

Ordinance No. 2009-2

Passed JAN 12 2009, 2009

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS THE PURCHASE OF FOUR (4) POLICE VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

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

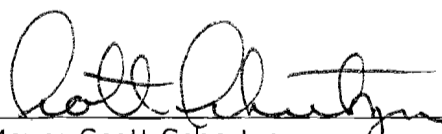
Section 1. That the Safety Director is hereby authorized to prepare specifications and advertise for bid for the purchase of four police vehicles. Three (3) cruisers and one (1) SUV.

Section 2. The final month of production for the 2009 Police Interceptor at Ford is March, 2009.

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


 Dave Edwards
 President of Council

APPROVED: ~~2009~~ JAN 14 2009


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

Ordinance No. 2009-10

Passed FEB 9 2009, 20

ORDINANCE GRANTING THE REQUEST OF MARION CRAWFORD COMMUNITY ACTION COMMISSION TO PERMIT THE LIMITED ASSIGNMENT OF LEASEHOLD INTEREST IN REGARD TO RE-FINANCING PURPOSES ONLY RELATED TO THE 1995-114 ORDINANCE AND JULY 1996 LEASE AGREEMENT COMMONLY REFERRED TO THE MARIE ENGLISH SENIOR CENTER AND DECLARING AN EMERGENCY

WHEREAS, the Marion Crawford Community Action Commission, now known as Ohio Heartland Community Action Commission did pursuant to Ordinance 1995-114 receive a July 1996 Lease Agreement from the City of Marion Ohio for the facility commonly known as the Marie English Senior Center on Bellefontaine Avenue, and

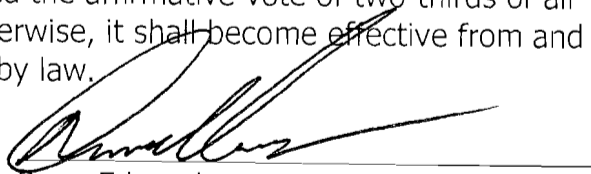
WHEREAS, the aforementioned lease, page 13, requires Lessee not assign the lease without the consent of the Lessor, and

WHEREAS, Ohio Heartland previously received permission or consent from City to allow the limited assignment of leasehold interest to the Lessee's financing entity, and now desires to again receive authorization or consent to allow the limited assignment for re-financing purposes only,

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

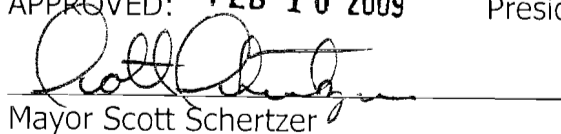
Section 1. The Mayor is hereby authorized to execute any document necessary to acknowledge the consent of the City for the limited assignment of the leasehold interest for re-financing purposes only as requested by and in regard to Marion Crawford Community Action Commission, now known as Ohio Heartland Community Action Commission's facility commonly known as the Marie English Senior Center on Bellefontaine Avenue, and

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 due to the real and present need to move forward without delay given the current benefit of rates within the financial markets, 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: FEB 10 2009


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0154

Dayton Legal Blanks, Inc.

Form No. 30043

Ordinance No. 2009-11

Passed FEB 9 2009, 2009

AN ORDINANCE APPROVING AND AUTHORIZING THE ACCEPTANCE OF AN ENGAGEMENT LETTER FROM BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion (the City) retains from time to time special counsel and bond counsel to represent the City; and

WHEREAS, for several years the City has retained Stephen Grassbaugh to provide such services to the City; and

WHEREAS, Stephen Grassbaugh has joined the law firm of Benesch, Friedlander, Coplan & Aronoff LLP; and

WHEREAS, the City desires to continue to retain Stephen Grassbaugh from time to time to provide such services;

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

Section 1. It is in the best interest of the City to provide for the retention of Benesch, Friedlander, Coplan & Aronoff LLP from time to time in accordance with terms and conditions provided in the engagement letter from that firm now on file with this Council.

Section 2. The engagement letter is hereby approved and the Mayor is authorized and directed to sign and deliver, on behalf of the City, the acceptance of the engagement letter in substantially the form now on file with this Council with such changes therein that are not materially adverse to the interests of the City and are approved by the Mayor. The signing and delivery of the engagement letter by the Mayor shall be conclusive evidence that any changes therein are not materially adverse to the interests of the City and have been approved by the Mayor.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance, and that all deliberations of this Council and of any of its committees that resulted in those formal actions, occurred in meetings open to the public in compliance with the law.

Section 4. 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 it is necessary to immediately retain Benesch, Friedlander, Coplan & Aronoff LLP to obtain its services on various

Ordinance No. 2009-11

Passed FEB 9 2009, 20

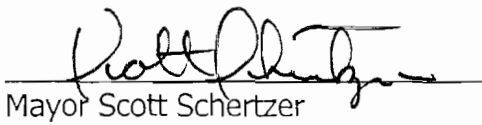
proposed debt issuances; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Approved: FEB 10 2009

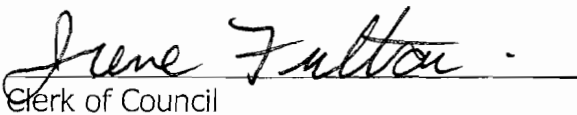


Dave Edwards
President of Council

Attest:


Mayor Scott Schertzer

The foregoing is a true and correct copy of Ordinance 2009-11 as adopted by the Council of the City of Marion, Ohio at its meeting on _____, 2009.


Clerk of Council

RECORD OF ORDINANCES

0265

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-12

Passed FEB 9 2009, 2009

ORDINANCE AMENDING THE TRAFFIC CONTROL MAP FOR THE CITY OF MARION TO MODIFY THE SPEED LIMIT UPON MARION WILLIAMSPORT ROAD FROM THE WESTERN TERMINI TO THE EASTERN TERMINI FROM 55 M.P.H. TO 45 M.P.H.

WHEREAS, the Traffic Commission heard considerable testimony regarding issues pertinent to the existing speed limit on Marion Williamsport Road within the City, and

WHEREAS, after consideration of all investigations and reports submitted on the subject, the Traffic Commission has forwarded a recommendation to the Council to amend the existing speed limit upon the aforementioned roadway from 55 MPH to 45 MPH as same is in the best interests of the community,

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

Section 1. The Council finds it necessary to modify the current posted speed limit of 55 MPH on Marion Williamsport Road by reducing said limit to 45 MPH. The Council finds this change is necessary to best serve the residents of those living along the aforementioned streets and those who reside in the neighborhoods adjoining the affected streets. Further this is necessary to establish a consistent speed limit with those areas of said road within the county jurisdiction.

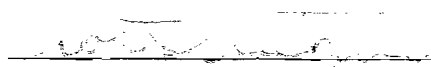
Section 2. That the Service Director and/or City Engineer is hereby authorized and directed to properly post the roadways and amend the Traffic Control Map or other relevant documents in order to carry out the directive of Council.

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




Dave Edwards
President of Council

APPROVED: FEB 10 2009



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0257

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-13

Passed FEB 11 2010

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC. FOR THE PURCHASE OF ONE (1) VEHICLE AND ONE (1) UTILITY VEHICLE FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 2009-2, the Safety Director was authorized to advertise for bids for the purchase of three (3) marked vehicles and one (1) utility vehicle plus the necessary equipment for those vehicles, for the Police Department; and

WHEREAS, during the bid process it was determined and the recommendation of the Safety Director that Mathews-Kennedy Ford be declared the only responsive bidder and be declared the lowest and best,

WHEREAS, the Safety Director further reports, given the continuing deteriorating economic climate and the expected draws upon the capital improvement fund from which these monies will be drawn, the number of vehicles be reduced to one (1) vehicle and one (1) utility vehicle,

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

Section 1. Given the report of the Safety Director and the information provide related hereto, Council determines Mathews-Kennedy Ford be declared the only responsive bidder and is hereby declared the lowest and best. Given the continuing deteriorating economic climate and the expected draws upon the capital improvement fund from which these monies will be drawn, the number of vehicles be reduced to one (1) vehicle and one (1) utility vehicle. Therefore, the Safety Director 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) 2009 Ford Crown Victoria Police at a cost of ~~\$22,930.00~~ ^{22,932.04} and one (1) 2009 Ford Expedition at cost of \$28,862.36 and the extra needed equipment for these vehicles which totals ~~\$61,792.36~~ ^{61,795.00} and shall be payable from the Police Department Capital Equipment 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, given the deadline associated with manufacture of the subject vehicles and the pricing expirations related thereto; and shall take effect and be in force immediately

Ordinance No. 2009-13

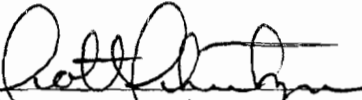
Passed FEB 9 2009, 20

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.

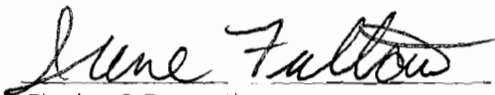


Dave Edwards
President of Council

Approved: **FEB 10 2009**



Mayor Scott Schertzer



Clerk of Council

RECORD OF ORDINANCES

0253

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-14

Passed FEB 9 2009, 2009

ORDINANCE MAKING AN APPROPRIATION OF \$10,000 TO SMART CAMP FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009.

Whereas, the Council has been advised there is an immediate need to provide a cash advance to the Smart Camp line item to allow expenses to be paid for the 2009 year

Whereas, that the advance will be made and the General Fund will be reimbursed upon the receipt of funding from the Juvenile Court System.

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

Section 1. That there be an appropriation made in the Smart Camp line item in the amount of \$10,000 and the General Fund will be reimbursed upon the receipt of funding from the Juvenile Court System.

GENERAL FUND

Smart Camp	101.1111.530219	\$10,000
------------	-----------------	----------

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

FEB 10 2009

Approved:


Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF ORDINANCES

0261

Dayton Legal Blank, Inc.

Form No. 300-43

Ordinance No. 2009-15

Passed Feb 3, 2009

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, these statements are required to be filed with the State of Ohio, Office of the Auditor on or before May 31, 2009, and

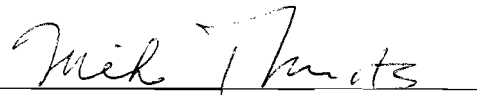
Whereas, the State of Ohio, Office of the Auditor has agreed to prepare and file said statements

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

Section 1. That 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 Examinations fee in the 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, 2009 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 Pro Tempore

APPROVED: Feb 4 2009



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0163

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-16

Passed 08 20 2009, 2009

ORDINANCE MAKING AN APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009.

Whereas, the Marion Municipal Court has established a Marion Municipal Court Probation Services, and

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

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

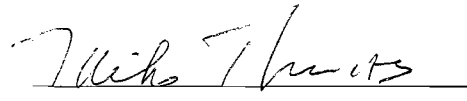
Section 1. That there be an appropriation made in the Municipal Court Probations Services Fund in the amount of \$7,550.00 as follows:

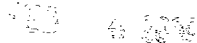
GENERAL FUND

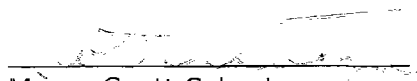
Municipal Court Probations Services

Travel	101.7733.510220	\$ 750.00
Supplies	101.7733.540420	1,000.00
Professional Serv.	101.7733.530320	1,500.00
Schooling	101.7733.530221	600.00
Equip. Rental	101.7733.530361	1,200.00
Capital Equip.	101.7733.550450	<u>2,500.00</u>
Total		\$ 7,550.00

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


President Pro Tempore

Approved: 


Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF ORDINANCES

0267

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-18

Passed 3 30 20

ORDINANCE TO ESTABLISH A NEIGHBORHOOD STABILIZATION PROGRAM THROUGH THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS , TO AUTHORIZE THE MAYOR AND THE AND PLANNING COMMISSION TO APPLY FOR, ADMINISTER THE TOTAL GRANT, AND TO AUTHORIZE THE MAYOR TO ALSO ENTER ALL CONTRACTS NECESSARY TO FACILITATE THE GRANT, AND DECLARING AN EMERGENCY.

27

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 NSP 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 Neighborhood Needs; and

WHEREAS, the Mayors Office and City Planning Commission staff will prepare said application and administer said grant,

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 Planning Commission staff to make application, in projected amounts, for a grant NSP:

Activities to be:

Residential Development	=	439,024
Land Bank/ Demolition	=	570,000
Administration	=	112,100
		1,121,124

SECTION 2. That, upon approval of the City of Marion's grant application, the Mayor is authorized to sign the grant agreement with the City Planning Commission staff carry out the administration of the grant. Further, the Marion Neighborhood Stabilization shall be managed by City Planning with oversight by the Regional Planning Neighborhood Stabilization Committee which shall include the Mayor, Law Director, chairperson of the Regional Planning Committee, a representative of the County Villages and a County Commissioner.

SECTION 3. That, upon approval of the City of Marion's grant application, the Mayor is authorized to sign contracts with individuals and entities as needed to facilitate the execution of this grant.

SECTION 4. That the City Auditor is authorized to create the necessary funds, accept and process all activities related to the Grant.

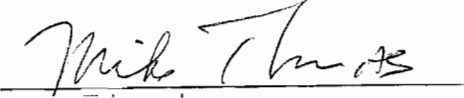
SECTION 5. This Ordinance authorizes the Mayor and Auditor to execute a model Coordination Agreement with the County of Marion for Program facilitation.

SECTION 6. 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

Ordinance No. 2009-18

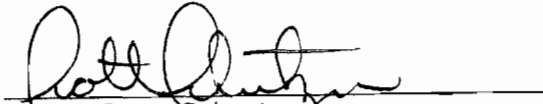
Passed **FEB 3** 2009, 20

for the further reason that the grant application must be filed immediately in order to be eligible for consideration; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



President Pro Tempore

APPROVED: **FEB 4** 2009


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0269

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-19

Passed 7 2009, 2009

ORDINANCE TO AUTHORIZING THE ESTABLISHMENT OF A NEIGHBORHOOD STABILIZATION PROGRAM FUND AND ENABLING THE MECHANISMS NECESSARY FOR PROGRAM ACTIVITIES, AND DECLARING AN EMERGENCY.

WHEREAS, Council by companion Ordinance has authorized the Mayor, Auditor and Regional Planning Director to complete all tasks necessary to make application for Neighborhood Stabilization Program funds which will provide for a Marion Program focused on removing slum and blight, benefit low- and moderate-income households or meet other urgent community development needs; and

WHEREAS, the Council has participated and support nuisance abatement efforts working with the Law Director and the Nuisance Abatement Task Force with great success, in fact, during 2008 the City removed a record number of nuisance properties within the City utilizing a record amount of available Federal and State grant funding, and

WHEREAS, the Nuisance Abatement Task Force has recommended with the Regional Planning Director concurrence that there is a real and present need to refine the mechanisms and putting in place the structure in order to qualify for the eligible activities and further enabling the Marion Neighborhood Stabilization Program the greatest opportunity for success and the long term results the grant desires and mandates, to said end the Council

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

SECTION 1. That this Council hereby further expresses its support of the Marion Nuisance Abatement Task Force also referred to as the Abandoned Housing Task Force and the efforts of the Mayor, Law Director and Regional Planning Director to gain Federal and State funding via the Neighborhood Stabilization Program which will provide for, in excess of, One Million dollars of Marion resident's tax dollars coming back to their community to address the current housing crisis,

In order to comply with Grant requirements and mechanisms of recovering monies expended on eligible activities the Mayor is authorized to sign all agreements and necessary contracts to facilitate the execution of this grant. Including but not limited to: Inspection contracts, Home program counseling, professional service acquisition specialist, survey, appraisals, etc.

In order to comply with Grant requirements and mechanisms of recovering monies expended for eligible activities the Auditor is directed to create the Marion Neighborhood Stabilization Program Fund and all other necessary Funds and appurtenances to facilitate the grant authorized by this Ordinance's companion document. Including the advancement of the sum of \$100,000 which shall be recovered under the grant utilizing the processes provided for therein.

The Auditor shall create the necessary Funds to facilitate program success. Further, the Council further directs that assessments, levies, funds, and monies recovered shall be placed within the appropriate Fund within the Marion Land Bank Program.

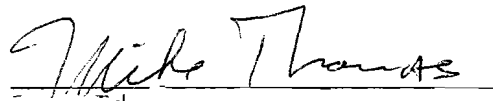
In order to provide for best program management practices the Mayor and Auditor are authorized to execute a model Coordination Agreement with the County of Marion, approved by the Law Director, for Program facilitation.

Ordinance No. 2009-19

Passed **FEB 3 2009**, 20

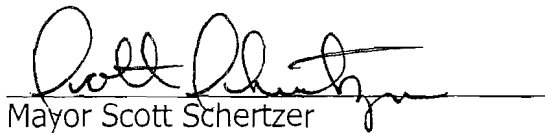
In order to provide for effective administration, the Council enables the Marion Regional Planning Neighborhood Stabilization Committee with the necessary oversight, powers and authorities to complete all acts to carry out the program activities.

SECTION 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant mechanisms must be implemented without delay as the time consuming action of obtaining the legal right to project properties must be undertaken now; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



President Pro Tempore

APPROVED: **FEB 4 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

017

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-20

Passed 9 22, 2009

ORDINANCE ACCEPTING THE FACT FINDERS REPORT IN THE MATTER OF THE FRATERNAL ORDER OF POLICE, GOLD 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 GOLD UNIT, AND DECLARING AN EMERGENCY.

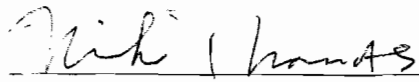
WHEREAS, Council will hereby accept the bargaining agreement with Fraternal Order of Police, Ohio Labor Council, Inc., for the Gold Unit and,

WHEREAS, an Agreement with Fraternal Order of Police, Ohio Labor Council, Inc., for the Gold Unit has been reached on behalf of said FOP 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 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 Gold Unit.

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



, President Pro Tempore

APPROVED: 



Mayor Scott Schertzer

Attest;



Clerk of Council

RECORD OF ORDINANCES

0275

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-21

Passed MAR 10 2009, 2009

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR ASPHALT AND DECLARING AN EMERGENCY

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

WHEREAS, the current contract expires in April of 2009.

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

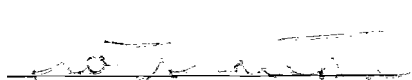
Section 1. That the Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for asphalt.

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 10 2009



Mayor Scott Schertzer

ATTEST:



Gene Fulton
Clerk of Council

RECORD OF ORDINANCES

0078

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-22

Passed APR 13 2009, 2009

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH WM. DAUCH CONCRETE CO. FOR THE PURCHASE OF CONTROL DENSITY FILL (CDF) TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

WHEREAS, Dauch Concrete Co. submitted the best bid of \$49.15/cubic yard.

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 Wm. Dauch Concrete Co. for the purchase of CDF @ \$49.15/cubic yard to be used at the Water Pollution Control Plant.

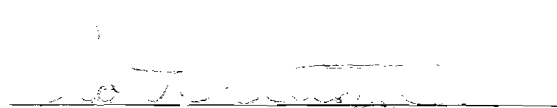
Section 2. That said contract shall be payable from the Storm Sewer Supplies and Materials Accounts (505.5552.540420 and 509.5554.540420).

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: 



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

9279

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-23

Passed _____, 20____

ORDINANCE MAKING AN ADDITIONAL RE-APPROPRIATIONS
IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,
2009.

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 along with carryover balances that are in need of re-appropriation, and

Whereas, the City of Marion is proceeding and the funds must be re-appropriated to complete 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 re-appropriations made as follows:

GENERAL FUND

Police Special Training Fund 101.1111.530222 \$ 13,738.00

STORM SEWER

Silver Street Project 560.5001.550520 \$250,000.00

SANITARY SEWER

Silver Street Project 550.5001.550520 \$250,000.00

CAPITAL IMPROVEMENT

Auditor 401.7711.550450 \$355,647.00

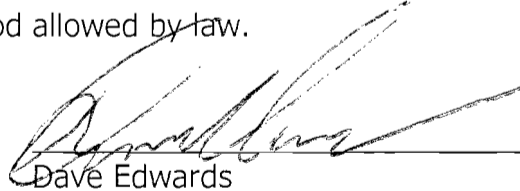
Transit 401.6549.550450 \$ 10,838.60

Contingency 401.9548.570624 \$ 49,968.34

SCMR

Capital 207.6612.550450 \$112,307.92

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

0284

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-24

Passed MAR 9 2009, 2009

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLOYD BROWNE GROUP FOR THE SILVER STREET STORM DRAIN CITY WIDE MAPPING IN CONJUNCTION WITH THE LONG TERM CONTROL PLAN (LTCP) PROJECT FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to develop the City wide mapping and data collection of the storm drains, sanitary sewers, and associated structures, and;

WHEREAS, the City of Marion has determined of the utilization of a RFP procedure that Floyd Browne Group is the most qualified firm based on a quality based selection process for this project with a design fee not to exceed \$350,000.00

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

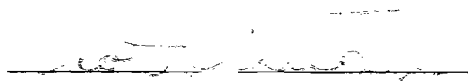
Section 1: That the Service Director be authorized and directed to enter into contract with Floyd Browne Group for services associated with the mapping and data collection for the Silver Street Storm Drain City Wide Mapping in Conjunction with Marion's Long Term Control Plan. This after the application of an RFP procedure and based on a quality based selection process for this project with a design fee not to exceed \$350,000.00

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

Section 3: That this ordinance is hereby declared to be an emergency measure necessary for continuation of meeting deadlines imposed by the Ohio Environmental Protection Agency and Marion's NPDES permit, 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: MAR 11 2009


Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF ORDINANCES

0383

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-25

Passed MAR 23 2009, 2009

ORDINANCE MAKING AN APPROPRIATION REDUCTION IN THE WIC ASSISTANCE FUND FOR THE YEAR ENDING DECEMBER 31, 2009.

WHEREAS, The Council being advised that the WIC Assistance Fund has been over appropriated and the Council having been advised that an appropriation reduction is warranted,

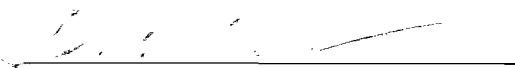
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

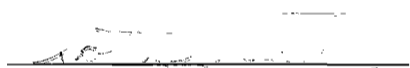
Section 1. That there be an appropriation reduction made in the WIC Assistance Fund in the amount of (\$40,226.00) as follows:

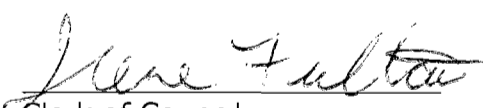
WIC ASSISTANCE

Salaries	214.2223.510110	(\$29,689.00)
Benefits	214.2223.510120	(\$10,537.00)
Total		(\$40,226.00)

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: MAR 24 2009

Mayor Scott Schertzer

ATTEST:

Clerk of Council

RECORD OF ORDINANCES

0033

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-26

Passed 12-10-09, 2009

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE WIC GRANT FUND FOR THE YEAR ENDING DECEMBER 31, 2009.

WHEREAS, The Council having been advised that the WIC Grant Fund has been allocated additional funding from the State of Ohio.

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 WIC Grant Fund in the amount of \$20,880.00, these additional monies having been received from the State of Ohio as follows:

WIC GRANT FUND

Benefits	215.2549.510110	\$17,430.63
Land & Building Maintenance	215.2549.530370	\$ 693.60
Utilities	215.2549.530310	\$ 2,755.77
Total		\$20,880.00

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: MAR 24 2009

Mayor Scott Schertzer

ATTEST:

Jane Fulton
Clerk of Council

RECORD OF ORDINANCES

0103

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-28

Passed APR 28, 2009

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF AN IP TELEPHONE SYSTEM FOR ALL DEPARTMENTS FOR THE CITY OF MARION AND DECLARING AN EMERGENCY

WHEREAS, the existing telephone system is not compatible with all departments for the City of Marion,


WHEREAS, council finds it necessary to acquire a new telephone system,

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 specifications and advertise for bids for the purchase of an IP Telephone System for all departments for the City of Marion

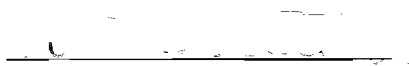
Section 2. That this purchase shall be payable from Capital Improvement line for City Hall.

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.



Dave Edwards
President of Council

APPROVED: APR 28 2009



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

029

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-29

Passed APR 14 2009, 2009

ORDINANCE EXPRESSING THE FINDINGS OF THE COUNCIL REGARDING THE SERVICE DIRECTOR'S LETTING OF THE 2009-2011 ASPHALT MATERIAL CONTRACT AND ACTING ON HIS RECOMMENDATION IN REGARD TO REJECTING SAID ASPHALT MATERIAL BID

WHEREAS, the Council was presented with the results of the Service Director's Office as to the bid received in response to the letting of the contract for 2009 – 2011 Asphalt Material, and

WHEREAS, the Council took up the matter at Finance Committee on the 6th day of April, 2009 at which time Committee members were made aware of cost concerns as presented by the Service Director's office. Based upon the information presented and a detailed discussion and analysis of the bid and environment in regard to the product pricing the Finance Committee found the bid to be unacceptable, and

WHEREAS, the Council finds, based upon its investigation and review, that the best course available to it is to exercised its' preserved right to reject all bids in regard to the Asphalt Material supply contract.


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


Section 1. The Council, after investigation and detailed analysis of the "pricing environment" of asphalt supply including but not limited to the existing daily pricing, the amount consumed annually and herein determining the bid received in response to the Asphalt Material be rejected for the expressed during the presentation, discussions, debates and background investigations. Pricing factors including but not limited to: Mar-Zane was the only bidder @ \$78.50/ton and the open market price with Mar-Zane is currently at \$58.50/ton.

Section 2. The Council hereby exercises its preserved right to reject all bids and so directs the Service Director to take every act necessary to carry out his directive. Said process expressing: The City of Marion reserves the right to reject any and all bids.


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

Approved: APR 14 2009


Dave Edwards
President of Council


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2009-3

Passed **JAN 12 2009**, 20__

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

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

WHEREAS, an Agreement with the United Steelworkers of America Local 1949, Unit 2A has been reached on behalf of said Bargaining Unit and the City of Marion and ratified by the bargaining unit to be effective January 1, 2009

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

Section 1. The Auditor is authorized and directed to appropriate the necessary funds to comply with the bargaining agreement and shall do so on or after January 1, 2009.

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

Section 3. That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for further reason that the current contract expired December 31, 2008, 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: **JAN 14 2009**


 Mayor Scott Schertzer

Attest:


 Clerk of Council

RECORD OF ORDINANCES

0095

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-30

Passed APR 29 2009, 2009

ORDINANCE RE-APPROPRIATING FUNDS IN THE FY 2007
FORMULA GRANT AND ~~REVOLVING~~ LOAN FUND FOR THE
YEAR ENDING DECEMBER 31, 2009.

Whereas, the City of Marion has carryover funds in the 2007 Formula Grant Fund and the Revolving Loan fund, and

Whereas, the City of Marion is in need of the funds to complete the final 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 the 20078 Formula Fund and Revolving Loan Fund as follows:

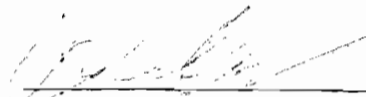
Formula Fund

Parks & Recreation	275.4547.530341	\$11,103.00
--------------------	-----------------	-------------

Revolving Loan Fund


Parks & Recreation	274.4539.530341	\$ 432.18
--------------------	-----------------	-----------

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 29 2009


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-31

Passed APR 7 2009, 2009

ORDINANCE MAKING ADDITIONAL APPROPRIATION IN THE MARION MUNICIPAL ~~COURT ASSISTANCE FUND~~ AND AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH MY OFFICE DESIGN, FOR THE PURCHASE AND INSTALLATION OF OFFICE FURNITURE AND TRANSACTION COUNTER/SECURITY WINDOW IN THE MUNICIPAL COURT CLERK'S OFFICE.

WHEREAS, the Council has been advised there is an immediate need to provide additional funds to the Marion Municipal ~~Court Assistance Fund~~ for an additional \$50,765.37 for new office equipment and security window, and

WHEREAS, My Office Design, submitted the proposal for the purchase and installation of Office Furniture and Transaction Counter/Security Window at a cost of \$50,765.37, and

WHEREAS, the current office furniture and transaction counter is thirty-one (31) years old and in need of upgrade to more efficient equipment and to meet modern security standards, 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 Marion Municipal ~~Court Assistance Fund~~ in the amount of \$50,765.37.

Section 2. That the Service Director is authorized to execute to enter into contract with My Office Design for the design, purchase and installation of office workstations. And, at such time as is advantageous to execute a contract with the appropriate entity for remodel of the counter/security window in the Marion Municipal Court Clerk of Courts pursuant to the proposal dated February 6, 2009 at a cost of \$50,765.37.

Section 3. That the contract shall be payable from the Capital Improvement line item of the Computer Fund.

Section 4. 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

297

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-32

APR 14 2009
Passed _____, 20

ORDINANCE. AUTHORIZING THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF OF THE CITY OF MARION, TO EXECUTE A LEASE EXTENSION OF CERTAIN REAL PROPERTY AT THE MARION AIRPORT AND DECLARING AN EMERGENCY

WHEREAS, Council authorized by Ordinance 2004-28 to enter into a lease for certain land through the end of 2008. It has since been determined that in order to complete evaluation of the New Agricultural Subsidy Program it would be in the best interest of the City to extend the current lease for until September 30 2009.

WHEREAS, The Ohio Revised Code authorizes the Municipality which has designated the Community Improvement Corporation for purposes of promoting the welfare of the people of the political subdivision, relating to the stabilization of the economy, employment, development of commerce, promoting use of lands, for beneficial purposes and as such the underlying intent is authorized under title 17 of the aforementioned Revised Code,

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

Section 1. That the Service Director is hereby authorized to enter into lease extension for a period of five (5) months ending September 30, 2009, for certain farm lands adjacent to the Marion Municipal Airport as shown and delineated by the Marion County Farm Services Office conditioned upon the adoption and approval of the Community Improvement Corporation and their concurrent execution of the lease extension document for the purposed identified in the paragraphs above. The determination of appropriateness having been determined during the review and authorization process. The Service Director and Director of Aviation shall ensure that compliance with all statutes and regulations are achieved.

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

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, further given the immediate need to ensure that the land is utilized in this planting season we are in right now; 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

RECORD OF ORDINANCES

Ordinance No. 2009-32

Passed APR 14 2009, 2009

of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



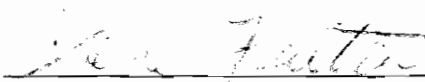
Dave Edwards
President of Council

APPROVED: APR 14 2009



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

000

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-33

Passed APR 18 2009, 2009

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL CONTRACTS IN REGARD TO THE NEIGHBORHOOD STABILIZATION PROGRAM, ENABLING ALL THE MECHANISMS NECESSARY FOR PROGRAM ACTIVITIES INCLUDING BUT NOT LIMITED TO THE INDEPENDENT CONTRACT FOR PROPERTY ACQUISITION SERVICES AND ANY SUBSEQUENT CONTRACTS SIMILARLY REQUIRED IN REGARD TO THE PROGRAM AND FURTHER AUTHORIZING AND DIRECTING THE CITY AUDITOR TO COMPLETE ALL TASKS NECESSARY AS THE FISCAL AGENT FOR THE PROGRAM 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 NSP Program makes funds available for projects which address these problems; and

WHEREAS, the City has submitted 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 Neighborhood Needs; and

WHEREAS, the Mayors Office and City Planning Commission has prepared said application to effectively administer said grant,

WHEREAS, Council by previously adopted Ordinances, 2009-18 and 2009-19, has authorized the Mayor, Auditor and Regional Planning Director to complete all tasks necessary to take all actions to ensure the Neighborhood Stabilization Program succeeds in the removal of slum and blight, benefits low- and moderate-income households and meets other urgent community development needs; and

WHEREAS, the Council has consistently supported nuisance abatement efforts working with the Law Director and the Nuisance Abatement Task Force with great success, in fact, during 2008 the City removed a record number of nuisance properties within the City utilizing a record amount of available Federal and State grant funding, and

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

SECTION 1. That this Council hereby authorizes, directs and reaffirms its commitment previously made in Ordinances 2009-18 and 2009-19, and further authorizes and directs the Mayor and Auditor to complete all tasks necessary to ensure the program succeeds. The Mayor is fully authorized and is directed to execute all contracts necessary, including but not limited to the Independent Contract for Property Acquisition Services, and any subsequent similar, like contracts as he determines are necessary to complete the projects successfully, including but not limited to: Inspection contracts, program counseling, survey, appraisals, etc.. The Auditor is fully authorized and is directed to complete all necessary acts to complete the service as the Program fiscal agent. Including but not limited to processing payments for contract services authorized herein under the to be created or currently established Marion Neighborhood Stabilization Program designated line items.

All previous grants of authorities are re-affirmed herein, as if all of 2009-18 and 2009-19 Ordinances were fully re-written and contained herein and made a part hereof. This provision includes the previous authorities granted to the Regional Planning NSP Committee and re-affirms those actions taken to date by said Committee and continues to enable that entity with all Program over-sight authorities.

RECORD OF ORDINANCES

Ordinance No. 2009-33 Passed 20

In order to provide for best program management practices the Mayor, Auditor and Law Director are authorized to execute all necessary documents and take all actions required to comply with the Grant award and to enable the program success and facilitation.

SECTION 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant mechanisms must be implemented without delay as the time consuming action of obtaining the legal right to project properties must be undertaken now; 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.

[Signature]
Dave Edwards
President of Council

APPROVED: APR 14 2009

[Signature]
Mayor Scott Schertzer

ATTEST:

[Signature]
Clerk of Council

RECORD OF ORDINANCES

0239

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-4

Passed

JAN 12 2009

, 20

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

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

WHEREAS, an Agreement with the United Steelworkers of America Local 1949, Unit 2B has been reached on behalf of said Bargaining Unit and the City of Marion and ratified by the bargaining unit to be effective January 1, 2009

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

Section 1. The Auditor is authorized and directed to appropriate the necessary funds to comply with the bargaining agreement and shall do so on or after January 1, 2009.


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

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 further reason that the current contract expired December 31, 2008, 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: JAN 14 2009



Mayor Scott Schertzer

Attest:



Clerk of Council

Ordinance No. 2009-45

Passed MAY 26 2009, 20

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

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

Section 1. That Section 912.10 of the Chapter 912 of the Codified Ordinances, as amended and now reading in part as follows:

"912.10 USER CHARGE"

(a) User Charge

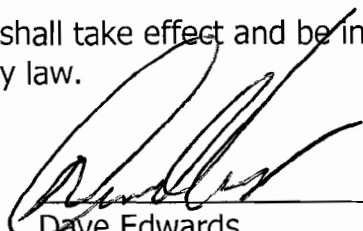
- (1) \$ 5.89 per monthly bill;
- (2) \$10.89 per bimonthly bill;
- (3) \$ 1.05 per 100 cubic feet for monthly bill;
- (4) \$ 1.05 per 100 cubic feet for bimonthly bill;

is hereby amended to read as follows:

(a) User Charge

- (1) \$ **6.19** per monthly bill;
- (2) \$ **11.42** per bimonthly bill;
- (3) \$ **1.152** per 100 cubic feet for monthly bill;
- (4) \$ **1.152** per 100 cubic feet for bimonthly bill;

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


 Dave Edwards
 President of Council

APPROVED: **MAY 27 2009**


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

RECORD OF ORDINANCES

1356

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-47

Passed APR 1 2009, 2009

ORDINANCE DIRECTING AND AUTHORIZING THE SERVICE DIRECTOR AND AUDITOR TO TAKE ALL ACTIONS NECESSARY TO RESOLVE AN OUTSTANDING LIABILITY AND DECLARING AN EMERGENCY

WHEREAS, the Council has been advised of an outstanding liability related to the 2006-2008 cleaning contract, and

WHEREAS, the Administration has provided the necessary information which supports the resolution of the aforementioned liability by the payment of the monies due the provider, given the supporting documentation provided,

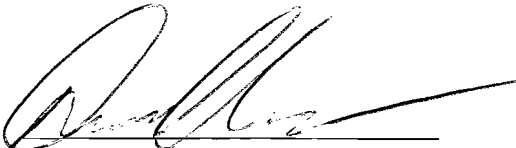
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Council authorizes and directs the Service Director and Auditor take all steps necessary to resolve the outstanding contractual liability issue as presented in the April 21, 2009 memorandum and supporting documentation provided by the Law Director. This resolution being completed with the City acknowledging no fault, nor acknowledging any wrong-doing.


Section 2. The Auditor is authorized and directed to appropriate the necessary sum of \$ 4,500.00 certain to provide for payment and resolution of all potential liability.

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 further reason that it is necessary to settle all claims immediately to avoid additional litigation costs to the City; and as such, shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

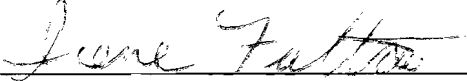
Approved: 



Dave Edwards
President of Council


Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF ORDINANCES

0357

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-48

Passed August 11, 2009, 2009

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE MUNICIPAL COURT CREDIT CARD FEE FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Whereas, the Council of the City of Marion having been advised that the Credit Card Fees line item is in need of additional funds in the Municipal Court.

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 as follows:

GENERAL FUND

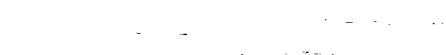
Credit Card Fees	101.7731.53052	\$7,000.00
------------------	----------------	------------

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

1307

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-49

Passed MAY 8 2009, 2009

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009. as amended

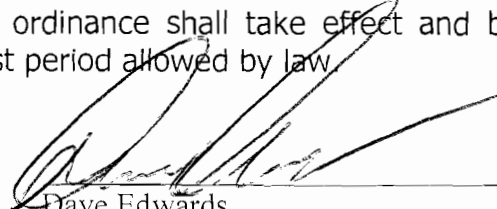
Whereas, the Council of the City of Marion having been advised that various funds have carryover dollars and new grants have been awarded and are now in need of appropriation, and

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:

<u>State Highway Fund</u>		
Resurfacing Project	208.6613.530531	\$80,000.00
<u>NSP Grant Program</u>		
Land Banking/Demolition	279.4549.530323	\$ 690,000.00
Housing Development	279.4549.530343	\$ 319,024.00
Administration	279.4549.530324	<u>\$ 112,100.00</u>
Total Grant		\$1,121,124.00
<u>Housing Revolving Loan Fund</u>		
Implementation	273.4539.530326	(\$1,000.00)
Emergency Rehab	273.4539.530328	<u>\$ 4,770.09</u>
Net		\$ 3,770.09
<u>WIC Grant</u>		
Salaries	215.2549.510110	\$20,000.00
Benefits	215.2549.510120	<u>\$ 8,287.00</u>
Total		\$28,287.00
<u>WIC Assistance</u>		
Lead Testing	214.2223.540436	5904.00
Donations		<u>500.00</u>
		6404.00

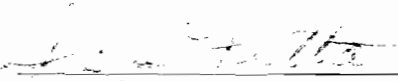
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


Dave Edwards
President of Council

APPROVED: MAY 8 2009


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0241

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-5

Passed _____, 20____

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TRAFFIC CONTROL PRODUCTS, INC. FOR THE PURCHASE OF A SIGNAL BACK-UP SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to purchase uninterruptible power supply systems, and;

WHEREAS, the Council by prior Ordinance authorized the spec and bid of the system and the Engineer has determined that Traffic Control Products, Inc. to be the most responsive bidder with a cost of \$3,450.00 per unit up to a total cost of \$42,000.00,

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

Section 1: That the Service Director is hereby authorized to enter into contract with Traffic Control Products, Inc. for the supply of Uninterruptible Power Supply Systems at a cost of \$ 3,450.00 per unit up to a total cost of \$ 42,000.00.

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

Section 3: That this ordinance is hereby declared to be an emergency measure necessary to secure the bid price for the components and 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

Deafeated 0-9
2-9-09

RECORD OF ORDINANCES

038

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-50

Passed MAY 18 2009, 2009

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH FIRE HME/AHRENS-FOX FOR THE PURCHASE OF A PUMPER TRUCK, HOSE & RESCUE EQUIPMENT 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; and

Whereas, This purchase replaces a 30 year old pumper truck; and

Whereas, HME/Ahrens-Fox has been determined after evaluation by the firefighters committee and the Chief to have submitted the lowest and best bid; therefore

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


Section 1. That the Safety Director be authorized and is hereby directed to enter into contract with HME/Ahrens-Fox for the purchase of a pumper truck, hose and rescue equipment in accordance with the bid received it having been determined after evaluation by the firefighters committee and the Chief to have submitted the lowest and best bid.

Section 2. That the estimated cost of the pumper truck is \$292,166.00 and hose/rescue equipment @ \$17,295.00 for a total of \$309,641.00, and shall be payable from the Capital Improvement Fund.


Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City, and the immediate need of this new pumper truck; 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 18 2009


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2009 51

Passed JUN 22 2009, 20

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE NEIGHBORHOOD REVITALIZATION (Formerly Formula & Distress Grants) FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY, *as Amended*

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

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

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

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

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

1. Skate Park at Youth Center Location	\$ 22,000
2. Curbs & Sidewalks - Senate St.	\$ 50,000
3. Lincoln Park Repaving	\$ 40,600
4. Demolition (targeted)	\$ 20,000
<u>4. Environmental Review/Audit/Admin/Fair Hsg</u>	<u>\$ 23,400</u>
TOTAL FOR FORMULA GRANT	\$ 156,000

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

1. Street Improvements - Milburn	\$ 0
2. Flood & Drainage	\$ 0
3. Curbs and Sidewalks (Neighborhood wide)	\$ 125,000
4. Water & San. Sewer	\$ 110,000
5. Park Improvements	\$ 35,000
6. Clearance	\$ 10,000
7. <u>Environmental Review/Audit/Admin/Fair Hsg</u>	<u>\$ 20,000</u>
TOTAL FOR DISTRESS GRANT	\$300,000

Section 3. That this Council hereby commits the following local funds as leverage for the *Neighborhood Revitalization Grant.*

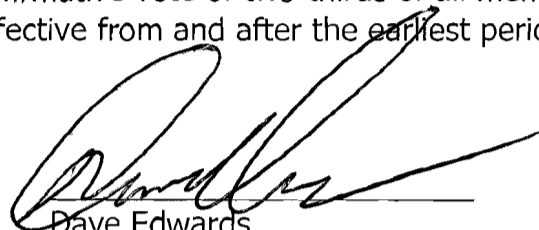
CDBG Revolving Loan Fund (Sidewalks)	- \$ 10,000
Local funds (10,000 from dem fund)	\$ 420,000

27.

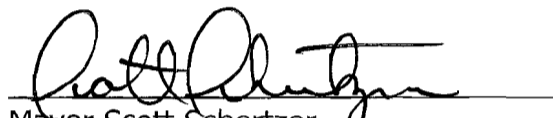
27

Ordinance No. **Section 4.** In order to carry out the authorizations contained in items 1 and 2 above, the Mayor is authorized to take all steps necessary to obtain said grant approvals, including but not limited to the execution of all documents required or which may facilitate the City of Marion receiving, utilizing and completing the undertaking. The Mayor is authorized to accept the grants and administer the CDBG Community Development in the City of Marion.

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


 Dave Edwards
 President of Council

APPROVED: **JUN 23 2009**


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

RECORD OF ORDINANCES

0068

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-52

Passed MAY 19 2009, 2009

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, TO REVISE CERTAIN PORTIONS OF THE EXISTING JOB DESCRIPTION FOR PROBATION OFFICER DUE TO STATE REQUIREMENTS, MAKING NECESSARY ADJUSTMENTS TO SALARY GRADE ITEM AND DECLARING AN EMERGENCY

WHEREAS, the Municipal Court has advised, the State of Ohio has elevated the CCA Program General Standards and now requires the Program Director to have a minimum of a Bachelor's degree in criminal justice or social science field or a minimum of 5 years full-time experience with offenders, and

WHEREAS, the Court has also advised this adjustment and necessary compensation adjustment are covered under the aforementioned State grant,

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

Section 1. Pursuant to the request of the Municipal Court Judge in regard to the Marion Probation Department, the Council finds it necessary to amend the existing Job Description as to the Qualifications/Education and/or Experience which now reads, in relevant part:

Education and/or Experience

Associate's degree (A.A.) or higher from two-year college or technical school in criminal justice, social science or a related field preferred

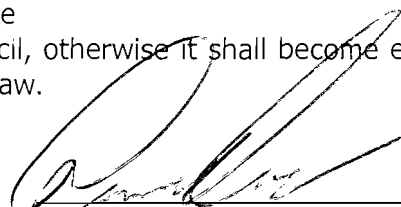
amended to:

Education and/or Experience

Bachelor's degree or higher in criminal justice or social science field or a minimum of 5 years full-time experience with offenders

Section 2. Further, the position shall continue in the current Salary Grade of 18, however to accommodate and provide for the higher level of minimum qualifications, a person starting in the position shall begin at Step B, and after 90 days shall move to Step C.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the urgent need to fill the vacant position without any 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: _____

Mayor Scott Schertzer

Attest:

Clerk of Council

2009-52

RECORD OF ORDINANCES

0567

Dayton Legal Blank, Inc.

Form No. 300-13

Ordinance No. 2009-53

Passed SEP 24 2009, 2009

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DLZ FOR THE BLAINE AVENUE SEWER IMPROVEMENTS PROJECT 09-2S, BURGESS AND NIPLE FOR THE FOREST LAWN/PENNSYLVANIA AVENUE SEWER IMPROVEMENTS PROJECT 09-1S, AND JONES AND HENRY FOR THE WOODROW AND HENRY STREET SEWER IMPROVEMENTS PROJECT 09-3S, FOR THE CITY OF MARION, OHIO, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion has an immediate need to prepare construction plans for the Blaine Avenue Sewer Improvements, Project 09-2S, Forest Lawn Blvd./Pennsylvania Avenue, Project 09-1S, Woodrow Avenue and Henry Street, Project 09-3S; and

WHEREAS, the City of Marion has determined the aforementioned firm(s) to be the most qualified firm(s) for these projects by an RFP and Quality Based Selection Process; therefore

WHEREAS, That the cost of such projects shall be payable from the Storm Water Utility Fund and Sewer Improvement Fund as follows:

Project 09-1S	\$106,700.00
Project 09-2S	\$105,351.00
Project 09-3S	<u>\$130,000.00</u>
Total Projects	\$342,051.00

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

Section 1: The City of Marion has determined the aforementioned firm(s) to be the most qualified firm(s) for these projects by an RFP and Quality Based Selection Process.

Section 2: That the Service Director be authorized to enter into contract with DLZ for design engineering services for the Blaine Avenue Sewer Improvements, Project 09-2S (\$105,351.00), Burgess and Niple for the Forest Lawn Blvd./Pennsylvania Avenue, Project 09-1S (\$106,700.00), and Jones and Henry for the Woodrow Avenue and Henry Street, Project 09-3S (\$130,000.00).

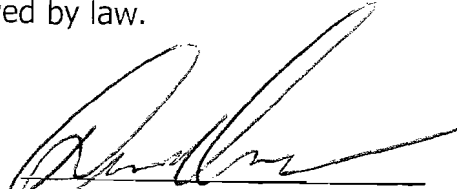
Section 3: Auditor is authorized and directed to appropriate the necessary funds from the Storm Water Utility Fund, and the Sewer Improvement Fund.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and due to the imminent construction season and the need to move forward without further delay, and as such, shall take effect and be in force immediately upon its passage and approval

Ordinance No. 2009-53

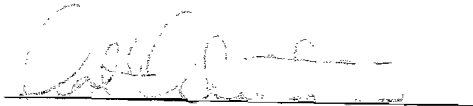
Passed MAY 28 2009, 2009

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.



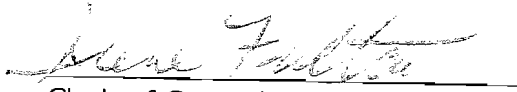
Dave Edwards
President of Council

Approved: MAY 27 2009



Mayor Scott Schertzer

Attest:



Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2009-54

Passed JUN 08 2009, 20

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED SOUTH OF THE CITY OF MARION, CONTAINING 0.706 ACRES, THE PETITION HAVING BEEN APPROVED BY THE COMMISSIONERS FOR THE COUNTY OF MARION.

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Mr. Steve Chaffin, as Agent.

WHEREAS, the petition was duly filed with the Board of County Commissioners of Marion County, Ohio on April 9th, 2009; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on May 19, 2009; and

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

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map, the petition as required in connection therewith to the Clerk of Council who received the same on May 21, 2009, and

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

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

Section 1. That the proposed annexation as applied for in the petition of Mr. Steve Chaffin, as Agent, and filed with the Board of County Commissioners of Marion County, Ohio on April 9th, 2009, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described was approved for annexation to the City of Marion by the Board of County Commissioners on May 19th, 2009, be and is hereby accepted. The territory is described as follows:

DESCRIPTION 0.706 ACRES

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

Being part of the Northeast quarter of section 34, Township 5 South, Range 15 East, being a 0.706 acre annexation from Marion Township to the City of Marion, Ohio, records refer to the County Recorder's office, Marion County, Ohio and being more particularly described as follows:

Beginning at a monument box found at the centerline intersection of Barks Road, County Road 138 (right-of-way varies) and Delaware Avenue – State Route 423 (right of way varies); thence north 16 deg. 15'14" west, a distance of 240.24 feet with the centerline of said Delaware avenue to a mag spike set in the existing city of Marion Ohio corporation line; thence south 89 deg 48'04" East, a distance of 31.28 feet with said existing city of Marion corporation line to a mag spike set; thence South 16 deg. 15'14" East, a distance of 208.87 feet with said existing City of Marion Corporation line to a mag spike set; thence North 89 deg 59'29" East, a distance of 788.93 feet with said existing City of Marion Corporation line to a mag spike set; thence South 00 deg 38'08" West, a distance of 30.00 feet with said existing City of Marion Corporation line, over and across said Barks Road (passing a 6" concrete monument set at a distance of

Ordinance No. 2009-54Passed JUN 08 2009, 20

10.00 feet) to a mag spike set in the centerline of said Barks Road and the East-West half section line of said section 34; thence south 89 deg 59'29 West, a distance of 811.10 feet, with the said East-West half section line, and the centerline of said Barks Road to the point of beginning, containing 0.706 acres of land, more or less.

The above description was based on a survey prepared by Makeever and Associates, Inc. under the direct supervision of Jeffrey M. Rowe, P.S. Professional surveyor number 7463, dated August 1, 2008 and is subject to all highways, easements and restrictions of record. Bearings shown hereon are to an assumed azimuth and are used to denote angles only. Bearings shown hereon are based on Nad 83 Ohio State Plane coordinates, North zone. All 5/8" iron pins set are 30" long reinforcing rods with Yellow plastic caps stamped "Makeever and Assoc." unless otherwise noted.

Property # 0493 – 150 Barks Road, Marion Ohio ("Parcel 0500") Parcel ID 12439000.0500.

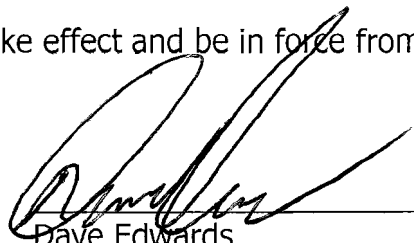
The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council and have been for more than sixty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

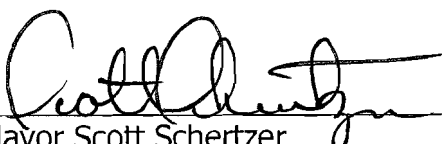
Section 2. That the property shall remain zoned as is and is not subject to any conditions.

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

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

Approved: JUN 09 2009


Dave Edwards
President of Council


Mayor Scott Schertzer

Attest;


Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2009-55 Passed JUN 08 2009, 20

ORDINANCE RE-APPROPRIATING FUNDS FOR THE SENIOR DEPARTMENT FOR THE YEAR ENDING DECEMBER 31, 2009.

Whereas, the City of Marion has carryover funds in the 2008 III-B Federal Funds, and

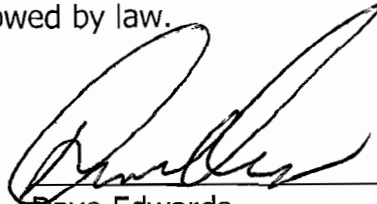
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an re-appropriation made in the 2008 III-B Federal Fund as follows:

2008 III-B Federal Funds

Salaries	203.3549.510110	\$ 6000.00
Professional Ser.	203.3549.530320	\$ 1000.00
Supplies & Mat.	203.3549.540420	\$ 1000.00
Motor Fuel/Lub.	203.3549.540430	\$ 2000.00
Central Garage.	203.3549.530601	\$ 9000.00
Cap. Equip.	203.3549.559450	<u>\$30,161.10</u>
		\$49,161.10

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: JUN 09 2009



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-56

Passed JUN 08 2009, 20

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A NEW ROOF ON THE CITY HALL BUILDING AND DECLARING AN EMERGENCY.

WHEREAS, Council finds that the current City Hall roof is in urgent need of repair, therefore

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

Section 1. That the Director of Public Service be authorized and is hereby directed to prepare specifications and advertise for bids for a new roof on the the City Hall Building

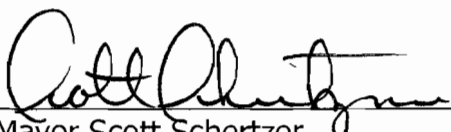
Section 2. That this purchase shall be payable from the Capital Improvement Fund for City Hall

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of health, welfare and safety of the City of Marion and the inhabitants thereof, and as such roof is in dire need of repair, 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: JUN 09 2009



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2009-57

Passed JUN 08 2009, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE FRANCONIA SEWER IMPROVEMENTS PROJECT 07-1S FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY, *as amended*.

WHEREAS, Ordinance No. 2007-82 authorized the Mayor to make application for Ohio Public Works grant funding, and Ordinance No. 2008-26 authorized the Engineer to take all acts necessary to proceed with the project including but not limited to entering into agreement with Burgess & Niple Engineering for preparation of specifications as to said project, to wit: Franconia Sewer Improvements Project 07-1S for the City of Marion, Ohio and

WHEREAS, Underground Utilities, Inc. had submitted the lowest and best bid of \$928,862.80.

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 Underground Utilities, Inc., for the Franconia Sewer Improvements Project 07-1S. This as the Council has previously adopted Ordinance No. 2007-82 authorized the Mayor to make application for Ohio Public Works grant funding, and Ordinance No. 2008-26 authorized the Engineer to take all acts necessary to proceed with the project including but not limited to entering into agreement with Burgess & Niple Engineering for preparation of specifications as to said project, to wit: Franconia Sewer Improvements Project 07-1S for the City of Marion, Ohio. Council finding this authorization to be in the best interests of the citizens of the City of Marion, Ohio, providing all necessary authorizations to complete the project and waiving any irregularities.

\$928,862.80

Section 2: That the cost of such contract shall be payable from the Sanitary Sewer Improvement Fund (550.5000.550520); OPWC (555.5000.550520) and the Storm Sewer Improvement Fund (560.5000.550520).

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

Approved: JUN 09 2009

Scott Schertzer
Mayor Scott Schertzer

Dave Edwards
Dave Edwards
President of Council

Attest:
Dave Fulton
Clerk of Council

Ordinance No. 2009-58

Passed JUN 08 2009 20

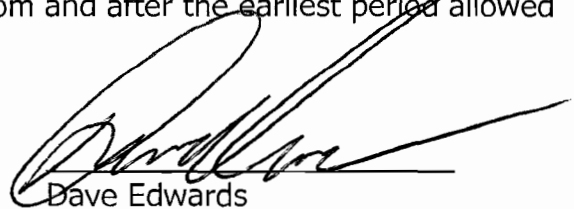
ORDINANCE RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND AFSCME LOCAL 1158 AND DECLARING AN EMERGENCY.

WHEREAS, an Agreement with AFSCME Local 1158 has been reached on behalf of said Bargaining Unit and the City of Marion and ratified by the Bargaining Unit to be effective January 1, 2009.

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

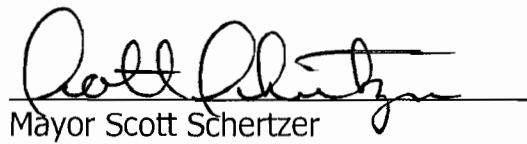
Section 1. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and AFSCME Local 1158.

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 expired on December 31, 2008 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: JUN 09 2009



Mayor Scott Schertzer



Clerk of Council

Ordinance No. 2009-59

Passed JUN 22 2009, 2009

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009

Whereas, the Council of the City of Marion having been advised that various funds have accumulated within the general fund by way of donations and portions of costs assessed in various cases within the Court and these monies are now necessary to be appropriated into the appropriate line items," and

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:

Police Dept. 737 Trust Fund

Trust Expense Account 737.1823.570731 \$ 11,895.68

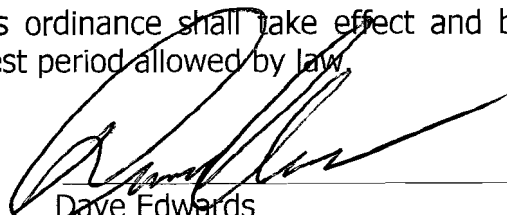
Fire Dept. Capital Equipment Fund

Fire Equipment 401.1131.559450 \$ 8,300.00

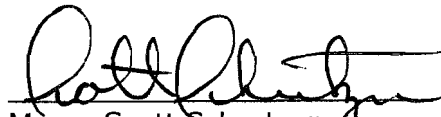
Municipal Court Computer Fund

Professional Services 210.7731.530320 \$ 15,108.75

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: JUN 23 2009


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

1113

Dayton Legal Blank, Inc

Form No. 30043

Ordinance No. 2009-6

Passed 12 2009, 2009

ORDINANCE SUSPENDING CERTAIN PORTIONS OF ORDINANCES 2000-103, 2000-84 AND 2007-69 IN REGARD TO EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING)

WHEREAS, the Administration has recommended that certain previously adopted provisions related to wage, benefits and conditions of employment applicable to employees within the service of the City considered non-bargaining employees be suspended given the extreme negative economy the City, State and Country all are experiencing at this time, and

WHEREAS, the Council has given due consideration to the recommendation of the Administration's recommendations reference the above and the City's Health Insurance Committee's determination to not participate in proposed cost sharing recommendations related to the 17% increase in health care costs for the year 2009,

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

Section 1. The Council has given due consideration to the Administration's recommendations regarding appropriate steps directed at dealing with the severe, extreme negative economic conditions the City of Marion currently experiences and reasonably expects will be experienced in the immediate future. Taking into consideration the City's Health Insurance Committee's determination to not participate in proposed cost sharing recommendations related to the 17% increase in health care costs for the year 2009. The Council recognizes the latest revenue projections, actions taken by the State Government which will have an actual detrimental effect on the City's revenues and the actions being considered at the Federal level, find it necessary to take the following action:

Council hereby suspends for the year 2009 the provisions contained within Section 1. of Ordinance 2000-103 in order to provide for no computation of a new wage ranges for the year 2009 for each employee referenced in the aforementioned Ordinance. Wage ranges shall remain for the year 2009 at the same level they existed during the last pay period of 2008.

In respect to those positions where Ordinance 2000-84 and 2007-69 would be applicable and where State minimum wage law will allow, said positions shall remain at the compensation level applicable for the last pay period the position received compensation in 2008.

This actions taken herein will be reviewed in July, 2009 relative to the then economic environment.

THE COUNCIL SPECIFICALLY FINDS THE ABOVE PROVISIONS TO BE RETROACTIVE TO THE 1ST PAY PERIOD OF 2009.

Ordinance No. 2009-6

Passed FEB 9 2009, 20

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

APPROVED: FEB 10 2009


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Section 2: 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, 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.

Ordinance No. 2009-60

Passed **JUL 27 2009**, 20

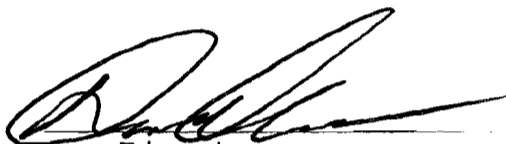
ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPGRADING THE JOB POSITION OF THE ACCOUNT CLERK IN THE INCOME TAX DIVISION

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

Section 1. That the current job description for the Account Clerk is attached hereto as Exhibit A.

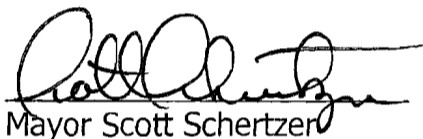
Section 2. That this ordinance makes adjustments and modifications to the pay grade, specifically taking it from a pay grade of 16 to the pay grade of 18 from the effective date of this Ordinance. All other provisions shall remain as previously provided.

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: **JUL 28 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-61

Passed JUL 27 2009, 20

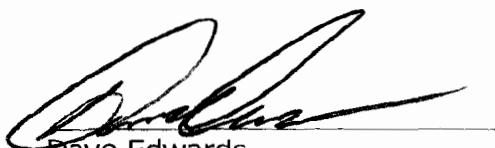
ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPGRADING THE JOB POSITION OF THE CLERK-I IN THE POLICE DIVISION

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

Section 1. That the current job description for the Clerk-I 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 16 to the pay grade of 18 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.



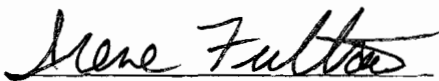
Dave Edwards
President of Council

APPROVED: **JUL 28 2009**



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2009-63

Passed JUN 22 2009, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CH2MHILL FOR DESIGN SERVICES FOR CSO IMPROVEMENTS ON FIES AVE AND HOLLAND RD IN THE CITY OF MARION, OHIO, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion has an immediate need to prepare construction plans for the CSO improvements on Fies Ave and Holland Rd

WHEREAS, the City of Marion has determined that CH2MHILL to be the most qualified firm for this project by an RFP and Quality Based Selection Process; therefore

WHEREAS, That the cost of such projects shall be payable from the Sewer Improvement Fund

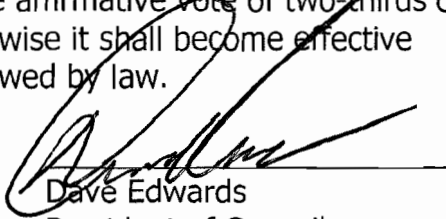
BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1: The City of Marion has determined that CH2MHILL to be the most qualified firm for this project by an RFP and Quality Based Selection Process.

Section 2: That the Service Director be authorized to enter into contract with CH2MHILL for design engineering services for the CSO Improvements on Fies Ave and Holland Rd.

Section 3: Auditor is authorized and directed to appropriate the necessary funds from the Sewer Improvement Fund.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and due to the imminent construction season and the need to move forward 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: JUN 23 2009


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2009-64

Passed JUN 2 2009, 20

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

WHEREAS, The City of Marion may be eligible for up to \$189,800.00 FAA Grant and would become known as Project 19, toward a total project estimate of \$199,800.00

WHEREAS, 95% grant funds are available through Federal Aviation Administration and a 5% match of \$9,990.00 available through City of Marion and the City Council supports the application for any such grant funds and accepts.

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

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

Section 1. That the Safety/Service Director is hereby authorized and directed to advertise for bids for storm sewer rehabilitation, Phase I at the Marion Municipal Airport.

Section 2. That the Mayor is hereby authorized to apply for FAA FY 2009, Project 19 Grant if offered as a result of bids.

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

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

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and the FAA normally allows only 24 hours to accept a grant once the offer notification is given, 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.

[Signature]
Dave Edwards
President of Council

Approved: JUN 23 2009

[Signature]
Mayor Scott Schertzer

ATTEST:

[Signature]
Clerk of Council

Ordinance No. 2009-65

Passed **JUN 22 2009**, 2009

ORDINANCE TO AUTHORIZE THE MAYOR TO APPLY FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY.

WHEREAS, this Council recognizes the need for programs which improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors, and

WHEREAS, The American Recovery and Reinvestment Act of 2009, Public Law 111-5, appropriated funding for the Department of Energy to issue formula based grants (EECBG) to local governments, and.

WHEREAS, the Mayor must submit an application to the Department of Energy to receive funds which have been authorized for the City of Marion to be used on eligible activities which address the communities' energy efficiency problems. The deadline for submission is June 25, 2009.

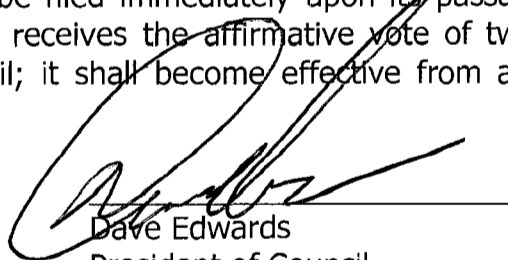
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1 That this Council hereby authorizes the Mayor to submit an application for a Energy Efficiency and Conservation Block Grant.

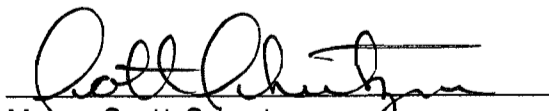
TOTAL FOR EECBG GRANT \$ 153,500.00

Section 4. In order to carry out the authorizations contained in Section 1 above, the Mayor is authorized to take all steps necessary to obtain said grant approvals, including but not limited to the execution of all documents required or which may facilitate the City of Marion receiving, utilizing and completing the undertaking. The Mayor is authorized to accept the grants and administer the EECBG in the City of Marion.

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


Dave Edwards
President of Council

APPROVED: **JUN 23 2009**


Mayor Scott Schertzer

ATTEST:

Clerk of Council

Ordinance No. 2009-66

Passed JUL 27 2009, 20

ORDINANCE PROVIDING FOR THE INCORPORATION OF THE EXISTING MARION CITY HEALTH DEPARTMENT PREMISES REGULATIONS INTO THE MARION CITY CODE AS CHAPTER 662 IN ORDER TO PROVIDE FOR AN ORDERLY TRANSITION RELATED TO THE MERGER BY A VOTE OF THE PEOPLE OF MARION OF THE HEALTH DEPARTMENTS AND TO PROVIDE THE NECESSARY MECHANISMS TO PROTECT THE PUBLIC HEALTH

WHEREAS, the Citizen of the Marion community by a vote in November of 2008 have directed the two existing Health Departments merge to form a new Marion General Health District, and

WHEREAS, the Council finds it necessary to ensure the existing regulations continue to be enforced after the merger of the two former entities, and

WHEREAS, the Council finds it necessary to ensure the health, safety and welfare of the Citizens of the City of Marion to incorporate and adopt into the Marion City Code the Health Department Premises Regulations, as same is necessary for the preservation of the public health and public peace,

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

Section 1. The Council having found a necessity to incorporate into the Marion City Code the existing Marion City Health Department's Premises Regulations, Council finding this action is necessary in order to ensure the health, safety and welfare of the Citizens of the City of Marion and therefore hereby incorporates and adopts into the Marion City Code the Health Department Premises Regulations in order to continue to preserve the public health and public peace,

Be it adopted:

MARION CITY CODE

CHAPTER 662

HYGIENE, SANITATION AND MAINTENANCE CODE

Sections

- 662.01 Purpose
- 662.02 Scope, Authority to Enforce
- 662.03 Definitions
- 662.04 Inspection of Dwelling, Dwelling Units & Premises
- 662.05 Service of Notice or Orders
- 662.06 Right to Appeal; Hearing
- 662.07 Minimum Sanitation Standards
- 662.08 Variances
- 662.09 Designation of Unfit Dwellings and Legal Procedure of Condemnation
- 662.10 Penalty

JUL 27 2009

Ordinance No. 2009-66

Passed _____, 20____

pg. 2

§ 662.01 PURPOSE

The following chapter contains regulations establishing minimum standards of hygiene and sanitation governing the condition and maintenance of dwellings; establishing minimum standards governing supplies, utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for occupants of dwellings; establishing minimum standards governing the condition of dwelling offered for rent, fixing certain responsibilities and duties of owners and occupants of dwellings, authorizing the inspection of dwellings and the condemnation of dwellings found to be unfit for human habitation.

§ 662.02 SCOPE; AUTHORITY TO ENFORCE

(A) Scope. These regulations are limited to residential dwellings only.

(B) Authority to enforce. *In order to ensure the public Health, this Code places all necessary authority with the Marion County General Health District, its Administrators and Employees all of whom shall enforce these regulations in accordance with Sections 3707.01, 3707.02 and 3709.20 of the Ohio Revised Code. In addition, authority continues to be vested in all public officer(s) or other designated authorities charged with the ensuring compliance with Marion City Codes or Regulations.*

§ 662.03 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever the words DWELLING, DWELLING UNIT, ROOMING HOUSE, ROOMING UNIT, PREMISES, are used in these regulations, they shall be construed as though they were following by the words "or any part thereof."

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

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

APARTMENT. A suite of rooms with sanitation facilities and with cooking facilities, occupied as the home or residence of a single family.

APPROPRIATE AUTHORITY. The person within the government structure of the corporate unit who is charged with the administration of the appropriate code.

APPROVED. Approved by the local or state authority having administrative authority.

BASEMENT. The portion of a building which is partly underground and which as one half or more of its ceiling height above the average finished grade of the ground adjoining the building.

BOARD OF HEALTH. The Board of Health of *the Marion County General Health District.*

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

Ordinance No. 2009-66

Passed JUL 27 2009, 20

pg. 3

CELLAR. The portion of the building wholly below, or with less than half of its ceiling height above the average finished grade of the ground adjoining the building.

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

DWELLING. Any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing as herein after defined shall be exempted from the provisions of these regulations.

DWELLING UNIT. A room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking and eating purposes.

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

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

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

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

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

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

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

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

HEALTH COMMISSIONER. The Health Commissioner of the *Marion County General Health District* or HIS /HER authorized representative. Health Commissioner is the person occupying the office in the health district which is coded by Sections 3709.11 and 3709.14 of the Revised Code of Ohio. Authorized representative includes, but is not limited to, the Deputy Health Commissioner, the Superintendent, Assistant Superintendent, the Supervising Personnel, the Sanitarians of the local health departments.

Ordinance No. 2009-66Passed JUL 27 2009, 20

pg. 4

HEATED WATER. Water heated to a temperature of not less than 120° F at the outlet.

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

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

MULTIPLE DWELLING. Any dwelling unit containing more than two (2) dwelling units.

OCCUPANT. Any individual over one year of age, living, sleeping, cooking, eating in, or having actual possession of a dwelling unit.

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

ORDINARY SUMMER CONDITIONS. means a temperature 10° F below the highest recorded temperature in the locality for the prior ten (10) year period.

ORDINARY WINTER CONDITIONS. means a temperature 15° F above the lowest recorded temperature in the locality for the prior ten (10) year period.

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

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

PERSON. An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency or any entity recognized by law.

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

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

PREMISES. A lot, plot, or parcel of land including, the building or structures thereon.

REFUSE. All putrescible and non putrescible solids (except body wastes)

Ordinance No. 2009-66

Passed JUL 27 2009, 20

pg. 5

including garbage, rubbish, ashes, dead animals, clothing, furniture, appliances, wire, automotive and waste material.

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

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

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

TEMPORARY HOUSING. Any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

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

§ 662.04 INSPECTION OF DWELLINGS, DWELLING UNITS AND PREMISES

The Health Commissioner is hereby authorized to make inspections to determine the condition of dwellings, dwelling units and premises located within Marion, in order that he/she may perform his/her duty of safe-guarding the health and safety of the occupants of dwellings and of the general public. The owner or occupant of every dwelling, dwelling unit, and premise, or the person in charge thereof, shall give the Health Commissioner or his/her designee free access to such dwelling unit and its premises, at all reasonable times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of the dwelling or dwelling unit or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to affect compliance with the provisions of this regulation or any lawful order issued pursuant to the provisions of these regulations.

§ 662.05 SERVICE OF NOTICE OR ORDERS

Whenever the Health Commissioner or his/her designee determines that there is a probable cause to believe that there has been a violation of any provision of this regulation, he/she shall give notice of such violation to the owner, occupant, or other person in charge thereof specifying the violation claimed and the provision of this regulation defining said violation. The owner, occupant, or other person in charge thereof, shall be allowed such time to correct the alleged violation as the Health Commissioner or his/her designee determines necessary giving due consideration to the immediacy of the threat to health existing by reason of the alleged violation. The time allowed for the correction of such violation shall be stated in the notice. The 2009-66

Ordinance No. 2009-66

Passed

JUL 27 2009

, 20

pg. 6

notice provided herein shall be served personally or by certified mail with return receipt requested. Service by certified mail is deemed sufficient if mailed to the occupant or other person in charge thereof at the address where the violation exists and if mailed to the owner at the tax mailing address shown on the books of the County Auditor for the parcel of real estate where said violation exists. In the event no return receipt is received when service is attempted and the certified mail is returned for any reason, it then can be served personally, sent certificate or proof of mailing, or the notice may be served by posting a copy of the notice of the violation upon the exterior of the dwelling in a conspicuous place where the addressee resides or violation exists. A return or other documentation stating the manner in which said service was made shall be attached to a copy of the complaint and retained in the records of the Board of Health.

§ 662.06 RIGHT TO APPEAL; HEARING

(A) Any person affected by any notice of alleged violation shall be notified of the right to appeal and may request and shall be granted a hearing before the Health Commissioner provided the request for such hearing is made within the time specified in the notice mentioned in Section 662.05.

(B) After such hearing the Health Commissioner shall sustain, modify or withdraw the notice of alleged violation depending upon his/her findings as to whether the provisions of this regulation have been complied with. Notice of the decision of the health commissioner shall be served upon the persons and in the manner as provided in Section 662.05.

(C) Any person affected by the decision of the Health Commissioner; shall be entitled to appeal the decision of the Health Commissioner to the Board of Health. Written notice of the appeal must be filed with the secretary of the Board of Health within five (5) days of the personal service. Signature by the addressee on the return receipt or date of posting and decision upon the premises. Said notice shall state the order appealed from and the address to which notice the hearing notice shall be mailed. The Board of Health shall hear the appeal at the next regular meeting of the Board of Health provided that no hearing shall be had sooner than five (5) days from the date of the filling of said notice of appeal. Notice of the meeting for the Board of Health at which said appeal is to be heard shall be given to the appellant by regular mail at the address shown in his notice or appeal. Said appellant shall be entitled to appear personally and with counsel, at said meeting of the Board of Health. The Board of Health may, in its discretion, continue the hearing of said appeal time to time until said hearing is completed.

(D) The Board of Health shall modify, withdraw, or sustain the order of the Health Commissioner. The copy of the decision of the Board of Health shall be mailed to the appellant at the address shown in the notice of appeal, and to his counsel record.

§ 662.07 MINIMUM SANITATION STANDARDS

No person shall occupy as owner-occupant, or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements.

(A) It is the responsibility of the owner of a dwelling or dwelling unit that the dwelling or dwelling unit is properly connected to a sewer system and a potable water supply approved by the Health Commissioner.

(B) It is the responsibility of the owner of a dwelling or dwelling unit that all

RECORD OF ORDINANCES

0403

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-66

JUL 27 2009

Passed _____, 20____

pg. 7

plumbing and fixtures are properly installed in accordance with the Ohio Plumbing Code and maintained in good working condition, free from defects, leaks, obstructions and installed properly to prevent the escape of odors.

- (C) Every dwelling or dwelling unit shall contain a kitchen sink, flush water closet, lavatory and bathtub or shower, which is properly installed, maintained in good working condition, free from defects and is properly connected to an approved water supply and sewer system.
- (D) Every kitchen sink, lavatory, bathtub or shower shall be properly connected to hot and cold water lines which shall have an adequate water supply and pressure. The hot water lines shall be connected to a hot water heating facility of satisfactory size which will provide adequate amounts of hot water at a temperature of not less than 120 deg. F. Each installation of a hot water heating facility must conform with all regulations of the Ohio Plumbing Code.
- (E) Each dwelling or dwelling unit shall be supplied with sufficient amperage for safe and proper operation of all appliances, tools, equipment and facilities. The service panel box shall be properly installed, maintained, and safely connected to a source of electric power. Each circuit shall have the capacity required to supply current adequately and safely.
- (F) Every habitable room, except bathroom, shall contain at least two (2) separate wall or floor type electric duplex outlets. Each bathroom shall contain at least one (1) electric convenience outlet and a light fixture.
- (G) Every electric outlet, switch and light fixture, shall be properly installed, shall be maintained in a safe working condition, shall be properly connected to wiring of proper size, which will operate all appliances, facilities, fixtures, and equipment in a safe and effective manner. All wiring shall be properly connected to the service panel box.
- (H) Electric wiring shall not be exposed in a manner as to create nuisance or possible danger to individuals.
- (I) Each porch, balcony, steps, stairway or hallway, shall be provided with proper lighting which are controlled by switches located for convenient use by the occupants.
- (J) The owner of a dwelling or dwelling unit shall, upon request by the Health Commissioner, have the electrical system inspected and present acceptable evidence that the wiring is safe and satisfactory.
- (K) Every owner of a dwelling or dwelling unit shall have heating facilities which are properly installed, vented, which are maintained in a safe and good working condition, and are capable of safely and adequately heating all rooms located therein to a temperature of a least 65 degrees. The owner shall, upon request by the Health Commissioner, have the heating system inspected and present acceptable evidence that the heating facility is safe and in good working condition.
- (L) Every owner is required that each supplied facility, fixture, piece of equipment and each utility is constructed, installed, vented, and operating safely and effectively.
- (M) Every occupant shall keep all supplied facilities, fixtures, and equipment in a clean and operable condition and shall be responsible for the exercise of

2009-66

Ordinance No. 2009-66Passed JUL 7 2009, 20

pg. 8

reasonable care in the proper use and safe operation thereof

- (N) No owner, operator or occupant shall cause any service, facility, equipment or utility to be removed from, shut off, or discontinued for any occupied dwelling or dwelling unit let or occupied by him or her. The exception would be for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health Commissioner or his/her designee.
- (O) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside steps or stairway, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. All interior framework shall be covered with a finished material. Interior walls shall be capable of affording privacy for the occupants.
- (P) Every foundation, roof and exterior wall, exterior door, skylight and window shall be reasonably weather-tight and damp-free, and shall be properly installed, kept in sound condition and good repair.
- (Q) Every water closet compartment, bathroom, and kitchen floor shall have a water resistant floor covering which is impervious to water and so as to permit the floor to be easily kept in a clean and sanitary condition. It shall be kept in sound condition and good repair.
- (R) Every chimney, flue, vent or smoke pipe shall be properly installed, kept in sound condition and good repair and conform with any other statutes, ordinances and regulations.
- (S) Every habitable room shall have at least one (1) window or skylight facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately, provided that if connected to a room or area used seasonally then adequate ventilation must be possible through this interconnection. Every bathroom, water closet compartment, and room used for food preparation, shall comply with this section for ventilation, except that no window or skylight is required if they are equipped with a ventilation system in working condition. Each window or skylight shall have a screen installed during that portion of the year when there is a need to prevent the entrance of insects while ventilating the room.
- (T) (1) All bedrooms, flush water closet and bathroom shall have a door installed which affords privacy to a person. All doors shall be provided with a functioning door knob and any other hardware need to properly operate the door. Doors shall be kept in sound condition, free from defects and in good repair.
- (2) All exterior doors and windows of a dwelling or dwelling unit shall be equipped with a properly installed, functioning locking device.
- (U) Structurally sound handrails shall be provided on any steps or stairways that rise higher than three (3) feet. Porches, patios and balconies located more than three (3) feet higher than the adjacent areas shall have structurally sound protective guards or handrails. Both sides of free standing or open stairways more than three (3) feet in height shall have structurally sound protective barriers or handrails, with at least one handrail available.

RECORD OF ORDINANCES

0405

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-66

Passed JUL 27 2009, 20 pg. 9

- (V) Every dwelling and dwelling unit shall have at least two (2) means of safe and easy egress, or escape, to ground level or as required by the laws of The State of Ohio, City of Marion, or as determine by the Heath Commissioner.
- (W) (1) All vacant lots or parcels of land, every dwelling, multiple dwelling, dwelling unit, accessory structure and the premises on which it is located shall be kept free of garbage, rubbish, refuse, sewage, waste material, animal wastes, stagnant water, offensive or hazardous substances, noxious or harmful vegetation or other conditions which are harmful, create a nuisance and or potential source of breeding, harborage and infestation of insects, vermin, and rodents or as determine by the Health Commissioner.
- (2) No person shall be allowed, unless properly contained and or placed for immediate disposal, to throw, bury or litter on the exterior of any premises, parcel of land or vacant lot, any garbage, rubbish, refuse, waste material, unsafe or hazardous material or anything else of an unsanitary nature. Waste material such as brick, stone or concrete, shall be allowed for burial when used as a fill.
- (3) No owner, lessee, agent or other person responsible for the parcel of land, premises, or lot, shall allow weeds, grass or other vegetation, to grow to an extent as to allow to, mature and seed, to become excessive in height, to become noxious or harmful to individuals, to become a potential source of breeding and harborage of insects and rodents or create other conditions which become a nuisance as defined by the Health Commissioner or his/her designee.
- (4) The owner of a vacant dwelling, vacant dwelling unit and any accessory building located on the premises, shall be responsible for securing the doors, windows, hatchways or any other entrances, making the structure or structures inaccessible for easy entry, thereby decreasing the likelihood of injury or fire.
- (X) (1) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rodents on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.
- (2) Not withstanding, the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner.
- (3) Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the share or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.
- (4) If a rental dwelling or dwelling unit is infested with insects or rodents and becomes vacant for any reason, it shall be the property owner's responsibility to have the premises exterminated before it is re-occupied.
- (Y) Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit, and

2009-66

Ordinance No. 2009-66

Passed

JUL 27 2009

, 20

pg. 10

premises thereof that he or she occupies and controls. Every occupant shall properly store and dispose of all garbage, rubbish and refuse in a clean, sanitary and safe manner.

(Z) Every owner of a premises containing four (4) or more dwelling units shall supply containers for the sanitary and safe storage and or disposal of garbage and rubbish.

(AA) Every owner of a property containing two (2) or more dwelling units shall see that all common areas that are shared by the occupants, are kept in a clean condition free of garbage, rubbish and refuse. Examples of common areas are: the grounds, hallway, garage, and basement.

(BB) (1) Every owner of a dwelling or dwelling unit shall maintain the dwelling or dwelling unit free of the hazards of lead based paint.

(2) No person shall apply a lead based paint to any surface in a dwelling or dwelling unit.

§ 662.08 VARIANCES

(A) The Board of Health may grant a hearing to a person and authorize in specific cases, such variance from the requirements of these regulations as will not be contrary to the public interest, where the person shows that because of practical difficulties or other special conditions their application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of these regulations, or otherwise not be in the public interest.

(B) The application for variance provided in Division (A) of this section shall be in writing filed with the secretary of the Board of Health. Said application shall be heard by the Board of Health at the next regular or special meeting of the Board provided that the Board shall not consider such application sooner than the fifth day after the filing of the same with the secretary. Notice to the persons and in the manner as provided in Section § 662.05 hereof shall be given stating the time and place of the hearing on said application.

§ 662.09 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION

A) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Commissioner, or his/her designee.

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(3) One which because of its general condition or location is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

(B) Any dwelling or dwelling unit condemned as unfit, for human habitation, and so designated and placarded by the Health

Ordinance No. 2009-66 Passed JUL 27 2009, 20 pg. 11

Commissioner, or his/her designee, shall be vacated within a reasonable time as ordered by the Board of Health and shall remain vacant until written approval is secured from the Board of Health.

(C) If the Board of Health determines that the structure cannot be improved so as to comply with provisions of these regulations and that the same is unsafe, the Board of Health may order and direct the owners to demolish said structure as a hazard. In the event that the owners fail to comply with said order the Board of Health may order the demolition of said structure and shall certify the cost and expense of demolition as set forth herein to the County Auditor and the same shall become a lien upon real estate.

(D) Any person affected by any notice of an alleged violation under Section 662.09 may request and shall be granted a hearing before the Board of Health provided the request for such hearing is made within the number of days specified in the notice.

(E) After such hearing, the Board of Health shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of the regulations have been complied with.

(F) The proceedings at such hearing, including the findings and decision of the Board of Health is to be summarized, reduced to writing, and entered as a matter of public record in the office of the Health Commissioner. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decisions of the Board of Health may seek relief therefrom in any court of competent jurisdiction.

§ 662.10 PENALTY

Any person who continues in violation of any provision of these standards after the time allowed for him for correction of an alleged violation in the notice provided in Section §662.05 shall be deemed in violation of Section 3709.99 of the Revised Code of Ohio.

Whoever violates any provision of this regulation shall be guilty of a minor misdemeanor on a first offense which is punishable by a fine of not more than \$150.00. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree, which is punishable by not more than 30 days in jail and/or \$250.00. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the first degree which is punishable by not more than 6 months in jail and/or \$1,000.00.

Ordinance No. 2009-66

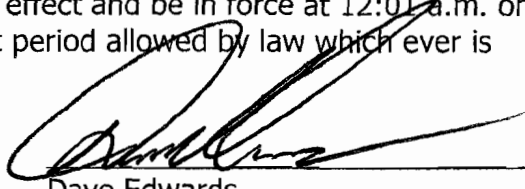
Passed

JUL 27 2009

, 20

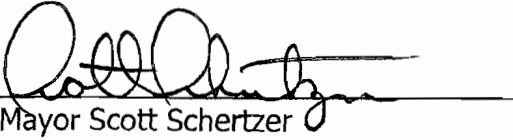
pg. 12

Section 2. This ordinance shall take effect and be in force at 12:01 a.m. on the first day of January 2010 or the earliest period allowed by law which ever is earlier.



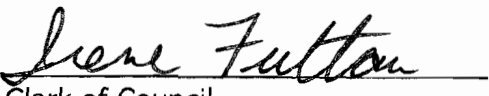
Dave Edwards
President of Council

Approved: **JUL 28 2009**



Mayor Scott Schertzer

Attest;



Clerk of Council

Ordinance No. 2009-67 Passed JUN 22 2009, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO FILE AN APPLICATION WITH THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION FUND, AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of addressing local needs; and

WHEREAS, the Service Director of the City of Marion, Ohio desires to participate in the Program to receive financial assistance for Columbia/Prospect Streets Property Redevelopment Project under the Clean Ohio Revitalization Fund and

WHEREAS, the Service Director of the City of Marion, Ohio has the authority to apply for financial assistance and to administer the amounts received from the State of Ohio, Clean Ohio Council, Clean Ohio Revitalization Fund

WHEREAS, Council must direct and authorize the Service Director to act in connection with the application and to provide such additional information as may be required;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Marion, Ohio, with a majority of members thereof concurring:

Section 1. That Council authorizes Service Director as the official representative of the City of Marion, Ohio's application to participate in the State of Ohio, Department of Development, and provide all information and documentation required in said Application for State of Ohio, Clean Ohio Council, Clean Ohio Revitalization Fund submission.

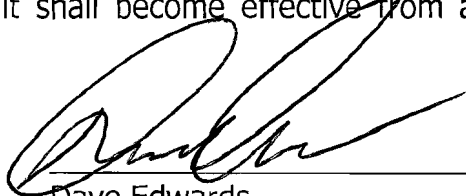
Section 2. That Council hereby approves filing an application for financial assistance under the Clean Ohio Revitalization Fund.

Section 3. That Council hereby understands and agrees that participation in the Program will require compliance with program guidelines and assurances.

Section 4. That Council hereby commits itself to provide the match as described in the application. By separate agreement Columbia Gas will reimburse the City of Marion, Ohio for this match.

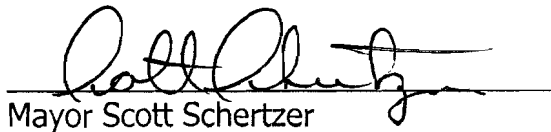
Ordinance No. 2009-67 Passed JUN 22 2009, 20

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the Fund 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.



Dave Edwards
President of Council

APPROVED: JUN 23 2009



Mayor Scott Schertzer

ATTEST:



Clerk of Council

I hereby certify that the above is a true and accurate copy of a ordinance adopted at the June 22, 2009 regular meeting of Marion City Council, Marion, Ohio.

Certified by: Irene Fulton, Clerk of Council

Ordinance No. 2009-68 Passed **JUL 13 2009**, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE PARKS DEPT. FUND FOR THE YEAR ENDING DECEMBER 31,2009 TO PROVIDE FOR UTILIZATION OF A DONATION MADE BY MARION'S FIRST CHURCH OF THE NAZARENE.

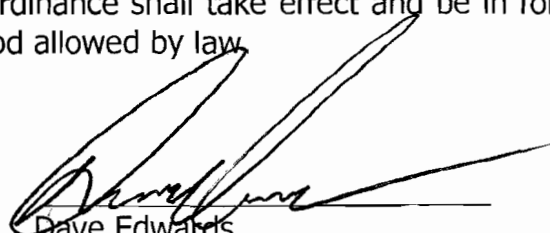
Whereas, the Council of the City of Marion having been advised that the Parks Dept. fund have accumulated within the general fund by way of a donation from First Church of the Nazarene and these monies are now necessary to be appropriated into the appropriate line items, and

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 Parks Dept. as follows:

<u>Parks Dept. Fund</u>			
Supplies	211.2040.5502	\$	1064.00

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: **JUL 14 2009**



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2009-69 Passed JUL 13 2009, 20

ORDINANCE AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER FUNDS ON DEPOSIT PURSUANT TO STATUTE AND CODE TO ENABLE THE ABATEMENT OF THE CERTAIN PROPERTIES NUISANCE CONDITIONS

WHEREAS, the Administration, Auditor and Law Director have continued their co-operative effort in pro-active nuisance abatement within the City of Marion and have identified certain properties which have suffered damage or loss for which funds have been placed on deposit pursuant to State and City Codes to ensure nuisance abatement and remediation, and

WHEREAS, the Council finds it necessary and appropriate to authorize and direct the Auditor transfer funds on hand to the appropriate line item within the budget of the Safety Director's Office 2009 Budget for each property for which funds have been deposited under State and City Code to ensure and facilitate the remediation of the subject properties. This transfer shall take place once the subject loss date has reach 365 days.

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

Section 1. The Council finds it necessary and appropriate to authorize and direct the Auditor transfer funds on hand to the appropriate line item within the budget of the Safety Director's Office 2009 Budget in regard to each property for which funds have been deposited under State and City Code within the Auditor's Office. The transfers shall take place once the subject loss date has reach 365 days.

This directive to include, but is not limited to the following properties which the Safety Director has inspected and found properties to not being remediated and which continue in a state of nuisance.

561 Mound St.	\$4,400.00
605 Wood St.	\$5,850.00
867 Sheridan	\$12,000.00
312 Andrews	\$2,000.00
488 Blaine	\$10,000.00
358-360 Park	\$10,897.62

Section 2. Council further provides all necessary authorizations and authorities to the Safety Director and the Law Director in order to take all actions necessary to abate the subject nuisances. Including but not limited to, in those cases where it is determined by the Safety Director and/or Law Director to be necessary, engaging appraisers, assessors or other experts or contractors and pursuing any necessary Order to abate said nuisances utilizing and expending said monies referred to herein for that purpose.

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 continued need to be proactive in the

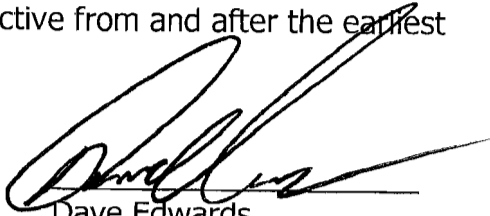
RECORD OF ORDINANCES

JUL 13 2009

Ordinance No. 2009-69

Passed _____, 20____

abatement of nuisances within the City; 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 14** 2009


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-7

Passed JUL 27 2009, 20

ORDINANCE AUTHORIZING THE ADMINISTRATION FOR THE CITY OF MARION TO ACCEPT TITLE IN THE FORM OF A DONATION FOR REAL PROPERTY WHICH ABUTS THE GLENWOOD PARK AREA AND PROVIDES ACCESS TO SEWER SYSTEM INFRASTRUCTURE AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion has determined that it is in the best interest of the City to accept title by way of a donation from the current title holder of real property which abuts the Glenwood Park area and will enable access to the existing sewer systems, and

WHEREAS, the City has completed due diligence in regard to environmental testing and found that this land is acceptable and shall be preserved as grass land providing access to the aforementioned sewer system,

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 title in regard to the following real properties to the City of Marion:

Vacant lots along the railroad right of way in the West Lawn Seventh Addition containing 2.239 acres of land. Tax Id 12-323000.5703 and Tax Id 12-323000.5802

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 complete the donation offer and transfer title; 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 28 2009~~


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-70 Passed Jul 13 2009, 2009

ORDINANCE AMENDING ORDINANCE NO 2007-94 VACATION OF LOTS 8967 – 8984 IN THE W.T. JONES 3RD ADDITION TO THE CITY OF MARION, OHIO, AND PART OF LOT 716 IN C & C MARTIN'S SUBDIVISION OF H. PETERS 2ND ADDITION TO THE CITY OF MARION, AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Marion passed Ordinance 2007-94 on November 26, 2007.

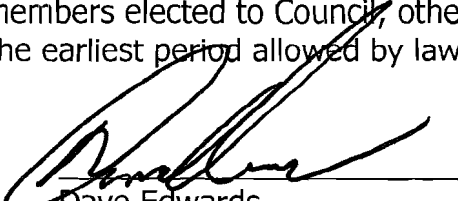
WHEREAS, those lots referenced in Ordinance 2007-94 as "Lots A through R" will now be read as:

"Lots 8967-8984, in the City of Marion, Ohio and part of lot 716 in C & C MARTIN'S SUBDIVISION OF H. PETERS 2ND ADDITION TO THE CITY OF MARION "

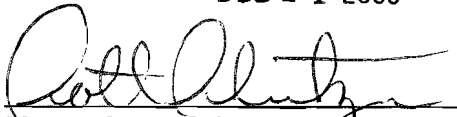
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. that Ordinance No. 2007-94 shall be amended to change the reference to Lots A through R to Lots 8967-8984 and part of lot 716 in C & C MARTIN'S SUBDIVISION OF H. PETERS 2ND ADDITION TO 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 land is imperative need that cannot afford further delay and the need to utilize the grant funding prior to the end of term, as 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 14 2009


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-74 Passed JUL 27 2009, 20

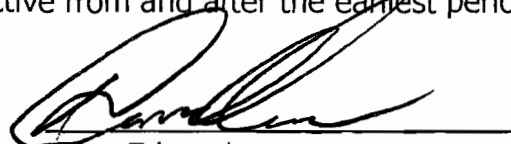
ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2009 STREET RESURFACING PROGRAM, PROJECT 09-1R, AND APPROPRIATING THE NECESSARY FUNDS, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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 2009 Street Resurfacing Program.

Section 2. That said contract shall be payable from the Street Improvement Fund and the S.C.M. & R. Fund, and 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 to meet the construction schedule set forth by the Ohio Public Works Commission, 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 28 2009**



Mayor Scott Schertzer

Attest:



Clerk of Council

Ordinance No. 2009-75

Passed **JUL 27 2009**, 20

ORDINANCE AMENDING ORDINANCE 2009-24 FOR THE DESIGN CONTRACT WITH FLOYD BROWNE GROUP FOR THE SILVER STREET STORM DRAIN CITY WIDE MAPPING IN CONJUNCTION WITH THE LONG TERM CONTROL PLAN (LTCP) PROJECT, AND APPROPRIATING THE NECESSARY FUNDS FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to develop the City wide mapping and data collection of the storm drains, sanitary sewers, and associated structures, and;

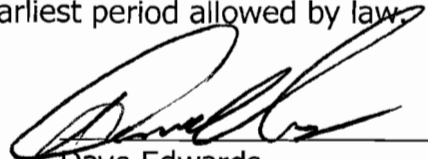
WHEREAS, the City of Marion has entered into contract with Floyd Browne Group to for this project with a design fee not to exceed \$350,000.00, per Ordinance 2009-24

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

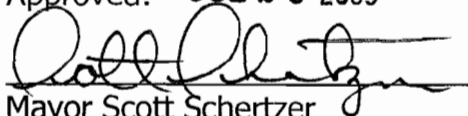
Section 1: That the Service Director be authorized to increase this design contract with Floyd Browne Group for services associated with the mapping and data collection for the Silver Street Storm Drain City Wide Mapping in Conjunction with Marion's Long Term Control Plan, for a total design cost of \$462,000.00

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

Section 3: That this ordinance is hereby declared to be an emergency measure necessary for continuation of meeting deadlines imposed by the Ohio Environmental Protection Agency and Marion's NPDES permit, 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 28 2009**


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2009-76

Passed **AUG 10 2009**, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE LEASE OF CERTAIN FARM LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, Council authorizes the Service Director to advertise for bids to lease certain farm lands adjacent to the Marion Municipal Airport as shown and delineated on a plat on file in the Marion County Farm Services Office, and

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

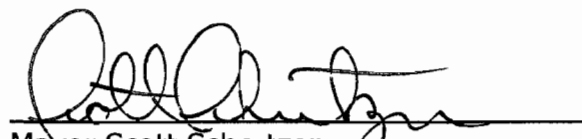
Section 1. That the Service Director is hereby authorized to advertise for bids and enter into contract for lease for a period of five (5) crop years ending September 30, 2014, for certain farm lands adjacent to the Marion Municipal Airport as shown and delineated by the Marion County Farm Services Office

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

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that the Lease now in effect will soon expire, 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 11 2009**


Mayor Scott Schertzer

ATTEST:


CLERK

Ordinance No. 2009-77

Passed **AUG 24 2009**, 2009

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE OLNEY PARK SIDEWALKS PROJECT, 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 Olney Park Sidewalks Project.

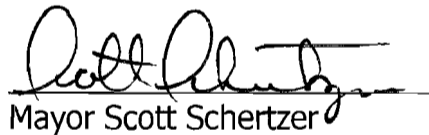
Section 2. That the cost of such contract shall be payable up o \$34,000 from the FY '08 Community Development Block Grant (CDBG) fund.

Section 3. 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, and for the further reason that said Grant monies is time sensitive, 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 25 2009**


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2009-78 Passed AUG 24 2009, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SHELLY AND SANDS, INC. FOR THE 2009 STREET RESURFACING PROJECT 09-1R FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2009-74 authorized the preparation of specifications and advertising for bids for the 2009 Street Resurfacing Project 09-1R for the City of Marion, Ohio and

WHEREAS, Shelly and Sands, Inc. submitted the lowest and best bid of \$695,924.56.

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

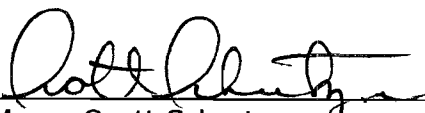
Section 1: That the Service Director be directed to enter into contract with Shelly and Sands, Inc., for the 2009 Street Resurfacing Project 09-1R.

Section 2: That the cost of such contract shall be payable from the Street Improvement Fund and the S.C.M. & R. Fund.

Section 3: That this ordinance is hereby declared to be an emergency measure to meet the construction season guidelines and 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: AUG 25 2009


 Mayor Scott Schertzer

Attest:

 Clerk of Council

AUG 24 2009

Ordinance No. 2009-79

Passed _____, 20____

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE HEALTH FUND FOR THE YEAR ENDING DECEMBER 31, 2009 TO ACCOUNT FOR THE RECEIPT OF ADDITIONAL GRANT FUNDS

WHEREAS, the City of Marion has received a Public Health Emergency Preparedness Grant, and

WHEREAS, the City of Marion is proceeding and the funds must be appropriated to begin the grant objectives, now therefore,

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

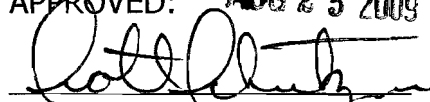
Section 1. Funding has been received from the Public Health Emergency Preparedness Grant which is provided for emergency preparedness. There shall be an appropriation made as follows:

Health Fund

Travel & Trans	205.2034.5201	\$ 200.00
Schooling	205.2034.5202	\$1,380.00
Communication	205.2034.5302	\$ 516.00
Service Contracts	205.2034.5403	\$ 600.00
Supplies	205.2034.5502	\$ 372.00
		<u>\$3,068.00</u>

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 25 2009**

Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-80

Passed AUG 24 2009, 2009

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009 TO ENABLE THE UTILIZATION OF RECENTLY APPROVED GRANT FUNDING

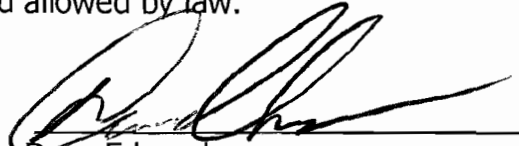
WHEREAS, that there is a need to appropriate funds to the Fire Department from the General Fund, and such funds which will be recovered from the Ohio Division of EMS Training and Equipment Grant.

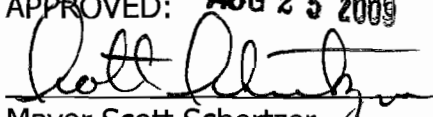
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriation made in the General Fund in the amount of \$3,000.00 as follows and which will be reimbursed back from the Ohio Division of EMS Training and Equipment Grant when received:

<u>GENERAL FUND</u>		
Fire Department	101.1002.5203	\$3,000.00

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: AUG 25 2009

 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

Ordinance No. 2009-81

Passed AUG 24 2009, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KALKREUTH ROOFING, MARION, OHIO FOR THE MAIN ROOF REPLACEMENT AT CITY HALL, ALSO TO AUTHORIZE THE SPEC & BID FOR THE 2 LOWER/SMALLER WEST & SOUTH ROOF AREAS, MARION, OHIO AND DECLARING AN EMERGENCY, *as amended*

WHEREAS, Ordinance No. 2009-56 authorized the preparation of requests for bids for the roof replacement at City Hall in the City of Marion, Ohio, and, *Marion* also to authorize the Spec & Bid for the 2 lower/smaller roof areas – west and south.

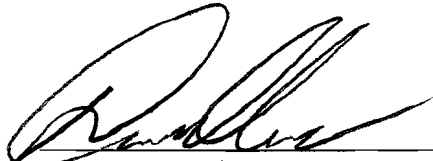
WHEREAS, Kalkreuth Roofing Marion Ohio, submitted the lowest and best bid of \$ *53,898.*

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 Kalkreuth Roofing, Marion Ohio, for the roof replacement on *main* City Hall, Marion, Ohio. also to authorize the Spec & Bid for the 2 lower/smaller roof areas – west and south.

Section 2. That this cost of the roof replacement is \$ *53,898.* and shall be payable from the City Hall Capital Improvement Fund 401.1021.5443.

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; also the current roof on City Hall is failing and there is no reason 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:



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2009-82

Passed AUG 24 2009, 20

ORDINANCE MAKING A DE-APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECMEBER 31, 2009, AND, IN ADDTION, SUSPENDING CERTAIN PROVISIONS WITHIN THE EMPLOYEE HANDBOOK/PERSONNEL MANUAL FOR THE YEAR 2009

WHEREAS, the Council and Administration have taken a pro-active approach to the current nationwide economic crisis, and

WHEREAS, both Council and Administrators have been monitoring daily the significant impact the aforementioned down-turn has caused to the City Revenues, and

WHEREAS, the Council finds it necessary to modify previous Appropriations by De-Appropriating certain line items within the City's General Fund in order to ensure the City can best manage the current, real and severe fiscal crisis, this a part of the Administration's plan of action and herein ratifying the implementation of Citywide General Fund furloughs, excepting only the Police and Fire forces on the street, and

WHERAS, in addition to modifications implemented within each Department of the City, there is a need to suspend certain provisions previously adopted and contained within the City Employee Handbook/Personnel Manual as a part of a comprehensive budgetary savings plan implemented by the Administration in regard to City Employees,

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

Section 1. The Council having found the current nationwide economic down-turn has significantly impacted the City of Marion revenues more severely that previously projected and in order to implement the necessary changes recommended by the City Administration to keep as many City employees working as is fiscally possible in the current economic environment, the following de-appropriations shall be made in following identified Funds as follows:

Police	Description	Amount
101.1000.5101.02	Salaries	128,000.00
101.1000.5102	Benefits	75,000.00
101.1000.5101.01	Non-Uniform Salaries	3,500.00
101.1000.5103	Non-Uniform Sick Leave Sellback	7,300.00
101.1000.5201	Travel	5,000.00
101.1000.5203	Training	20,000.00
101.1000.5402	Professional Services	5,000.00
101.1000.5503	Motor Fuel	3,000.00
Total De-Appropriation		246,800.00

AUG 24 2009

Ordinance No. 2009-82

Passed _____, 20__

Dispatch

101.1001.5101.01	Salaries	16,160.00
101.1001.5102	Benefits	9,455.32
101.1001.5202	Schooling	2,000.00
101.1001.5302	Utilities	3,597.48
101.1001.5402	Professional Services	1,000.00
101.1001.5104	QuarterMaster	2,700.00

Total De-Appropriation		34,912.80
-------------------------------	--	------------------

Fire

101.1002.5101.02	Salaries-Uniform	162,379.20
101.1002.5101.01	Salaries-Non-Uniform	1,339.80
101.1002.5102	Benefits	85,000.00

Total De-Appropriation		248,719.00
-------------------------------	--	-------------------

Recreation

101.1004.5101.01	Salaries	3,736.03
101.1004.5102	Benefits	971.37
101.1004.5103	Sick Leave Sellback	1,000.00
101.1004.5201	Travel	1,200.00
101.1004.5202	Schooling	600.00
101.1004.5301	Membership Dues	100.00
101.1004.5303	Equip Maint.	1,000.00
101.1004.5408	Land & Building Maint	4,000.00
101.1004.5411	Building Rental	1,000.00
101.1004.5305	Advertising	1,000.00

RECORD OF ORDINANCES

0445

Dayton Legal Blank, Inc.

Form No. 3004³

AUG 24 2009

Ordinance No. 2009-82

Passed _____, 20____

101.1004.5402	Professional Services	1,000.00
101.1004.5502	Supplies	276.60
Total De-Appropriation		15,884.00

Seniors

101.1006.5101.01	Salaries	9,440.00
101.1006.5103	Sickleave Sellback	5,000.00
Total De-Appropriation		14,440.00

Mayor

101.1009.5101.01	Salaries	2,863.90
101.1009.5102	Benefits	700.22
101.1009.5201	Travel	1,073.00
101.1009.5202	Schooling	825.00
101.1009.5301	Membership Dues	140.00
101.1009.5402	Professional Services	200.00
101.1009.5501	Subscriptions/Publications	27.86
101.1009.5502	Supplies	818.29
Total De-Appropriation		6,648.27

Pool

101.1026.5101.01	Salaries	2,373.22
101.1026.5102	Benefits	617.04
Total De-Appropriation		2,990.26

Safety

101.1015.5101.01	Salaries	2,663.96
101.1015.5102	Benefits	669.75

2009-82

RECORD OF ORDINANCES

0445

Dayton Legal Blank, Inc.

Form No. 30043

AUG 24 2009

Ordinance No. 2009-82

Passed _____, 20____

101.1004.5402	Professional Services	1,000.00
101.1004.5502	Supplies	276.60
Total De-Appropriation		15,884.00

Seniors

101.1006.5101.01	Salaries	9,440.00
101.1006.5103	Sickleave Sellback	5,000.00
Total De-Appropriation		14,440.00

Mayor

101.1009.5101.01	Salaries	2,863.90
101.1009.5102	Benefits	700.22
101.1009.5201	Travel	1,073.00
101.1009.5202	Schooling	825.00
101.1009.5301	Membership Dues	140.00
101.1009.5402	Professional Services	200.00
101.1009.5501	Subscriptions/Publications	27.86
101.1009.5502	Supplies	818.29
Total De-Appropriation		6,648.27

Pool

101.1026.5101.01	Salaries	2,373.22
101.1026.5102	Benefits	617.04
Total De-Appropriation		2,990.26

Safety

101.1015.5101.01	Salaries	2,663.96
101.1015.5102	Benefits	669.75

2009-82

RECORD OF ORDINANCES

0447

Dayton Legal Blank, Inc.

Form No. 30033

Ordinance No. 2009-82 Passed AUG 24 2009, 2009

Human Resources

101.1014.5101.01 Salaries 710.00

101.1014.5102 Benefitis 105.79

Total De-Appropriation 815.79

Service Director

101.1016.5101.01 Salaries 1,290.92

Total De-Appropriation 1,290.92

Council

101.1018.5101.01 Salaries 963.50

Total De-Appropriation 963.50

Courts

101.1019.5101.01 Salaries 40,628.80

Total De-Appropriation 40,628.80

Economic Development

101.1007.5402 Professional Services 13,452.00

101.1007.5402 Regional Planning 2,964.00

Total De-Appropriation 16,416.00

Reg. Planning

101.1007.5412 Reg. Planning 2,964.00

Total De-Appropriation 2,964.00

Engineering

101.1022.5101.01 Salaries 5,070.90

101.1022.5102 Benefits 1,315.90

101.1022.5201 Travel 300.00

101.1022.5202 Schooling

2009-82

Ordinance No. 2009-82 Passed AUG 24 2009, 20

750.00

101.1022.5402 Professional Services 1,000.00

101.1022.5501 Subscription/Publications 100.00

101.1022.5502 Supplies 350.00

101.1022.5503 Motor Fuel & Lubrications 1,000.00

Total De-Appropriation 9,886.80

Airport

101.1008.5101.01 Salaries 8,665.01

101.108.5102 Benefits 7,552.90

Total De-Appropriation 16,217.91

Transfers Out GF

101.1024.5426.03 Transit 7,000.00

101.1024.5426.05 Health 18,774.15

101.1024.5426.06 Parks 17,860.00

43,634.15

Total GF Reductions 762,007.04

Parks

211.2040.5101.01 Salaries 9,270.40

211.2040.5102 Benefits 2,410.30

211.2040.5103 Sick Leave Sellback 4,000.00

211.2040.5302 Utilities 750.00

211.2040.5446 Yard Waste Fees 500.00

211.2040.5408 Land & Building Maint. 500.00

211.2040.5502 Supplies 429.30

Total De-Appropriation 17,860.00

RECORD OF ORDINANCES

0449

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-82 Passed AUG 24 2009, 20

Health Admin

205.2023.5501	Subscriptions	464.75
205.2023.5406	Insurance Premiums	1,232.00
205.2023.5301	Membership Dues	1,242.50

Health Inspection

205.2024.5301	Membership Dues	326.00
205.2024.5406	Insurance Premiums	600.00

Total De-Appropriation 3,865.25

WIC Assistance

205.2026.5467	Lead Testing	14,908.90
---------------	--------------	-----------

Total De-Appropriation Health 14,908.90

Transit

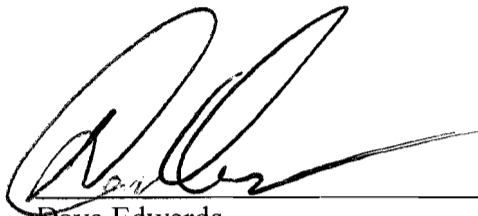
501.5000.5101.01	Salaries	1,914.79
501.5000.5102	Benefits	235.21
501.5000.5201	Travel	600.00
501.5000.5402	Professional Services	1,500.00
501.5000.5408	Building Maint.	1,500.00
501.5000.5305	Promo Advertising	550.00
501.5000.5306	Legal Advertising	700.00

Total De-Appropriation 7,000.00

Ordinance No. 2009-82Passed AUG 24 2009, 20

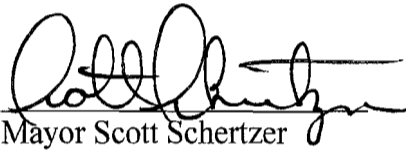
Section 2. For the year 2009 the Council specifically finds it necessary, given the level of current revenues and expenditures, and, having found this reality to necessitate the retroactive application of a complete suspension of the benefits contained within the City's Personnel Policy Handbook / Personnel Manual related to employee's rights in regard to "Annual Sick Leave Sell Back" whether contained within provision 23.17 or any predecessor, subsequent derivation or concurrent provision containing similar sick leave sell back benefit provisions are hereby suspended for the year 2009.

Section 3. 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 25 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-83 Passed AUG 24 2009, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$11,005,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF (A) CONSTRUCTING, EQUIPPING AND FURNISHING A CENTRAL GARAGE BUILDING, (B) CONSTRUCTING A MAIN TRUNK SANITARY SEWER AND IMPROVING THE QU QUA DITCH, MARY STREET, HIGH STREET, VINE STREET, NORTH GREENWOOD STREET, STATE STREET, SOUTH PROSPECT STREET, BALLENTINE AVENUE, CLINTON STREET, SILVER STREET, WATERLOO STREET, OAKGROVE AVENUE, FRANCONIA AVENUE, PENNSYLVANIA AVENUE AND WOODROW AVENUE BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS, (C) IMPROVING CLINTON STREET, SILVER STREET, WATERLOO STREET, OAKGROVE AVENUE, FRANCONIA AVENUE, PENNSYLVANIA AVENUE AND WOODROW AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS, (D) REPLACING THE ROOF ON CITY HALL, (E) ACQUIRING AND INSTALLING A NEW GENERATOR, (F) ACQUIRING AND INSTALLING A NEW TELEPHONE SYSTEM FOR CITY BUILDINGS, (G) ACQUIRING AND INSTALLING A NEW RECORDS MANAGEMENT SYSTEM FOR THE POLICE DEPARTMENT AND (H) ACQUIRING AND EQUIPPING A NEW PUMPER TRUCK FOR THE FIRE DEPARTMENT, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinances No. 2008-82, No. 2008-83, No. 2008-84, No. 2008-85, No. 2008-86, No. 2008-87, No. 2008-88, No. 2008-89, No. 2008-90 and No. 2008-91, each passed by the Council of the City on September 22, 2008, a note in anticipation of bonds in the amount of \$11,475,000 dated October 16, 2008 (the Outstanding Note) was issued to pay the costs of (a) constructing, equipping and furnishing a central garage building (the Garage Project), (b) constructing a main trunk sanitary sewer and improving the Qu Qua Ditch, Mary Street, High Street, Vine Street, North Greenwood Street, State Street, South Prospect Street, Ballentine Avenue, Clinton Street, Silver Street, Waterloo Street, Oakgrove Avenue, Franconia Avenue, Pennsylvania Avenue and Woodrow Avenue between certain termini, by constructing sanitary sewers (the Sanitary Sewer Project), (c) improving Clinton Street, Silver Street, Waterloo Street, Oakgrove Avenue, Franconia Avenue, Pennsylvania Avenue and Woodrow Avenue, between certain termini, by constructing storm water sewers (the Storm Water Sewer Project), (d) replacing the roof on City Hall, (e) acquiring and installing a new generator, (f) acquiring and installing a new telephone system for City buildings, (g) acquiring and installing a new records management system for the Police Department and (h) acquiring and equipping a new pumper truck for the Fire Department, together with all necessary appurtenances;

WHEREAS, the Council has determined to retire, with funds available to the City, (i) \$20,000 of the principal amount of the Outstanding Note issued for the Garage Project, (ii) \$200,000 of the principal amount of the Outstanding Note issued for the Storm Water Sewer Project and (iii) \$250,000 of the outstanding principal amount of the Outstanding Note issued for the Sanitary Sewer Project;

WHEREAS, this Council finds and determines that the City should retire the remaining portion of the Outstanding Note with the proceeds of the notes described in Section 3 (the Notes); 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 with respect to \$9,555,000 of the principal amount is 40 years, the estimated maximum maturity of the bonds with respect to \$500,000 of the principal amount is 20 years, the estimated

Ordinance No. 2009-83

Passed AUG 24 2009, 20

maximum maturity of the bonds with respect to \$250,000 of the principal amount is 15 years and the estimated maximum maturity of the bonds with respect to \$700,000 of the principal amount is 10 years (collectively, the Bonds), and the maximum maturity of \$1,380,000 of the principal amount of the Notes is April 24, 2021; the maximum maturity of \$705,000 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 \$11,005,000 to pay the costs of (a) constructing, equipping and furnishing a central garage building, (b) constructing a main trunk sanitary sewer and improving the Qu Qua Ditch, Mary Street, High Street, Vine Street, North Greenwood Street, State Street, South Prospect Street, Ballentine Avenue, Clinton Street, Silver Street, Waterloo Street, Oakgrove Avenue, Franconia Avenue, Pennsylvania Avenue and Woodrow Avenue between certain termini, by constructing sanitary sewers, (c) improving Clinton Street, Silver Street, Waterloo Street, Oakgrove Avenue, Franconia Avenue, Pennsylvania Avenue and Woodrow Avenue, between certain termini, by constructing storm water sewers, (d) replacing the roof on City Hall, (e) acquiring and installing a new generator, (f) acquiring and installing a new telephone system for City buildings, (g) acquiring and installing a new records management system for the Police Department and (h) 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, 2010, 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 40 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, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$11,005,000 shall be issued in anticipation of the issuance of the Bonds and, together with other funds available to the City, to retire the Outstanding Note. The Notes shall be dated October 14, 2009 and shall mature October 13, 2010, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award). 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 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

Ordinance No. 2009-83Passed AUG 24 2009, 20

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.

The Notes may be issued to any securities depository (a Depository) that is a clearing agency under federal law operating and maintaining, with any participants contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations or otherwise (Participants), a system (a book entry 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. 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

Ordinance No. 2009-83 Passed AUG 24 2009, 20

take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

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.

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

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the

Ordinance No. 2009-83

Passed AUG 24 2009, 20

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

The City hereby designates the Notes as "qualified tax exempt obligation" for purposes of Section 265(b)(3) of the Code. In connection with that designation, the City hereby represents and covenants that as a "qualified borrower" it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate principal amount in excess of \$30,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding the other obligations that are "private activity bonds" as defined in Section 141 of the Code, and excluding refunding obligations that are not "advance refunding obligations" as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$30,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". The City further represents that it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

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

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

Ordinance No. 2009-83

Passed AUG 24 2009, 20

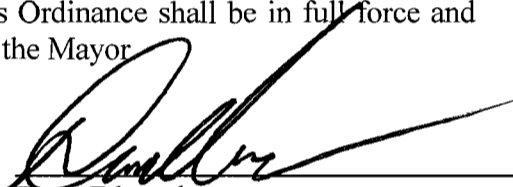
identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 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.

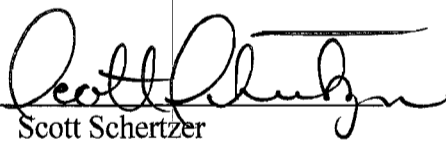
Section 13. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that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


Dave Edwards
President of Council

AUG 25 2009

Approved: _____

Mayor: 
Scott Schertzer

Attest: 
Clerk of Council

RECORD OF ORDINANCES

0247

Dayton Legal Blank, Inc.

Form No. 300-3

Ordinance No. 2009-8

Passed Jan 27 2009 2009

ORDINANCE EXPRESSING THE FINDINGS OF THE COUNCIL REGARDING THE WASTE WATER TREATMENT PLANT CONTROLLED DENSITY FILL LETTING, REJECTING ALL BIDS AND DIRECTING CONTRACT BE ~~RE-LET~~ AND DECLARING AN EMERGENCY

Re-bid

27

WHEREAS, the Council was presented with the results of the Water Pollution Control Division's letting results as to the controlled density fill contract authorized by previous Ordinance, and

WHEREAS, the Council took up the matter at Committee on the 26th day of January, 2009 at which time Council members were made aware of a multitude of issues of concern. The matter proceeded to the floor of Council at its next regular meeting, at which time, based upon the facts as represented by Water Pollution Control, council finds all bids to be non-responsive and does reject all bids and consented to the Administration's exercising of the option to renew.

WHEREAS, the Council finds, after thorough investigation: The specifications provided for in the Ellis Brothers bid called for a non-specified item in the form of a fuel surcharge. No other bids were received. The sole bidding entity failed to fully comply with the bidding specifications. The bid publication contained the requisite provision: The City of Marion reserves the right to reject any and all bids.

WHEREAS, the Council finds based upon its investigation and review the best course available to it, based upon all known factors at his time, is to reject all bids and direct that the contract be re-let,

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

Section 1. The Council, after investigation, hereby determines the bids received in response to the Controlled Density Fill letting be rejected for the reasons contained herein, and the non-responsiveness of the bids received.

Section 2. The Council directs the Service Director to re-let the contract without delay.

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:

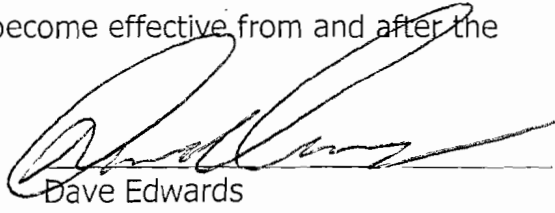
2009-8

Ordinance No. ~~2009-8~~ **2009-8**

Passed _____, 20____

given the urgent need to procure a CDF contract and address without any further delay the failures contained within the first letting; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Approved: **JAN 27 2009**



Dave Edwards
President of Council



Mayor Scott Schertzer

Attest;



Clerk of Council

Ordinance No. 2009-84

Passed SEP 15 2009, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACTS WITH CT CONSULTANTS FOR DESIGN SERVICES FOR THE ARRA PROJECT OF WEST CENTER STREET SEWER LINING PHASES 1 & 2; AMERICAN STRUCTURE POINT FOR DESIGN SERVICES FOR THE ARRA PROJECT OF BLAINE AVENUE/COLUMBIA STREET I/I PROJECT; EMH&T FOR DESIGN SERVICES FOR THE ARRA PROJECT OF COLUMBIA STREET SEWER LINING FOR THE CITY OF MARION, OHIO, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to prepare construction plans for the West Center Street Sewer Lining Phases 1 & 2; Blaine Avenue/Columbia Streets I & I Project; Columbia Street Sewer Lining; and

WHEREAS, the City of Marion has determined the aforementioned firm(s) to be the most qualified firm(s) for these projects by an RFP and Quality Based Selection Process; therefore

WHEREAS, That the cost of such projects shall be payable from the Storm Water Utility Fund and Sewer Improvement Fund as follows:

West Center – Phases 1 & 2:	not to exceed	\$50,000.00
Blaine/Columbia I/I Project:	not to exceed	\$70,000.00
Columbia Sewer Lining:	not to exceed	\$70,000.00

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

Section 1: The City of Marion has determined the aforementioned firm(s) to be the most qualified firm(s) for these projects by an RFP and Quality Based Selection Process.

Section 2: That the Service Director be authorized to enter into contracts with CT Consultants for design engineering services for the West Center Sewer Lining Phases 1 & 2(not to exceed \$50,000.00); EMH&T for the Columbia Street Sewer Lining (not to exceed \$70,000.00); and American Structurepoint for the Blain/Columbia I/I Rehabilitation Project (not to exceed \$70,000.00).

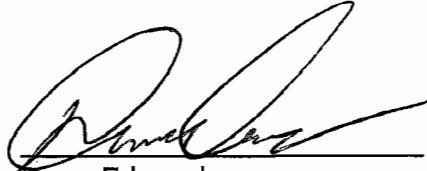
Section 3: Auditor is authorized and directed to appropriate the necessary funds from the Storm Water Utility Fund, and the Sewer Improvement Fund.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and due to the imminent construction season and the need to move forward without further delay, and as such, shall take effect and be in force

Ordinance No. 2009-84

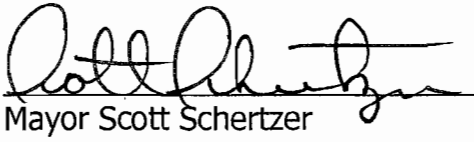
Passed SEP 15 2009, 20

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.

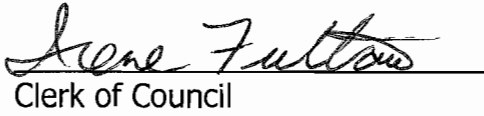


Dave Edwards
President of Council

Approved: **SEP 16 2009**


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2009-85

Passed SEP 15 2009, 20

service
ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH KALKREUTH ROOFING, MARION, OHIO FOR THE TWO SMALLER, WEST & SOUTH ROOF REPLACEMENT AT CITY HALL, MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2009-81 authorized the preparation of requests for bids for the 2 smaller, west & south roof replacement at City Hall in the City of Marion, Ohio, and

WHEREAS, Kalkreuth Roofing, Marion, Ohio, submitted the lowest and best bid of \$24,058.00.

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 Kalkreuth Roofing, Marion, Ohio, for the 2 smaller, west & south roof replacement on City Hall, Marion, Ohio.

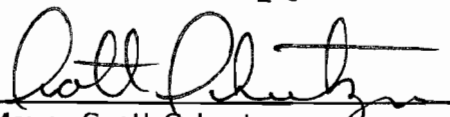
Section 2. That this cost of the roof replacement is \$24,058.00 and shall be payable from the City Hall Capital Improvement Fund 401.1021.5443.

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; also the current roofs on City Hall are failing and there is no reason 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: **SEP 16 2009**



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2009-86

Passed SEP 15 2009, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009 TO ENABLE THE CITY TO PARTICIPATE IN THE ON-GOING COUNTYWIDE EVALUATION OF HOW BEST TO PROVIDE FIRE SERVICE TO THE COMMUNITY AS A WHOLE

Whereas, Council finds that there are additional funds needed to enable the City of Marion to participate in the on-going countywide evaluation of how best to provide fire service to the community as a whole,

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

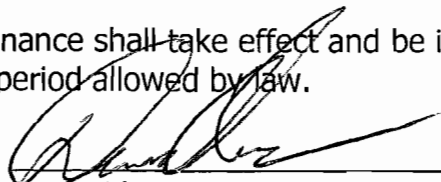
Section 1. That there be an additional appropriations made in various funds in the amount of \$5,000.00, more specifically as follows:

GENERAL FUND

Professional Service \$5,000.00

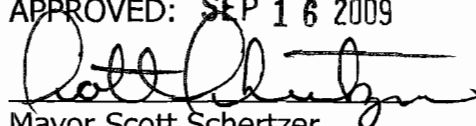
Section 2. The Mayor is authorized to enter into agreement with William Kramer & Associates as a participant in the on-going evaluation of how best to provide fire service to the community. The contract providing for a ceiling obligation on behalf of the City of Marion at no greater than \$ 5,000.00..

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 16 2009



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2009-87

Passed SEP 15 2009, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009.

Whereas, Council finds that there are additional funds needed for design services, refund fund supplements to pass through fees already collected and now which need to be refunded or paid and other fees in order to provide funding through 2009.

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

Section 1. That there be an additional appropriations made in various funds in the amount of \$196,500.00 as follows:

GENERAL FUND

EMS Billing Refunds \$5,000.00

SANITATION

Credit Card Fees \$500.00

STORM WATER UTILITY

Credit Card Fees \$500.00

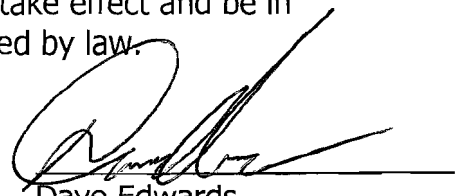
Professional Services (ARRA) \$105,000.00

SEWER REVENUE

Credit Card Fees \$500.00

Professional Services (ARRA) \$85,000.00

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: **SEP 16 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-88

Passed SEP 15 2009, 20

ORDINANCE AUTHORIZING THE MAYOR FOR THE CITY OF MARION TO TAKE ALL ACTIONS NECESSARY TO APPLY FOR, RECEIVE AND ADMINISTER STIMULUS GRANTS UNDER THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 AND ALL ACTS ASSOCIATED THEREWITH AND DECLARING AN EMERGENCY

WHEREAS, the Council and Mayor have been vigilant in reviewing the available grants under the Federal Government's American Recovery and Reinvestment Act of 2009 and all the associated stimulus programs associated therewith, grantee, including the provision by it of the local share of the project costs in the program;

WHEREAS, the Council finds it desirable to authorize the Mayor to take all actions necessary to apply for, receive and administer stimulus grants on behalf of the citizens of Marion, Ohio and to that end finds it to be in the best interests of the citizens of Marion to provide a blanket authorization to complete all tasks necessary to achieve the desired end,

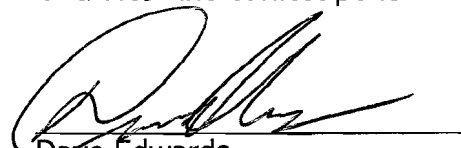
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

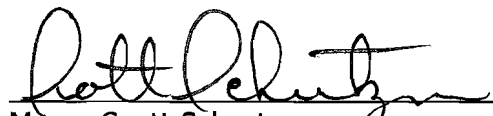
Section 1. The Mayor is hereby authorized to take all actions necessary to apply for, receive and administer stimulus grants on behalf of the citizens of Marion, Ohio, Council herein providing a blanket authorization to complete all tasks necessary to achieve the desired end. Authorization includes, but is not limited to, completing all applications, requests, submittals and executing all grants, agreements, contracts or documents to ensure the successful receipt of federal funds to complete public projects and programs all for the benefit of the Marion community economy.

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 7. 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 any delay in the processing of applications will risk the City receipt of same, and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

Approved: **SEP 16 2009**


Dave Edwards
President of Council


Mayor Scott Schertzer

Attest:

Clerk of Council

Ordinance No. 2009-89

Passed SEP 15 2009, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RMH CONCRETE AND FOUNDATION INC, COLLINS, OHIO, FOR THE OLNEY PARK SIDEWALK PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2009-77 authorized the preparation of specifications and advertising for bids for the Olney Park Sidewalk Project in the City of Marion, Ohio, and

WHEREAS, seven bids were received and

WHEREAS RMH Concrete and Foundation Inc. submitted the lowest and bid of \$21,844.00

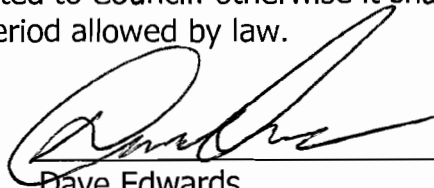
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Service Director be directed to enter into contract with RMH Concrete & Foundations, Inc. for the Olney Park Sidewalk Project.

Section 2. That said contract shall be payable from the Community Development Block Grant FY 2008 Formula Program.

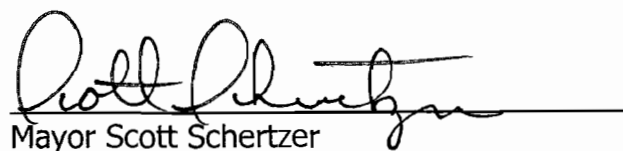
Section 3 The FY 08 Formula Grant requires that all work be completed by December 31, 2009

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 for the further reason that construction must be completed by December 31, 2009, 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: SEP 16 2009


Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF ORDINANCES

0249

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-9

Passed JAN 26 2009, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2009 TREE REMOVAL PROGRAM, PROJECT 09-1M, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

Section 1. That the Service Director be directed to prepare plans and specifications and advertise for bids, for the 2009 Tree Removal Program.

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

Section 3. That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof, due to the real and present need to remove hazardous and perilous trees within the city limits, 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: **JAN 27 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-100

Passed **OCT 14 2009**, 2009

ORDINANCE TO REJECT THE FACT FINDER'S OPINION ISSUED THE 8TH DAY OF OCTOBER, 2009 IN THE MATTER OF CITY OF MARION, OHIO AND I.A.F.F. LOCAL 379 AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion and the IAFF local 379 recently completed the Fact Finding process as provided in ORC title 47 and provided for in the existing Collective Bargaining Agreement, and

WHEREAS, the Administration recommends the Council reject the Fact Finders opinion as it is not in the best interests of the citizens of the City, and

WHEREAS, the employee group meet on the 12th day of October, 2009 and also voted to reject the Fact Finder's opinion,


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

Section 1. The Council for the City of Marion, Ohio having considered the report submitted by the Fact Finder on the 8th day of October, 2009 in the matter of City of Marion, Ohio and I.A.F.F. Local 379, the recommendation to reject same made by the City Administration, and after being informed the bargaining unit rejected same by vote on the 12th day of October, 2009 the Council hereby rejects same.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the statutory time periods provided by law to act; 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: **OCT 15 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-101

Passed **OCT 26 2009**, 2009

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009.

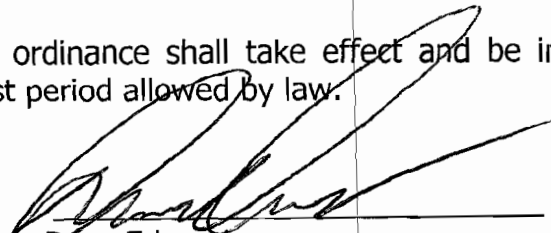
Whereas, Council previously accepted Police Department Grant funding under ARRA, and the City has received via TIF payments funds which need be appropriated to enable utilization.

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

Section 1. Council having previously accepted Police Department Grant funding under ARRA, and the City has received via TIF payments funds which need be appropriated to enable utilization, Council hereby makes the following additional appropriations made in various funds in the amount of \$94,913.00 as follows:

<u>ARRA Police</u>		
Capital Equipment	201.1000.5304	\$14,774.00
<u>ARRA Police</u>		
Capital Equipment	201.1000.5304	\$79,089.00
<u>BARKS ROAD TIF</u>		
Professional Services	301.3003.5402	\$1,050.00

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: **OCT 27 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-103

Passed **NOV 30 2009**, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH AREA ENERGY & ELECTRIC, INC OF WORTHINGTON, OHIO, FOR THE INSTALLATION OF A CITY HALL/RECREATION DEPT EMERGENCY GENERATOR AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2008-2 authorized the preparation of requests for bids for the new generator at City Hall and the Recreation Dept. in the City of Marion, Ohio, and

WHEREAS, Area Energy & Electric Inc., Worthington, Ohio, submitted the lowest and best bid of \$ 188,135.00

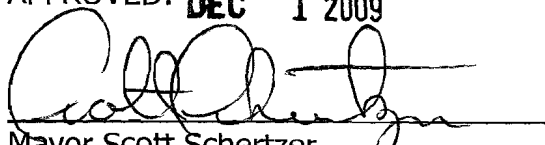
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Service Director be authorized and directed to enter into contract with Area Energy & Electric Inc., Worthington, Ohio, for the installation of the new emergency generator for City Hall/Recreation Dept., Marion, Ohio.

Section 2. That this cost of the new emergency generator for City Hall/Recreation Dept. is \$ 188,135.00 and shall be payable from the City Hall Capital Improvement Fund 401.1021.5442.

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; also the current generator at City Hall is failing and there is no reason 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: **DEC 1 2009**

Mayor Scott Schertzer

ATTEST:

Irene Futton
Clerk of Council

Ordinance No. 2009-108

Passed NOV 30 2009, 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, these statements are required to be filed with the State of Ohio, Office of the Auditor on or before May 31, 2010, and

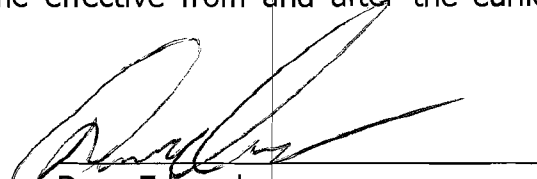
Whereas, the State of Ohio, Office of the Auditor has agreed to prepare and file said statements

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

Section 1. That 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 Examinations fee in the amount not to exceed \$34,000.00.

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, 2010 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: **DEC 1 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-109

Passed **NOV 30 2009**, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO RENEW THE EXISTING RELATIONSHIP BY ENTERING INTO A SUBSEQUENT CONTRACT FOR PROFESSIONAL SERVICES IN REGARD TO THE CITY OF MARION NATURAL GAS AGGREGATION PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the Council did by previous Ordinance enable the general election measure conducted on the 6th of November, 2001, which was successful and created the City of Marion Natural Gas Aggregation Program pursuant to O.R.C. 4928.20, and

WHEREAS, the Council by previous Ordinance authorized the entering into contract with the E Group a subsidiary of First Energy Solutions Corp. and the service during the past eight plus years has been found to be exemplary, and

WHEREAS, Council finds a real and present need to continue the existing relationship with the City's expert in regard to future abilities for savings in regard to the City's Natural Gas Aggregation Program,

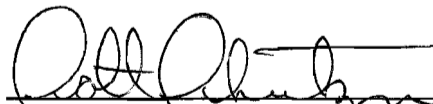
BE IT ORDAINED by the Council for the City of Marion, Ohio:

Section 1. The Council finds the citizens of the City to best be served by the entering into a successor Professional Management Service Agreement for the City's Natural Gas Aggregation Program and hereby authorizes and directs the Service Director to complete all documents necessary enter into an additional contract period under the same terms as the prior contract contained for services to be provided to the City's Natural Gas Aggregation Program by the E Group,

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 to continue the beneficial relationship between the City and the provider; 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.

Approved: **DEC 1 2009**


Dave Edwards
President of Council


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2009-111

Passed NOV 23 2009, 20

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS AUTO GROUP TO PURCHASE ONE (1) 2010 15 PASSENGER VAN TO BE USED AT THE SENIOR CENTER, AND DECLARING AN EMERGENCY

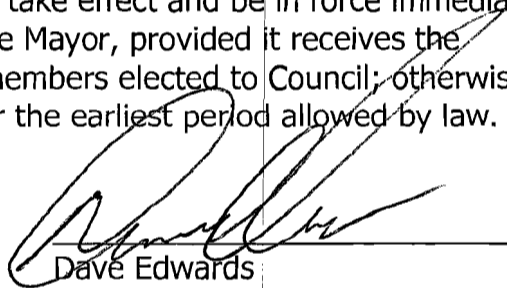
WHEREAS, pursuant to Ordinance 2009-95, the Safety Director was authorized to advertise for bids for the purchase of one (1) 15 passenger van for the Senior Center, and

WHEREAS Mathews Auto Group submitted the lowest and best bid of \$25,393.59.

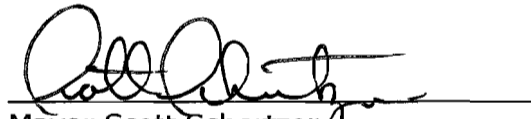
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio

Section 1. That the Safety Director be, and he is hereby authorized to enter into contract with Mathews Auto Group for the purchase of one (1) 15 passenger 2010 Van for the Senior Center at a cost of 25,393.59, payable by the Capital Equipment Fund (201.2001.5304).

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 pricing expirations related thereto; 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: NOV 24 2009


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2009-112

Passed NOV 23 2009, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH REYNOLDS INLINER OF HILLIARD, OHIO FOR THE COLUMBIA STREET SEWER LINING, PROJECT 09-3G, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to complete the project of Columbia Street Sewer Lining, Project 09-3G, to be financed by ARRA monies, and

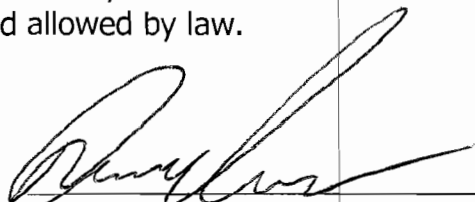
WHEREAS, the City of Marion has determined Reynolds Inliner have submitted the lowest and best bid for this project.

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 Reynolds Inliner for construction of the Columbia Street Sewer Lining, Project 09-3G.

Section 2: That the cost of such contract 1,305,565,55 shall be payable from the Sewer Improvement Fund, Storm Water Utility, and from the ARRA program .

Section 3: That this ordinance is hereby declared to be an emergency measure necessary to meet Ohio Environmental Protection Agency deadlines to award ARRA funding, and 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: **NOV 24 2009**


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2009-113

Passed **NOV 23 2009**, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH REYNOLDS INLINER OF HILLIARD, OHIO FOR THE WEST CENTER STREET SANITARY SEWER LINING PHASES 1 & 2, PROJECTS 09-1G AND 09-2G, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to complete the project of West Center Street Sanitary Sewer Lining Phases 1 & 2, Project 09-1G and 09-2G, to be financed by ARRA monies, and

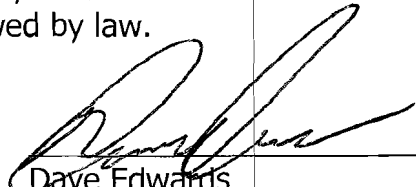
WHEREAS, the City of Marion has determined Reynolds Inliner have submitted the lowest and best bid for this project.

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 Reynolds Inliner for construction of the West Center Street Sanitary Sewer Lining Phases 1 & 2, Projects 09-1G and 09-2G.

Section 2: That the cost of such contract 1,958,316.00 shall be payable from the Sewer Improvement Fund, and from the ARRA program .

Section 3: That this ordinance is hereby declared to be an emergency measure necessary to meet Ohio Environmental Protection Agency deadlines to award ARRA funding, and 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: **NOV 24 2009**


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2009-114

Passed **DEC 14 2009**, 2009

ORDINANCE APPROVING THE PROPOSAL SUBMITTED BY THE ADMINISTRATION, HUMAN RESOURCES AND THE INSURANCE COMMITTEE NECESSITATED BY SIGNIFICANT INCREASES ASSOCIATED WITH CONTINUING WITH THE CURRENT HEALTH INSURANCE PROVIDER, AUTHORIZING THE ADMINISTRATION TO COMPLETE ALL ACTS NECESSARY TO IMPLEMENT THE CONTRACT WITH UNITED HEALTHCARE AND DECLARING AN EMERGENCY

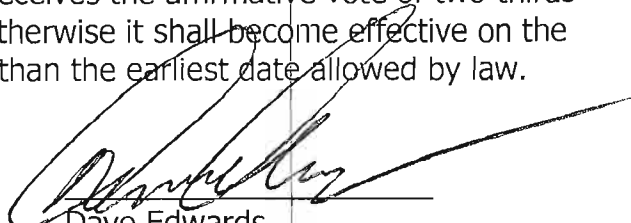
WHEREAS, the Administration has advised, due to the negative experience level as to claims in 2009, the cost to continue with the current provider would result in an increase of 27%. Further, after going out for proposals from other providers and working with its expert, Preferred Benefits, and the Insurance Committee have determined the best course of action is to accept the offer made by United HealthCare.

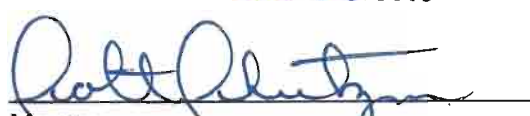
WHEREAS, the Council finds a real and immediate need to change providers without delay in order to provide employees health insurance coverages at similar levels,

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

SECTION 1. Council finds the change in providers as proposed by the Administration and the Insurance Committee to be in the best interest of all parties, and in the best interests of the citizens of the City of Marion, finding the proposed plan to offer benefits similar to the expiring plan with the commitments involved and hereby authorizes the Administration to complete all acts necessary to implement United HealthCare option 1 proposal.

SECTION 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof; given the immediate need to implement the modification due to the imminent plan changes and significant costs related thereto; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective on the 1st day of January, 2010 or no later than the earliest date allowed by law.


Dave Edwards
President of Council

APPROVED: **DEC 15 2009**

Mayor

ATTEST:

Clerk of Council

Ordinance No. 2009-116

Passed DEC 14 2009 20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR SPEC AND BID FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE, SECOND ROUND NSP, AND DECLARING AN EMERGENCY

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

WHEREAS, the Council, Law Director and Mayor having successfully secured grant funding in the form of a 1.1 million dollar Neighborhood Stabilization Program grant and having implemented the necessary over-sight, management and processes in regard to eliminating neighborhood nuisances making our community an even better environment to live and enjoy life peacefully, and

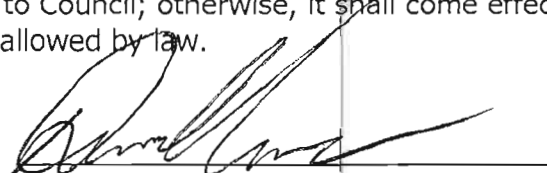
WHEREAS, the City's Nuisance Abatement Task Force having evolved into the current Neighborhood Stabilization Program Committee has advised the properties referenced herein are in need of abatement, having further found all necessary notices have been provided to the responsible parties and/or the owners have consented to the intended act of the City to eliminate the nuisances as same violate Marion City Code 1360, this being the second set of demolitions under the NSP,

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

Section 1. The Safety Director is authorized and directed to spec and bid a contract for the demolition of the following properties utilizing N.S.P. funding:

- 506 Avondale
- 334 Fies
- 365 Glad
- 356 Monroe
- 219 Sharp
- 462 Scranton

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and it's inhabitants thereof: Due to the real and present need to move forward without delay given the need to fully utilize grant funding and to immediately improve the safety and security of the impacted neighborhood; 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: DEC 15 2009


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-117

Passed DEC 14 2009, 20__

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR, IN COORDINATION WITH REGIONAL PLANNING, TO EXTEND A REQUEST FOR PROPOSALS UNDER THE FY 08 CDBG FORMULA GRANT AND THEREAFTER ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION FINDING A REAL AND PRESENT EMERGENCY EXISTS PURSUANT TO ORC 735.051 AND DECLARING AN EMERGENCY

WHEREAS, through coordinated effort the Council, Administration, Law Director and Regional Planning again success has been achieved in stretching CDBG Formula Grant dollars to their fullest, and

WHEREAS, in order to utilize every dollar of the grant possible, the remainder not being known until the final months after previous letting processes, it has been the recent experience, action by the Council in the final month is necessary to utilize Grant dollars to the fullest for the benefit of the people of the City of Marion, and

WHEREAS, the current FY 08 CDBG Formula Grant has included a portion centered on elimination of nuisances within Marion's neighborhoods and Council finds there exist certain real properties containing structures which have been found to violate Marion City Code 1360, having been identified and declared to be nuisances by the Safety Director, and

WHEREAS, Council herein determines an Emergency exists as referenced and enabled by ORC 735.051

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

Section 1. The Safety Director, in coordination with Regional Planning, is authorized and directed to extend an RFP for the demolition of the properties below, the same having been declared to be in violation of M.C.C. 1360, this declaration being affirmed by the Council herein. Further, the Council authorizes the Safety Director to enter into contract for the demolition of the properties contained below with the successful contractors.

The Council having been informed of the basis in regard to the immediate need to declare an emergency under ORC 735.051. For expressed 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 given the deadline to utilized these funds is the last day of this month. Said properties being as follows:

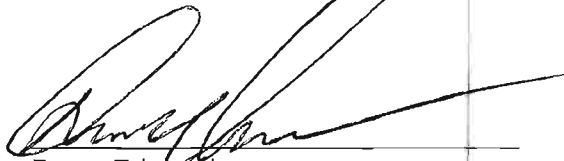
272 Cass; 274 Rose; 452 W. Columbia

The Council having further specifically determined this property is an extreme dangerous nuisance as a significantly fire damaged property, no insurance, no living title holder. Further Council has determined the structure violates MCC sections 1360.01 (C), (E), (F) and (G), and, pursuant to, but not limited to 1360.04 (C) (1)(2)(3) and (4) Council affirms the decision of the Safety Director it shall be immediately demolished and as such utilizes 1360.07 (B); 1360.08 (D) to act without any further delay.

Ordinance No. 2009-117 Passed DEC 14 2009 20

Section 2. The cost of the project shall be payable from the FY08 Community Development Block Grant (CDBG) Formula Grant.

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 and further the safety and security of the impacted neighborhoods is an 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.



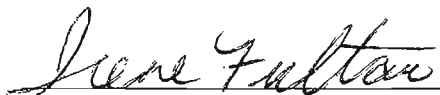
Dave Edwards
President of Council

APPROVED: **DEC 15 2009**



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2009-121 Passed **DEC 14 2009**, 2009

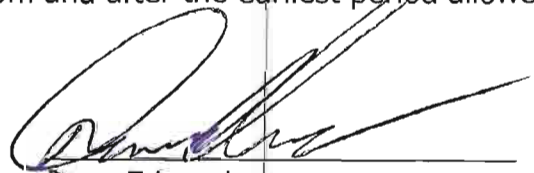
ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A HOUSING REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, AND DECLARING AN EMERGENCY

WHEREAS, The State of Ohio Department of Development has requested as a part of the CDBG Revolving Loan Fund, the current three year Administration Agreement which expires December 31, 2009 to be extended another three years through December 31, 2012; 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, 2009, 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.



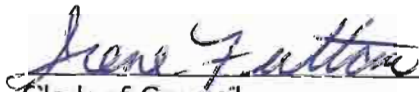
Dave Edwards
President of Council

APPROVED: **DEC 15 2009**



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

0045

Ordinance No. 2009-118

Passed **DEC 14 2009**, 20

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009.

Whereas, the Council has been advised that 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:

Fund: 101 - General

Fund

Department: 1000 - Police

5101	Salaries	\$37,000.00
5103	Sick Leave Sellback	\$24,531.95
5104	Quartermaster/Clothing	-\$20,000.00
5201	Travel & Transportation	-\$1,500.00
5202	Schooling	-\$23,000.00
5402	Professional Services	-\$3,000.00
5404	Central Garage Maintenance	-\$35,000.00
5405	Equipment Rental Lease	\$1,000.00
5406	Insurance Premium Deductible	-\$10,158.16
5501	Subscriptions and Publications	-\$500.00
5502	Supplies	-\$10,000.00
5503	Motor Fuel and Lubricants	-\$30,000.00

Department Total:

Police -\$70,626.21

Department: 1001 - Dispatch

5101	Salaries	\$26,800.00
5102	Benefits	\$15,000.00
5103	Sick Leave Sellback	-\$6,559.20
5104	Quartermaster/Clothing	\$500.00
5201	Travel & Transportation	-\$750.00
5202	Schooling	-\$3,196.00
5301	Membership Dues	-\$15.00
5501	Subscriptions and Publications	-\$50.00

Department Total: Dispatch

\$31,729.80

Department: 1002 - Fire

5103	Sick Leave Sellback	-\$13,087.61
5104	Quartermaster/Clothing	-\$1,000.00
5201	Travel & Transportation	-\$2,500.00
5202	Schooling	-\$5,000.00
5203	Training	-\$3,000.00
5302	Utilities	-\$2,000.00
5303	Equipment Maintenance	\$2,000.00
5402	Professional Services	-\$10,000.00
5404	Central Garage Maintenance	\$2,500.00
5406	Insurance Premium Deductible	-\$6,969.72
5418	Refunds & Reimbursements	-\$8,000.00
5501	Subscriptions and Publications	-\$1,000.00
5502	Supplies	\$2,000.00

5502	Supplies	\$9,000.00
5503	Motor Fuel and Lubricants	-\$2,500.00
5504	Postage	-\$250.00

RECORD OF ORDINANCES

0047

Ordinance No. 2009-118 Passed DEC 14 2009, 20

Department Total: Airport -\$28,621.32

Department: 1009 - Mayor

5101	Salaries	\$2,100.00
5201	Travel & Transportation	-\$100.00
5302	Utilities	\$36.89
5402	Professional Services	-\$200.00

Department Total:
Mayor \$1,836.89

Department: 1010 - Auditor

5101	Salaries	\$6,000.00
5102	Benefits	-\$3,000.00
5103	Sick Leave Sellback	\$676.40
5202	Schooling	-\$216.00
5306	Legal Advertising	\$184.44
5402	Professional Services	\$4,000.00
5403	Service Contracts	-\$12,500.00
5405	Equipment Rental Lease	-\$1,300.00
5406	Insurance Premium Deductible	\$796.05
5502	Supplies	\$2,000.00

Department Total: Auditor -\$3,359.11

Department: 1011 - Income Tax

5101	Salaries	\$1,700.00
5102	Benefits	\$24,123.00
5103	Sick Leave Sellback	-\$1,427.20
5201	Travel & Transportation	-\$100.00
5402	Professional Services	-\$1,900.00
5422	Administration Fee	\$2,626.88
5502	Supplies	-\$1,500.00
5504	Postage	-\$2,000.00

Department Total: Income Tax \$21,522.68

Department: 1012 - Treasurer

5201	Travel & Transportation	-\$80.00
5202	Schooling	-\$130.00
5402	Professional Services	-\$600.00
5502	Supplies	-\$300.00

Department Total: Treasurer -\$1,110.00

Department: 1013 - Law Director

5101	Salaries	\$31,000.00
5102	Benefits	-\$35,000.00
5201	Travel & Transportation	-\$148.19
5202	Schooling	-\$100.00
5302	Utilities	-\$400.00
5402	Professional Services	-\$100.00
5502	Supplies	\$945.38

Department Total: Law Director -\$3,802.81

Department: 1014 - Human Resources

5101	Salaries	\$3,700.00
5102	Benefits	\$1,800.00

Ordinance No. 2009-118Passed DEC 14 2009 20

5201	Travel & Transportation	-\$100.00
5202	Schooling	-\$300.00
5402	Professional Services	\$18,193.14
5502	Supplies	-\$300.00
Department Total: Human Resources		\$22,993.14
Department: 1015 - Safety Department		
5101	Salaries	\$300.00
5102	Benefits	\$13,000.00
5201	Travel & Transportation	-\$200.00
5202	Schooling	-\$25.00
5402	Professional Services	-\$2,500.00
5459	Demolition of Buildings	-\$5,376.00
Department Total: Safety Department		\$5,199.00
Department: 1016 - Service Department		
5102	Benefits	-\$1,944.76
5201	Travel & Transportation	-\$75.00
5202	Schooling	-\$5.00
5501	Subscriptions and Publications	-\$50.00
5502	Supplies	-\$100.00
Department Total: Service Department		-\$2,174.76
Department: 1017 - Civil Service Commission		
5402	Professional Services	-\$7,500.00
5502	Supplies	-\$600.00
Department Total: Civil Service Commission		-\$8,100.00
Department: 1018 - Council		
5101	Salaries	\$6,500.00
5102	Benefits	\$12,000.00
5311	Beautification	-\$12,535.00
5502	Supplies	-\$300.00
Department Total: Council		\$5,665.00
Department: 1019 - Municipal Court		
5103	Sick Leave Sellback	-\$1,000.00
5308	Credit Card Fees	\$500.00
5404	Central Garage Maintenance	\$1,000.00
5442	Capital Equipment	-\$20,000.00
Department Total: Municipal Court		-\$18,500.00
Department: 1020 - Community Corrections		
5405	Equipment Rental Lease	\$300.00
5502	Supplies	\$800.00
Department Total: Community Corrections		\$1,100.00
Department: 1021 - City Hall		
5101	Salaries	-\$1,200.00
5102	Benefits	\$500.00
5103	Sick Leave Sellback	-\$74.40
5302	Utilities	-\$3,000.00
5307	Property Tax	-\$1,751.00
5402	Professional Services	-\$2,000.00

RECORD OF ORDINANCES

0049

Ordinance No. 2009-118 Passed DEC 14 2009, 20

	5406 Insurance Premium Deductible	- \$4,012.38 2604.38	
	5408 Land & Building Maintenance	-\$2,500.00	27.
	Department Total: City Hall	- \$14,037.78 12,629.78	

Department: 1022 - Engineering

5101 Salaries	\$3,200.00
5102 Benefits	\$1,000.00
5103 Sick Leave Sellback	-\$2,430.00
5104 Quartermaster/Clothing	\$333.67 removed.
5201 Travel & Transportation	-\$173.00
5202 Schooling	-\$180.00
5302 Utilities	-\$500.00
5402 Professional Services	-\$200.00
5404 Central Garage Maintenance	\$1,500.00
5418 Refunds & Reimbursements	\$70.00
5502 Supplies	\$200.00
5503 Motor Fuel and Lubricants	\$500.00

Department Total: Engineering 2,987.00

Department: 1023 - Statutory Accounts

5105 Flex Spending-General	-\$30,000.00
5416 Annual Examination Fee	\$19,000.00
5417 Auditor/Treasurer Fees	\$80,000.00
5418 Refunds & Reimbursements	\$2,271.91

Department Total: Statutory Accounts \$71,271.91

Department: 1024 - Transfer Accounts

5426 Transfers Out	-\$135,000.00
--------------------	---------------

Department Total: Transfer Accounts -\$135,000.00

Department: 1025 - Probation Services -\$7,550.00

Department Total: Probation Services -\$7,550.00

Department: 1026 - Pool

5101 Salaries	\$1,033.95
5102 Benefits	-\$5,000.00
5302 Utilities	-\$12,000.00
5303 Equipment Maintenance	-\$3,000.00
5406 Insurance Premium Deductible	-\$247.64
5408 Land & Building Maintenance	-\$2,000.00
5418 Refunds & Reimbursements	\$20.00
5502 Supplies	-\$2,058.12

Department Total: Pool -\$23,251.81

Fund Total: General 228,306.68
Fund -~~\$223,510.74~~

Department: 2001 - Senior Center III-B

5304 Capital Equipment	-\$4,161.10
5404 Central Garage Maintenance	-\$11,200.00
Advance Pay Back	\$8,000.00

Department Total: Senior Center III-B -\$7,361.10

Ordinance No. 2009-118Passed DEC 14 2009, 20

Department: 2005 - Senior Center Association		
5302	Utilities	\$1,200.00
5402	Professional Services	-\$12,000.00
5403	Service Contracts	\$1,300.00
5502	Supplies	\$6,000.00
5504	Postage	\$150.00
Department Total: Senior Center Association		-\$3,350.00
Fund Total: Senior Center		
		-\$10,711.10
Fund: 202 - SCMR (Street Const Maint Repair)		
Department: 2006 - SCMR (Street Const Maint Repair)		
5103	Sick Leave Sellback	-\$14,459.22
5202	Schooling	-\$1,000.00
5302	Utilities	-\$5,000.00
5303	Equipment Maintenance	-\$3,000.00
5402	Professional Services	\$2,500.00
5406	Insurance Premium Deductible	-\$6,716.46
5423	Permissive Auto	\$35,000.00
Department Total: SCMR (Street Const Maint Repair)		\$21,783.54
Department: 2007 - State Highway		
5402	Professional Services	\$15,000.00
Department Total: State Highway		\$15,000.00
Fund: 203 - Marion Municipal Court		
Department: 2010 - Municipal Court Assistance		
5101	Salaries	\$1,000.00
5202	Schooling	-\$1,350.00
5402	Professional Services	\$7,500.00
5418	Refunds & Reimbursements	-\$500.00
5442	Capital Equipment	-\$7,140.00
5443	Capital Improvement	-\$10,000.00
Department Total: Municipal Court Assistance		-\$10,490.00
Department: 2012 - Indigent Alcohol		
5402	Professional Services	\$10,000.00
Department: 2011 - Municipal Court Computerization		
5403	Service Contracts	\$5,000.00
Department Total: Municipal Court Computerization		\$5,000.00
Department: 2055 - Probation Services Fund		
5101	Salaries	\$1,252.00
5102	Benefits	\$18.30
5201	Travel & Transportation	\$275.00
5304	Capital Equipment	\$2,500.00
5402	Professional Services	\$400.00

RECORD OF ORDINANCES

0051

Ordinance No. 2009-118 Passed DEC 14 2009, 20

5405	Equipment Rental Lease	\$700.00
5502	Supplies	\$500.00
Department Total: Probation Services Fund		\$5,645.30
Fund Total: Marion Municipal Court		\$155.30
Department: 2016 - SRO (School Resource Officer)		
5101	Salaries	-\$2,500.00
5102	Benefits	\$2,500.00
Department Total: SRO (School Resource Officer)		\$0.00
Department: 2019 - Drug/Gun Reduction		
	Advance Payback	\$34,217.06
Department Total: Drug/Gun Reduction		\$34,217.06
Fund: 205 - Health		
Department: 2023 - Health Administration		
5102	Benefits	\$22,000.00
5103	Sick Leave Sellback	-\$2,314.20
5201	Travel & Transportation	\$170.00
5302	Utilities	-\$2,500.00
5303	Equipment Maintenance	\$700.00
5402	Professional Services	-\$3,000.00
5406	Insurance Premium Deductible	-\$5,768.00
5501	Subscriptions and Publications	\$0.05
5505	Donations	-\$5,496.76
Department Total: Health Administration		\$3,791.09
Department: 2024 - Health Inspection		
5103	Sick Leave Sellback	-\$103.60
5201	Travel & Transportation	\$193.50
5202	Schooling	\$250.00
5301	Membership Dues	\$363.00
5306	Legal Advertising	\$273.86
5312	Mosquito Control	-\$2,025.00
5402	Professional Services	-\$1,000.00
Department Total: Health Inspection		-\$1,944.64
Department: 2025 - WIC Grant		
5103	Sick Leave Sellback	\$3,719.11
5402	Professional Services	\$300.00
5408	Land & Building Maintenance	-\$1,000.00
5504	Postage	-\$1,000.00
Department Total: WIC Grant		-\$1,700.00
Department: 2026 - WIC Assistance		
5102	Benefits	\$7.33
5302	Utilities	\$232.32

DEC 14 2009

Ordinance No. 2009-118

Passed _____ 20____

Department Total: WIC Assistance \$239.65

Department: 2029 - PHIG (Public Health Infra.)
5422 Administration Fee -\$29,276.00

Department Total: PHIG (Public Health Infra.) -\$29,276.00

Fund Total: Health -\$28,889.90

Fund: 206 - Community Corrections
Department: 2034 - Community Corrections Grant
5101 Salaries \$14,000.00
5102 Benefits \$14,000.00

Department Total: Community Corrections Grant \$28,000.00

Fund Total: Community Corrections \$28,000.00

Fund: 208 - Police & Fire Pension
Department: 2037 - Police & Fire Pension
5102 Benefits \$42,586.05

Department Total: Police & Fire Pension \$42,586.05

Fund: 211 - Parks
Department: 2040 - Parks
5104 Quartermaster/Clothing -\$854.42
5202 Schooling \$200.00
5313 Small Equipment \$200.00
5404 Central Garage Maintenance \$500.00
5406 Insurance Premium Deductible -\$1,592.44
5408 Land & Building Maintenance -\$2,700.00
5502 Supplies \$2,000.00
5503 Motor Fuel and Lubricants \$2,500.00
5303 Equipment Maintenance \$798.71

Department Total: Parks \$1,051.85

Department: 2052 - Kaufmann Dog Park
5403 Service Contracts -\$6,000.00
5502 Supplies \$400.00

Department Total: Kaufmann Dog Park -\$5,600.00

Fund: 214 - Housing and Development
Department: 2044 - Community Distress Program
5429 Curbs & Sidewalks \$16,361.00
5432 Rental Rehab \$167.00
5438 Street Improvements \$7,516.05
5459 Demolition of Buildings \$6,439.00

RECORD OF ORDINANCES

0053

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-118 Passed DEC 14 2009, 20

Department Total: Community Distress Program	\$30,483.05
Department: 2045 - CHIP (Comm. Housing Program)	
5431 Emergency Rehab	\$11,929.00
5468 Home Repair	\$29,915.59
Department Total: CHIP (Comm. Housing Program)	\$41,844.59
Department: 2046 - Housing Revolving Loan	
5431 Emergency Rehab	\$1,900.00
5434 Implementation	\$1,000.00
Department Total: Housing Revolving Loan	\$2,900.00
Department: 2047 - Revolving Loan	
5437 Private Rehab	\$2,525.98
Department Total: Revolving Loan	\$2,525.98
Department: 2048 - Formula Grant	
5422 Administration Fee	\$1,662.04
5430 Parks & Recreation	\$58,479.00
5468 Home Repair	\$22,805.05
Department Total: Formula Grant	\$82,946.09
Department: 2050 - Downtown Revitalization	
5437 Private Rehab	\$37,663.50
Department Total: Downtown Revitalization	\$37,663.50
Fund: 301 - Tax Increment Financing	
Department: 3000 - Dofasco TIF	
Advance Payback	\$100,000.00
Department Total: Dofasco TIF	\$100,000.00
Department: 3004 - SBR Enterprise TIF	
5439 Debt Service	\$80,116.39
5440 OPWC	
Department Total: SBR Enterprise TIF	\$80,116.39
Department: 3011 - Harding Centre	
5439 Debt Service	\$10,667.50
Department Total: Harding Centre	\$10,667.50
Department: 4003 - DRIP Infrastructure	
5402 Professional Services	\$3,061.81

Ordinance No. 2009-118 Passed DEC 14 2009, 20

Department Total: DRIP Infrastructure \$3,061.81

Department: 4007 - Airport Improvement
 5402 Professional Services -\$17,950.00
 5443 Capital Improvement \$17,950.00

Department Total: Airport Improvement \$0.00

Department: 5000 - Transit
 5442 Capital Equipment -\$8,878.60

Department Total:
 Transit -\$8,878.60

Fund: 501 - Marion Area Transit
 Department: 5000 - Transit
 5103 Sick Leave Sellback -\$1,582.00
 5402 Professional Services \$3,000.00
 5404 Central Garage Maintenance \$15,000.00
 5406 Insurance Premium Deductible -\$2,118.96
 5408 Land & Building Maintenance -\$1,500.00
 5503 Motor Fuel and Lubricants -\$20,000.00

Department Total:
 Transit -\$5,618.96

Fund Total: Marion Area Transit

Fund: 502 - Sanitary Sewer
 Department: 5001 - Sewer System Improvement
 5439 Debt Service -\$2,815.43
 5440 OPWC \$2,815.43

Department Total: Sewer System Improvement \$0.00

Department: 5002 - Sewer Replacement
 5303 Equipment Maintenance \$36,645.25
 5304 Capital Equipment \$84,520.24
 5402 Professional Services -\$50,000.00
 5408 Land & Building Maintenance -\$55,500.00
 5442 Capital Equipment -\$45,765.00
 5443 Capital Improvement -\$50,000.00

Department Total: Sewer Replacement -\$80,099.51

Department: 5003 - Sewer Revenue
 5102 Benefits \$120,000.00
 5103 Sick Leave Sellback \$186.55
 5104 Quartermaster/Clothing -\$2,000.00
 5201 Travel & Transportation -\$3,000.00
 5202 Schooling -\$6,000.00
 5304 Capital Equipment -\$10,000.00

RECORD OF ORDINANCES

0055

Ordinance No. 2009-118 Passed DEC 14 2009, 20

5402	Professional Services	-\$80,000.00
5406	Insurance Premium Deductible	-\$7,475.38
5408	Land & Building Maintenance	-\$2,000.00
5418	Refunds & Reimbursements	\$200.00
5426	Transfers Out	-\$20,000.00
5443	Capital Improvement	-\$10,000.00
Department Total: Sewer Revenue		-\$20,088.83
Department: 5004 - Sanitary Sewer Improvement		
5402	Professional Services	\$110,000.00
Department Total: Sanitary Sewer Improvement		\$110,000.00
Fund: 503 - Sanitation		
Department: 5005 - Sanitation		
5102	Benefits	\$45,000.00
5103	Sick Leave Sellback	\$1,917.05
5201	Travel & Transportation	-\$674.00
5202	Schooling	-\$651.00
5302	Utilities	\$900.00
5303	Equipment Maintenance	\$1,800.00
5304	Capital Equipment	-\$75,000.00
5402	Professional Services	-\$4,000.00
5403	Service Contracts	\$30,000.00
5406	Insurance Premium Deductible	-\$1,650.12
5418	Refunds & Reimbursements	-\$500.00
5446	Yard Waste	\$1,300.00
5504	Postage	\$1,000.00
Department Total: Sanitation		-\$558.07
Department: 5006 - Landfill Monitoring		
5402	Professional Services	\$30,000.00
Department Total: Landfill Monitoring		\$30,000.00
Fund: 504 - Storm Sewer		
Department: 5007 - Storm Water Utility		
5103	Sick Leave Sellback	-\$4,000.00
5304	Capital Equipment	-\$50,000.00
5404	Central Garage Maintenance	\$15,000.00
5440	OPWC	\$500.00
5502	Supplies	\$15,000.00
Department Total: Storm Water Utility		-\$19,500.00
Department: 5008 - Storm Sewer Improvement		
5402	Professional Services	\$500,000.00
5443	Capital Improvement	\$120,000.00
Department Total: Storm Sewer Improvement		\$620,000.00

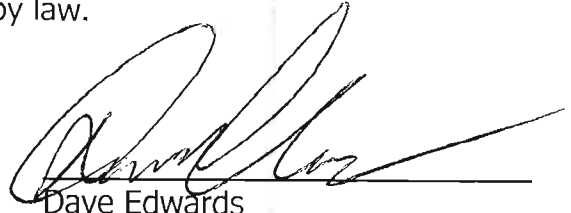
Ordinance No. 2009-118 Passed DEC 14 2009, 20

Fund: 505 - Ohio Public Works Commission		
Department: 2009 - Street Improvement		
5443	Capital Improvement	\$200,000.00
Department Total: Street Improvement		\$200,000.00
Department: 5010 - Sanitary Sewer		
5418	Refunds & Reimbursements	\$52.78
Department Total: Sanitary Sewer		\$52.78
Fund: 601 - Internal Service		
Department: 6000 - Central Garage		
5101	Salaries	\$2,000.00
5102	Benefits	\$5,000.00
5103	Sick Leave Sellback	-\$2,500.00
5104	Quartermaster/Clothing	\$500.00
5302	Utilities	\$500.00
5406	Insurance Premium Deductible	-\$4,022.82
5502	Supplies	-\$15,000.00
5503	Motor Fuel and Lubricants	\$15,000.00
Department Total: Central Garage		-\$3,022.82
Department: 6001 - Utility Billing		
	Refunds & Reimbursements	\$10,060.75
Department Total: Utility Billing		\$10,060.75
Fund: 702 - Agency		
5426	Transfers Out	\$4,946.94
Department: 7007 - Wellness		
5451	Pass Thru Payments	\$190.00
Grand Total all funds:		\$1,103,774.65

Ordinance No. 2009-118

Passed DEC 14 2009, 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: **DEC 15 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-119

Passed DEC 28 2009, 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

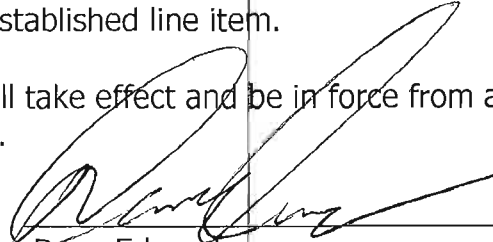
WHEREAS, the Council finds it in the best interests of the City of Marion to continue its' financial support to the organization commonly known as CAN DO! and the need to ensure its' economic well-being in order to allow it to perform its' function within the greater Marion community,

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. 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. The Council determines the best course in regard to annual amount to be that which is passed in the 2010 annual budget for the City of Marion, Ohio in the respective established line item.

SECTION 3. 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 29 2009


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-120

Passed **DEC 28 2009**, 20

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

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

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

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

SECTION 1. The Council directs and authorizes the Mayor to enter into agreement, for a twelve (12) month period beginning with January 1, 2010 and ending December 31, 2010. The Downtown Economic Development Committee shall provide Council with an annual report in the last quarter of each year and at such other times as the Council requests or the Committee believes it to be appropriate. In addition, the Council mandates that it is a requirement that said support is contingent upon the Chairperson or his/her designee from the Jobs and Economic Development Committee of Council shall serve as a voting member of the Board governing the Downtown Economic Development Committee.

SECTION 2. The Council determines the best course in regard to annual amount to be that which is passed in the 2010 annual budget for the City of Marion, Ohio in the respective established line item.

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

APPROVED: **DEC 29 2009**


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-122 Passed DEC 28 2009, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DEER CREEK EXCAVATING FOR THE BLAINE AVE/COLUMBIA STREET STORM REPLACEMENT PROJECT 09-4G PROJECT, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY, *as Amended.*

WHEREAS, the City of Marion has an immediate need to complete the Blaine Avenue/Columbia Street Storm Replacement Project 09-4G to be financed by ARRA monies, and

WHEREAS, the Engineer for the City of Marion having previously obtained Council's authorization to conduct a project letting determined after said letting that has determined Deer Creek Excavating of Belleville, Ohio, had submitted the lowest, best and most responsive bid of \$596,253.80 (see section 1. below),

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

Section 1: The Service Director is authorized and directed to enter into contract with Deer Creek Excavating of Belleville, Ohio for the Blaine Ave/Columbia Street Storm Replacement Project 09-4G at the sum of \$596,253.80 as Council herein has determined said bid to be the lowest, best and most responsive, given the following:

The Engineer reported, Beheler Excavation, Inc. of Butler, Ohio had tendered a bid proposal packet in which its' bid appeared to be 28,930.45 less than that of Deer Creek Excavating. However on the 15th day of December Beheler notified the City Engineer, by email, that it determined after the bid opening which had been conducted on the 11th day of December, 2009 that it felt that it had made a clerical error in compiling its bid and therefore it could not complete the contract for the submitted bid amount. Beheler requested they be permitted to withdraw their bid. Beheler stating in its email, "this would be in the best interest of the City of Marion, Ohio." Beheler followed-up its email with the attached letter. (See Exhibit A) The Engineer further reported, on the 18th day of December, 2009 he notified Beheler by faxed written letter of the City's contest as it had determined Beheler's alleged basis was not consistent with those permissible basis's expressed in O.R.C. 9.31.. The Engineer set the matter for hearing on Monday December 21, 2009 at 10:30 a.m. ~~at which Beheler failed to appear.~~ *J.F.* The City Engineer thereafter reported to Council his findings, and expresses his basis as set forth herein.

Whereas the Council, based upon the above finds Beheler's bid was not substantially lower than the other bids, being less than 5% under the bid of the next lower bidder. Further, the plans being sufficiently detailed Beheler cannot support the allegation it made a clerical error, but rather its own statement indicates it made a judgment mistake.

Given all of the above, the City Engineer and the Council for the City of Marion find it necessary to reject awarding the contract to Beheler, in part, given its expressed statement that it could not complete the project at the amount of the bid it had tendered. Therefore Council finds it necessary

Ordinance No. _____

2009 122

Passed _____

DEC 28 2009


, 20____

to award the contract to the next lowest, best and most responsive bidder Deer Creek Excavating of Belleville, Ohio.

Section 2: That the cost of such contracts shall be payable from the ARRA Storm Sewer Improvement Fund.

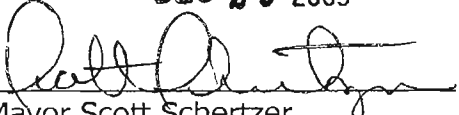
Section 3: That the Auditor shall be authorized to appropriate the total cost of the contract and advance the necessary funds from the Storm Water Utility Fund with the reimbursement from the ARRA Program.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary to meet Ohio Environmental Protection Agency deadlines to award ARRA funding, and 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

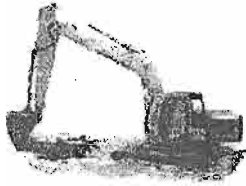
Approved:

DEC 29 2009


Mayor Scott Schertzer

Attest:


Clerk of Council



BEHELER EXCAVATING INC.

14923 Toms Road ♦ Butler, OH 44822
(740) 694-2303 (740) 694-2342 FAX

Exhibit A
Ord. 2009-122

December 16, 2009

VIA CERTIFIED MAIL: 7008 0150 0000 9359 1497

Mr. James Bischoff, P.E.
Marion City Engineer
233 West Center Street
Marion, Ohio 43302

Re: Blaine Avenue/Columbia Street Storm Project Bid Withdraw


Dear Mr. Bischoff:

Due to the separation between our base bid of \$567,323.35, the second bid of \$596,253.80, and the third bid of \$709,904.10 we have reviewed our bid due to concerns that we may have missed some items in the bid. As stated in our previous email, we have found a clerical error in our bid for the Blaine Avenue/Columbia Street Storm project. Our initial pricing for granular and pavement replacement was premised upon the pay limits of the plans. We then observed that there were minimal separation of the new storm sewer between the existing sanitary sewer on one side and the existing brick storm sewer on the other. We then priced additional material, equipment and labor to account for trench side wall collapse. That could undermine the trench and also resolve OSHA issues. Due to clerical error and mistake, the additional pricing was not included in our price.

Therefore, we have filed our notice of claim of right to withdraw our bid from consideration for the Blaine Avenue/Columbia Street Storm project.

We look forward to bidding future City of Marion projects and appreciate your understanding in this matter.

Sincerely,
BEHELER EXCAVATING INC.


Dustin Beheler
President

"FAST HASSLE FREE WORK AT A FAIR PRICE"

Ordinance No. 2009-124

Passed **DEC 28 2009**, 20__

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH REYNOLDS INLINER, INC. FOR THE MARION PLAZA/ROYAL OAKS SANITARY REHAB PROJECTS 09-5G AND 09-6G , APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to complete the Marion Plaza/Royal Oaks Sanitary Rehab Projects 09-5G and 09-6G and to be financed by ARRA monies, and

WHEREAS, the City of Marion has determined the lowest, best and most responsive bidder to be Reynolds Inliner, Inc., Belleville, Ohio, with a bid of \$294.654.92.

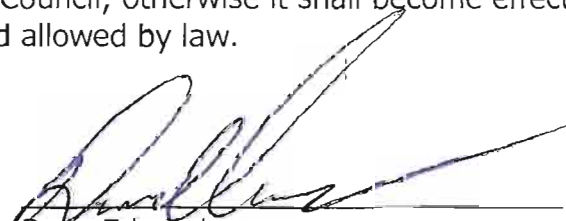
BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1: That the Service Director be authorized to enter into contract with Reynolds Inliner, Inc. for the Marion Plaza/Royal Oaks Sanitary Rehab Projects 09-5G and 09-6G.

Section 2: That the cost of such contracts shall be payable from the ARRA Sanitary Sewer Improvement Fund.

Section 3: That the Auditor shall be authorized to appropriate the total cost of the contract and advance the necessary funds from the Sanitary Sewer Fund with the reimbursement from the ARRA Program.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary to meet Ohio Environmental Protection Agency deadlines to award ARRA funding, and 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: **DEC 29 2009**


 Mayor Scott Schertzer

Attest:


 Clerk of Council

Ordinance No. 2009-123

Passed **DEC 28 2009**, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MILLER BROTHERS CONSTRUCTION, INC. FOR THE LANDFILL LEACHATE COLLECTION IMPROVEMENTS PROJECT 09-7G, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to complete the Landfill Leachate Collection Improvement Project 09-7G to be financed by ARRA monies, and

WHEREAS, the Engineer for the City of Marion having previously obtained Council's authorization to conduct a project letting determined after said letting that Miller Brothers Construction, Inc. of Archbold, Ohio had submitted the lowest, best and most responsive bid of \$262,310.45, and

WHEREAS, the Engineer did report there was a firm whose apparent bid proposal was lower than that of Miller Brothers Construction, Inc., the Engineer reported that after further investigation that firm had failed to be qualified as responsive in that it had failed to execute the bid proposal form, page two, failed to list any DBE on its subcontractor list and failed to include requested forms indicating bid compliance issues and given these and other failures determined said bid to be non-responsive and recommends the rejection of same,

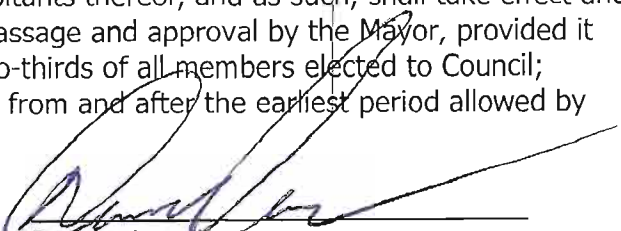
BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

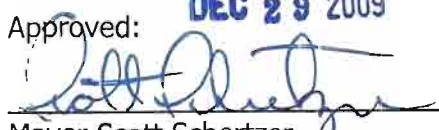
Section 1: The Service Director is authorized and directed to enter into contract with Miller Brothers Construction, Inc. of Archbold, Ohio for the Landfill Leachate Collection Improvement Project 09-7G at the sum of \$ 262,310.45 as said bid is determined to the lowest, best and most responsive. The Council having determined based upon the City Engineer's report and findings that a firm whose apparent bid proposal was lower than that of Miller Brothers Construction was non-responsive and failed to respond to the bid specification in all material respects and is hereby rejected, based in part for expressed basis set forth above and made a part hereof as if fully restated herein.

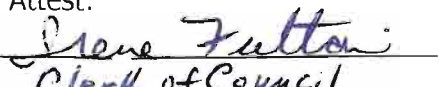
Section 2: That the cost of such contracts shall be payable from the ARRA Landfill Improvement Fund.

Section 3: That the Auditor shall be authorized to appropriate the total cost of the contract and advance the necessary funds from the Sanitation Fund with the reimbursement from the ARRA Program.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary to meet Ohio Environmental Protection Agency deadlines to award ARRA funding, and 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: **DEC 29 2009**

Mayor Scott Schertzer

Attest:

Clerk of Council

27

Ordinance No. 2009-125

Passed SEE BELOW, 20

ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN BY PLACING STOP SIGNS UPON WILSON AVE. AT FRANCONIA GIVEN THE RECOMMENDATION OF THE CITY ENGINEER AND THE EXPRESSED BASIS THEREFORE

WHEREAS, the Traffic Commission has received the report of the City Engineer in regard to the intersection of Wilson Ave. at Franconia Ave. and the expressed basis for providing for an amendment to the City's Traffic Control Plan/Map, and

WHEREAS, the Traffic Commission considered the opinion of the City Engineer specifically taking into account his opinion that the recent street improvements, redesigned layout of the intersection, sidewalks and the placement of the stop signs require the modification of the previous two way stop intersection to a four ways stop intersection.

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

SECTION 1. The Council determines it to be necessary to amend the City's Traffic Control Plan/Map in regard to the intersection of Wilson Ave. and Franconia Ave. to be further improved by the placement of stop signs upon Wilson Ave. and thus creating a four-way stop at said intersection. This finding of the Traffic Commission and the Council after due deliberation, based in part upon the recommendation of the City Engineer, after the recent re-design of the intersection as a part of the major improvement to Franconia Ave.. The Engineer applying the O.M.U.T.C.D. section 2B.07 Option B. and C. in regard to need to control vehicle/pedestrian conflicts and issues related to ability to see conflicting traffic. Therefore, the Safety Director is directed to place the additional signs at said intersection and shall ensure that the master traffic control plan/map is duly amended.

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

Dave Edwards
President of Council

Approved

Mayor Scott Schertzer

ATTEST:

Clerk of Council

On January 11, 2010, Council requested that Ordinance 2009-125 be renamed to a new Ordinance # in the year 2010. New Ordinance # is 2010-7

2009-125

Ordinance No. 2009-93

Passed OCT 12 2009, 2009

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE PARKS DEPARTMENT TO ENABLE THEM TO MAKE REFUNDS FROM RENTAL FEES PREVIOUSLY COLLECTED FOR THE YEAR ENDING DECEMBER 31, 2009.

WHEREAS, the Parks Department is in need to appropriate funds from the General Fund, for refunds and reimbursements; and

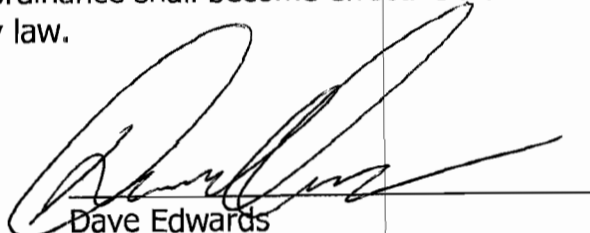
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Sect on 1. That there be additional appropriations made in the General Fund from rental fees previously collected in the amount of \$200.00 as follows:

<u>Parks Department</u>	
Refunds & Reimbursements 211.2040.5418	200.00

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

APPROVED: OCT 13 2009



Dave Edwards
President of Council



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2009-94

Passed OCT 12 2009, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACTS WITH ATLANTIC COAST POLYMERS FOR THE PURCHASE OF DRY POLYMER FLOCCULENT AND ENTER INTO CONTRACT WITH POLYDYNE, INC. FOR THE PURCHASE OF LIQUID POLYMER TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

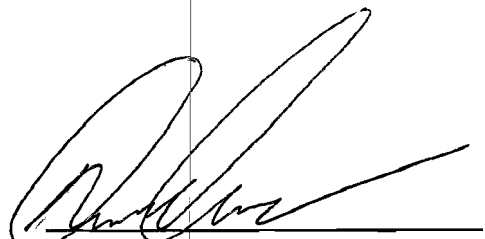
WHEREAS, Atlantic Coast Polymers submitted the lowest and best bid of \$1.88/lb for Dry Polymer; and Polydyne Inc. submitted the lowest and best bid of \$0.880 for Liquid Polymer.

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

Section 1. That the Service Director to be authorized and is hereby directed to enter into contracts with Atlantic Coast Polymers for the purchase of Dry Polymer Flocculent and Polydyne Inc. for the Liquid Polymer Flocculent to be used at the Water Pollution Control Plant.

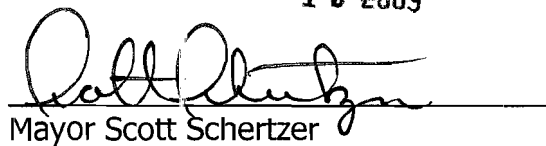
Section 2. That the contracts shall be payable from the Water Pollution Control Supplies and Materials 502.5003.5502.

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: **OCT 13 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2009-95

Passed **OCT 12 2009**, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A 15-PASSENGER VAN FOR THE SENIOR CENTER, AND DECLARING AN EMERGENCY

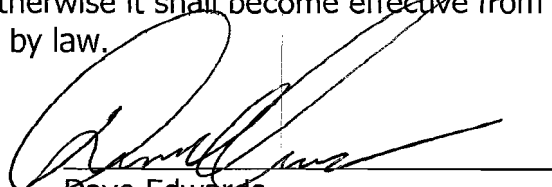
WHEREAS, Marion Senior Center is in need of a new 15-passenger van.

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 prepared specifications and advertise for bids for the purchase of a 15-passenger van for the Senior Center.

Section 2. The purchase of this 15-passenger van for the Senior Center will be payable from the Capital Equipment III-B Federal Funds.

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


Dave Edwards
President of Council

Approved: **OCT 13 2009**


Mayor Scott Schertzer


Clerk of Council

Ordinance No. 2009-96

Passed OCT 12 2009, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR EMS TO ENABLE THEM TO MAKE REFUNDS FROM FEES PREVIOUSLY COLLECTED FOR THE YEAR ENDING DECEMBER 31, 2009.

WHEREAS, EMS is in need to appropriate funds from the General Fund, for refunds and reimbursements; and

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 from fees previously collected in the amount of \$3000.00 as follows:

EMS

Refunds & Reimbursements 101.1002.5418 \$3000.00

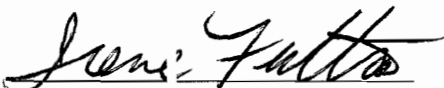
Section 2. That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED **OCT 13 2009**


Dave Edwards
President of Council


Mayor Scot Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2009-97

Passed OCT 12 2009, 2009

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR SPEC AND BID 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, Law Director, Mayor and various Administrators have worked diligently to improve the community's well-being by eliminating nuisances which are present in Marion's neighborhoods, and

WHEREAS, the Council, Law Director and Mayor having successfully secured grant funding in the form of a 1.1 million dollar Neighborhood Stabilization Program grant and having implemented the necessary over-sight, management and processes in regard to eliminating neighborhood nuisances making our community an even better environment to live and enjoy life peacefully, and

WHEREAS, the City's Nuisance Abatement Task Force having evolved into the current Neighborhood Stabilization Program Committee has advised the properties referenced herein are in need of abatement, having further found all necessary notices have been provided to the responsible parties and/or the owners have consented to the intended act of the City to eliminate the nuisances as same violate Marion City Code 1360,

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

Section 1. The Safety Director is authorized and directed to spec and bid a contract for the demolition of the following properties utilizing N.S.P. funding:

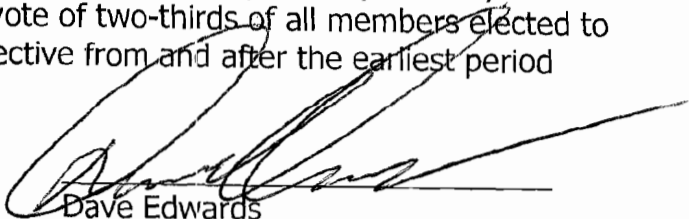
391 W. Columbia
119-123 Elaine Ave.
1009 Bryant (house only, not garage)
131 Canby Ct.
130-132 Canby Ct.
136-138 Canby Ct.
275 Cass Ave.
125 Cayuga
393 Fies Ave.
161 N. Seffner St.
257 Owens St.
412-416 Silver St.
422 Silver St.
601 Wood St.
770 N. State

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 need to fully utilize grant funding and to immediately improve the safety and security of the impacted neighborhood; and as such

Ordinance No. 2009-97

Passed OCT 12 2009, 20

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 13 2009**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2009-98

Passed OCT 12 2009, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO EXECUTE AN AMENDMENT TO THE MASTER AGREEMENT WITH FIRST ENERGY SOLUTIONS CORP. RELATED TO THE FIRM SUPPLY OF ELECTRIC POWER FOR MEMBERS OF THE CITY OF MARION AGGREGATION PROGRAM, ENABLING PARTICIPATION IN THE POWERING OUR COMMUNITIES PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the Council previously authorized by Ordinance the ballot measure as to whether or not the City of Marion should create an Opt-out electric aggregation program pursuant to O.R.C. 4928.20, this was successfully passed by voters in 2001 which has resulted in great success saving participants in excess of 2,457,464 dollars, and

WHEREAS, on the 27th day of April, 2009 Council passed legislation allowing program participants to lock in guaranteed saving discounts through May 2012. This resulting from the electric generation market evolving from a period where contingencies at the State level caused apprehension in regard to auction processes which have not been resolved leading power generators to have a real and present need to now solidify their consumer bases, and

WHEREAS, First Energy Solutions a subsidiary of First Energy Corp. and a sister company to Ohio Edison have offered to the Marion Aggregation Program a unique program referred to as: Powering Our Communities, enabling long-term generation savings via the previously discount amounts being extended through May 2018, in addition, allowing for the award of a Community Beautification Grant.

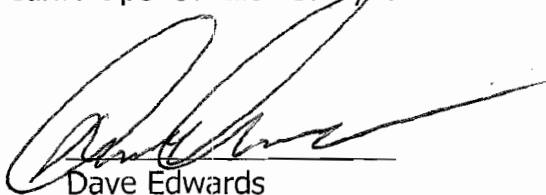
BE IT ORDAINED by the Council for the City of Marion, Ohio:

Section 1. The Council finds it to be in the best interests of the Marion City Electric Aggregation Program to herein authorize the Service Director to enter into an amendment proposed by the program provider, First Energy Solutions Corp, to the Master Services Agreement enabling the locking in of program discounts authorized in Ordinance 2009-38 for an extended period through May 2018. Further enabling the City of Marion to be the beneficiary of an award in the form of a Community Beautification Grant under First Energy Solutions Corp.s' Powering Our Communities program. Said program discounts being: 6% discount savings on the electricity component for Standard Residential Rate consumers and 4% discount savings on the electricity component for General Service to 199 KWd(GS) commercial consumers.

Ordinance No. 2009-98

Passed OCT 12 2009, 20

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 in order to take advantage of a time sensitive offer; 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

OCT 13 2009

Approved:



Mayor Scott Schertzer

Attest:



Clerk of Council

Ordinance No. 2009-99

Passed OCT 12 2009, 20

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY MODIFYING THE JOB POSITION OF THE CLERK-2 IN UTILITY BILLING DEPARTMENT

WHEREAS, in order to accommodate recent changes made by previously passed Ordinances in regard to personnel changes to provide for greater efficiencies.

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

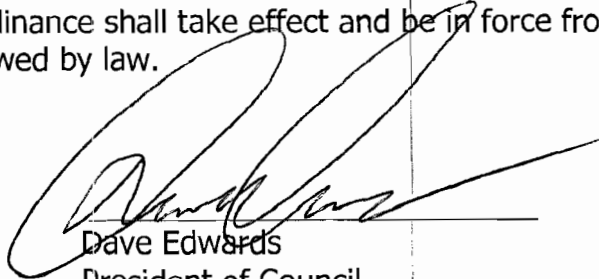
Section 1. That the current job description for the Clerk-2 Utility Billing Dept. is attached hereto as Exhibit A.

Section 2. That this ordinance makes modifications to "Duties & Responsibilities", specifically adding the duties of:

- 1. generating bills for all billing cycles; and
- 2. producing copies of billing register for WWTP and files;

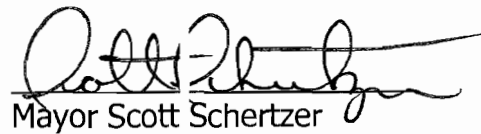
Section 3. These modifications will be in effect from the date of this Ordinance. All other provisions shall remain as previously provided.

Section 4. 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 13 2009**



Mayor Scott Schertzer

ATTEST:



Clerk of Council