of \$39,550.00.

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

Section 1. The City Auditor is hereby authorized to enter into contract with Holbrook and Manter CPA, for the 2008 Single Audit.

Section 2. That the cost of said contract shall be payable from the Annual Examination fees in an amount not to exceed \$39,550.00.

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



Mike Thomas
President of Council Pro-Tempore

Approved: SEP 15 2008

Dave Edwards
Acting Mayor



Clerk of Council

RECORD OF ORDINANCES

0049

Dayton Legal Blank, Inc.

Form No. 39043

Ordinance No. 2008-32

Passed SEP 23 2008, 2008

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,100,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING WOODROW 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 \$2,100,000 to pay the costs of improving Woodrow 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, 2009, 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, 2010.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$2,100,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 16, 2008 and shall mature October 15, 2009. The Notes shall bear interest at a rate or rates not to exceed 6% 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").

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

Ordinance No. 2008-82

Passed SEP 22 2008 20

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

Ordinance No. 2008-82

Passed Sept 2 2008, 2008

sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Auditor, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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

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

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

In each year to the extent money from the City's sanitary sewer system is available for the payment of the debt charges on 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

Ordinance No. 2008-82Passed SEP 22 2008, 20

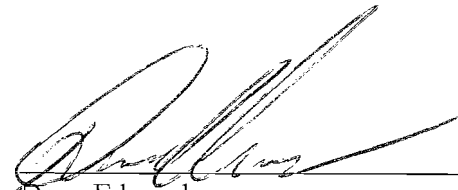

appropriate certificate of the City for inclusion in the transcript of proceedings regarding the issuance of the Notes setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds of the Notes and the provisions of the Code and the regulations thereunder.

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

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

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

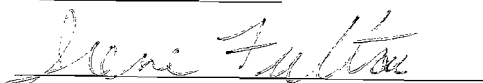
Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to 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.

Approved: SEP 23 2008
Dave Edwards
President of Council
Mayor Scott Schertzer

Attest:


Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates: September 25,
and October 2, 2008.


Clerk of Council10-3-08
Date

Ordinance No. 2008-83

Passed SEP 24 2008, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$6,840,000 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, OAKGROVE AVENUE AND FRANCONIA 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. 2007-81 and Ordinance No. 2007-82, each passed September 24, 2007, a note in anticipation of bonds in the amount of \$6,840,000 dated October 17, 2007 (the "Outstanding Note") was issued to mature on October 16, 2008;

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 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; the maximum maturity of \$2,685,000 of the principal amount of the Notes is October 19, 2025; and the maximum maturity of \$1,600,000 of the principal amount of the Notes is October 17, 2027.

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$6,840,000 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, Oakgrove Avenue and 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, 2009, 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

SEP 22 2008

Ordinance No. 2008-83

Passed _____, 20____

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, 2010.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$6,840,000 shall be issued in anticipation of the issuance of the Bonds and, along with other funds available to the City, to retire the Outstanding Note. The Notes shall be dated October 16, 2008 and shall mature October 15, 2009. The Notes shall bear interest at a rate or rates not to exceed 6% 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 of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes (the "Certificate of Award").

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.

Ordinance No. 2008-83

Passed SEP 23 2008, 20

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

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

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

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

Section 7. The proceeds from the sale of the Notes shall be paid into the Bond Retirement Fund, and those proceeds are appropriated to pay the principal of the Outstanding Note when due.

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

Ordinance No. 2008-83

Passed SEP 22 2008, 20

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

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

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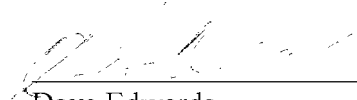
Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-83

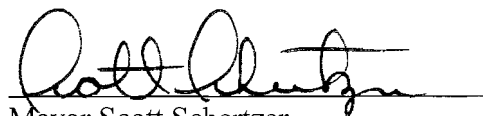
Passed Sept 25, 2008

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.



Dave Edwards
President of Council

Approved: Sept 25


Mayor Scott Schertzer

Attest:

Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates: September 25, and October 2, 2008.

Clerk of Council

Date

Ordinance No. 2008-84

Passed SEP 22 2008 20

AN ORDINANCE PROVIDING FOR THE
ISSUANCE AND SALE OF \$35,000 NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS,
TO PAY THE COSTS OF IMPROVING
BALLENTINE AVENUE, BETWEEN CERTAIN
TERMINI, BY CONSTRUCTING SANITARY
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 \$35,000 to pay the costs of improving Ballentine Avenue, between certain termini, by constructing sanitary sewers, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2009, 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, 2010.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$35,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 16, 2008 and shall mature October 15, 2009. The Notes shall bear interest at a rate or rates not to exceed 6% 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").

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

Ordinance No. 2008-84Passed SEP 22 2008, 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

0067

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-84

Passed September 2, 2008, 2008

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.

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.

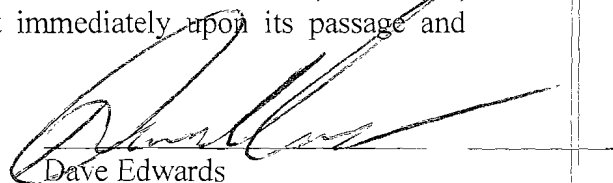
Section 11. The Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

Ordinance No. 2008-84Passed SEP 22 2008, 20

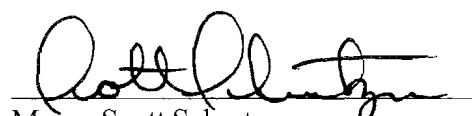
Section 12. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will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

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

Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to 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.


Dave Edwards
President of Council

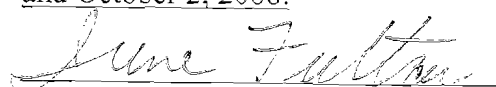
Approved: **SEP 23 2008**


Mayor Scott Schertzer

Attest:


Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates: September 25, and October 2, 2008.


Clerk of Council

10-3-08
Date

Ordinance No. 2008-85

Passed SEP 22 2008, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$90,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING SOUTH PROSPECT STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY 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 \$90,000 to pay the costs of improving South Prospect Street, between certain termini, by constructing sanitary sewers, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2009, 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, 2010.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$90,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 16, 2008 and shall mature October 15, 2009. The Notes shall bear interest at a rate or rates not to exceed 6% 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").

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

SEP 22 2008

Ordinance No. 2008-85

Passed _____, 20____

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 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

RECORD OF ORDINANCES

0071

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-85

Passed SEP 2 2008, 2008

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.

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.

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

Ordinance No. 2008-85 Passed SEP 22 2008, 20

performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

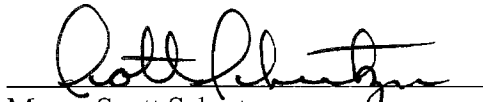
Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that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

Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to 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.


Dave Edwards

President of Council

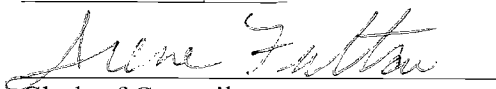
Approved SEP 23 2008


Mayor Scott Schertzer

Attest:


Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates: September 25,
and October 2, 2008.


Clerk of Council

10-3-08
Date

RECORD OF ORDINANCES

0077

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-86

Passed _____, 20____

AN ORDINANCE PROVIDING FOR THE
ISSUANCE AND SALE OF \$200,000 NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS,
TO PAY THE COSTS OF REPLACING THE ROOF
ON CITY HALL, 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 20 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 \$200,000 to pay the costs of replacing the roof on City Hall, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2009, 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, 2010.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$200,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 16, 2008 and shall mature October 15, 2009. The Notes shall bear interest at a rate or rates not to exceed 6% 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").

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

Ordinance No. 2008-86Passed SEP 22 2008, 20

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 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

RECORD OF ORDINANCES

0079

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-86

Passed SEP 12 2008, 2008

Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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

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

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

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

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.

Ordinance No. 2008-86

Passed

SEP 22 2008

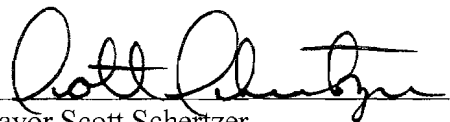
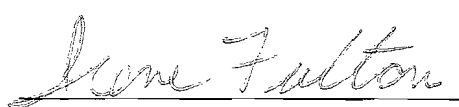
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Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations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

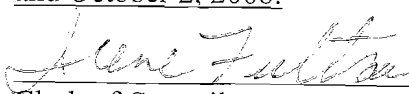
Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to 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.


Dave Edwards

President of Council

Approved: **SEP 23 2008**
Mayor Scott Schertzer
Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates: September 25, and October 2, 2008.


Clerk of Council11-3-08
Date

Ordinance No. 2008-87

Passed SEP 9 4 11 PM, 2008

AN ORDINANCE PROVIDING FOR THE
ISSUANCE AND SALE OF \$250,000 NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS,
TO PAY THE COSTS OF ACQUIRING AND
INSTALLING A NEW TELEPHONE SYSTEM FOR
CITY BUILDINGS, 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 15 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 \$250,000 to pay the costs of acquiring and installing a new telephone system for City buildings, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2009, 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 15 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, 2010.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$250,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 16, 2008 and shall mature October 15, 2009. The Notes shall bear interest at a rate or rates not to exceed 6% 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").

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

Ordinance No. 2008-87

Passed SEP 22 2008, 20

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 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

RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008087

Passed SEP 8 2008, 2008

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.

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.

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

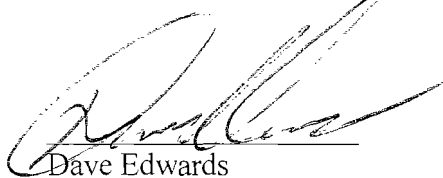
Section 12. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will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

Ordinance No. 2008-87 Passed SEP 22 2008, 20

Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

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

Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to 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.


Dave Edwards
President of Council

Approved: SEP 22 2008


Mayor Scott Schertzer

Attest:


Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates: September 25, and October 2, 2008.


Clerk of Council

10-3-08
Date

Ordinance No. 2008-88

Passed , 20

AN ORDINANCE PROVIDING FOR THE
ISSUANCE AND SALE OF \$300,000 NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS,
TO PAY THE COSTS OF ACQUIRING AND
INSTALLING A NEW GENERATOR, 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 20 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 \$300,000 to pay the costs of acquiring and installing a new generator, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2009, 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, 2010.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$300,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 16, 2008 and shall mature October 15, 2009. The Notes shall bear interest at a rate or rates not to exceed 6% 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").

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

Ordinance No. 2008-88

Passed

SEP 22 2008

20

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 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

Ordinance No. 2008-88

Passed 9 2 2008, 2008

Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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

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

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

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

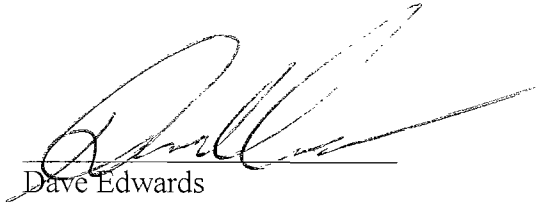
Section 11. The Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

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.

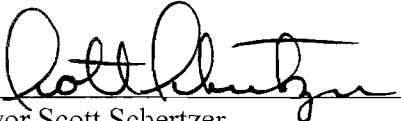
Ordinance No. 2008-88Passed SEP 23 2008, 20

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


Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to 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.


Dave Edwards
President of Council

Approved: SEP 23 2008


Mayor Scott Schertzer

Attest:


Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates: September 25, and October 2, 2008.


Clerk of Council

10-3-08
Date

RECORD OF ORDINANCES

0089

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-89

Passed 31 10, 2008

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$350,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF ACQUIRING AND EQUIPPING A NEW PUMPER TRUCK FOR THE FIRE DEPARTMENT, 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 10 years (the "Bonds"), and the maximum maturity of the Notes is 15 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 \$350,000 to pay the costs of acquiring and equipping a new pumper truck for the Fire Department, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2009, 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 10 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, 2010.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$350,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 16, 2008 and shall mature October 15, 2009. The Notes shall bear interest at a rate or rates not to exceed 6% 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").

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

Ordinance No. 2008-89

Passed SEP 22 2008, 20

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 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

RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-89Passed SEP 2 8 2008, 20

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.

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.

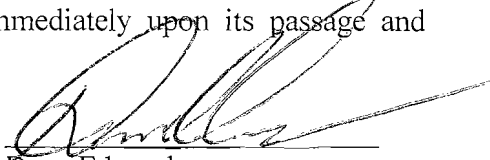
Section 11. The Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

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.

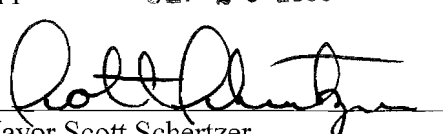
Ordinance No. 2008-89Passed SEP 22 2008, 20

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

Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to 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.


Dave Edwards
President of Council

Approved: SEP 23 2008


Mayor Scott Schertzer

Attest:


Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates: September 25,
and October 2, 2008.


Clerk of Council

10-3-08
Date

Ordinance No. 2008-9

Passed FEB 11 2008, 20

ORDINANCE AUTHORIZING THE CITY AUDITOR TO EXECUTE THE
AMENDED AGREEMENT WITH HOLBROOK, MANTER AND ROGERS FOR
THE 2006 AUDIT, APPROPRIATING THE NECESSARY FUNDS AND
DECLARING AN EMERGENCY.

Whereas, the Holbrook, Manter and Rogers through the State of Ohio Auditor of State has requested a modification of the agreement with the City of Marion for the 2006 Audit, and

Whereas, the Marion City Auditor, Kelly Carr has been notified that the 2006 Audit was not completed by the prior administration prior to the extended deadline of December 31, 2007 and an additional extension has been filed. Further that the 2006 extension will expire on February 29, 2008, and

Whereas, that the cost of the additional expenses associated with the completion of the 2006 Audit is \$5,987.00.

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


Section 1. That the City Auditor is hereby authorized to execute the modification of the agreement with Holbrook, Manter and Rogers for the 2006 Audit.

Section 2. That there be an additional appropriation made in the amount of \$5,987.00, Account No. 101.7711.530321.

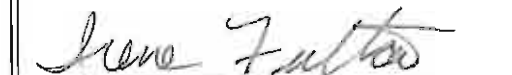
Section 3. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and its' habitants thereof: and for further reasons that the current extension for the completion of the 2006 Audit will expire and must be completed by February 29, 2008; and as such 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.


Dave Edwards
President of Council

APPROVED: FEB 12 2008


Scott Schertzer
Mayor

Attest:


Irene Fulton
Clerk of Council

RECORD OF ORDINANCES

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-90

Passed SEP 22 2008, 2008

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$350,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF ACQUIRING AND INSTALLING A NEW RECORDS MANAGEMENT SYSTEM FOR THE POLICE DEPARTMENT, 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 10 years (the "Bonds"), and the maximum maturity of the Notes is 15 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 \$350,000 to pay the costs of acquiring and installing a new records management system for the Police Department, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately October 1, 2009, 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 10 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, 2010.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$350,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 16, 2008 and shall mature October 15, 2009. The Notes shall bear interest at a rate or rates not to exceed 6% 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").

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

Ordinance No. 2008-90

Passed SEP 22 2008, 20

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

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

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

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

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

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

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

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.

RECORD OF ORDINANCES

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Form No. 30043

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Passed SEP 24 2008, 20

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.

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.

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

Ordinance No. 2008-90 *

Passed

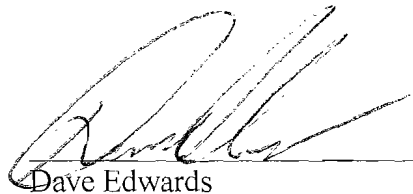
SEP 22 2008

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have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

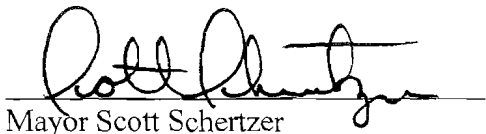
Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that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

Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to 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.



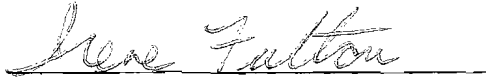
Dave Edwards
President of Council

Approved: SEP 23 2008



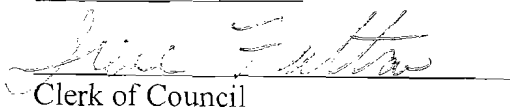
Mayor Scott Schertzer

Attest:



Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates: September 25, and October 2, 2008.



Clerk of Council

10-3-08
Date

Ordinance No. 2008-91

Passed 5-1-2008, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$960,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING PENNSYLVANIA 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 \$960,000 to pay the costs of improving Pennsylvania 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, 2009, 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, 2010.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$960,000 shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated October 16, 2008 and shall mature October 15, 2009. The Notes shall bear interest at a rate or rates not to exceed 6% 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").

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

Ordinance No. 2009-91

Passed SEP 22 2008, 20

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

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

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

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

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

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

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

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

RECORD OF ORDINANCES

0099

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-91

Passed SEP 18 2008, 2008

sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Auditor, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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

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

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

In each year to the extent money from the City's sanitary sewer system is available for the payment of the debt charges on 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

Ordinance No. 2008-91

Passed SEP 22 2008, 20

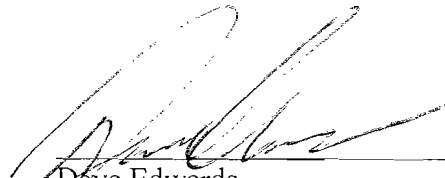
proceedings regarding the issuance of the Notes setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds of the Notes and the provisions of the Code and the regulations thereunder.

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

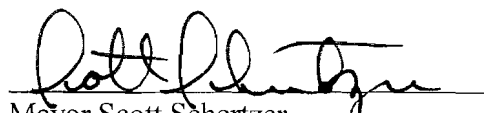
Section 12. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will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

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


Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to 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.


Dave Edwards
President of Council


Approved: SEP 23 2008


Mayor Scott Schertzer

Attest:


Clerk of Council

This hereby certifies that the foregoing is a true and correct copy, and was duly published according to law in The Marion Star on the following dates: September 25, and October 2, 2008.


Clerk of Council


Date

RECORD OF ORDINANCES

0101

Dayton Legal Blank, Inc.

Form No. 300-13

Ordinance No. 2008-92

Passed SEP 8 2008, 2008

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER IN CONTRACT FOR THE PURCHASE OF FUEL, SALT AND PAINT, AND DECLARING AN EMERGENCY

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

WHEREAS, the current contracts are set to expire in October of 2008.

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

Section 1. That the Service Director be authorized to enter into contract for the purchase of fuel with Central Ohio Farmers Co-Op, Inc. for 50,000 gal. @ .029 for regular and diesel fuel. *per gallon over the OPIS benchmark price for regular gasoline and diesel fuel.*

Section 2. That the Service Director be authorized to enter into contract for the purchase of salt with Cargill, Inc. @ \$53.77 per ton.

Section 3. That the Service Director be authorized to enter into contract for the purchase of road paint with Ennis Paint @ 56.25 for 500 gal. white; and @ 58.75 for 300 gal. yellow paint.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: Due to the real and present need to move forward without delay given the imminent contract deadlines and urgent need to move without delay; 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.

Dave Edwards
Dave Edwards
President of Council

APPROVED: Scott Schertzer

Mayor Scott Schertzer

ATTEST:

Clerk of Council

Dayton Legal Blank, Inc.

SEP 18 2008

Form No. 30043

Ordinance No. 2008-93

Passed , 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING COMPANY OF OHIO, INC. FOR THE CRESTON AVENUE PAVEMENT IMPROVEMENTS PROJECT 06-1P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2007-36 authorized the preparation of specifications and advertising for bids for the Creston Avenue Pavement Improvements Project 06-1P for the City of Marion, Ohio and

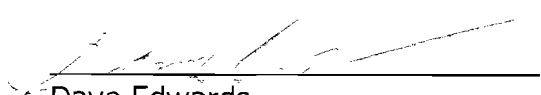
WHEREAS, Elite Excavating Company of Ohio, Inc. submitted the lowest and best bid of \$362,427.50.

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

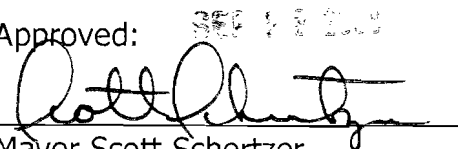
Section 1: That the Service Director be directed to enter into contract with Elite Excavating Company of Ohio, Inc., for the Creston Avenue Pavement Project 06-1P.

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



Dave Edwards
President of Council

Approved: 

Mayor Scott Schertzer

Attest:

Clerk of Council

Ordinance No. 2008-94

Passed SEP 18 2008, 2008

**ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE
DIRECTOR TO ENTER INTO CONTRACT WITH
ELITE EXCAVATING FOR THE RICHMOND AVENUE
STORMWATER IMPROVEMENTS PROJECT 08-1S FOR THE CITY
OF MARION, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 2008-74 authorized the preparation of specifications and advertising for bids for the Richmond Avenue Stormwater Improvements Project 08-1S for the City of Marion, Ohio and

WHEREAS, Elite Excavating of Ohio submitted the lowest and best bid of \$274,286.50.

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

Section 1: That the Service Director be directed to enter into contract with Elite Excavating, for the Richmond Avenue Stormwater Improvements Project 08-1S.

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

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



Dave Edwards
President of Council

Approved: SEP 18 2008


Mayor Scott Schertzer

Attest:

Clerk of Council

RECORD OF ORDINANCES

0107

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-95

Passed SEP 11 2008, 2008

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) DUMP TRUCK FOR USE AT THE WATER POLLUTION CONTROL DIVISION

WHEREAS, there is a real and present need to replace one (1) 1996 GMC 33,000# GVW. dump truck within the Water Pollution Control Division; and

WHEREAS, this new 2009 dump truck vehicle will be purchased from the Sewer Replacement Fund 504.5553.550450.


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

Section 1. That the Service Director is hereby authorized to prepare specifications and advertise for bids the purchase of one (1) 2009 Dump Truck.


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


Dave Edwards
President of Council

APPROVED: SEP 11 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0109

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-96

Passed Oct 13 2008, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE SENIOR CENTER FROM THE GENERAL FUND FOR THE YEAR ENDING DECMEBER 31, 2008.

Whereas, the Council has been advised there is an immediate need to provide additional funds to the Senior Center for fuel and maintenance expenses to cover the cost of these items for the remained of the 2008 year.

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

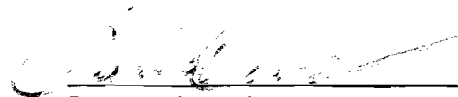
Section 1. That there be an additional appropriation made in the General Fund in the amount of \$10,000 as follows

GENERAL FUND

Senior Center

Fuel	101.3424.540430	\$4,200
Maintenance	101.3424.530360	\$5,800

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



Dave Edwards
President of Council

APPROVED: Oct 14 2008


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0111

Dayten Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-97

Passed March 17 3rd, 2008

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY FOR THE PURCHASE OF ONE (1) 4X4 $\frac{3}{4}$ TON PICKUP TRUCK WITH PLOW AND MANUALS AT A COST OF \$26,051.50 FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

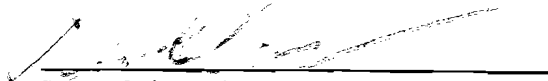
WHEREAS, this Council by passage of Ordinance No. 1991-136, requires approval of all capital expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Ohio.

WHEREAS, Mathews Kennedy Ford Lincoln Mercury submitted the lowest and best bid for the purchase of one (1) 4x4 $\frac{3}{4}$ Ton Pickup Truck with plow and manuals for use in the Streets Department, cost of \$26,051.50, and therefore

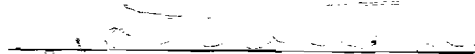
BE IT ORDAINED by the Council of the City of Marion, Ohio: Marion County,

Section 1. That the Service Director is hereby authorized and is hereby directed to enter into contract with Mathews Kennedy Ford Lincoln Mercury to purchase one (1) 4x4 $\frac{3}{4}$ Ton Pickup Truck with plow and manuals for the use in the Streets Department. The cost is \$26,051.50 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, also to purchase the vehicle and snow plow before the winter season, 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.


Dave Edwards
President of Council

APPROVED: 


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2008-98

Passed 10-1-08, 20

ORDINANCE AUTHORIZING THE SAFETY & SERVICE DIRECTOR TO DISPOSE OF 6 VEHICLES PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, 1 VEHICLE PREVIOUSLY UTILIZED BY THE ZONING DEPARTMENT, 2 VEHICLES PREVIOUSLY UTILIZED BY THE STREETS DEPARTMENT, 1 VEHICLE UTILIZED BY THE AIRPORT, 1 GARBAGE TRUCK UTILIZED BY THE SANITATION DEPARTMENT, 3 VEHICLES UTILIZED BY THE TRANSIT DEPARTMENT, 1 FIRE TRUCK UTILIZED BY THE FIRE DEPARTMENT AND DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.

WHEREAS, the Council has been advised by the Police Department, Streets & Sanitation Department, Transit Department, Fire Department, Zoning Department and Airport that the fifteen vehicles previously used by these departments are no longer necessary, and

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

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

Section 1. That the Safety & Service Director is hereby authorized and directed to dispose of the following vehicles previously used by the Police Department, Streets & Sanitation Department, Transit Department, Fire Department, Zoning Department and Airport which have been determined to have exceeded its useful purpose and are no longer necessary for any municipal purpose, to-wit:

1996 Ford Crown Victoria	2FALP71WXTX162959
1997 Ford E350 Bus	1FDLE40FOVHB14014
1996 Ford Taurus	1FALP5222TG253245
1989 Chevy Astro Van	1GNDM1528KB257585
2001 Ford Crown Vic	2FAFP71W81X184372
2003 Ford Crown Vic	2FAFP71W43X129128
2000 Ford Crown Vic	2FAFP71W5YX200635
1978 Fire Truck Pumper	CE-37-6322
1997 Ford LTV Bus	1FDLE40F9VHB14013
1998 Ford LTV Bus	1FDKE30FXVHB84190
1997 Ford Crown Vic	2FALP71W9VX178007
1982 Chevy S10 Pickup	1GCBS14A9C2164581
1989 Ford F800 Garbage Truck	1FDYK84AXKVA00278
1986 Toyota 4 x 4 Pickup	JT4RN63R7G5007353
2001 Chevy Impala	2G1WF55K719333442

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

Ordinance No. 2008-98Passed OCT 13 2008, 20

Section 3. That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City for further reason that the Police auction is occurring on November 1, 2008; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



Dave Edwards
President of Council

APPROVED: **OCT 14 2008**

Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0115

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-99

Passed 8-13-08, 2008

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE MUNICIPAL COURT CREDIT CARD FEE FROM THE GENERAL FUND FOR THE YEAR ENDING DECMEBER 31, 2008.

Whereas, the Marion Municipal Court has established an immediate need to provide additional funds from the Municipal Court Credit Card Fee Revenue line item to the Municipal Court Credit Card Fee Expense line item.

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 Municipal Court Credit Card Fee in the amount of \$1,000 as follows:

GENERAL FUND

Municipal Court Credit Card Fee


101.7731.530502

\$1,000.00

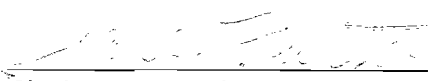
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


Dave Edwards
President of Council

APPROVED: 8-13-08


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2008-28
Passed NOV 30 2009, 20

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR
TO ENTER INTO AN AMENDED AND RESTATED LEASE
WITH MARION GENERAL HOSPITAL, INC., **AS AMENDED**

WHEREAS, the Council had been in discussions with Marion General Hospital, Inc. regarding the existing lease of the City's Hospital Facilities for a prolonged period in the late 90's and in response to the more recent request by Marion General Hospital Inc. additional discussions and further modifications have been incorporated into the Amended and Restated Lease Agreement, and

WHEREAS, the result of the aforementioned discussions and public meetings resulted in an Amended and Restated Lease Agreement which has been exhaustively reviewed and amended, including amendments suggested by the County of Marion, Ohio, and

WHEREAS, the Council has again taken into account the issues debated in the late 90's and the events transpiring in the period thereafter in the local health care community and the region as a whole, and

WHEREAS, the Council specifically observes enhancements have been made as to the current lease in areas of local control, keeping revenue generated here in the community, insuring indigent care regardless of ability to pay, insuring long term operation of our hospital facility and maintaining hospital services, and

WHEREAS, the Council finds the final Amended and Restated Lease Agreement attached hereto to be in the best interests of the citizens of Marion, Ohio and further that the refinements and clarifications contained therein of the existing terms and conditions as contained in the 1983 provide benefit and certainty to the citizens of Marion, Ohio,

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

Section 1. **Consistent with the Opinion in 08CV0503, subject to obtaining the consent of the Commissioners**, the Mayor is hereby authorized and directed to enter into the Amended and Restated Lease Agreement with Marion General Hospital, Inc.,

Section 2. The Council finds it necessary to refine, clarify and enhance the existing 1983 lease agreement with Marion General Hospital, Inc. in order, in part, to remove unnecessary language having to do with bond repayment, ensure continued provision and enhanced service to those unable to pay or are considered indigent, provide clarification on the relationship between the Board of Governors of Marion General Hospital, Inc. and its' sole member Ohio Health, ensuring that the Board appointments are consistent with the original lease and going further to enhance local control of the Board of Trustees, ensure that no further transfer of the entity occur without approval of the City's legislature, ensure that the proceeds generated from the local hospital remain in the community for the benefit of patient care or that which is related to the health care needs of the residents of the City and

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

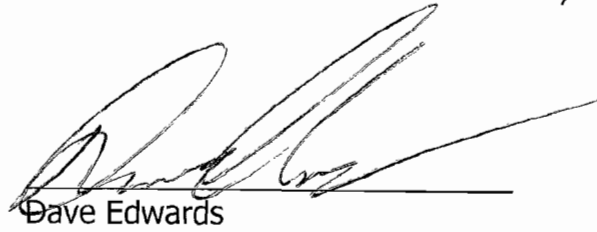
Form No. 30043

Ordinance No. 2008-28 *

Passed **NOV 30 2009**, 20

County of Marion, Ohio, and to further ensure that the burden of costs associated with the operation of the facility, including but not limited to, the provision of indigent care is provided for by Marion General Hospital, Inc. and its' sole member,

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



Dave Edwards
President of Council

APPROVED: **DEC 1 2009**



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2008-9

Passed FEB 11 2008 20

ORDINANCE AUTHORIZING THE CITY AUDITOR TO EXECUTE THE AMENDED AGREEMENT WITH HOLBROOK, MANTER AND ROGERS FOR THE 2006 AUDIT, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.

Whereas, the Holbrook, Manter and Rogers through the State of Ohio Auditor of State has requested a modification of the agreement with the City of Marion for the 2006 Audit, and

Whereas, the Marion City Auditor, Kelly Carr has been notified that the 2006 Audit was not completed by the prior administration prior to the extended deadline of December 31, 2007 and an additional extension has been filed. Further that the 2006 extension will expire on February 29, 2008, and

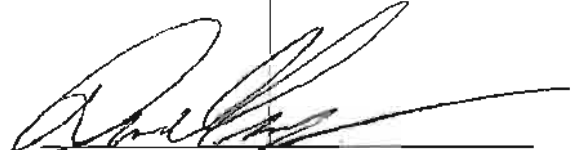
Whereas, that the cost of the additional expenses associated with the completion of the 2006 Audit is \$5,987.00.

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

Section 1. That the City Auditor is hereby authorized to execute the modification of the agreement with Holbrook, Manter and Rogers for the 2006 Audit.

Section 2. That there be an additional appropriation made in the amount of \$5,987.00, Account No. 101.7711.530321.

Section 3. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and its' habitants thereof: and for further reasons that the current extension for the completion of the 2006 Audit will expire and must be completed by February 29, 2008; 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.


Dave Edwards
President of Council

APPROVED: FEB 12 2008


Scott Schertzer
Mayor

Attest:


Irene Fulton
Clerk of Council