

Ordinance No. 2010-114

Passed DEC 13 2010, 20

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010.

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:

Department: 1000 - Police

5101.01	Salaries Regular Salaries	(29,199.94)
5101.02	Salaries Uniform Salaries	(172,740.41)
5101.03	Salaries Overtime	26,031.88
5102.01	Benefits Medicare	2,222.45
5102.03	Benefits OPERS Matching	(6,292.10)
5102.04	Benefits OPERS Pickup	(1,965.24)
5102.05	Benefits Police Pension	(109,000.36)
5102.08	Benefits Health Insurance	(73,902.62)
5102.09	Benefits Workers Compensation	(8,991.19)
5104	Quartermaster/Clothing	8,694.31
5201	Travel & Transportation	1,429.53
5202	Schooling	1,241.29
5301	Membership Dues	490.00
5302	Utilities	6,220.87
5303	Equipment Maintenance	5,992.04
5402	Professional Services	1,372.05
5403	Service Contracts	1,695.32
5405	Equipment Rental Lease	(3.17)
5406	Insurance Premium Deductible	5,822.29
5410	Smart Camp	3,400.00
5501	Subscriptions and Publications	957.99
5502	Supplies	2,480.79

Department Total: Police (334,044.22)

Department: 1001 - Dispatch

5101.02	Salaries Uniform Salaries	-4,640.35
5101.03	Salaries Overtime	5,736.29
5102.01	Benefits Medicare	45.58
5102.03	Benefits OPERS Matching	-4,100.15
5102.04	Benefits OPERS Pickup	-1,685.89
5102.08	Benefits Health Insurance	15,192.64
5102.09	Benefits Workers Compensation	-1,244.17
5104	Quartermaster/Clothing	2,066.55
5201	Travel & Transportation	1,000.00
5202	Schooling	3,179.00

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5301	Membership Dues	15.00
5302	Utilities	15,634.53
5303	Equipment Maintenance	1,750.00
5304	Capital Equipment	42.91
5402	Professional Services	1,447.67
5403	Service Contracts	3,000.00
5502	Supplies	2,000.00

Department Total: Dispatch **39,439.61**

Department: 1002 - Fire

5101.01	Salaries Regular Salaries	804.51
5101.02	Salaries Uniform Salaries	(38,602.00)
5101.03	Salaries Overtime	104,225.60
5102.01	Benefits Medicare	4,852.90
5102.03	Benefits OPERS Matching	(1,053.19)
5102.04	Benefits OPERS Pickup	(475.09)
5102.05	Benefits Police Pension	(16,578.48)
5102.06	Benefits Fire Pension	(117,367.70)
5102.08	Benefits Health Insurance	(14,059.66)
5102.09	Benefits Workers Compensation	(124.03)
5104	Quartermaster/Clothing	7,500.00
5201	Travel & Transportation	1,664.14
5202	Schooling	11,427.87
5302	Utilities	17,538.95
5303	Equipment Maintenance	1,898.10
5304	Capital Equipment	867.88
5402	Professional Services	420.54
5403	Service Contracts	560.40
5404	Central Garage Maintenance	(19,767.77)
5405	Equipment Rental Lease	10.32
5406	Insurance Premium Deductible	17,728.96
5407	EMS Billing	(9,393.00)
5408	Land & Building Maintenance	4,556.58
5501	Subscriptions and Publications	22.00
5502	Supplies	450.00

Department Total: Fire **(42,892.17)**

Department: 1004 - Recreation

5101.01	Salaries Regular Salaries	5,669.51
5102.01	Benefits Medicare	484.35
5102.03	Benefits OPERS Matching	6,437.78
5102.04	Benefits OPERS Pickup	1,926.73
5102.08	Benefits Health Insurance	4,130.87
5102.09	Benefits Workers Compensation	1,247.38
5201	Travel & Transportation	300.00
5202	Schooling	564.24
5301	Membership Dues	20.00
5302	Utilities	15,069.08
5303	Equipment Maintenance	446.87

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Dayton Legal Blank, Inc.

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5305 Advertising	710.00
5402 Professional Services	7,110.39
5403 Service Contracts	1,830.11
5404 Central Garage Maintenance	236.74
5405 Equipment Rental Lease	-0.59
5406 Insurance Premium Deductible	2,936.17
5408 Land & Building Maintenance	5,297.52
5411 Land & Building Rent/Lease	1,876.00
5418 Refunds & Reimbursements	40.00
5501 Subscriptions and Publications	200.00
5502 Supplies	1,759.85
5503 Motor Fuel and Lubricants	600.78
5504 Postage	100.00
 Department Total: Recreation	 19,205.54
 Department: 1005 - Utilities	
5403 Service Contracts	39,982.07
 Department Total: Utilities	 39,982.07
 Department: 1006 - Senior Center	
5101.01 Salaries Regular Salaries	16,351.84
5102.01 Benefits Medicare	-349.65
5102.03 Benefits OPERS Matching	-3,052.86
5102.04 Benefits OPERS Pickup	-1,239.59
5102.08 Benefits Health Insurance	8,069.81
5102.09 Benefits Workers Compensation	110.61
5201 Travel & Transportation	100.00
5302 Utilities	4,799.97
5402 Professional Services	862.00
5404 Central Garage Maintenance	3,131.68
5406 Insurance Premium Deduction	1,315.45
 Department Total: Senior Center	 30,099.26
 Department: 1007 - Planning & Economic Development	
5402 Professional Services	
5403 Service Contracts	
5412 Regional Planning	
5413 Revenue Sharing	
 Department Total: Planning & Economic Development	
 Department: 1008 - Airport	
5101.01 Salaries Regular Salaries	4,966.53
5101.03 Salaries Overtime	3,500.00
5102.01 Benefits Medicare	513.73
5102.03 Benefits OPERS Matching	3,861.02
5102.04 Benefits OPERS Pickup	1,654.74
5102.08 Benefits Health Insurance	7,156.65

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5102.09	Benefits Workers Compensation	1,585.71
5104	Quartermaster/Clothing	300.00
5201	Travel & Transportation	900.00
5202	Schooling	400.00
5301	Membership Dues	270.00
5302	Utilities	11,757.45
5303	Equipment Maintenance	4,654.80
5304	Capital Equipment	2,654.00
5402	Professional Services	3,539.30
5403	Service Contracts	116.00
5404	Central Garage Maintenance	1,000.00
5405	Equipment Rental Lease	500.00
5406	Insurance Premium Deductible	1,057.05
5414	Janitorial Services	1,422.50
5501	Subscriptions and Publications	192.84
5502	Supplies	4,367.76
5503	Motor Fuel and Lubricants	815.32
5504	Postage	250.00
Department Total: Airport		57,435.40
Department: 1009 - Mayor		
5101.01	Salaries Regular Salaries	-701.17
5102.01	Benefits Medicare	-87.63
5102.03	Benefits OPERS Matching	-111.43
5102.04	Benefits OPERS Pickup	-1,702.30
5102.08	Benefits Health Insurance	1,089.56
5102.09	Benefits Workers Compensation	-50.40
5201	Travel & Transportation	150.00
5301	Membership Dues	15.00
5302	Utilities	248.06
5402	Professional Services	200.00
5501	Subscriptions and Publications	25.20
5502	Supplies	507.27
Department Total Mayor		-417.84
Department: 1010 - Auditor		
5102.01	Benefits Medicare	-59.85
5102.03	Benefits OPERS Matching	-2,640.28
5102.04	Benefits OPERS Pickup	1,045.53
5102.07	Benefits Unemployment Benefits	7,300.00
5102.08	Benefits Health Insurance	-6,000.00
5102.09	Benefits Workers Compensation	-892.40
5103	Sick Leave Sellback	834.80
5202	Schooling	115.00
5402	Professional Services	1,600.00
5403	Service Contracts	32.64
5405	Equipment Rental Lease	23.00

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Department Total: Auditor **1,358.44**

Department: 1011 - Income Tax

5101.01	Salaries Regular Salaries	16,373.93
5101.03	Salaries Overtime	3,000.00
5102.01	Benefits Medicare	453.17
5102.03	Benefits OPERS Matching	4,145.31
5102.04	Benefits OPERS Pickup	2,234.22
5102.08	Benefits Health Insurance	3,035.19
5102.09	Benefits Workers Compensation	1,118.93
5103	Sick Leave Sellback	1,427.20
5202	Schooling	30.00
5301	Membership Dues	10.00
5308	Credit Card Fees	467.74
5402	Professional Services	1,280.40
5403	Service Contracts	5,000.00
5502	Supplies	1,560.49
5504	Postage	2,499.34

Department Total: Income Tax **42,635.92**

Department: 1012 - Treasurer

5102.01	Benefits Medicare	-3.73
5102.03	Benefits OPERS Matching	-36.66
5102.04	Benefits OPERS Pickup	-15.39
5201	Travel & Transportation	80.00
5202	Schooling	30.00
5402	Professional Services	600.00
5502	Supplies	13.80

Department Total: Treasurer **668.02**

Department: 1013 - Law Director

5101	Salaries	
5101.01	Salaries Regular Salaries	-28,023.68
5102.03	Benefits OPERS Matching	-6,753.21
5102.04	Benefits OPERS Pickup	527.01
5102.08	Benefits Health Insurance	6,281.92
5102.09	Benefits Workers Compensation	-524.45
5201	Travel & Transportation	263.49
5202	Schooling	690.00
5302	Utilities	552.42
5402	Professional Services	5,297.42
5405	Equipment Rental Lease	303.03
5501	Subscriptions and Publications	76.07
5502	Supplies	189.51

Department Total: Law Director **-21,120.47**

Department: 1014 - Human Resources

5101.01	Salaries Regular Salaries	1,161.24
5102.01	Benefits Medicare	31.62
5102.03	Benefits OPERS Matching	-239.89
5102.04	Benefits OPERS Pickup	-103.02

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5102.08	Benefits Health Insurance	-208.63
5102.09	Benefits Workers Compensation	63.67
5201	Travel & Transportation	100.00
5202	Schooling	300.00
5301	Membership Dues	150.00
5402	Professional Services	-1,594.50
5502	Supplies	478.90
Department Total: Human Resources		139.39
Department: 1015 - Safety Department		
5101	Salaries	
5101.01	Salaries Regular Salaries	2,700.00
5102.01	Benefits Medicare	62.27
5102.03	Benefits OPERS Matching	-863.59
5102.04	Benefits OPERS Pickup	1,100.00
5102.07	Benefits Unemployment Benefits	5,110.00
5102.08	Benefits Health Insurance	3,042.16
5102.09	Benefits Workers Compensation	56.02
5201	Travel & Transportation	1,130.46
5202	Schooling	280.00
5301	Membership Dues	50.00
5302	Utilities	-14.24
5309	Burials	1,750.00
5310	Weed & Blight Control	0.00
5402	Professional Services	2,984.27
5403	Service Contracts	400.00
5418	Refunds & Reimbursements	1,000.00
5459	Demolition of Buildings	15,000.00
5460	Litter Control	1,025.00
5502	Supplies	1,107.73
Department Total: Safety Department		35,920.08
Department: 1016 - Service Department		
5101.01	Salaries Regular Salaries	-66.10
5102.01	Benefits Medicare	5.00
5102.03	Benefits OPERS Matching	96.00
5102.04	Benefits OPERS Pickup	126.64
5102.08	Benefits Health Insurance	40.00
5102.09	Benefits Workers Compensation	19.59
5201	Travel & Transportation	75.00
5202	Schooling	180.00
5302	Utilities	-0.67
5501	Subscriptions and Publications	50.00
5502	Supplies	408.17
Department Total: Service Department		933.63
Department: 1017 - Civil Service Commission		
5102	Benefits	-292.30
5102.01	Benefits Medicare	-72.00
5102.03	Benefits OPERS Matching	901.92
5102.04	Benefits OPERS Pickup	-386.54

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5102.09	Benefits Workers Compensation	0.34
5402	Professional Services	9,415.90
5502	Supplies	600.00
Department Total: Civil Service Commission		10,167.32
 Department: 1018 - Council		
5101.01	Salaries Regular Salaries	-5,674.95
5102.01	Benefits Medicare	-172.00
5102.03	Benefits OPERS Matching	-1,981.03
5102.04	Benefits OPERS Pickup	-355.25
5102.08	Benefits Health Insurance	-425.98
5102.09	Benefits Workers Compensation	-158.94
5301	Membership Dues	252.00
5306	Legal Advertising	366.48
5402	Professional Services	684.60
Department Total: Council		-7,465.07
 Department: 1019 - Municipal Court		
5102.01	Benefits Medicare	-1,838.61
5102.03	Benefits OPERS Matching	-23,852.00
5102.04	Benefits OPERS Pickup	-10,219.41
5102.07	Benefits Unemployment Benefits	-744.00
5102.08	Benefits Health Insurance	8,000.00
5102.09	Benefits Workers Compensation	528.37
5103	Sick Leave Sellback	1,500.00
5301	Membership Dues	100.00
5302	Utilities	-41.76
5402	Professional Services	4,126.72
5404	Central Garage Maintenance	2,033.46
5442	Capital Equipment	20,000.00
5462	Court Security	1,226.88
5501	Subscriptions and Publications	400.00
Department Total: Municipal Court		1,219.65
 Department: 1021 - City Hall		
5101	Salaries	
5101.01	Salaries Regular Salaries	17,327.72
5101.03	Salaries Overtime	-169.61
5102.01	Benefits Medicare	610.54
5102.02	Benefits Flexible Spending	0.00
5102.03	Benefits OPERS Matching	2,963.82
5102.04	Benefits OPERS Pickup	1,548.61
5102.08	Benefits Health Insurance	858.33
5102.09	Benefits Workers Compensation	-1,650.28
5103	Sick Leave Sellback	3,000.00
5104	Quartermaster/Clothing	118.37
5302	Utilities	14,886.21
5402	Professional Services	3,738.55
5403	Service Contracts	8,297.50

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5404	Central Garage Maintenance	1,942.70
5405	Equipment Rental Lease	985.47
5406	Insurance Premium Deductible	0.00
5408	Land & Building Maintenance	2,098.30
5414	Janitorial Services	9,300.00
5502	Supplies	3,516.00
Department Total: City Hall		69,372.23
Department: 1022 - Engineering		
5101.01	Salaries Regular Salaries	-6,802.95
5101.03	Salaries Overtime	3,022.08
5102.01	Benefits Medicare	683.13
5102.02	Benefits Flexible Spending	2,000.00
5102.03	Benefits OPERS Matching	-3,884.98
5102.04	Benefits OPERS Pickup	-1,932.56
5102.08	Benefits Health Insurance	-2,081.33
5102.09	Benefits Workers Compensation	498.68
5103	Sick Leave Sellback	3,200.00
5104	Quartermaster/Clothing	207.03
5201	Travel & Transportation	200.00
5202	Schooling	312.20
5302	Utilities	730.99
5303	Equipment Maintenance	145.17
5402	Professional Services	155.00
5404	Central Garage Maintenance	1,446.65
5418	Refunds & Reimbursements	5.00
5501	Subscriptions and Publications	121.00
5502	Supplies	398.90
Department Total: Engineering		-1,575.99
Department: 1023 - Statutory Accounts		
5417	Auditor/Treasurer Fees	30,814.04
5417.01	Auditor/Treasurer Fees Election Expense	8,200.00
5418	Refunds & Reimbursements	-180.00
5419	Income Tax Refunds	-82,915.64
5421	Marion Township Levy	-6,598.49
Department Total: Statutory Accounts		-50,680.09
Department: 1024 - Transfer Accounts		
5426.04	Transfers Out Parks	30,746.16
5426.09	Transfers Out VAWA ARRA	6,000.00
5426.1	Transfers Out SRO ARRA	10,000.00
5426.11	Transfers Out Juvenile Spec.	10,050.33
Department Total: Transfer Accounts		56,796.49
Department: 1026 - Pool		
5101.01	Salaries Regular Salaries	-8,097.42
5102	Benefits	8,378.00
5102.01	Benefits Medicare	-213.56

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Davson Legal Blank, Inc.

Form No. 70043

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	5102.03 Benefits OPERS Matching	-2,089.86
	5102.04 Benefits OPERS Pickup	-724.95
	5102.09 Benefits Workers Compensation	-10.49
	5201 Travel & Transportation	200.00
	5302 Utilities	-5,000.00
	5402 Professional Services	11,766.00
	5405 Equipment Rental Lease	80.00
	5408 Land & Building Maintenance	2,550.00
	5502 Supplies	6,707.32
	 Department Total: Pool	 13,545.04

General Fund Bottom Line (39,277.76)

Fund: 202 - SCMR (Street Const Maint Repair)

Department: 2006 - SCMR (Street Const Maint Repair)

	5101.01 Salaries Regular Salaries	(20,607.38)
	5102.03 Benefits OPERS Matching	(5,287.51)
	5102.04 Benefits OPERS Pickup	(2,457.07)
	5102.08 Benefits Health Insurance	(10,540.28)
	5102.09 Benefits Workers Compensation	(670.54)
	5104 Quartermaster/Clothing	1,099.83
	5201 Travel & Transportation	600.00
	5202 Schooling	1,930.00
	5301 Membership Dues	100.00
	5303 Equipment Maintenance	5,942.27
	5402 Professional Services	95,000.00
	5403 Service Contracts	1,618.00
	5405 Equipment Rental Lease	1,000.00
	5406 Insurance Premium Deductible	12,540.01
	5408 Land & Building Maintenance	4,243.50
	5417.02 Auditor/Treasurer Fees State Auditor/Treasurer Fees	(111.95)
	5420.01 Bond Refunds Exavation Bonds	3,600.00
	5420.02 Bond Refunds Pavement Bonds	5,000.00
	5423 Permissive Auto	(8,059.76)
	5424 Resurfacing	(17,064.04)
	5425 Streetscape	34.61
	5443 Capital Improvement	(66,778.68)

Department Total: SCMR (Street Const Maint Repair) **1,131.01**

Fund: 211 - Parks

Department: 2040 - Parks

	5101.01 Salaries Regular Salaries	12,000.00
	5102.07 Benefits Unemployment Benefits	(4,264.00)
	5102.09 Benefits Workers Compensation	3,437.69
	5202 Schooling	170.00
	5301 Membership Dues	157.00
	5302 Utilities	2,701.63
	5303 Equipment Maintenance	1,415.25
	5402 Professional Services	99.18

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5403	Service Contracts	100.00
5404	Central Garage Maintenance	2,000.00
5405	Equipment Rental Lease	784.00
5406	Insurance Premium Deductible	4,062.11
5408	Land & Building Maintenance	(873.92)
5414	Janitorial Services	324.00
5418	Refunds & Reimbursements	460.00
5446	Yard Waste	(100.00)
5456	Founders Park	797.00
5502	Supplies	2,621.47
5503	Motor Fuel and Lubricants	4,854.64
Department Total: Parks		30,746.05
Fund: 501 - Marion Area Transit		
Department: 5000 - Transit		
5101.01	Salaries Regular Salaries	35,000.00
5101.03	Salaries Overtime	(4,295.00)
5102.01	Benefits Medicare	1,304.25
5102.03	Benefits OPERS Matching	5,014.34
5102.04	Benefits OPERS Pickup	2,594.98
5102.08	Benefits Health Insurance	10,000.00
5102.09	Benefits Workers Compensation	998.88
5201	Travel & Transportation	400.00
5305	Advertising	300.00
5503	Motor Fuel and Lubricants	(7,244.46)
Department Total: Transit		44,072.99
Fund: 502 - Sanitary Sewer		
Department: 5003 - Sewer Revenue		
5101.01	Salaries Regular Salaries	20,174.73
5101.02	Salaries Uniform Salaries	(793.68)
5102.01	Benefits Medicare	6,644.61
5102.02	Benefits Flexible Spending	(328.48)
5102.03	Benefits OPERS Matching	34,274.76
5102.04	Benefits OPERS Pickup	(48,154.70)
5102.09	Benefits Workers Compensation	11,848.57
5201	Travel & Transportation	3,203.56
5202	Schooling	5,512.05
5301	Membership Dues	3,000.00
5302	Utilities	(22,855.37)
5303	Equipment Maintenance	4,902.87
5305	Advertising	6,000.00
5306	Legal Advertising	5,000.00
5405	Equipment Rental Lease	5,327.24
5408	Land & Building Maintenance	2,330.00
5414	Janitorial Services	3,790.00
5417	Auditor/Treasurer Fees	(3,917.19)

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5418	Refunds & Reimbursements	(957.81)
5443	Capital Improvement	(15,000.00)
5501	Subscriptions and Publications	1,445.06
5503	Motor Fuel and Lubricants	11,776.33

Department Total: Sewer Revenue **33,227.55**

Fund: 503 - Sanitation

Department: 5005 - Sanitation

5101.01	Salaries Regular Salaries	(15,000.00)
5102.01	Benefits Medicare	1,443.49
5102.02	Benefits Flexible Spending	(1,170.00)
5102.03	Benefits OPERS Matching	(5,426.39)
5102.04	Benefits OPERS Pickup	(2,625.03)
5102.07	Benefits Unemployment Benefits	(3,513.86)
5102.08	Benefits Health Insurance	15,000.00
5102.09	Benefits Workers Compensation	(678.34)
5302	Utilities	1,269.07
5405	Equipment Rental Lease	712.57
5406	Insurance Premium Deductible	0.13
5411	Land & Building Rent/Lease	(750.00)
5418	Refunds & Reimbursements	1,411.30
5445	Commingling Fee	620.33
5447	Solid Waste	(6,571.49)
5464	Capital Lease	30,261.00
5465	Capital Intrest	3,058.00
5501	Subscriptions and Publications	50.00

Department Total: Sanitation **18,090.78**

Fund: 504 - Storm Sewer

Department: 5007 - Storm Water Utility

5102.09	Benefits Workers Compensation	(2,105.11)
5201	Travel & Transportation	240.00
5202	Schooling	200.00
5306	Legal Advertising	1,000.00
5406	Insurance Premium Deductible	4,087.73
5417	Auditor/Treasurer Fees	(791.34)
5418	Refunds & Reimbursements	(2,000.00)

Department Total: Storm Water Utility **631.28**

Fund: 223 - Special Project Treatment

Department: 2056

5402	Professional Services	(68.00)
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Department Total: Special Project Treatment **(68.00)**

Total Other Funds **127,831.66**

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



Dave Edwards
President of Council

APPROVED: **DEC 14 2010**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

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City of Marion, Ohio

Form No. 3001

JAN 1 2010
 Ordinance No. 2010-1 Passed 20

ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010, **AS AMENDED.**

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

Section 1. To provide for the current expenses and transfers and other expenditures of the City of Marion, Ohio during the fiscal year ending December 31, 2010, **HOWEVER AT THE REQUEST OF THE ADMINISTRATION, THE BUDGET SHALL BE CONSIDERED "INTERIM" AS IT IS UNDERSTOOD ADJUSTMENTS WILL NEED TO BE MADE FOR THE 2ND, 3RD, & 4TH QUARTERS OF 2010. BUDGET REVIEWS WILL BE MADE EVERY 90 DAYS OR MORE FREQUENTLY AS THE FINANCE CHAIRMAN DEEMS NECESSARY,** the following sums be and they are hereby set aside, transferred and appropriated as follows:

Fund: 101 - General Fund

Expenditures

Department: 1000 - Police

5101.01	Salaries Regular Salaries	80,900.00
5101.02	Salaries Uniform Salaries	3,509,454.00
5101.03	Salaries Overtime	70,189.00
5102.01	Benefits Medicare	53,078.00
5102.03	Benefits OPERS Matching	11,326.00
5102.04	Benefits OPERS Pickup	6,068.00
5102.05	Benefits Police Pension	1,002,300.00
5102.08	Benefits Health Insurance	888,534.00
5102.09	Benefits Workers Compensation	109,817.00
5103	Sick Leave Sellback	42,000.00
5104	Quartermaster/Clothing	49,000.00
5201	Travel & Transportation	5,000.00
5202	Schooling	13,000.00
5301	Membership Dues	1,200.00
5302	Utilities	11,000.00
5303	Equipment Maintenance	12,000.00
5402	Professional Services	8,500.00
5403	Service Contracts	52,000.00
5404	Central Garage Maintenance	75,000.00
5405	Equipment Rental Lease	6,000.00
5406	Insurance Premium Deductible	60,000.00
5410	Smart Camp	10,000.00
5501	Subscriptions and Publications	2,000.00
5502	Supplies	35,000.00
5503	Motor Fuel and Lubricants	85,000.00

Department Total: 1000 - Police \$6,198,368.00

Department: 1001 - Dispatch

5101.01	Salaries Regular Salaries	470,615.00
5101.03	Salaries Overtime	14,118.00
5102.01	Benefits Medicare	7,028.00
5102.03	Benefits OPERS Matching	67,863.00
5102.04	Benefits OPERS Pickup	29,084.00
5102.08	Benefits Health Insurance	160,336.00
5102.09	Benefits Workers Compensation	14,542.00
5103	Sick Leave Sellback	10,000.00
5104	Quartermaster/Clothing	4,200.00

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5201	Travel & Transportation	1,000.00
5202	Schooling	5,000.00
5301	Membership Dues	100.00
5302	Utilities	29,000.00
5303	Equipment Maintenance	2,000.00
5402	Professional Services	1,500.00
5403	Service Contracts	39,112.00
5502	Supplies	4,000.00

Department Total: 1001 - Dispatch \$859,498.00

Department: 1002 - Fire

5101.01	Salaries Regular Salaries	35,901.00
5101.02	Salaries Uniform Salaries	3,250,000.00
5101.03	Salaries Overtime	191,891.00
5102.01	Benefits Medicare	50,428.00
5102.03	Benefits OPERS Matching	5,026.00
5102.04	Benefits OPERS Pickup	2,693.00
5102.06	Benefits Fire Pension	1,032,567.00
5102.08	Benefits Health Insurance	895,469.00
5102.09	Benefits Workers Compensation	104,334.00
5103	Sick Leave Sellback	125,328.00
5104	Quartermaster/Clothing	43,000.00
5201	Travel & Transportation	5,000.00
5202	Schooling	23,000.00
5301	Membership Dues	1,500.00
5302	Utilities	70,000.00
5303	Equipment Maintenance	13,000.00
5402	Professional Services	13,700.00
5403	Service Contracts	6,000.00
5404	Central Garage Maintenance	55,000.00
5405	Equipment Rental Lease	2,400.00
5406	Insurance Premium Deductible	51,100.00
5407	EMS Billing Services	70,000.00
5408	Land & Building Maintenance	11,200.00
5501	Subscriptions and Publications	3,000.00
5502	Supplies	50,000.00
5503	Motor Fuel and Lubricants	28,000.00

Department Total: 1002 - Fire \$6,139,537.00

Department: 1003 - Disaster Services

5409	Disaster Services	12,000.00
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Department Total: 1003 - Disaster Services \$12,000.00

Department: 1004 - Recreation

5101.01	Salaries Regular Salaries	170,640.00
5102.01	Benefits Medicare	2,236.00
5102.03	Benefits OPERS Matching	21,587.00
5102.04	Benefits OPERS Pickup	10,794.00
5102.08	Benefits Health Insurance	47,496.00
5102.09	Benefits Workers Compensation	4,626.00
5201	Travel & Transportation	300.00
5202	Schooling	900.00
5301	Membership Dues	500.00

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Denton Laser Blank, Inc.

Form No. 3043

Ordinance No. 2010-1 ASL Passed JAN 1 2010 20

5302	Utilities	38,000.00
5303	Equipment Maintenance	1,000.00
5305	Advertising	1,000.00
5402	Professional Services	44,000.00
5403	Service Contracts	4,300.00
5404	Central Garage Maintenance	3,000.00
5405	Equipment Rental Lease	2,000.00
5406	Insurance Premium Deductible	5,500.00
5408	Land & Building Maintenance	11,000.00
5411	Land & Building Rent/Lease	6,500.00
5418	Refunds & Reimbursements	600.00
5501	Subscriptions and Publications	200.00
5502	Supplies	27,723.00
5503	Motor Fuel and Lubricants	1,100.00
5504	Postage	100.00
Department Total: 1004 - Recreation		\$405,102.00

Department: 1005 - Utilities

5403	Service Contracts	297,000.00
Department Total: 1005 - Utilities		\$297,000.00

Department: 1006 - Senior Center

5101.01	Salaries Regular Salaries	156,690.00
5102.01	Benefits Medicare	2,751.00
5102.03	Benefits OPERS Matching	26,557.00
5102.04	Benefits OPERS Pickup	11,382.00
5102.08	Benefits Health Insurance	48,747.00
5102.09	Benefits Workers Compensation	5,691.00
5302	Utilities	32,000.00
5402	Professional Services	1,500.00
5404	Central Garage Maintenance	9,000.00
5406	Insurance Premium Deductible	3,800.00
5408	Land & Building Maintenance	7,200.00
Department Total: 1006 - Senior Center		\$305,318.00

Department: 1007 - Planning & Economic Development

5402	Professional Services	105,000.00
5412	Regional Planning	70,505.00
5413	Revenue Sharing	210,000.00
Department Total: 1007 - Planning & Economic Development		\$385,505.00

Department: 1008 - Airport

5101.01	Salaries Regular Salaries	151,500.00
5101.03	Salaries Overtime	3,500.00
5102.01	Benefits Medicare	2,350.00
5102.03	Benefits OPERS Matching	22,680.00
5102.04	Benefits OPERS Pickup	9,720.00
5102.08	Benefits Health Insurance	33,358.00
5102.09	Benefits Workers Compensation	4,860.00
5104	Quartermaster/Clothing	300.00
5201	Travel & Transportation	900.00
5202	Schooling	500.00
5301	Membership Dues	900.00

Ordinance No. 2010-1 Passed JAN 1 2010, 20

5302	Utilities	38,760.00
5303	Equipment Maintenance	9,000.00
5304	Capital Equipment	5,000.00
5307	Property Tax	10,000.00
5402	Professional Services	12,000.00
5403	Service Contracts	12,750.00
5404	Central Garage Maintenance	1,500.00
5405	Equipment Rental Lease	500.00
5406	Insurance Premium Deductible	11,700.00
5408	Land & Building Maintenance	30,000.00
5414	Janitorial Services	5,000.00
5501	Subscriptions and Publications	500.00
5502	Supplies	14,000.00
5503	Motor Fuel and Lubricants	6,000.00
5504	Postage	250.00

Department Total: 1008 - Airport \$387,528.00

Department: 1009 - Mayor

5101.01	Salaries Regular Salaries	101,733.00
5102.01	Benefits Medicare	1,476.00
5102.03	Benefits OPERS Matching	14,243.00
5102.04	Benefits OPERS Pickup	6,104.00
5102.08	Benefits Health Insurance	21,764.00
5102.09	Benefits Workers Compensation	3,052.00
5201	Travel & Transportation	150.00
5202	Schooling	175.00
5301	Membership Dues	240.00
5302	Utilities	720.00
5402	Professional Services	200.00
5501	Subscriptions and Publications	200.00
5502	Supplies	1,100.00

Department Total: 1009 - Mayor \$151,157.00

Department: 1010 - Auditor

5101.01	Salaries Regular Salaries	230,254.00
5102.01	Benefits Medicare	3,384.00
5102.03	Benefits OPERS Matching	32,668.00
5102.04	Benefits OPERS Pickup	17,501.00
5102.07	Benefits Unemployment Benefits	7,300.00
5102.08	Benefits Health Insurance	28,913.00
5102.09	Benefits Workers Compensation	7,001.00
5103	Sick Leave Sellback	1,576.00
5202	Schooling	500.00
5301	Membership Dues	120.00
5302	Utilities	750.00
5403	Service Contracts	28,700.00
5405	Equipment Rental Lease	1,300.00
5502	Supplies	4,500.00

Department Total: 1010 - Auditor \$364,487.00

Department: 1011 - Income Tax

5101.01	Salaries Regular Salaries	95,416.00
5101.03	Salaries Overtime	3,000.00

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DuPont Legal Blank, Inc.

Form No. 30045

Ordinance No. 2010-1

Passed JAN 1 2010 20

5102.01	Benefits Medicare	1,572.00
5102.03	Benefits OPERS Matching	15,178.00
5102.04	Benefits OPERS Pickup	8,131.00
5102.08	Benefits Health Insurance	58,732.00
5102.09	Benefits Workers Compensation	3,253.00
5103	Sick Leave Sellback	2,200.00
5202	Schooling	750.00
5301	Membership Dues	100.00
5308	Credit Card Fees	1,300.00
5402	Professional Services	2,500.00
5403	Service Contracts	12,375.00
5501	Subscriptions and Publications	500.00
5502	Supplies	11,000.00
5504	Postage	7,000.00

Department Total: 1011 - Income Tax \$223,007.00

Department: 1012 - Treasurer

5101.01	Salaries Regular Salaries	6,358.00
5102.01	Benefits Medicare	24.00
5102.03	Benefits OPERS Matching	891.00
5102.04	Benefits OPERS Pickup	544.00
5102.09	Benefits Workers Compensation	191.00
5201	Travel & Transportation	80.00
5202	Schooling	130.00
5301	Membership Dues	40.00
5402	Professional Services	600.00
5502	Supplies	300.00

Department Total: 1012 - Treasurer \$9,158.00

Department: 1013 - Law Director

5101.01	Salaries Regular Salaries	238,393.00
5102.01	Benefits Medicare	4,110.00
5102.03	Benefits OPERS Matching	33,376.00
5102.04	Benefits OPERS Pickup	17,880.00
5102.08	Benefits Health Insurance	41,410.00
5102.09	Benefits Workers Compensation	7,152.00
5201	Travel & Transportation	450.00
5202	Schooling	1,950.00
5301	Membership Dues	775.00
5302	Utilities	1,600.00
5402	Professional Services	10,000.00
5405	Equipment Rental Lease	1,550.00
5501	Subscriptions and Publications	2,450.00
5502	Supplies	2,750.00

Department Total: 1013 - Law Director \$363,846.00

Department: 1014 - Human Resources

5101.01	Salaries Regular Salaries	38,596.00
5102.01	Benefits Medicare	560.00
5102.03	Benefits OPERS Matching	5,404.00
5102.04	Benefits OPERS Pickup	2,316.00
5102.08	Benefits Health Insurance	6,673.00
5102.09	Benefits Workers Compensation	1,158.00

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5201	Travel & Transportation	100.00
5202	Schooling	300.00
5301	Membership Dues	150.00
5402	Professional Services	30,000.00
5502	Supplies	1,000.00
Department Total: 1014 - Human Resources		\$86,257.00

Department: 1015 - Safety Department

5101.01	Salaries Regular Salaries	104,740.00
5102.01	Benefits Medicare	1,510.00
5102.03	Benefits OPERS Matching	14,579.00
5102.04	Benefits OPERS Pickup	7,810.00
5102.07	Benefits Unemployment Benefits	7,300.00
5102.08	Benefits Health Insurance	37,926.00
5102.09	Benefits Workers Compensation	3,124.00
5201	Travel & Transportation	1,400.00
5202	Schooling	500.00
5301	Membership Dues	110.00
5302	Utilities	720.00
5309	Burials	2,000.00
5402	Professional Services	8,000.00
5403	Service Contracts	400.00
5405	Equipment Rental Lease	1,500.00
5459	Demolition of Buildings	15,000.00
5460	Litter Control	800.00
5502	Supplies	2,800.00
Department Total: 1015 - Safety Department		\$210,219.00

Department: 1016 - Service Department

5101.01	Salaries Regular Salaries	16,006.00
5102.01	Benefits Medicare	244.00
5102.03	Benefits OPERS Matching	2,350.00
5102.04	Benefits OPERS Pickup	1,091.00
5102.08	Benefits Health Insurance	3,497.00
5102.09	Benefits Workers Compensation	504.00
5201	Travel & Transportation	75.00
5202	Schooling	300.00
5302	Utilities	180.00
5501	Subscriptions and Publications	50.00
5502	Supplies	750.00
Department Total: 1016 - Service Department		\$25,047.00

Department: 1017 - Civil Service Commission

5101.01	Salaries Regular Salaries	4,100.00
5102.01	Benefits Medicare	60.00
5102.03	Benefits OPERS Matching	574.00
5102.04	Benefits OPERS Pickup	443.00
5102.09	Benefits Workers Compensation	123.00
5402	Professional Services	7,500.00
5502	Supplies	600.00
Department Total: 1017 - Civil Service Commission		\$13,400.00

Department: 1018 - Council

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City of Lowell, Mass., Inc.

Form No. 304A

Ordinance No. 2010-1 Passed JAN 1 2010 20

5101.01	Salaries Regular Salaries	97,543.00
5102.01	Benefits Medicare	1,414.00
5102.03	Benefits OPERS Matching	13,657.00
5102.04	Benefits OPERS Pickup	6,341.00
5102.08	Benefits Health Insurance	2,094.00
5102.09	Benefits Workers Compensation	2,927.00
5301	Membership Dues	4,200.00
5306	Legal Advertising	2,700.00
5402	Professional Services	3,000.00
5502	Supplies	1,500.00

Department Total: 1018 - Council \$135,376.00

Department: 1019 - Municipal Court

5101.01	Salaries Regular Salaries	497,316.00
5102.01	Benefits Medicare	7,212.00
5102.03	Benefits OPERS Matching	69,625.00
5102.04	Benefits OPERS Pickup	29,839.00
5102.08	Benefits Health Insurance	118,520.00
5102.09	Benefits Workers Compensation	14,920.00
5103	Sick Leave Sellback	1,500.00
5201	Travel & Transportation	2,500.00
5202	Schooling	2,825.00
5301	Membership Dues	1,130.00
5302	Utilities	500.00
5308	Credit Card Fees	10,000.00
5402	Professional Services	8,500.00
5404	Central Garage Maintenance	4,500.00
5442	Capital Equipment	20,000.00
5462	Court Security	3,138.00
5501	Subscriptions and Publications	400.00
5502	Supplies	17,500.00
5503	Motor Fuel and Lubricants	2,000.00

Department Total: 1019 - Municipal Court \$811,925.00

Department: 1021 - City Hall

5101.01	Salaries Regular Salaries	50,461.00
5102.01	Benefits Medicare	732.00
5102.03	Benefits OPERS Matching	7,065.00
5102.04	Benefits OPERS Pickup	3,785.00
5102.08	Benefits Health Insurance	14,314.00
5103	Sick Leave Sellback	3,000.00
5104	Quartermaster/Clothing	450.00
5302	Utilities	195,000.00
5402	Professional Services	7,300.00
5403	Service Contracts	31,500.00
5405	Equipment Rental Lease	6,000.00
5406	Insurance Premium Deductible	33,000.00
5408	Land & Building Maintenance	20,000.00
5414	Janitorial Services	30,000.00
5502	Supplies	17,000.00
5504	Postage	80,000.00

Department Total: 1021 - City Hall \$499,607.00

Ordinance No. 2010-1Passed JAN 1 2010, 20**Department: 1022 - Engineering**

5101.01	Salaries Regular Salaries	253,085.00
5101.03	Salaries Overtime	6,500.00
5102.01	Benefits Medicare	3,900.00
5102.02	Benefits Flexible Spending	2,000.00
5102.03	Benefits OPERS Matching	35,200.00
5102.04	Benefits OPERS Pickup	16,900.00
5102.08	Benefits Health Insurance	78,238.00
5102.09	Benefits Workers Compensation	8,100.00
5103	Sick Leave Sallback	3,200.00
5104	Quartermaster/Clothing	570.00
5201	Travel & Transportation	200.00
5202	Schooling	1,250.00
5301	Membership Dues	10.00
5302	Utilities	3,000.00
5303	Equipment Maintenance	420.00
5401	Tree Care	12,000.00
5402	Professional Services	1,000.00
5404	Central Garage Maintenance	2,480.00
5501	Subscriptions and Publications	200.00
5502	Supplies	1,850.00
5503	Motor Fuel and Lubricants	2,600.00

Department Total: 1022 - Engineering \$432,703.00**Department: 1023 - Statutory Accounts**

5416	Annual Examination Fee	75,000.00
5417	Auditor/Treasurer Fees	71,500.00
5417.01	Auditor/Treasurer Fees Election Expense	8,200.00
5417.02	Auditor/Treasurer Fees State Auditor/Treasurer Fees	36,000.00
5419	Income Tax Refunds	275,000.00
5421	Marion Township Levy	6,599.00

Department Total: 1023 - Statutory Accounts \$472,299.00**Department: 1024 - Transfer Accounts**

5426.01	Transfers Out School Resource	40,000.00
5426.02	Transfers Out VAWA	54,000.00
5426.03	Transfers Out Transit	168,849.00
5426.04	Transfers Out Parks	566,726.00
5426.05	Transfers Out Health	548,000.00

Department Total: 1024 - Transfer Accounts \$1,377,575.00**Department: 1026 - Pool**

5101.01	Salaries Regular Salaries	34,252.00
5102	Benefits	8,378.00
5102.01	Benefits Medicare	497.00
5102.03	Benefits OPERS Matching	4,796.00
5102.04	Benefits OPERS Pickup	2,056.00
5102.09	Benefits Workers Compensation	1,028.00
5201	Travel & Transportation	200.00
5202	Schooling	200.00
5302	Utilities	19,000.00

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Down Legal Book, Inc.

Form No. 886A

Ordinance No. 2010-1 Passed Jan 1 2010 20

5303	Equipment Maintenance	4,000.00
5402	Professional Services	11,000.00
5406	Insurance Premium Deductible	1,200.00
5408	Land & Building Maintenance	2,800.00
5502	Supplies	22,500.00

Department Total: 1026 - Pool: \$111,907.00

Expenditures Total \$20,277,804.00

Fund Expenditure Total: 101 - General Fund \$20,277,804.00

Fund: 200 - ARRA - Recovery Act

Expenditures

Department: 1000 - Police

5454	Advances Pay Back	93,863.00
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Department Total: 1000 - Police \$93,863.00

Department: 2013 - VAWA (Violence Against Women)

5101.01	Salaries Regular Salaries	80,491.00
5101.02	Salaries Uniform Salaries	23,247.36
5102.01	Benefits Medicare	1,975.00
5102.05	Benefits Police Pension	38,148.00
5102.09	Benefits Workers Compensation	4,086.00
5202	Schooling	4,579.00

Department Total: 2013 - VAWA (Violence Against Women) \$152,526.36

Department: 2016 - SRO (School Resource Officer)

5101.01	Salaries Regular Salaries	47,827.27
5101.02	Salaries Uniform Salaries	0.00
5102	Benefits	31,000.00
5101.03	Salaries Overtime	0.00
5102.01	Benefits Medicare	816.00
5102.02	Benefits Flexible Spending	0.00
5102.03	Benefits OPERS Matching	0.00
5102.04	Benefits OPERS Pickup	0.00
5102.05	Benefits Police Pension	15,745.00
5102.08	Benefits Health Insurance	0.00
5102.09	Benefits Workers Compensation	1,587.00
5103	Sick Leave Sellback	0.00
5104	Quartermaster/Clothing	0.00
5201	Travel & Transportation	0.00
5202	Schooling	0.00
5203	Training	0.00
5402	Professional Services	0.00
5403	Service Contracts	0.00

Department Total: 2016 - SRO (School Resource Officer) \$97,075.27

Expenditures Total \$342,464.83

Fund Expenditure Total: 200 - ARRA - Recovery Act \$342,464.83

Fund: 201 - Senior Center

Expenditures

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Department: 2000 - Senior Center Transportation

5101.01	Salaries Regular Salaries	17,357.00
5102.01	Benefits Medicare	252.00
5102.03	Benefits OPERS Matching	2,430.00
5102.04	Benefits OPERS Pickup	1,042.00
5102.09	Benefits Workers Compensation	519.00
5303	Equipment Maintenance	5,000.00
5502	Supplies	1,600.00
5503	Motor Fuel and Lubricants	5,200.00

Department Total: 2000 - Senior Center Transportation \$33,400.00**Department: 2001 - Senior Center III-B**

5101.01	Salaries Regular Salaries	32,701.00
5402	Professional Services	2,200.00
5404	Central Garage Maintenance	2,200.00
5405	Equipment Rental Lease	7,200.00
5502	Supplies	174.00
5503	Motor Fuel and Lubricants	9,000.00

Department Total: 2001 - Senior Center III-B \$53,475.00**Department: 2002 - Senior Center III-E**

5101.01	Salaries Regular Salaries	4,250.00
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Department Total: 2002 - Senior Center III-E \$4,250.00**Department: 2003 - Senior Center State Block Grant**

5101.01	Salaries Regular Salaries	7,000.00
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Department Total: 2003 - Senior Center State Block Grant \$7,000.00**Department: 2004 - Senior Center Homemaker**

5101.01	Salaries Regular Salaries	8,535.00
5102.01	Benefits Medicare	7.00
5102.03	Benefits OPERS Matching	1,195.00
5102.04	Benefits OPERS Pickup	512.00
5102.09	Benefits Workers Compensation	256.00
5201	Travel & Transportation	2,000.00

Department Total: 2004 - Senior Center Homemaker \$12,500.00**Department: 2005 - Senior Center Association**

5305	Advertising	1,000.00
5402	Professional Services	15,300.00
5502	Supplies	1,000.00
5504	Postage	1,000.00

Department Total: 2005 - Senior Center Association \$18,300.00**Expenditures Total \$128,925.00****Fund Expenditures Total 201 - Senior Center \$128,925.00****Fund: 202 - SCMR (Street Const Maint Repair)**Expenditures**Department: 2006 - SCMR (Street Const Maint Repair)**

5101.01	Salaries Regular Salaries	843,037.00
5101.03	Salaries Overtime	42,152.00

RECORD OF ORDINANCES

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Printed Legal Blank file

Form No. 5001

Ordinance No. 2010-1 ^{4th} _{Printed} JAN 1 2010 20

5102.01	Benefits Medicare	12,835.00
5102.02	Benefits Flexible Spending	2,340.00
5102.03	Benefits OPERS Matching	123,927.00
5102.04	Benefits OPERS Pickup	53,111.00
5102.07	Benefits Unemployment Benefits	0.00
5102.08	Benefits Health Insurance	288,063.00
5102.09	Benefits Workers Compensation	26,556.00
5103	Sick Leave Selfback	26,907.00
5104	Quartermaster/Clothing	9,325.00
5201	Travel & Transportation	600.00
5202	Schooling	2,000.00
5301	Membership Dues	100.00
5302	Utilities	55,167.00
5303	Equipment Maintenance	10,000.00
5304	Capital Equipment	100,000.00
5402	Professional Services	206,000.00
5403	Service Contracts	2,060.00
5404	Central Garage Maintenance	246,000.00
5405	Equipment Rental Lease	1,000.00
5406	Insurance Premium Deductible	22,978.00
5408	Land & Building Maintenance	5,400.00
5411	Land & Building Rent/Lease	9,000.00
5420.01	Bond Refunds Excavation Bonds	15,000.00
5420.02	Bond Refunds Pavement Bonds	5,000.00
5423	Permissive Auto	140,000.00
5424	Resurfacing	320,000.00
5425	Streetscape	6,000.00
5502	Supplies	350,000.00
5503	Motor Fuel and Lubricants	59,740.00

Department Total: 2006 - SCMR (Street Const Maint Repair) \$2,984,298.00

Department: 2007 - State Highway

5424	Resurfacing	235,000.00
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Department Total: 2007 - State Highway \$235,000.00

Expenditures Total \$3,219,298.00

Fund Expenditure Total: 202 - SCMR (Street Const Maint Repair) \$3,219,298.00

Fund: 203 - Marion Municipal Court

Expenditures

Department: 2010 - Municipal Court Assistance

5101.01	Salaries Regular Salaries	20,000.00
5102	Benefits	7,500.00
5102.01	Benefits Medicare	290.00
5102.09	Benefits Workers Compensation	600.00
5201	Travel & Transportation	1,000.00
5202	Schooling	2,000.00
5402	Professional Services	53,000.00
5442	Capital Equipment	75,000.00
5443	Capital improvement	25,000.00
5502	Supplies	2,000.00

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Department Total: 2010 - Municipal Court Assistance \$136,390.00

Department: 2011 - Municipal Court Computerization

5402	Professional Services	1,500.00
5403	Service Contracts	6,000.00
5502	Supplies	12,000.00

Department Total: 2011 - Municipal Court Computerization \$19,500.00

Department: 2012 - Indigent Alcohol

5402	Professional Services	75,000.00
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Department Total: 2012 - Indigent Alcohol \$75,000.00

Department: 2055 - Probation Services Fund

5101.01	Salaries Regular Salaries	37,000.00
5102	Benefits	20,000.00
5201	Travel & Transportation	2,000.00
5202	Schooling	1,000.00
5301	Membership Dues	500.00
5302	Utilities	1,500.00
5402	Professional Services	3,000.00
5404	Central Garage Maintenance	2,500.00
5405	Equipment Rental Lease	1,500.00
5442	Capital Equipment	2,000.00
5443	Capital Improvement	2,000.00
5501	Subscriptions and Publications	400.00
5502	Supplies	3,000.00
5503	Motor Fuel and Lubricants	1,000.00

Department Total: 2055 - Probation Services Fund \$77,400.00

Department: 2056 - Special Prj. Treatment Crf Fund

5402	Professional Services	5,000.00
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Department Total: 2056 - Special Prj. Treatment Crf Fund \$5,000.00

Department: 2057 - Indigent Alcohol Monitoring

5402	Professional Services	15,000.00
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Department Total: 2057 - Indigent Alcohol Monitoring \$15,000.00**Expenditures Total \$323,290.00****Fund Expenditures Total: 201 - Motion Municipal Court \$323,290.00**

Department: 2015 - Police Continuing Training

5203	Training	10,000.00
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Department Total: 2015 - Police Continuing Training \$10,000.00

Department: 2016 - SRO (School Resource Officer)

5101.01	Salaries Regular Salaries	13,524.40
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Department Total: 2016 - SRO (School Resource Officer) \$13,524.40

Department: 2021 - Enforcement & Education

5304	Capital Equipment	2,500.00
5418	Refunds & Reimbursements	2,600.00

Department Total: 2021 - Enforcement & Education \$5,100.00

RECORD OF ORDINANCES

0077

District Legal Blank, Inc.

Form No. 30113

Ordinance No. 2010-1 ~~2010-1~~ Passed July 1 2010 ~~July 1 2010~~ 2010

Fund: 205 - Health

Expenditures

Department: 2023 - Health Administration

5102	Benefits	30,000.00
	WIC	50,000.00
	Transfer Out	150,000.00

Expenditures Total \$230,000.00

Fund Expenditure Total: 205 - Health \$230,000.00

Fund: 206 - Community Corrections

Expenditures

Department: 2034 - Community Corrections Grant

5101.01	Salaries Regular Salaries	128,940.00
5102.03	Benefits OPERS Matching	13,765.00
5102.04	Benefits OPERS Pickup	5,304.00
	Professional Services	19,380.00

Department Total: 2034 - Community Corrections Grant \$167,389.00

Expenditures Total \$167,389.00

Fund Expenditure Total: 206 - Community Corrections \$167,389.00

Fund: 208 - Police & Fire Pension

Expenditures

Department: 2037 - Police & Fire Pension

5102	Benefits	250,000.00
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Department Total: 2037 - Police & Fire Pension \$250,000.00

Expenditures Total \$250,000.00

Fund Expenditure Total: 208 - Police & Fire Pension \$250,000.00

Fund: 209 - Insurance Proceeds

Expenditures

Department: 2038 - Insurance Proceeds

5418	Refunds & Reimbursements	150,000.00
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Department Total: 2038 - Insurance Proceeds \$150,000.00

Expenditures Total \$150,000.00

Fund Expenditure Total: 209 - Insurance Proceeds \$150,000.00

Fund: 211 - Parks

Expenditures

Department: 2040 - Parks

5101.01	Salaries Regular Salaries	280,308.00
5102.01	Benefits Medicare	4,065.00
5102.03	Benefits OPERS Matching	39,244.00
5102.04	Benefits OPERS Pickup	19,622.00
5102.08	Benefits Health insurance	88,146.00

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5102.09	Benefits Workers Compensation	11,410.00
5104	Quartermaster/Clothing	2,700.00
5202	Schooling	400.00
5301	Membership Dues	500.00
5302	Utilities	26,250.00
5303	Equipment Maintenance	3,000.00
5307	Property Tax	900.00
5313	Small Equipment	4,000.00
5402	Professional Services	1,500.00
5403	Service Contracts	400.00
5404	Central Garage Maintenance	14,500.00
5405	Equipment Rental Lease	1,000.00
5406	Insurance Premium Deductible	9,000.00
5408	Land & Building Maintenance	13,500.00
5414	Janitorial Services	8,400.00
5418	Refunds & Reimbursements	600.00
5446	Yard Waste	2,500.00
5466	Founders Park	797.00
5502	Supplies	24,171.00
5503	Motor Fuel and Lubricants	15,000.00

Department Total: 2040 - Parks \$571,913.00

Department: 2052 - Kaufmann Dog Park

5502	Supplies	3,349.00
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Department Total: 2052 - Kaufmann Dog Park \$3,349.00

Expenditures Total \$575,262.00

Fund Expenditure Total 211 - Parks \$575,262.00

Fund: 213 - Underground Storage Tank

Expenditures

5402	Professional Services	11,000.00
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Expenditures Total \$11,000.00

Fund Expenditure Total 213 - Underground Storage Tank \$11,000.00

Department: 2045 - CHIP (Comm. Housing Program)

5422	Administration Fee	25,226.00
5432	Rental Rehab	23,150.00
5433	Rental Assistance	5,463.00
5435	Housing Services	49,000.00
5437	Private Rehab	158,685.00
5468	Home Repair	775.75

Department Total: 2045 - CHIP (Comm. Housing Program) \$262,299.75

Department: 2046 - Housing Revolving Loan

5431	Emergency Rehab	6,670.00
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Department Total: 2046 - Housing Revolving Loan \$6,670.00

Department: 2047 - Revolving Loan

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0075

City of Marion, Ohio

Form No. 30041

Ordinance No. 2010-1
Passed JAN 1 2010
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5422	Administration Fee	1,592.00
5429	Curbs & Sidewalks	20,000.00
5436	Revolving Loans	25,000.00

Department Total: 2047 - Revolving Loan \$46,592.00

Department: 2048 - Formula Grant

5422	Administration Fee	23,268.00
5429	Curbs & Sidewalks	62,156.00
5430	Parks & Recreation	62,600.00
5456	Fair Housing	300.00
5463	Clearance	28,510.00
5468	Home Repair	19,909.00

Department Total: 2048 - Formula Grant \$196,743.00

Department: 2049 - U.D.A.G. Loan Repayment

5436	Revolving Loans	61,000.00
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Department Total: 2049 - U.D.A.G. Loan Repayment \$61,000.00

Department: 2054 - Neighborhood Stabilization Prog

5422	Administration Fee	89,228.00
5435	Housing Services	318,954.00
5459	Demolition of Buildings	650,047.00

Department Total: 2054 - Neighborhood Stabilization Prog \$1,058,229.00

Expenditures Total \$1,631,533.75

Fund Expenditure: Total: 214 - Housing and Development \$1,631,533.75

Fund: 301 - Tax Increment Financing

Expenditures

Department: 3000 - Dofasco TIF

5422	Administration Fee	2,685.00
5457	ODOT Loan Interest	42,954.00
5458	ODOT Loan Principal	166,876.00

Department Total: 3000 - Dofasco TIF \$212,515.00

Department: 3001 - DRIP (Ridgedale) TIF

5426	Transfers Out	400,000.00
5440.02	OPWC Loan Principal	3,205.00

Department Total: 3001 - DRIP (Ridgedale) TIF \$403,205.00

Department: 3002 - DRIP (Marion City Schools) TIF

5426	Transfers Out	166,000.00
5440.02	OPWC Loan Principal	3,206.00

Department Total: 3002 - DRIP (Marion City Schools) TIF \$169,206.00

Department: 3003 - Barks Road TIF

5439.04	Debt Service Note Interest	30,715.00
5439.05	Debt Service Note Principal	700,000.00
5439.06	Debt Service Costs	2,000.00

Department Total: 3003 - Barks Road TIF \$732,715.00

Department: 3004 - SBR Enterprise TIF

Ordinance No. 2010-1 Passed JAN 1 2010

5439.04	Debt Service Note Interest	13,000.00
5439.05	Debt Service Note Principal	400,000.00
5439.06	Debt Service Costs	1,900.00
Department Total: 3004 - SBR Enterprise TIF		\$414,900.00

Department: 3005 - Delaware-Barks Road TIF

5439.04	Debt Service Note Interest	15,956.00
5439.05	Debt Service Note Principal	400,000.00
5439.06	Debt Service Costs	1,100.00
Department Total: 3005 - Delaware-Barks Road TIF		\$417,056.00

Expenditures Total	\$2,249,597.00
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Fund Expenditure Total 301 - Tax Increment Financing	\$2,249,597.00
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Fund: 302 - Bond RetirementExpenditures**Department: 3010 - Bond Retirement**

5439.01	Debt Service Bond Interest	44,975.00
5439.02	Debt Service Bond Principal	50,000.00
Department Total: 3010 - Bond Retirement		\$94,975.00

Department: 3011 - Harding Centre

5439.01	Debt Service Bond Interest	25,000.00
5439.02	Debt Service Bond Principal	24,000.00
Department Total: 3011 - Harding Centre		\$49,000.00

Expenditures Total	\$143,975.00
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Fund Expenditure Total 302 - Bond Retirement	\$143,975.00
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Fund: 401 - Capital ImprovementsExpenditures**Department: 1000 - Police**

5442	Capital Equipment	40,743.00
Department Total: 1000 - Police		\$40,743.00

Department: 1002 - Fire

5442	Capital Equipment	47,575.00
5464	Capital Lease	105,080.00
5465	Capital Interest	22,977.00
Department Total: 1002 - Fire		\$175,632.00

Department: 1010 - Auditor

5442	Capital Equipment	28,807.00
Department Total: 1010 - Auditor		\$28,807.00

Department: 1021 - City Hall

5442	Capital Equipment	545,931.00
5443	Capital Improvement	123,337.00
Department Total: 1021 - City Hall		\$669,268.00

Department: 4000 - Capital Improvement

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Dorren Legal Books, Inc.

JUN 1 2010

Form No. 30003

Ordinance No. 2010-1 Passed 20

5439.04	Debt Service Note Interest	40,000.00
5439.05	Debt Service Note Principal	1,450,000.00
5439.06	Debt Service Costs	58,000.00
5444	Capital Contingency	195,000.00
Department Total: 4000 - Capital Improvement		\$1,743,000.00

Department: 4001 - Airport Industrial Park

5307	Property Tax	10,000.00
5402	Professional Services	8,000.00
Department Total: 4001 - Airport Industrial Park		\$18,000.00

Department: 4002 - Softball Field Improvement

5443	Capital Improvement	5,000.00
Department Total: 4002 - Softball Field Improvement		\$5,000.00

Department: 4003 - DRIP Infrastructure

5443	Capital Improvement	740.00
Department Total: 4003 - DRIP Infrastructure		\$740.00

Department: 4006 - Youth Center Improvement

5304	Capital Equipment	3,200.00
Department Total: 4006 - Youth Center Improvement		\$3,200.00

Department: 4007 - Airport Improvement

5402	Professional Services	117,095.00
Department Total: 4007 - Airport Improvement		\$117,095.00

Expenditures Total \$2,801,485.00

Fund Expenditure Total: 401 - Capital Improvements \$2,801,485.00

Fund: 501 - Marion Area Transit

Expenditures

Department: 5000 - Transit

5101.01	Salaries Regular Salaries	480,000.00
5102.01	Benefits Medicare	6,960.00
5102.03	Benefits OPERS Matching	67,200.00
5102.04	Benefits OPERS Pickup	28,800.00
5102.08	Benefits Health Insurance	127,653.00
5102.09	Benefits Workers Compensation	14,400.00
5103	Sick Leave Sellback	5,000.00
5201	Travel & Transportation	400.00
5301	Membership Dues	600.00
5302	Utilities	11,000.00
5305	Advertising	300.00
5306	Legal Advertising	450.00
5402	Professional Services	1,000.00
5404	Central Garage Maintenance	126,302.00
5406	Insurance Premium Deductible	14,000.00
5408	Land & Building Maintenance	1,750.00
5411	Land & Building Rent/Lease	18,000.00
5442	Capital Equipment	140,000.00
5501	Subscriptions and Publications	500.00

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5502	Supplies	5,000.00
5503	Motor Fuel and Lubricants	84,850.00
Department Total: 5000 - Transit		\$1,134,165.00

Expenditures Total	\$1,134,165.00
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Fund Expenditure Total: 501 - Marion Area Transit	\$1,134,165.00
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Fund: 502 - Sanitary SewerExpenditures**Department: 5001 - Sewer System Improvement**

5439.01	Debt Service Bond Interest	105,020.00
5439.02	Debt Service Bond Principal	115,000.00
5439.03	Debt Service Cost of Issuance	4,200.00
5439.04	Debt Service Note Interest	258,850.00
5439.05	Debt Service Note Principal	5,466,150.00
5440.01	OPWC Loan Interest	7,786.00
5440.02	OPWC Loan Principal	61,326.00
5441.01	OWDA Loan Interest	370,067.00
5441.02	OWDA Loan Principal	1,398,752.00
Department Total: 5001 - Sewer System Improvement		\$7,787,151.00

Department: 5002 - Sewer Replacement

5303	Equipment Maintenance	50,000.00
5304	Capital Equipment	100,000.00
5402	Professional Services	50,000.00
5408	Land & Building Maintenance	71,000.00
5443	Capital Improvement	25,000.00
Department Total: 5002 - Sewer Replacement		\$296,000.00

Department: 5003 - Sewer Revenue

5101.01	Salaries Regular Salaries	1,401,810.00
5101.03	Salaries Overtime	62,900.00
5102.01	Benefits Medicare	21,239.00
5102.02	Benefits Flexible Spending	2,340.00
5102.03	Benefits OPERS Matching	227,368.00
5102.04	Benefits OPERS Pickup	44,434.00
5102.08	Benefits Health Insurance	440,291.00
5102.09	Benefits Workers Compensation	43,941.00
5103	Sick Leave Selfback	33,250.00
5104	Quartermaster/Clothing	12,000.00
5201	Travel & Transportation	3,325.00
5202	Schooling	12,100.00
5301	Membership Dues	3,000.00
5302	Utilities	512,900.00
5303	Equipment Maintenance	20,000.00
5304	Capital Equipment	33,500.00
5305	Advertising	6,000.00
5306	Legal Advertising	5,000.00
5308	Credit Card Fees	3,000.00
5402	Professional Services	257,270.00
5403	Service Contracts	32,550.00
5404	Central Garage Maintenance	70,876.00

RECORD OF ORDINANCES

0071

Storm Sewer Dept. Inc.

Form No. 10041

Ordinance No. 2010-1  Passed JAN 1 2010 20

5405	Equipment Rental Lease	5,400.00
5406	Insurance Premium Deductible	80,000.00
5408	Land & Building Maintenance	3,000.00
5414	Janitorial Services	15,000.00
5418	Refunds & Reimbursements	600.00
5426	Transfers Out	200,000.00
5443	Capital Improvement	10,000.00
5501	Subscriptions and Publications	1,850.00
5502	Supplies	452,820.00
5503	Motor Fuel and Lubricants	49,000.00
5504	Postage	11,500.00

Department Total: 5003 - Sewer Revenue \$4,078,264.00

Expenditures Total \$12,161,415.00

Fund Expenditure Total: 502 - Sanitary Sewer \$12,161,415.00

Fund: 503 - Sanitation

Expenditures

Department: 5005 - Sanitation

5101.01	Salaries Regular Salaries	691,593.00
5101.03	Salaries Overtime	34,580.00
5102.01	Benefits Medicare	10,529.00
5102.02	Benefits Flexible Spending	0.00
5102.03	Benefits OPERS Matching	101,665.00
5102.04	Benefits OPERS Pickup	43,671.00
5102.07	Benefits Unemployment Benefits	0.00
5102.08	Benefits Health Insurance	266,737.00
5102.09	Benefits Workers Compensation	21,785.00
5103	Sick Leave Sellback	13,167.00
5104	Quartermaster/Clothing	7,010.00
5302	Utilities	2,360.00
5303	Equipment Maintenance	5,000.00
5308	Credit Card Fees	1,000.00
5402	Professional Services	35,670.00
5403	Service Contracts	9,350.00
5404	Central Garage Maintenance	102,000.00
5405	Equipment Rental Lease	1,185.00
5406	Insurance Premium Deductible	20,000.00
5411	Land & Building Rent/Lease	9,000.00
5418	Refunds & Reimbursements	1,100.00
5445	Commingling Fee	21,000.00
5446	Yard Waste	45,000.00
5447	Solid Waste	672,140.00
5464	Capital Lease	80,261.00
5465	Capital Intrest	3,058.00
5501	Subscriptions and Publications	50.00
5502	Supplies	20,000.00
5503	Motor Fuel and Lubricants	110,000.00
5504	Postage	10,450.00

Department Total: 5005 - Sanitation \$2,339,361.00

Department: 5006 - Landfill Monitoring

Ordinance No. 2010-1 ^{NEW} Passed JAN - 1 2010 20

5302	Utilities	3,000.00
5303	Equipment Maintenance	1,500.00
5402	Professional Services	75,000.00
5441.01	OWDA Loan Interest	54,954.00
5441.02	OWDA Loan Prinipal	150,121.00
5442	Capital Equipment	50,000.00
5502	Supplies	1,500.00
Department Total: 5006 - Landfill Monitoring		\$336,075.00

Expenditures Total \$2,675,436.00

Fund Expenditure - Total: 503 - Sanitation \$2,675,436.00

Fund: 504 - Storm Sewer

Expenditures

Department: 5007 - Storm Water Utility

5101.01	Salaries Regular Salaries	428,206.00
5102.01	Benefits Medicare	5,964.00
5102.03	Benefits OPERS Matching	73,700.00
5102.04	Benefits OPERS Pickup	14,560.00
5102.08	Benefits Health Insurance	92,890.00
5102.09	Benefits Workers Compensation	12,370.00
5103	Sick Leave Sellback	11,200.00
5104	Quartermaster/Clothing	3,475.00
5201	Travel & Transportation	240.00
5202	Schooling	200.00
5302	Utilities	180.00
5303	Equipment Maintenance	13,000.00
5304	Capital Equipment	21,000.00
5306	Legal Advertising	2,000.00
5308	Credit Card Fees	1,000.00
5402	Professional Services	100,000.00
5403	Service Contracts	34,900.00
5404	Central Garage Maintenance	14,000.00
5405	Equipment Rental Lease	4,134.00
5406	Insurance Premium Deductible	8,000.00
5418	Refunds & Reimbursements	400.00
5439.01	Debt Service Bond Interest	192,385.00
5439.02	Debt Service Bond Principal	210,000.00
5439.04	Debt Service Note Interest	243,475.00
5439.05	Debt Service Note Principal	5,583,850.00
	Debt Service Cost	5,300.00
5440.02	OPWC Loan Prinipal	13,085.00
5443	Capital Improvement	22,000.00
5448	Sweeper Dirt Disposal	40,000.00
5501	Subscriptions and Publications	50.00
5502	Supplies	87,327.00
5503	Motor Fuel and Lubricants	40,000.00
5504	Postage	7,500.00
Department Total: 5007 - Storm Water Utility		\$7,286,391.00

Department: 5008 - Storm Sewer Improvement

5402	Professional Services	500,000.00
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RECORD OF ORDINANCES

0069

Dover Legal Work, Inc.

Form No. 300a1

Ordinance No. 2010-1 ⁷¹¹ *Sub* Passed JAN 1 2010 20

5443	Capital Improvement	2,000,000.00
Department Total: 5008 - Storm Sewer Improvement		\$2,500,000.00

Department: 5009 - Northwest Interceptor		
5440.02	OPWC Loan Prinipal	45,478.00
Department Total: 5009 - Northwest Interceptor		\$45,478.00

	Expenditures Total	\$9,831,869.00
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	Fund Expenditure Total: 504 - Storm Sewer	\$9,831,869.00
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Fund: 601 - Internal Service
Expenditures

Department: 6000 - Central Garage		
5101.01	Salaries Regular Salaries	192,463.00
5101.03	Salaries Overtime	9,650.00
5102.01	Benefits Medicare	2,931.00
5102.03	Benefits OPERS Matching	28,296.00
5102.04	Benefits OPERS Pickup	12,167.00
5102.08	Benefits Health Insurance	46,949.00
5102.09	Benefits Workers Compensation	6,063.00
5103	Sick Leave Sellback	2,500.00
5104	Quartermaster/Clothing	1,800.00
5202	Schooling	3,000.00
5302	Utilities	58,000.00
5303	Equipment Maintenance	5,000.00
5304	Capital Equipment	23,500.00
5402	Professional Services	5,000.00
5403	Service Contracts	5,600.00
5406	Insurance Premium Deductible	10,915.00
5408	Land & Building Maintenance	4,000.00
5414	Janitorial Services	6,000.00
5439.04	Debt Service Note Interest	56,000.00
5439.05	Debt Service Note Principal	1,400,000.00
5502	Supplies	180,000.00
5503	Motor Fuel and Lubricants	325,000.00
Department Total: 6000 - Central Garage		\$2,384,834.00

	Expenditures Total	\$2,384,834.00
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	Fund Expenditure Total: 601 - Internal Service	\$2,384,834.00
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Department: 7001 - Youth Recreation Trust		
5450	Trust Expense	1,000.00
Department Total: 7001 - Youth Recreation Trust		\$1,000.00

Department: 7002 - Safety Patrol Trust		
5450	Trust Expense	1,000.00
Department Total: 7002 - Safety Patrol Trust		\$1,000.00

Department: 7003 - Law Enforcement Trust		
5450	Trust Expense	20,000.00

Ordinance No. 2010-1 Passed JAN 1 2010 20

Department Total: 7003 - Law Enforcement Trust \$20,000.00

Expenditures Total \$22,000.00

Fund Expenditure Total: 701 - Trust \$22,000.00

Fund: 702 - Agency
Expenditures

Department: 7004 - Parking Meter Agency

5453 Parking Lot 800.00

Department Total: 7004 - Parking Meter Agency \$800.00

Department: 7005 - State Patrol Fines Agency

5450 Trust Expense 100,000.00

Department Total: 7005 - State Patrol Fines Agency \$100,000.00

Department: 7006 - Rotary

5451 Pass Thru Payments 30,000.00

5452 Greyhound 75,000.00

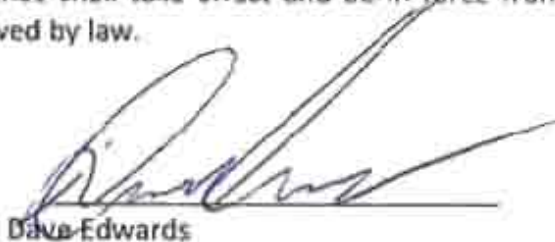
Department Total: 7006 - Rotary \$105,000.00

Expenditures Total \$205,800.00

Fund Expenditure Total: 702 - Agency \$205,800.00

Expenditure Grand Totals: \$61,052,166.78

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: JAN 4 2010


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2010-02 20 Passed MAR - 9 2010 20

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) , IN ADDITION, SUSPENDING CERTAIN PROVISIONS WITHIN THE EMPLOYEE HANDBOOK/PERSONNEL MANUAL FOR THE YEAR 2010 , AS AMENDED

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, this a continuation of the necessary steps taken in 2009, and

WHEREAS, the Council has given due consideration to the recommendation of the Administration's recommendations based upon the same set of circumstances the City of Marion, Ohio was presented with at this time one year ago,

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 continued 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 fact that the City faces the same factual circumstances that were present one year ago without any significant change having taken place. The Council recognizes current revenue projections find it necessary to carry forward the step taken in 2009 with the continued goal being: To keep as many City employees working as is fiscally possible in the current economic environment. Council hereby again finds it necessary to suspend, for the year 2010, 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 2010 for each employee referenced in the aforementioned Ordinance. Wage ranges shall remain for the year 2010 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.

~~Further, the Council finds it necessary to adopt the Administration's recommendation and hereby determines it necessary that all non-bargaining employees participate in furloughs. More specifically, each and every General Fund Department containing non-bargaining employees shall work 38-hour work weeks. In other words, a time card for an employee shall not be submitted for an amount greater than 76 hours per pay period. The only exception being related to grant funded employees:~~

THE COUNCIL SPECIFICALLY FINDS THE ABOVE PROVISIONS TO BE RETROACTIVE TO THE 1ST PAY PERIOD OF 2010.


Ordinance No. 2010-2 ^{HL 155 B - 100m} Passed MAR - 8 2010, 20

Section 2. For the year 2010 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 again suspended for the year 2010.

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

APPROVED: **MAR - 9 2010**


Mayor Scott Schertzer


Dave Edwards
President of Council

ATTEST:


Clerk of Council

DEFEATED February 22, 2010 with a vote 1-7

March 8, 2010 Ordinance reconsidered on Council Floor 9-0 vote

March 8, 2010 Ordinance was adopted 6-3 Vote

Ordinance No. 2010-3

Passed  20

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, SECOND SET, AND DECLARING AN EMERGENCY

WHEREAS, the Council, Mayor, Law Director and Regional Planning continue to work diligently to improve the community's well-being by eliminating nuisances which are present in Marion's neighborhoods, and

WHEREAS, by previous Ordinance the Council authorized the letting of demolition the subject demolition herein,

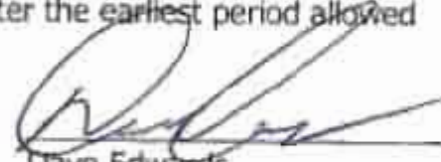
BE IT ORDAINED by the Council for the City of Marion, Ohio:

Section 1. The Safety Director is authorized to enter into a contract for the demolition of the following property under the Neighborhood Stabilization Program with Quality Excavating and Construction of Perrysville, Ohio the lowest and best bidder in response to the previously authorized letting process for the total sum of \$ 19,200:

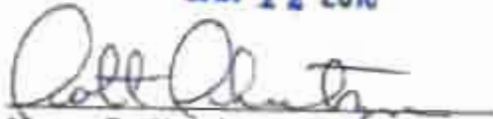
- | | |
|--------------|--------------|
| 506 Avondale | 356 Monroe |
| 334 Fies | 219 Sharp |
| 365 Glad | 462 Scranton |

All costs associated with the above contract, letting process and support activities shall be paid for from Neighborhood Stabilization Grant Program.

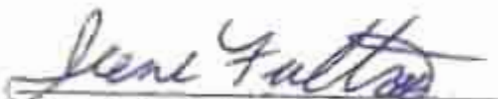
Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and inhabitants thereof; more specifically in that the safety and security of the impacted neighborhoods is an imperative need that cannot afford further delay and the need to utilize the grant funding to utilize the full grant amount as best possible without further delay, and as such shall take effect and be in force upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall come effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: 


 Mayor Scott Schertzer

Attest;


 Clerk of Council

Ordinance No. 2010-4

Passed

 JAN 1 2010

20

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO SPEC AND BID FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE, THIRD ROUND OF DEMOLITIONS UNDER 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 or the Board of Building Appeals has made a Finding and Determination that the property is a Nuisance and the owner is deceased, this being the third 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 NSP funding:

- | | | |
|-------------------|------------------------|-----------------|
| 476 Ballentine | 232 Oak St | 620 Park Street |
| 1022 Bennett | 206 Olney | |
| 329 Blaine | 517 Prospect St. South | |
| 127 Cayuga | 505 Prospect St. South | |
| 198 Elk | 601 State St. North | |
| 505 Jefferson | 609 State St. North | |
| 288 Mark St. East | 753 State St. North | |
| 415 Milburn | 399 Toledo | |

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 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.

Approved: **JAN 1 8 2010**


Mayor Scott Schertzer


Dave Edwards
President of Council

ATTEST:


Clerk of Council

Ordinance No. 2010-5

Passed JAN 11 2010, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
SANITARY SEWER IMPROVEMENT FUND AND ARRA GRANT
FUND FOR THE YEAR ENDING DECEMBER 31, 2010.

Whereas, Council by previous Ordinance authorized the borrowing of funds which are now on hand for the purpose of making capital improvements with the projects listed below and the Auditor has reported there exists the ability to repay a portion of said borrowed funds, and

Whereas, the Auditor advises it is necessary to re-appropriate certain carryover balances, and

Whereas, the City is now proceeding and the funds must be 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 additional appropriations as follows:

SANITARY SEWER

Projects (including but not limited to:)

- Franconia
- W. Center Sewer lining Phase 1 & 2
- Columbia Street Sewer Lining
- Marion Plaza Sewer Rehab
- Royal Oaks Sewer Rehab

Professional Services	502.5004.5402	\$500,000.00
Capital Improvement	502.5004.5443	\$2,000,000.00


ARRA ENERGY GRANT

Capital Improvement		\$155,000.00
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Section 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.


Dave Edwards
President of Council

Approved:  12 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-6

Passed JAN 25 2010 26

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

WHEREAS, on August 10, 2009, by passage of Ordinance # 2009-76, Council authorized 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 office of Service Director, 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 enter into a lease for a period of five (5) crop years ending September 30, 2014, with Brad Mattix, 7499 Wildcat Pike, New Bloomington, Ohio, 43341, for the above described farm land approximately 562 acres at a bid price of \$632,952.50.

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

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



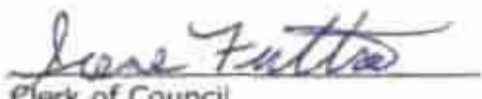
Dave Edwards
President of Council

Approved: **FEB 01 2010**



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2010-7

Passed **FEB 23 2010**, 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

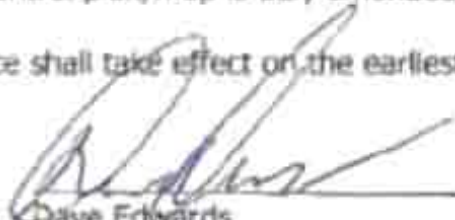
WHEREAS, the Traffic Commission has received the report of the City Engineer in regard to the intersection of Wilson Ave. at Franconia Ave. and the expressed basis for providing for an amendment to the City's Traffic Control Plan/Map, and

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.

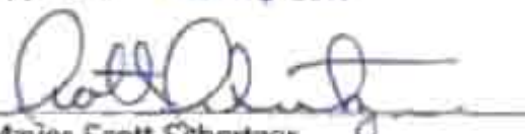
BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

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 **FEB 23 2010**


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

Ordinance No.

2010-8

Passed

APR 12 2010

20

ORDINANCE AMENDING SECTION 1161 OF THE MARION CITY ZONING ORDINANCE, MORE SPECIFICALLY BY AMENDING SUBSECTION 1161.042 TO PROVIDE FOR DIGITAL OR ELECTRONIC ADVERTISING SIGNS PROVISIONS, AMENDING 1123.01 TO PROVIDE FOR A DEFINITION RELATED THERETO AND AMENDING CHAPTER 1185, AS AMENDED

WHEREAS, the Marion City Planning Commission has recommended the following amendment to the Marion City Zoning Ordinance to update rules to encompass new technology, and

WHEREAS, the Council concurs with the proposed changes as being in the best interests of the citizens of Marion,

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

Section 1161.042 STANDARDS FOR ADVERTISING SIGNS, now reading as:

The standards for the construction or installation of advertising signs shall be as set forth hereunder, in addition to requirements for all principal structures in the district in which the sign is located:

(A) Number of signs. There shall be no more than one sign (structure) on any lot having less than 200 feet of unbroken frontage on a single street. A lot having 200 feet or more of unbroken frontage on a single street may have two sign structures thereon.

(B) Structural types permitted. Provided they comply with all requirements therefore, advertising signs may be of the following structural type:

- (1) Free-standing signs.
- (2) Wall signs.
- (3) Roof signs in the C-3, C-4, and I-2 Districts only

(C) Area and dimensions

- (1) The maximum total area of all faces of any sign structure shall be 2,000 square ft.
- (2) Maximum height. In addition to the maximum building height limitations for principal uses in the district in which they are to be located, all advertising signs shall conform to the following height limits:
 - (a) Free-standing signs: Thirty-five feet above the grade at the base of the sign.
 - (b) Wall signs: No higher than two feet above the wall to which attached.
 - (c) Roof signs: Shall not exceed 25 feet higher than the roof of the building to which such sign is attached to the point of mounting.

(D) Location of advertising signs.

- (1) No part of any advertising sign shall project beyond the property line.
- (2) No advertising sign shall be located in or project into any yard required for a principal building in the district in which it is located.
- (3) Advertising signs located in C or I Districts and near any R, O-I, O-I-A Districts shall comply with the requirements of S 1161.011.
- (4) All advertising signs shall be located in conformance with the requirements of S 1161.012 relating to traffic hazards.

(E) Illumination. Advertising signs may be illuminated, and any such illuminated sign shall be constructed and maintained so that the source of

RECORD OF ORDINANCES

APR 12 2010

Ordinance No. 2010-8

Passed 20

illumination is shielded or otherwise prevented from beaming into adjacent lots or streets. (Ord. 1969-182, passed 1-12-70)

shall be amended to read as follows:

Section 1: 1161.042 STANDARDS FOR ADVERTISING SIGNS.

The standards for the construction or installation of advertising signs shall be as set forth hereunder, in addition to requirements for all principal structures in the district in which the sign is located

(A) Number of signs. There shall be no more than one sign(structure) on any lot having less than 200 feet of unbroken frontage on a single street. A lot having 200 feet or more of unbroken frontage on a single street may have two sign structures thereon.

(B) Structural types permitted. Provided they comply with all requirements therefore, advertising signs may be of the following structural type:

- (1) Free-standing signs.
- (2) Wall signs.
- (3) Roof signs in the C-3, C-4, and I-2 Districts only

(C) Area and dimensions

(1) The maximum total area of all faces of any sign structure shall be ~~2,000~~ 1,000 square ft.

(2) Maximum height. In addition to the maximum building height limitations for principal uses in the district in which they are to be located, all advertising signs shall conform to the following height limits:

- (a) Free-standing signs: Thirty-five feet above the grade at the base of the sign.
- (b) Wall signs: No higher than two feet above the wall to which attached.
- (c) Roof signs: Shall not exceed 25 feet higher than the roof of the building to which such sign is attached to the point of mounting.

(D) Location of advertising signs.

- (1) No part of any advertising sign shall project beyond the property line.
- (2) No advertising sign shall be located in or project into any yard required for a principal building in the district in which it is located.
- (3) Advertising signs located in C or I Districts and near any R, O-I, O-I-A Districts shall comply with the requirements of S 1161.011.
- (4) All advertising signs shall be located in conformance with the requirements of S 1161.012 relating to traffic hazards.

(E) Illumination. Advertising signs may be illuminated, and any such illuminated sign shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming into adjacent lots or streets. (Ord. 1969-182, passed 1-12-70)

(F) Digital or Electronic Advertising Signs. Digital or electronic advertising signs shall not be permitted unless they comply with all the requirements above in Section 1161.04 (G) below, and one of the two exceptions listed below:

- (1) The sign is within 1000 feet of US 23 in a commercial or industrial district and meets all of the requirements of the Ohio Department of Transportation (ODOT) for

RECORD OF ORDINANCES

Ordinance No. _____

Session No. _____

APR 13 2010

Ordinance No. 2010-8

Passed

30

advertising signs or devices which shall be incorporated herein as if fully re-written.

(2) The sign is both within a C-3 Central Core Business District and the Downtown Design Review District and approved by the Downtown Design Review Board at one of the Board's scheduled meetings, UNDER CHAPTER 1185 DESIGN REVIEW REGULATIONS.

(G)(1) Digital or Electronic Advertising Signs, irrespective of the previous requirements of Section 1161.042, must be erected at least 20 feet above the grade at the base of the sign and may go up to, but not exceed, 40 feet above the grade at the base of the sign. The sign dimensions shall not be greater than 12 feet high by 25 feet wide.

(G)(2) Digital or Electronic Advertising Signs shall, in addition to all other requirements as to signs, at a minimum, be required to have and use automatic dimming devices that adjust the brightness to the ambient light at all times day and night to prevent glare on surrounding properties, shall not have flashing words or drawings, and shall not have changeable advertisements or messages that last less than eight(8) seconds. Auditory effects, including music, shall not be permitted as a part of any billboard display. No sign shall incorporate the movement or the illusion of movement. NOR SHOW A SPLIT SCREEN MESSAGE. Signs shall not contain symbols or words, or red, green or blue lights that resemble highway traffic signs or devices. No advertising display or device shall be illuminated by any rapid flashing, intermittent light or lights. Achieves a transition to another static image or message over a period of at least one second; Such advertising devices shall contain a default design that will freeze the device in one position if a malfunction occurs; All signs shall comply with Ohio Department of Transportation (ODOT) for advertising signs or devices which shall be incorporated herein as if fully re-written.

Section 2. There shall be added a new definition under Chapter 1123, Section 1123.01, as follows:

SIGN, DIGITAL OR ELECTRONIC ADVERTISING. A TYPE OF OFF PREMISE NON ACCESSORY ADVERTISING SIGN USING BUILT IN ELECTRONIC DIGITAL MESSAGES WHETHER OR NOT THE MESSAGES CAN BE CONTROLLED ON SITE OR OFF SITE BY COMPUTER.

Section 3. Existing Chapter 1185 shall be amended to provide necessary provision as to Digital or Electronic Advertising Signs, more specifically, 1185.13 shall be amended to include the following new applicable provisions:

1185.13(A)(i) In the evaluation as to the issuance of a certificate of appropriateness the Design Review Board shall apply provisions contained within Secretary of the Interior's Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings, U.S. Department of Interior, as currently revised and in addition shall evaluate minimum standards, including but not limited to: Authorize the Certificate only if the new Digital or Electronic Advertising Sign: replaces two or more existing billboards at the same site or elsewhere in the downtown design review district and that the sign would improve the appearance of Downtown Marion; is 250 feet or more from an existing billboard and, in the Board's judgment, cannot be easily viewed from existing residences, including occupied loft apartments; will the billboard enhance an existing open space as part of a cleanup of an unsightly vacant lot or blocking the unsightly visual clutter of other vacant lots and deteriorating buildings; and, **TEN PERCENT OF THE ADVERTISING TIME PER WEEK MUST BE DEDICATED TO FREE NON PARTISAN PUBLIC SERVICE ANNOUNCEMENTS, THIS MAY INCLUDE ADVERTISING UPCOMING**
EQUALLY DISTRIBUTED WITHIN A 24 HOUR PERIOD

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 20043

Ordinance No. 2010-8

Passed APR 12 2010 20

DOWNTOWN EVENTS, AMBER ALERTS, OR SOME TYPE OF "WELCOME TO MARION OHIO"

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 **APR 13 2010**



Mayor Scott Schertzer

Attest:



Clerk of Council

Ordinance No. 2010-9

Passed July 25 2010, 20

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED LOAN AGREEMENT WITH MORE BENEFICIAL REPAYMENT TERMS RELATED TO THE STATE INFRASTRUCTURE BANK LOAN ENTERED IN MAY OF 1998 FOR IMPROVEMENTS IN AND NEAR THE DUAL RAIL INDUSTRIAL PARK AND DECLARING AN EMERGENCY.

WHEREAS, the Council by previous Ordinance authorized the City Administration to undertake \$2 Million in transportation improvements including a road of approximately one (1) mile in length in the Dual Rail Industrial Park, and

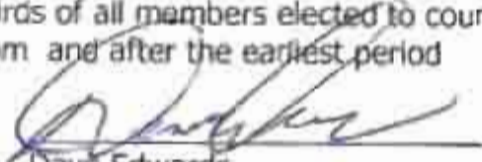
WHEREAS, The prior authorization enabled the then Mayor to enter into a Loan Agreement with certain repayments terms associated with the Tax Increment Financing Agreement with LTV Steel and its subsidiaries which was anticipated to generate funds to pay for infrastructure improvements, and

WHEREAS, the Council now finds it advantageous to take advantage of the current Mayor's efforts to amend the previous Loan Agreement terms to provide for a more beneficial repayment schedule and related terms,

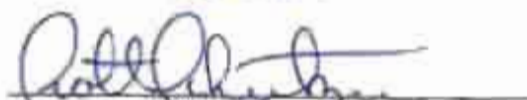
BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Mayor is authorized to execute any and all documents necessary to amend and revise the previous Loan Agreement with the State of Ohio Department of Transportation for the State infrastructure bank loan for road improvements in and near the Dual Rail Industrial Park previously entered in May of 1998 to provide for a more beneficial repayment schedule and related terms.

SECTION 2. This Ordinance is hereby declare to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that it is necessary to implement the new repayment schedule 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: July 26 2010


 Mayor Scott Schertzer

Attest;


 Clerk of Council

Ordinance No. 2010-10

Passed **FEB 08 2010** 30

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

Whereas, in accordance with the vehicle replacement plan in regard to Police vehicles,

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 three police cruisers.

Section 2. That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the city; and 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.

Section 3. The final month of production for the 2010 Police Interceptor at Ford is March, 2010.


 Dave Edwards
 President of Council

APPROVED: **FEB 09 2010**


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

Ordinance No. 2010-11

Passed **FEB 08 2010** 20__

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN
GENERAL FUND FOR CIVIL SERVICE EXAMS FOR THE YEAR
ENDING DECEMBER 31, 2010.

Whereas, the Civil Service Commission is in need of additional funds
from the General Fund to provide testing,

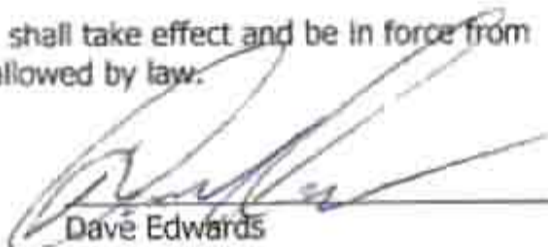
BE IT ORDAINED by the Council of the City of Marion, Marion
County, Ohio:

Section 1. That there be an additional appropriation as follows:

Civil Service Commission

Professional Services	101.1017.5402	\$26,000.00
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Section 2. This ordinance shall take effect and be in force from
and after the earliest period allowed by law.


Dave Edwards
President of Council

Approved: **FEB 09 2010**


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-12

Passed FEB 22 2010, 20

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AND COMPLETE ALL DOCUMENTS, INCLUDING BUT NOT LIMITED TO: CLEAN OHIO REVITALIZATION FUND GRANT AGREEMENT, REDEVELOPEMENT OR AQUISITION AGREEMENT AND A PURCHASE AND SALE AGREEMENT IN ORDER TO COMPLETE THE REMEDIATION OF THE FORMER MANUFACTURED GAS PLANT SITE AND DECLARING AN EMERGENCY, *as amended*

WHEREAS, the Council by previous action authorized the execution of the Linden Place Redevelopment Access Agreement with an attachment identified as Exhibit A containing a complete and accurate representation of the subject property. The Agreement, dated July 14, 2009, was entered with Columbia Remainder Corp. and Columbia Gas of Ohio and contained certain terms all centered on ultimately receiving a certified professional's issuance of a CNS consistent with Future Uses, and

WHEREAS, the Administration provided a detailed update to the Council on the 26th day of October, 2009 and thereafter did executed an Amended and Restated Linden Place Redevelopment Access Agreement in order to place the parties in the best position possible to receive approval of the Clean Ohio Revitalization Fund Grant, and

WHEREAS, the City of Marion has been successful in its seeking and being awarded the \$ 2,000,000.00 CORF grant to enhance the site's remediation and redevelopment for beneficial use to any and every extent other than residential, and

WHEREAS, Council finds it necessary and beneficial to direct and authorize the Mayor to take all necessary steps, including but not limited to: Approving and executing the CORF Grant Agreement, *After signing* an Acquisition Agreement, a Purchase and Sale Agreement and a Linden Place Redevelopment Agreement in order to complete the successful remediation and redevelopment of the subject property,

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

After signing
Section 1. The Council hereby fully authorizes and directs the Mayor to complete all documents and to take all acts necessary to successfully achieve the remediation and redevelopment for beneficial use to any and every extent other than residential of the former Manufactured Gas Site at Columbia St. and S. Prospect St., including but not limited to Approving and executing the CORF Grant Agreement, an Acquisition Agreement and a Purchase and Sale Agreement and a Linden Place Redevelopment Agreement.

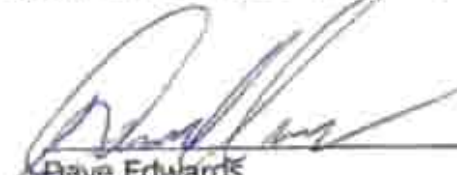
Section 2. That Council hereby authorizes in the participation of the financial assistance program under the Clean Ohio Revitalization Fund in order to utilize the awarded \$ 2,000,000.00.

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

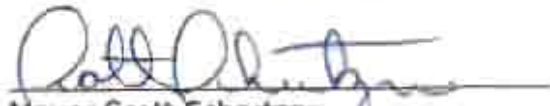
Ordinance No. 2010-12 ⁶⁵⁷Passed FEB 22 2010, 20

Section 4. As previously committed, the Council continues its commitment to provide a match in regard to the CORF, however by separate agreement Columbia Gas will reimburse the City of Marion, Ohio in full for this match. This benefit being in addition to the previous and continuing commitment by Columbia Gas of Ohio to indemnify the City for any and all losses City may incur as the owners of the Property arising out of, or due to, contamination existing at the Property prior to the date of the City's ownership.

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 time is of the essence in regard to Grant agreement execution and acceptance and as such 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: **FEB 23 2010**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Amended on Council Floor Feb. 8, 2010

Ordinance No. 2010-13

Passed **FEB 22 2010**, 2010

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO EXECUTE REQUIRED DOCUMENTS TO PARTICIPATE IN THE GYPSY MOTH SPRAYING PROGRAM WITH THE STATE OF OHIO, DEPARTMENT OF AGRICULTURE AND DECLARING AN EMERGENCY

WHEREAS, the gypsy moth is potentially the most significant insect pest of Ohio's forests, woodlots and shade trees; and

WHEREAS, the Marion City Parks Department has made application to participate in Ohio's Gypsy Moth Suppression Program and authorized the Department of Agriculture to perform a gypsy moth egg mass survey at Sawyer-Ludwig Park; and

WHEREAS, the result of the survey indicates that 57 Acres of Sawyer-Ludwig Park has met the eligibility requirements of Ohio Administrative Code 901:5-52-08, and require spraying; and

WHEREAS, the ODA Gypsy Moth Suppression Treatment Project has a cost share provision in which the City of Marion is obligated to pay \$1,654.14, which is 50% of the application cost.

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 Execute an Agreement with the State of Ohio, Department of Agriculture to implement said program.

Section 2. That this Treatment Application shall be payable from the Land and Building Maintenance Fund for the Parks Department.

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; gypsy moth population of various areas of said park requires spraying; and it is necessary to treat in a timely manner; 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: **FEB 23 2010**


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

Ordinance No 2010-14

Passed **MAR 22 2010**, 20

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING 389 EVANS ROAD FROM A C-5, GENERAL BUSINESS DISTRICT TO A R-1C, SINGLE FAMILY DISTRICT, HIGH DENSITY (Applicant Buckeye Builders)

WHEREAS, Council finds that the real property described below, should be rezoned, from an C-5 General Business District to an R-1C Single Family District, High Density, and

WHEREAS, the City Planning Commission on February 2, 2010, had a 3-1 vote in favor of the request, but lacking the required 4 affirmative votes for adoption of any motion, did not recommend for or against a change to the existing zoning ordinance, and


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

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

SECTION 1. That the property known as 389 Evans Road, Marion, Ohio and being more particularly described in the attached Exhibit A. Said parcel currently zoned as C-5 General Business District to be rezoned to an R-1C Single Family District, High Density, and

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

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


 Dave Edwards
 President of Council

APPROVED: **MAR 23 2010**


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

2005-04210

00000855 PAGE 3 | 9

Exhibit A

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, THAT, GINA A SANSOTTA, unmarried,
the Grantor(s), for valuable consideration paid, does hereby **REMISE, RELEASE AND
FOREVER QUIT-CLAIM** to the Grantee(s) **G MARIO SANSOTTA** whose tax mailing
address is: ~~289 Chicago Ave, Marion, Ohio 43302~~ the following described real estate:

Situated in the City of Marion, County of Marion and State of Ohio and being Lot # 8932

in Marion-Osgood Addition to the City of Marion, Ohio

Prior Deed Reference Volume 469 Page 407 Official Records

TRANSFERRED
PER 310.002 F.L.C.

MAY 05 2005

TO HAVE AND TO HOLD said premises, with the privileges and appurtenances

thereunto belonging to the said Grantee.

IN WITNESS WHEREOF, the said **GINA A SANSOTTA**, has hereunto set her hand

this 28 day of April, in the year of our Lord Two Thousand Five

Gina A Sansotta
GINA A SANSOTTA

STATE OF OHIO, COUNTY OF MARION, SS:

Before me, a Notary Public, in and for said County and State, personally appeared the
above named **GINA A SANSOTTA**, unmarried who acknowledged that she did sign the
foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Marion,
Ohio, this 28 day of April, 2005.

R. Danielle Grace
Notary Public

This Instrument Prepared by:
John P. Firstenberger, Attorney at Law
127 E. Center St., Marion, Ohio 43302



R. DANIELLE GRACE
Notary Public, State of Ohio
My Commission Expires 11/20/06

310
19-2-38
All
8932

Approved
Marion County Engineer
Marion County, Ohio
Date 4-27-05 By JS

Ordinance No. 2010-15

Passed **FEB 22 2010**, 2010

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
SPECAIL REVENUE FUND/RETIREMENT 27TH PAY FOR
EMPLOYEE RETIREMENT BENEFITS FOR THE YEAR ENDING
DECEMBER 31, 2010.

Whereas, the Auditor is requesting an appropriation in the
Retirement 27th pay Fund of paying out employee retirement benefits, such
as, but not limited to: accumulated sick leave, vacation leave, holiday
leave, payments in lieu of compensatory time off separations in year 2010
consistent with the original enabling Ordinance,

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

Section 1. That there be an appropriation as follows:

Retirement/27th Pay

Severance Pay Out	210 Fund	\$200,000.00
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Section 2. This ordinance shall take effect and be in force from
and after the earliest period allowed by law.


Dave Edwards
President of Council

Approved: **FEB 23 2010**


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-16

Passed FEB 22 2010, 2010

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
GENERAL FUND FOR SAFETY DIRECTOR (EMS BILLING) FOR
THE YEAR ENDING DECEMBER 31, 2010.

Whereas, the Safety Director is in need of additional funds from the
General Fund for refunds and reimbursements for EMS Billing

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

Section 1. That there be additional appropriations as follows:


General Fund

Refunds/Reimbursements	101.1015.5418	\$7,500.00
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Section 2. This ordinance shall take effect and be in force from
and after the earliest period allowed by law.


Dave Edwards
President of Council

Approved: **FEB 23 2010**


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-17

Passed **FEB 22 2010** 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
GENERAL FUND FOR CITY HALL (CENTRAL GARAGE) FOR
THE YEAR ENDING DECEMBER 31, 2010.

Whereas, City Hall is in need of additional funds from the General
Fund for Central Garage repairs

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

Section 1. That there be additional appropriations as follows:

General Fund

Central Garage	101.1021.5404	\$2,500.00
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Section 2. This ordinance shall take effect and be in force from
and after the earliest period allowed by law.


Dave Edwards
President of Council

Approved: **FEB 23 2010**


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-18

Passed FEB 22 2010 . 26

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISE CONSTRUCTION COMPANY INC FOR STORM SEWER REHABILITATION, PHASE I AT THE MARION MUNICIPAL AIRPORT. AND AMEND YAGER & ASSOCIATES CONTRACT FOR INSPECTION AND DESIGN OF RUNWAY 7/25 REHABILITATION. FAA GRANT 3-39-0050-1909 KNOWN AS PROJECT 19.

WHEREAS, Council by passage of Ordinance 2009-64 authorized the Service Director to prepare specifications and advertise for bid for Storm Sewer Rehabilitation, Phase I for the Marion Municipal Airport.

WHEREAS, The City of Marion has been awarded \$189,800.00 FAA Grant known as Project 19.

WHEREAS, the bid opening for Project 19 was held and the final grant was offered and accepted as a result of these bids. Project 19 was also inclusive of design for runway rehabilitation as preparation for a pending Project 20 in 2010.

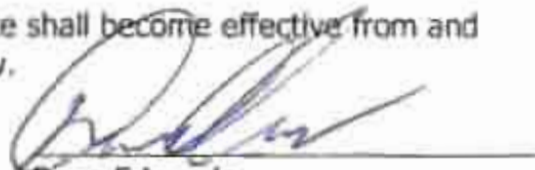
BE IT ORDAINED by the Council of the City of Marion, Marion, County, Ohio:

Section 1. That the Service Director is hereby authorized and directed to enter into contract with Park Enterprise Company Inc. in the amount of \$60,712 for storm sewer rehabilitation, Phase I at the Marion Municipal Airport.

Section 2. The specifications were prepared by Yager Consultants, Inc. of Toledo, Ohio, who was selected per FAA guidelines and authorized by Ordinance 1997-111. Authorized to Amendment #7 Yager & Associates Contract in the amount of \$128,500 for inspection of construction and design work toward pending Project 20 in 2010.

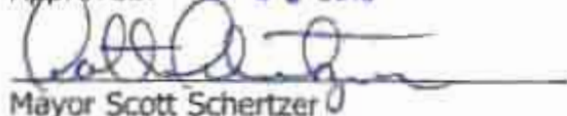
Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were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

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



Dave Edwards
President of Council

Approved: FEB 23 2010



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2010-19

Passed APR 12 2010 20

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED EAST OF THE CITY OF MARION, CONTAINING 19.704 ACRES, THE PETITION HAVING BEEN APPROVED BY THE COMMISSIONERS FOR THE COUNTY OF MARION (Applicant, Marion Plaza Associates, LP, also known as Madison Acquisitions)

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Ted McKinniss, Attorney and Agent on behalf of Marion Plaza Associates, LP, (also known as Madison Acquisitions), the sole owner of the real estate in the territory;

WHEREAS, the petition was duly filed with the Board of County Commissioners of Marion County, Ohio on December 21, 2009; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on February 2nd, 2010; 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 February 8, 2010; and

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

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

Section 1. That the proposed annexation as applied for in the petition of Ted McKinniss, as Agent, on behalf of Marion Plaza Associates, LP (also known as Madison Acquisitions), owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on December, 21, 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 the 2nd day of February, 2010, be and is hereby accepted.

The territory is described as follows:

Commencing at an existing railroad spike located at the intersection of the centerline of State Route 95 with the centerline of Kensington Road; thence along said centerline of Kensington Road N 0° 26' 55" E for a distance of 810.00 feet to a point on the South Line of Eckley Addition passing over an existing large survey nail at 809.93 feet); thence along said South Line S 89° 33' 05" E for a distance of 25.00 feet to a point on the East Right-of-Way Line of Kensington Road (also being the East Corporation Line of the City of Marion and the point of beginning; thence continuing along said South Line S 89° 33' 05" E for a distance of 518.98 feet to a 1" dia. Iron pin set on the West Line of the Woods Allotment; (pass 58' 25" W for a distance of 17.63

Ordinance No. 2010-19

Passed APR 12 2010 20

feet to a 1" dia. Iron pin set on the South Line of The Woods Allotment; hence along said South Line S 89° 16' 10" E for a distance of 774.64 feet to a 1" dia. iron pin set on the East Line of Section 26; thence along said East Line S 0° 45' 50" W for a distance of 749.15 feet to a small spike set over an existing railroad spike on the centerline of State Route 95 (passing over a 1" dia. Iron pin set at 699.15 feet); thence along said centerline S 88° 43' 50" W (for basis of bearing, see Official Record 980 Pg. 892, Marion County Recorder's Office) for a distance of 40.12 feet to a large survey set on Grantor's West Line; thence along Grantor's West Line N 0° 45' 50" E for a distance of 155.00 feet of a 1" dia. iron pin set on Grantor's South Line (passing over a 1" dia. iron pin set at 43.03 feet); thence along Grantor's South Line S 88° 43' 50" W for a distance of 150.00 feet to a 1" dia. iron pin set on Grantor's East Line; thence along Grantor's East Line S 0° 45' 50" W for a distance of 155.00 feet to a large survey nail set on the centerline of State Route 95 (passing over a 1" dia. iron pin set at 111.97 feet); thence along said centerline S 88° 43' 50" W for a distance of 724.65 feet to a point on Grantor's West Line (passing over an existing large survey nail at 724.53 feet); thence along Grantor's West Line N 0° 26' 55" E for a distance of 180.00 feet to a 1" dia. iron pin set on Grantor's South Line (passing over a 1" dia. iron pin set at 43.02 feet); thence along Grantor's South Line S 88° 43' 50" W for a distance of 150.00 feet to a 1" dia. iron pin set on Grantor's East Line; thence along Grantor's East Line S 0° 26' 55" W for a distance of 180.00 feet to an existing large survey nail on the centerline of State Route 95 (also being the North Corporation Line of the City of Marion)(passing over a 1" dia. iron pin set at 136.98 feet); thence along said centerline and North Corporation Line S 88° 43' 50" W for a distance of 40.10 feet to an existing large survey nail on Grantor's West Line; thence along Grantor's West Line N 0° 26' 55" E for a distance of 518.70 feet to a point on Grantor's South Line (passing over 1" dia. iron pins set at 43.02 feet and 517.70 feet); thence along Grantor's South Line N 89° 33' 05" W for a distance of 184.95 feet to a point on the East Right-of-Way Line of Kensington Road (also being the East Corporation Line of the City of Marion) (passing over a 1" dia. iron pin set at 183.95 feet); thence along said East Right of Way Line of Kensington Road N 0° 26' 55" E for a distance of 285.00 feet to a point on the South Line of Eckley Addition and the point of beginning.

Containing 19.704 acres more or less and being subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated November 30, 2009, All 1" dia. iron pins set have a plastic identity caps with the following caption, "TLB & Associates."

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 Council finds that the street known as State Rt. 95 will not be divided or segmented by the boundary line as to create a road maintenance problem.

Section 3. That the territory to be annexed becomes subject to the Zoning of the City of Marion, Ohio and that the Marion City Zoning Codes does permit the intended use. The zoning of the Municipal Corporation shall be designated as C-2 (Community Shopping District) which is not an

Ordinance No. 2010-19

Passed

APR 18 2010

20

incompatible use currently permitted under the Marion Township Zoning and no buffer shall be required pursuant to Ohio Revised Code Section 709.23(C).

Section 4. The City of Marion hereby consents and agrees that in the event it is determined that the territory described above remains subject to any Marion Township fire levy or other Township tax levies in excess of the normal real property taxes, then in that event the City of Marion shall within 90 days after payment reimburse the owner of the annexed territory for all such fire levy or other Township imposed tax levies paid.

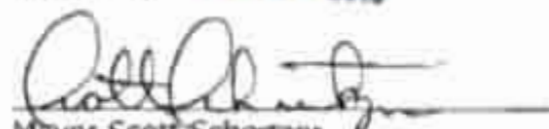
In consideration of the acceptance by the City of Marion of the above described property, the owner of the property, for itself and its successors and assigns, agrees to cooperate with the City of Marion in seeking a determination at law that said fire levy and other tax levies in excess of the normal real property taxes should not be taxed to the above described property as a result of it's annexation to the City of Marion, provided however, any expense to challenge and/or defend any such legal action shall be borne by the City.

Section 5. 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.

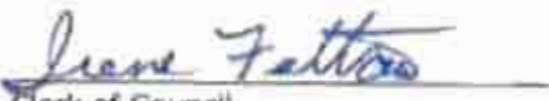
Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: **APR 18 2010**


 Mayor Scott Schertzer

Attest;


 Clerk of Council

FEB 22 2010

Ordinance No. 2010-20

Passed 20

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, THIRD SET, AND DECLARING AN EMERGENCY

WHEREAS, the Council, Mayor, Law Director and Regional Planning continue to work diligently to improve the community's well-being by eliminating nuisances which are present in Marion's neighborhoods, and

WHEREAS, by previous Ordinance the Council authorized the letting of demolition the subject demolition herein,

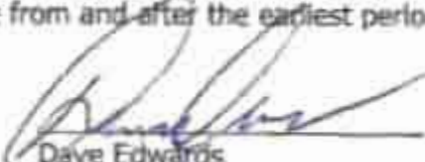
BE IT ORDAINED by the Council for the City of Marion, Ohio:

Section 1. The Safety Director is authorized to enter into a contract for the demolition of the following property under the Neighborhood Stabilization Program with High Touch Homes Inc., Greenwich, Ohio the lowest and best bidder in response to the previously authorized letting process for the total sum of \$ 29,034 for Round #3 and \$28,612 for Round # 3A:

NSP Round 3 - \$29,034		NSP Round 3A \$28,612	
476 Ballentine	232 Oak St	1022 Bennett St	517 S. Prospect
198 Elk St.	601 N. State	329 Blaine	505 S. Prospect
505 Jefferson	609 N. State	127 Cayuga St.	206 Olney Ave.
288 E. Mark	753 N. State	415 Milburn Ave	399 Toledo Ave.

All costs associated with the above contract, letting process and support activities shall be paid for from Neighborhood Stabilization Grant Program.

Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and inhabitants thereof, more specifically in that the safety and security of the impacted neighborhoods is an imperative need that cannot afford further delay and the need to utilize the grant funding to utilize the full grant amount as best possible without further delay, and as such shall take effect and be in force upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall come effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: **FEB 23 2010**


 Mayor Scott Schertzer

Attest;


 Clerk of Council

Ordinance No. 2010-21

Passed **FEB 22 2010** 20

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

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

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

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

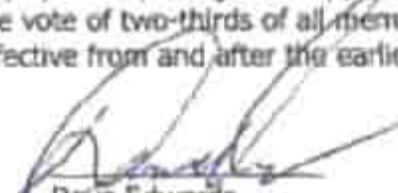
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

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

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

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

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


Dave Edwards
President of Council

APPROVED: **FEB 23 2010**


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2010-22

Passed MAR - 8 2010 20

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

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

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

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

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

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

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

Activities to be:

Rental Rehabilitation	=	92,000
Tenant Based Rental Assistance	=	150,000
Private Owner Rehabilitation	=	126,000
Home Repair	=	52,000
Emergency Monthly Hsg Assistance	=	30,000
Administration	=	50,000
		500,000

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

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

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

Approved: MAR - 9 2010

Mayor Scott Schierzer

Dave Edwards
President of Council

Attest:

Irene Futton
Clerk of Council

Ordinance No. 2010-23Passed MAR - 9 2010 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE WOODROW AVENUE AND HENRY STREET SEWER IMPROVEMENTS, PROJECT 09-3S, BLAINE AVENUE SEWER IMPROVEMENTS, PROJECT 09-2S, AND THE PENNSYLVANIA AVENUE AND FOREST LAWN BOULEVARD SEWER IMPROVEMENTS, PROJECT 09-1S, AND DECLARING AN EMERGENCY.

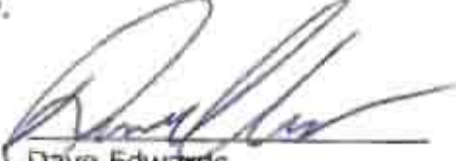
WHEREAS, the City of Marion has an immediate need to complete the Woodrow Avenue and Henry Street Sewer Improvements, Project 09-3S, Blaine Avenue Sewer Improvements, Project 09-2S and the Pennsylvania Avenue and Forest Lawn Boulevard Sewer Improvements, Project 09-1S, to be paid from the Sanitary Sewer Improvement Fund, the Storm Sewer Improvement Fund and Ohio Public Works State Issue 1; and

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 Woodrow Avenue and Henry Street Sewer Improvements, Project 09-3S; Blaine Avenue Sewer Improvements, Project 09-2S; and the Pennsylvania Avenue and Forest Lawn Boulevard Sewer Improvements, Project 09-1S.

Section 2. That the cost of such contracts shall be payable from the Sanitary Sewer Improvement Fund, the Storm Sewer Improvement Fund, and Ohio Public Works State Issue 1 associated grants and zero percent loans.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary in order to meet Ohio Public Works Commission deadlines, 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: MAR - 9 2010


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2010-24 Passed APR 12 2010 20

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, TO PROPERLY INCORPORATE THE EXISTING MUNICIPAL COURT MAGISTRATE POSITION INTO THE EXISTING CITY OF MARION POSITION CLASSIFICATION PLAN AND DECLARING AN EMERGENCY

WHEREAS, the Municipal Court, through its current Judge, the Clerk of said Court, the City Auditor and Law Director have collectively recognized the need to take the steps necessary to properly account for the Ohio Revised Code statutorily authorized and enabled Court Magistrate's position, and

WHEREAS, The Marion Municipal Court, as best as can be determined, first exercised its authority to appoint, pursuant to Ohio Revised Code, on or about July 12, 1996 by its official act through its Order of same date, then citing Rule 19(A) of the Ohio Rules of Criminal Procedure and Rule 53(A) of the Ohio Rules of Civil Procedure, said Entry providing for the employee's compensation, and

WHEREAS, the current Judge of the Marion Municipal Court adopted an Entry dated February 4, 2005 utilizing the same content and references contained in the Entry referenced in the paragraph above, expanding the authority pursuant to Rule 53(C) of the Ohio Rules of Civil Procedure to hear Civil Proceedings in addition to previous designated duties in regard to small claims cases and preliminary hearings, this by Entry dated March 23, 2007,

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

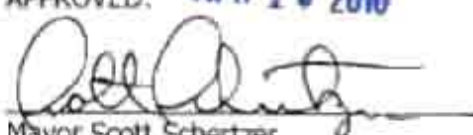
SECTION 1. In order to properly incorporate longstanding pre-existing authorities exercised by previous Court Administrators in regard to the Court Magistrate position, the Council does hereby incorporate said position into the existing Job Classification Plan more commonly known as the Yarger Report with the following terms and conditions as established by the Marion Municipal Court Judge and which may be modified by said Judge pursuant to referenced authorities:

By Order of Court, the position shall be filled by a person duly licensed to practice law selected and appointed by the Judge of the Municipal Court and possessing all other State minimum standards to perform the duties of said position.

SECTION 2. Further the person duly appointed to serve as the Court Magistrate shall be compensated for the services provided at the annual salary of \$41,000.96 with all the benefits previously provided the position. The position being based on an average work week of 32, hours per week, at the direction of the Judge of the Municipal Court. As previously directed, the Municipal Court - Regular Salary Fund #101.1019.5101.01 shall be the source of funds for payment for said position.

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 properly provide for the long ago established position and accounting for same; 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 13 2010**

 Mayor Scott Schertzer

ATTEST;

 Clerk of Council

MUNICIPAL COURT - MAGISTRATE

GENERAL STATEMENT OF DUTIES: Responsible to the Judge of the Marion Municipal Court, Primary responsibilities are centered on those commonly completed by a municipal court magistrate as is permitted by Ohio Revised Code or Supreme Court of Ohio rules, which shall be as over-seen by the Judge of said Court. Sources of authority include but are not limited to: Rule 14 of the Ohio Traffic Rules, Rule 19 of the Ohio Rules of Criminal Procedure, Rule 53 of the Ohio Rules of Civil Procedure, and Rule 19 of the Ohio Superintendence Rules. In addition to designated duties, completes duties routinely assigned to a municipal court's regular, small claims, criminal and traffic divisions, including preliminary hearings as may be modified by said Judge pursuant to authorities.

DISTINGUISHING FEATURES OF THE CLASS: An appointed position that performs tasks and exercises responsibilities within the Marion Municipal Court as directed from time to time by the Judge of said Court.

EXAMPLES OF WORK: (Illustrative only)

Essential functions include but not limited to: Performs the function of those activities commonly performed by a magistrate of an Ohio municipal court as referenced herein. All other activities related to the position as the Judge of the Court may from time to time assign.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES Comprehensive knowledge of the City, State, and Federal laws and regulations; thorough knowledge of the principles and practices of legal practice within the State of Ohio; ability to exercise sound judgment in administrative practices; ability to organize and direct court staff engaged in high volume complex procedures; ability to read, interpret and apply complex laws, rules and regulations relating to law; ability to establish and maintain effective working relationships with employees and the general public.

MINIMUM ACCEPTABLE QUALIFICATIONS, CERTIFICATES, LICENSES, REGISTRATIONS: The position shall be filled only by a person duly license to practice law and being in good standing with the Ohio State Supreme Court. The person shall be selected and appointed by the Judge of the Municipal Court serving at the complete and sole discretion thereof, and shall possess all other State minimum standards to perform the duties of said position.

QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

LANGUAGE SKILLS: Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents.

MATHEMATICAL SKILLS: Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percentages.

REASONING ABILITY: Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions, and deal with several abstract and concrete variables.



WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is regularly required to use hands to finger, handle, or feel; reach with hands and arms; talk or hear; and taste or smell. The employee frequently is required to stand and walk. The employee is occasionally required to sit; climb or balance; and stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

Ordinance No 2010-25

Passed APR 26 2010, at _____

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) \$ 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;

is hereby amended to read as follows:

(a) User Charge

- (1) \$ **6.45** per monthly bill;
- (2) \$**11.42** per bimonthly bill;
- (3) \$**1.206** per 100 cubic feet for monthly bill;
- (4) \$**1.206** 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: **APR 27 2010**


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

Ordinance No. 2010-26

Passed MAR 23 2010 20

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

WHEREAS, pursuant to Ordinance 2010-10, the Safety Director was authorized to advertise for bids for the purchase of three (3) marked vehicles and the necessary equipment for those vehicles, for the Police Department; and

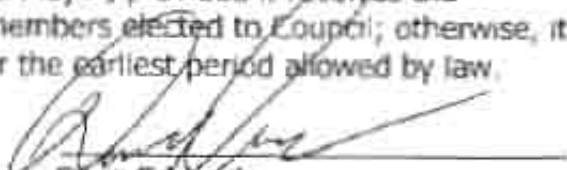
WHEREAS, during the bid process it was determined and the recommendation of the Safety Director that Mathews-Kennedy Ford be declared the only responsive bidder and be declared the lowest and best,

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. 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 three (3) 2010 Ford Crown Victoria Police Interceptors at a cost of \$65,602.26 and the extra needed equipment for these vehicles which totals \$81,505.76 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 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 23 2010


 Mayor Scott Schertzer


 Clerk of Council

Ordinance No. 2010-27

Passed **APR 14 2010**, 20

ORDINANCE TO AMEND THE YARGER REPORT BY CREATING A POSITION WITHIN THE POLICE DEPARTMENT, SPECIFICALLY A GRANT SPECIALIST POSITION, ESTABLISHING SALARY AND BENEFITS FOR SAID POSITION AND DECLARING AN EMERGENCY

WHEREAS, the Chief of the Police Department has advised an ARRA Grant Application has received confirmation of the provision of grant funds, and

WHEREAS, the Council finds it necessary to create a position to be known as Grant Specialist within the Police Department, which shall be funded by ARRA Grant funds through the State of Ohio VAWA Program in 2010, with responsibilities as set forth in the Job Description attached hereto,

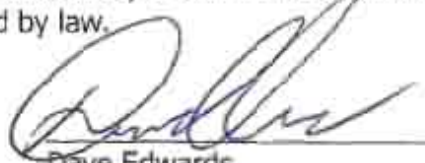
Be it ordained by the Council of the City of Marion, Marion County, Ohio:

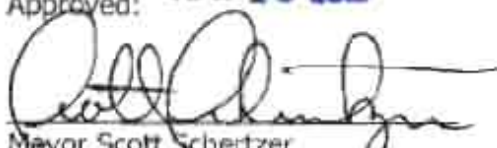
Section 1. The Council finds it necessary to create within the City's Job Classification Plan, sometimes referred to as the Yarger Report, the position of Grant Specialist with duties as are set forth in the attached Job Description. Given the need of the Chief of Police to have acted in advance to take advantage of the full grant funds available it is necessary to make this change retroactive to March 1, 2010.

Section 2. That the pay grade for the Grant Specialist shall be Pay Grade 20, Step C, at an hourly rate of \$ 19.27/hr. Application shall be retroactive to March 1, 2010.

Section 3. That the job description for said position is attached hereto and incorporated herein by reference and shall be reference become a part of the personnel classification schedule heretofore adopted by this Council as fully as if the same were re-written in said personnel classification schedule.

Section 4. 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 need to act immediately given the opportunity that presents itself; 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: **APR 15 2010**

 Mayor Scott Schertzer

Attest;

 Clerk of Council

GRANT ADMINISTRATOR (POLICE DEPARTMENT)

SUMMARY: The Grant Specialist will enter all domestic violence, sexual assault and stalking cases into individual databases. These statistics are utilized to analyze data for grant statistical evaluations. This individual will follow the case from initial contact through adjudication which will include documentation of the final disposition of all cases. Another assigned task will be completion of daily and monthly summaries for the Bureau of Criminal Identification & Investigation Domestic Dispute/Domestic Violence Form.

The Chief of the Department or Investigative Major or their designees may assign other tasks related to the VAWA program thus freeing up the police officers and detective to work on investigating cases and following up with victims instead of data entry duties. The Grant Specialist will assist the Detective assigned to cases related to those summarized above in preparing documentation as is necessary to meet grant requirements.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following, other duties may be assigned: Enters all domestic violence, sexual assault and stalking cases into individual databases. Follows the case from initial contact through adjudication which will include documentation of the final disposition of all cases. Another assigned task will be completion of daily and monthly summaries for the Bureau of Criminal Identification & Investigation Domestic Dispute/Domestic Violence Form or other documentary reports.

The Chief of the Department or Investigative Major or their designees may assign other tasks related to the VAWA program. The Grant Specialist will assist the Detective assigned to cases related to those summarized above in preparing documentation as is necessary to meet grant requirements and effective case management. Further, works closely with law enforcement collectively and other agencies in order to coordinate enforcement activities.

Operates computers, phone systems, copiers and other office equipment as needed to perform essential duties. Other duties as assigned.

QUALIFICATIONS: To perform this job successfully, individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE: Bachelor's degree (B. A.) from four-year college or university; and/or four years related experience and/or training; or equivalent combination of education and experience.

LANGUAGE SKILLS: Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of customers or employees of organization.

MATHEMATICAL SKILLS: Ability to work with mathematical concepts such as probability and statistical inference, and fundamentals of plane and solid geometry and trigonometry. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

REASONING ABILITY: Ability to solve practical problems and deal wily a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

CERTIFICATES, LICENSES, REGISTRATIONS: Valid Ohio Driver's License Required

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform entire essential functions. While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to walk; sit; and use hands to finger, handle, or feel. The employee is occasionally required to stand; reach with hands and arms; stoop, kneel, crouch, or crawl; and taste or smell. The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

Ordinance No. 2010-28

Passed **MAR 22 2010** 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR ON BEHALF OF THE CITY OF MARION TO CONTRACT WITH FIRST ENERGY SOLUTIONS TO SUPPLY ELECTRICAL ENERGY TO SELECTED CITY OWNED SERVICE ADDRESSES WITHIN THE CITY OF MARION, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion (the "City") conducted an open proposal process wherein prospective electrical energy suppliers were invited to tender retail price and contract length of service offers to the City, and

WHEREAS, the City received proposals from various suppliers in response to the request, and

WHEREAS, the proposal received from First Energy Solutions ("First Energy") was deemed to be the lowest and best proposal after technical review by the City, and

WHEREAS, it has been recommended by the Administration of the City to the Marion City Council (the "Council") to execute a contract with First Energy at the earliest possible date to take best advantage of variable market conditions, and

WHEREAS, the proposed contract will positively impact the electric power rates and charges of the largest of 37 electric meters at City owned and operated facilities, and

WHEREAS, Council recognizes that the City is currently a customer of First Energy for its various electrical power needs and sites located throughout the City and also at City owned facilities located just outside the City, and

WHEREAS, the City will continue to be customer of Ohio Edison for general secondary service (distribution and line component) as this proposal only impacts the generation component also known as the KWH usage.

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

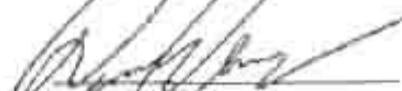
Section 1. The Council hereby finds and determines that the budget of the City will be positively impacted by entering into contract for electric power services for the 37 meters for a three (3) year period or until the middle of the year 2013. Therefore, the Council hereby authorizes the Service Director to enter into a contract with First Energy, reviewed by the Law Director, at an average KWH charge of \$0.05200 for a period of approximately thirty-six (36) months commencing in May 2010, or upon terms substantially similar therewith.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval by the Mayor given the immediate need to move forward without delay for the economic well being of the community, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise, it shall become effective from and after the earliest period allowed by law.

Approved:

MAR 23 2010


Mayor Scott Schertzer


Dave Edwards
President of Council

Attest:


Jeanne Fetter
Clerk of Council

APR 12 2010

Ordinance No. 2010-29

Passed _____ 20__

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO SPEC AND BID FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE, **FOURTH** OF DEMOLITIONS UNDER 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 or the Board of Building Appeals has made a Finding and Determination that the property is a Nuisance, this being the **FOURTH** 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:

- 352 Avondale Ave.
- 175 Boone Ave
- 190 Carhart
- 380 Chester St.
- 120 Columbia St. East
- 419 Columbia St. West
- 356 Commercial
- 570 Darius
- 827 Davids St
- 832 Davids St.
- 194 Edwards St.
- 383 Fies Ave.
- 294 Glad St.
- 643 Grant St.
- 633 Henry St.
- 610 Herman St.
- 282 Leader St.
- 364 Lee St
- 438 Lee St.
- 902 Mark St. East
- 364 Milburn
- 389 Milburn
- 419 Milburn

APR 12 2010

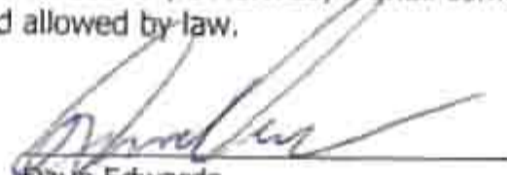
Ordinance No. 2010-29

Passed

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620 Park S.
 227 Patterson
 224 Olney Ave.
 219 Senate St.
 497 Silver St.
 417 Toledo Ave.
 425 Toledo Ave
 138 Waterloo St.
 255-257 Uncapher Ave.

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 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: APR 13 2010


 Mayor Scott Schertzer

Attest:


 Clerk of Council

APR 12 2010

Ordinance No. 2010-30

Passed _____, 20__

Ordinance No. 2010-30
PID # 84609
MAR-4-10.02

ORDINANCE ENACTED BY THE CITY OF MARION, MARION COUNTY, OHIO, HEREAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE ODOT RESURFACING PID# 84609 PROJECT AND DECLARING AN EMERGENCY

Section I – Project Description

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

This project proposes to plane and resurface pavement with asphalt concrete and replace loop detectors and pavement markings. This project is an ODOT District Six Urban Paving Project.

SR-4: South Prospect/Walnut from South Corporation Line to Delaware Ave/SR-423

SR-4DA: Kierx/Prospect from SR-4/Main St. to SR-4/Walnut

SR-95: W. Center St/Davids St from the West Corporation Line to Davids/Columbia intersection

SR-309: Kenton Ave from West Corporation Line to SR-95/Center intersection

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

Section II – Consent Statement

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

Section III – Cooperation Statement

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

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

That prior to the construction commencement date of the above-referenced project, the LPA shall install and/or repair all curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act and the LPA agrees to assume and bear one hundred percent (100%) of the cost of such installation and/or repair of curb ramps;

The City will assume and bear one hundred percent (100%) of the cost of construction less the amount of Federal and State funds set aside by the Director of Transportation and the Federal Highway Administration. The City will assume and bear one hundred percent (100%) of the cost of curbs,

APR 12 2010

Ordinance No. 2010-30

Passed _____ 20__

gutters, utility relocations, partial-and full-depth pavement repairs and other non-surface related items. The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

Section IV – Utilities and Right-of-Way Statement

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

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section V – Maintenance

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

Section VI – Authority to Sign

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

Section VII – Emergency

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

Approved: APR 13 2010


Dave Edwards
President of Council


Mayor Schertzer

Attest:


Irene Falter
Clerk of Council

Ordinance No. 2010-31

Passed APR 12 2010 At _____

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE WOODROW AVENUE/HENRY STREET SEWER IMPROVEMENTS, PROJECT 09-3S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2010-23 authorized the preparation of specifications and advertising for bids for the Woodrow Avenue/Henry Street Sewer Improvements Project 09-3S for the City of Marion, Ohio and

WHEREAS, Underground Utilities, Inc. submitted the lowest and best bid of \$1,858,781.05.

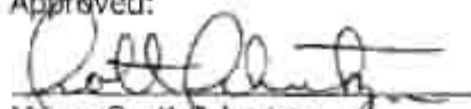
BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1: That the Service Director be directed to enter into contract with Underground Utilities, Inc., for the Woodrow Avenue/Henry Street Sewer Improvements Project 09-3S.

Section 2: That the cost of such contract shall be payable from the Sewer Improvement Fund, Stormwater Improvement Fund, and the Ohio Public Works Commission (OPWC) and Auditor is authorized and directed to appropriate the necessary funds.

Section 3: That this ordinance is hereby declared to be an emergency measure to meet the construction season guidelines set forth by OPWC 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: APR 13 2010

 Mayor Scott Schertzer

Attest:

 Clerk of Council

Ordinance No. 2010-32

Passed APR 12 2011 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE BLAINE AVENUE SEWER IMPROVEMENTS, PROJECT 09-2S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2010-23 authorized the preparation of specifications and advertising for bids for the Blaine Avenue Sewer Improvements Project 09-2S for the City of Marion, Ohio and

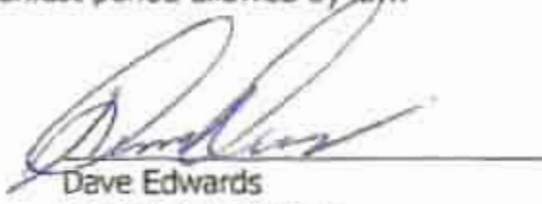
WHEREAS, Underground Utilities, Inc. submitted the lowest and best bid of \$2,071,446.00.

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 Underground Utilities, Inc., for the Blaine Avenue Sewer Improvements Project 09-2S.

Section 2: That the cost of such contract shall be payable from the Sewer Improvement Fund, Stormwater Improvement Fund, and the Ohio Public Works Commission (OPWC) and Auditor is authorized and directed to appropriate the necessary funds.

Section 3: That this ordinance is hereby declared to be an emergency measure to meet the construction season guidelines set forth by OPWC 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: APR 13 2010



Mayor Scott Schertzer

Attest:



Clerk of Council

APR 12 2010

Ordinance No. 2010-33

Passed

20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISE CONSTRUCTION COMPANY, INC. FOR THE PENNSYLVANIA AVENUE FOREST LAWN BOULEVARD SEWER IMPROVEMENTS, PROJECT 09-15 FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2010-23 authorized the preparation of specifications and advertising for bids for the Pennsylvania Avenue and Forest Lawn Boulevard Sewer Improvements Project 09-15 for the City of Marion, Ohio and

WHEREAS, Park Enterprise Construction Company, Inc. submitted the lowest and best bid of \$1,311,151.73.

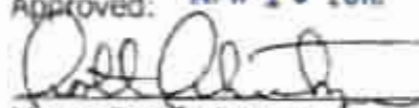
BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1: That the Service Director be directed to enter into contract with Park Enterprise Construction Company, Inc., for the Pennsylvania Avenue Forest Lawn Boulevard Sewer Improvements Project 09-15.

Section 2: That the cost of such contract shall be payable from the Sewer Improvement Fund, Stormwater Improvement Fund, and the Ohio Public Works Commission (OPWC) and Auditor is authorized and directed to appropriate the necessary funds.

Section 3: That this ordinance is hereby declared to be an emergency measure to meet the construction season guidelines set forth by OPWC 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: APR 13 2010

 Mayor Scott Schertzer

Attest:

 Clerk of Council

Ordinance No. 2010-34

Passed APR 12 2010, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BEHELER EXCAVATING, INC. FOR THE OAKGROVE/BARKS AVENUE AND WATERLOO STREET SEWER IMPROVEMENTS, PROJECT 06-1S FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2007-56 authorized the preparation of specifications and advertising for bids for the Oakgrove/Barks Avenue and Waterloo Street Sewer Improvements Project 06-1S for the City of Marion, Ohio and

WHEREAS, Beheler Excavating, Inc. submitted the lowest and best bid of \$1,976,514.27.

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 Beheler Excavating Inc., for the Oakgrove/Barks Avenue and Waterloo Street Sewer Improvements Project 06-1S.

Section 2: That the cost of such contract shall be payable from the Sewer Improvement Fund, Stormwater Improvement Fund, and the Ohio Public Works Commission (OPWC) and Auditor is authorized and directed to appropriate the necessary funds.

Section 3: That this ordinance is hereby declared to be an emergency measure to meet the construction season guidelines set forth by OPWC 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: APR 13 2010


 Mayor Scott Schertzer

Attest:


 Clerk of Council

Ordinance No. 2010-35

Passed APR 28 2010 20

ORDINANCE MAKING A DE-APPROPRIATION IN THE GENERAL FUND, AIRPORT SALARY LINE ITEM FOR THE YEAR ENDING DECEMBER 31, 2010.

Whereas, the Auditor advises that it is apparent the initial appropriation is no longer necessary due to no change in staffing.

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

Section 1. That there be a de-appropriation made in General Fund as follows:

General Fund

Airport Salary	101.1008.5101.01	\$21,315.00
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Section 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: APR 27 2010


 Mayor Scott Schertzer

Attest:


 Clerk of Council

Ordinance No. 2010-36

Passed APR 26 2010 2010

ORDINANCE MAKING A DE-APPROPRIATION IN THE GENERAL FUND, FIRE DEPARTMENT HEALTH INSURANCE LINE ITEM FOR THE YEAR ENDING DECEMBER 31, 2010.

Whereas, the Auditor now advises that it is apparent the initial appropriation is no longer needed due to changes in the contract.

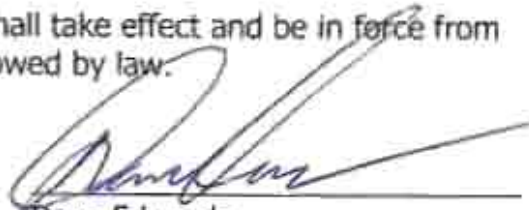
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be a de-appropriation made in Fire Department Health Insurance fund as follows:

General Fund

Fire Department Health Insurance	101.1002.5102.08	\$100,000.00
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Section 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.


Dave Edwards
President of Council

Approved: APR 27 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-37

Passed APR 28 2010 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2010 TREE REMOVAL PROGRAM, PROJECT 10-1M, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

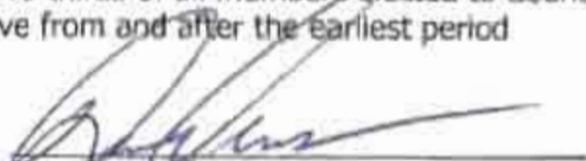
WHEREAS, that Service Director finds the need to remove hazardous and perilous trees within the City of Marion, Ohio.

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 2010 Tree Removal Program.

Section 2. That said contract shall be payable from the Tree Care Fund 101.1022.5401.

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: APR 27 2010


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

Ordinance No. 2010-38

Passed APR 26 2010 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2010 STREET RESURFACING PROGRAM, PROJECT 10-1R, AND APPROPRIATING THE NECESSARY FUNDS, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Whereas, that the Service Director needs to implement the 2010 annual Resurfacing Program.

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 2010 Street Resurfacing Program Project 10-1R.

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: APR 27 2010


 Mayor Scott Schertzer

Attest:


 Clerk of Council

Ordinance No. 2010-39

Passed APR 26 2010 20


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

WHEREAS, the current contract for Janitorial Services will be expiring on June 30, 2010

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

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

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof and for the further reason that the current contract is set to expire June 30, 2010 and as such shall take effect and be in force immediately upon passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

APPROVED: 
 APR 27 2010
 APR 1 2010


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

Ordinance No. 2010-40

Passed APR 26 2010 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS GRANT FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010.

Whereas, the Council has been advised that the City of Marion has been awarded various grants for the year 2010 and

Whereas, the City of Marion is in need of adjusting the appropriations based upon the grant awards.

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

Section 1. That there be additional appropriations made in various funds in the amount of \$154,265.39 as follows:

ARRA VAWA FUND

Salaries - Regular	200.2013.5101.01	(40,409.40)
Salaries - Uniform	200.2013.5101.02	61,908.20
Medicare	200.2013.5102.01	(159.07)
OPERS Matching	200.2013.5102.03	2,357.42
OPERS Pickup	200.2013.5102.04	776.96
Police Pension	200.2013.5102.05	1,306.46
Health Insurance	200.2013.5102.08	45,742.40
Workers Compensation	200.2013.5102.09	(328.90)
Schooling	200.2013.5202	(1,679.00)
Equipment	200.2013.5304	1,500.00
Total		\$ 71,015.01

ARRA SRO FUND

Salaries - Regular	200.2016.5101.01	(59,439.00)
Salaries - Uniform	200.2016.5101.02	75,452.80
Medicare	200.2016.5102.01	(561.93)
Police Pension	200.2016.5102.05	3,881.78
Health Insurance	200.2016.5102.08	9,667.05
Workers Compensation	200.2016.5102.09	528.58
Total		\$ 29,529.28

ARRA JUVENILE INTERVENTION SPECIALIST FUND

Salaries - Regular	200.2058.5101.01	42,182.40
Medicare	200.2058.5102.01	611.64
OPERS Matching	200.2058.5102.03	5,905.54
OPERS Pickup	200.2058.5102.04	2,530.94
Health Insurance	200.2058.5102.08	7,705.32
Workers Compensation	200.2058.5102.09	1,265.47
Total		\$ 60,201.32

VAWA FUND

Salaries - Uniform	204.2013.5101.02	53,113.00
Medicare	204.2013.5102.01	803.00
Police Pension	204.2013.5102.05	14,872.00
Health Insurance	204.2013.5102.08	1,200.00
Workers Compensation	204.2013.5102.09	1,593.00
Training	204.2013.5202	4,994.35
Total		\$ 76,575.35

Ordinance No. 2010-40Passed APR 28 2010 20 SRO FUND

Salaries – Uniform	229.2016.5101.02	45,542.40
Medicare	229.2016.5102.01	812.96
Police Pension	229.2016.5102.05	15,698.59
Health Insurance	229.2016.5102.08	21,789.60
Workers Compensation	229.2016.5102.09	1,681.99
Total		\$ 82,525.55

POLICE DEPARTMENT – GENERAL FUND

Salaries – Regular	100.1000.5101.01	(\$ 42,182.40)
Salaries – Uniform	100.1000.5101.02	(160,608.00)
Medicare	100.1000.5102.01	(3,521.64)
OPERS Matching	100.1000.5102.03	(5,905.54)
OPERS Pickup	100.1000.5102.04	(2,530.94)
Police Pension	100.1000.5102.05	(44,970.24)
Health Insurance	100.1000.5102.08	(90,843.77)
Workers Compensation	100.1000.5102.09	(7,286.15)
Total		(\$363,753.32)

GENERAL FUND – Transfer Out

Transfer out to VAWA ARRA	\$ 71,014.65
Transfer out to SRO ARRA	\$ 53,797.83
Transfer out to Juvenile Intervention Specialist	\$ 15,050.33
Transfer out to VAWA	(\$34,856.16)
Transfer out to SRO	(\$25,824.45)
Total	\$79,182.20

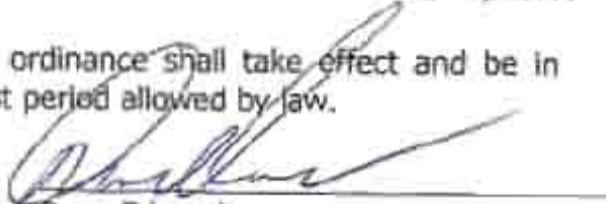
TRANSIT ARRA

Central Garage Maintenance 200.5000.5404	\$ 92,185.00
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MUNI COURT DOCKET SPECIALIST FUND

Salaries - Regular	225.2059.5101.01	18,429.00
Medicare	200.2058.5102.01	267.22
OPERS Matching	200.2058.5102.03	2,580.06
OPERS Pickup	200.2058.5102.04	1,105.74
Health Insurance	200.2058.5102.08	3,870.11
Workers Compensation	200.2058.5102.09	552.87
Total		\$ 26,805.00

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



Dave Edwards
President of Council

Approved: APR 27 2010


Mayor Scott Schertzer

Attest;



2010-40 Clerk

Ordinance No. 2010-41

APR 26 2010
Passed _____ 20__

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE STORM WATER UTILITY FUND FOR THE YEAR ENDING DECEMBER 31, 2010.

Whereas, Council finds that there are additional funds needed for the storm Water Utility Central Garage Expenses through 2010.

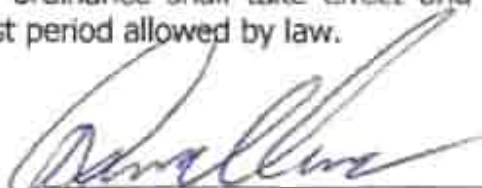
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriations made in Storm Water Utility Fund in the amount of \$50,000.00 as follows:

STORM WATER UTILITY

Central Garage	504.5007.5404	\$50,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Dave Edwards
President of Council

APPROVED: APR 8 7 2010



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2010-42

Passed

APR 26 2010

29

ORDINANCE AUTHORIZING THE MAYOR TO FACILITATE NEIGHBORHOOD REVITALIZATION AND REHABILITATION ASSOCIATED WITH THE PREVIOUSLY APPROVED NEIGHBORHOOD STABILIZATION PROGRAM AND FEDERAL HOME LOAN BANK GRANT INCLUDING BUT NOT LIMITED TO ACCEPTANCE AND TRANSFER OF TITLE BY DONATION TO IDENTIFIED NON-PROFIT PARTNERS OF SAID REAL PROPERTY, RATIFYING TRANSACTIONS RELATED TO THE ABOVE, AND DECLARING AN EMERGENCY.

WHEREAS, this Council by previous actions had authorized the Mayor to execute all documents necessary to facilitate neighborhood revitalization and neighborhood stabilization programs within the City, and

WHEREAS, the City is the successful recipient of both Neighborhood Stabilization Grant funding and Federal Home Loan Bank Grant funding focused on the revitalization and neighborhood well-being within the community, and

WHEREAS, the Council now finds it necessary to authorize the Mayor to complete all documents, agreements and materials in order to complete acquisition activities contained below in order to complete the acquisition of real properties and transfer same to the designated non-profit partners, also designated,

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

SECTION 1. This Council, in addition to all previous granted authorities related hereto, herein authorizes the Mayor to execute and/or complete any and all documents, agreements and materials in order to complete acquisition activities related to the following transactions:

184 Carhart
610 Herman St.
156 Jefferson St.
520 Jefferson St.
224 Olney Ave.
686 Uncapher

Said acquisitions, dispositions and/or donation of title of said real property parcels, in regard to those listed above, where it is necessary in regard to the respective Grant funding source terms and conditions, being necessary to facilitate the partnering non-profit's re-habilitation projects and the much desired revitalization of the subject neighborhoods,

SECTION 2. Council herein ratifies all Neighborhood Stabilization Committee actions taken in compliance with both grant funding sources and further re-states all previous authorizations as they are continuing. Including but not limited to the City Auditor being authorized to create the necessary funds, accept and process all activities related to the actions contemplated herein,

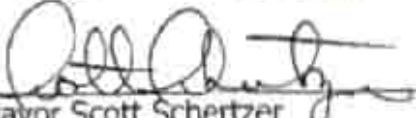
SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant mechanisms must be implemented without delay as the time consuming action of obtaining the legal right to project properties and utilize grant funds 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

Ordinance No. 2010-42

Passed APR 26 2010 30

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

Approved APR 27 2010


Mayor Scott Schertzer


Dave Edwards
President of Council

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0179

Ordinance No.

Page No.

2010-43

Passed See Below 30

24

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPDATING THE EXISTING JOB DESCRIPTION OF THE CUSTODIAN.

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

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

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

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

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

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

sent back to committee
renamed to Ord 2010-62.

24

Ordinance No. 2010-44

Passed MAY 10 2010, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
GENERAL FUND FOR THE ENGINEERING DEPARTMENT FOR
THE YEAR ENDING DECEMBER 31, 2010.

Whereas, Engineering is in need of additional funds from the General
Fund for Permit Refunds and Reimbursements

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

Section 1. That there be an additional appropriations as follows:

General Fund

Engineering

Refunds & Reimbursements	101.1022.5418	\$500.00
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Section 2. This ordinance shall take effect and be in force from
and after the earliest period allowed by law.


Dave Edwards
President of Council

Approved: MAY 11 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-45

Passed MAY 10 2010, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO TAKE ALL STEPS NECESSARY TO UTILIZE FULLY THE ENERGY EFFICIENCY AND CONSERVATION GRANT INCLUDING COUNCIL DECLARING IT NECESSARY TO UTILIZE, PURSUANT TO ORC 735.051, A REQUEST FOR PROPOSAL PROCESS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion was awarded an Energy Efficiency and Conservation Block Grant (EECBG) in order to make Marion's City Hall more energy efficient and resulting in numerous benefits including but not limited to monetary savings, and

WHEREAS, in order to fully utilize the grant funding the Service Director has advised it is necessary to utilize a Request for Proposal Process in regard to the elements of the project involving Front Door Replacement, Lighting Retrofits, and HVAC Control improvement, and

WHEREAS, in regard to the balance of the grant funding the Service Director has requested and the Council finds it necessary to authorize the Director to spec and individual the elements of the project,

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

Section 1. Based upon the report provided by the Service Director in regard to the EECBG and given the Grant's limited time line, the Council desires to fully utilize the federal grant funding and therefore the Council determines it is necessary as an emergency under ORC 735.051 that the project be let utilizing requests for proposals in order to avoid the community's loss of the grant funds. Therefore, the Council declares an emergency and authorizes the Service Director to extend requests for proposals and authorizes the Service Director to enter into contract with the lowest and best contractor after advising City Council of the results of the RFP process.

Further, Council authorizes the Service Director to spec and bid the City Hall entry way door replacement portion

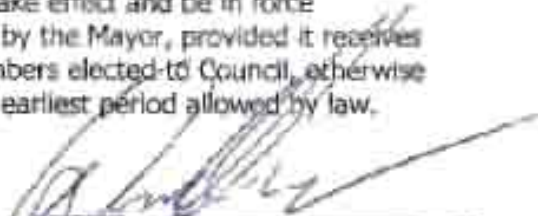
Section 2. The cost of the project shall be payable from the EECBG Grant in the total amount of \$153,500.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its inhabitants thereof: Due to the real and present need to move forward without delay given the imminent loss of the grant funds which will be detrimental to the citizens of Marion, Ohio; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

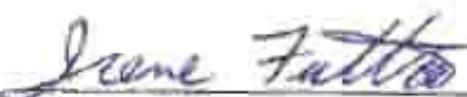
MAY 11 2010

APPROVED:


Mayor Scott Schertzer


Dave Edwards
President of Council

ATTEST:


Irene Fatto
Clerk of Council

Ordinance No. 2010-46

Passed **MAY 10 2010** 20


ORDINANCE AUTHORIZING THE ISSUANCE OF A TAXI LICENSE PURSUANT TO MARION CITY CODE CHAPTER 760 TO HARRY A. THOMAS SR.

WHEREAS, the Council finds the applicants application to have been submitted and pursuant to Marion City Code makes the determination contained below,

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

SECTION 1. The Council has considered the application of Harry A. Thomas Sr. pursuant to Marion City Code section 760 et seq, and does hereby find the applicant has properly submitted a completed application and pursuant to said Code is hereby issued a license. The Safety Director is authorized to complete the issuance of the aforementioned license, further both the Clerk and the Safety Director shall maintain a complete copy of the application in each office's respective file.

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


 Dave Edwards
 President of Council

APPROVED: **MAY 11 2010**


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2010-47

Passed

JUN 15 2010

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. Public Facilities Imp. - Marion Area Counseling lot	\$26,300
2. Planning - Park & Transportation Plan	\$10,000
3. Park Improvements - Sawyer-Ludwig Park	\$55,000
4. Flood & Drainage: Nye St. Catch Basins	\$60,000
5. Environmental Review/Audit/Admin/Fair Hsg	\$26,700
TOTAL FOR FORMULA GRANT	\$178,000

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. Curbs and Sidewalks (incl. 22,000 May St)	\$99,000
2. Park Improvements (Winfield & MLK)	35,000
3. Clearance	20,000
4. Drainage (Nye Street)	10,000
5. Street (May St)	34,000
6. Sanitary Sewer (May St)	82,000
7. Environmental Rev/Aud/Admin/ Fair Housing	20,000
TOTAL FOR NEIGHB. REVITALIZATION	\$300,000

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

RECORD OF ORDINANCES

Deane Legal Blank, Inc.

Form No. 3343

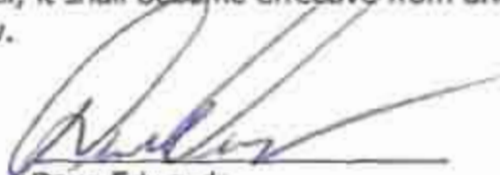
Ordinance No. 2010-47

Passed JUN 15 2010, 20

CDBG Revolving Loan Fund (May Street)	\$10,000
CHIP 2010 application (for POR)	126,000
Neighborhood Stabilization Program	14,000
Storm Water Utility (May St)	197,000
City Demolition	8,000
Ohio Public Works (Milburn Ave)	284,431
Local funds for Milburn Ave	1,113,069

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 16 2010



Mayor Scott Schertzer

ATTEST;



Clerk of Council

Ordinance No. 2010-48

Passed JUN 14 2010 20

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE MAYOR SECRETARY; CLERK OF COUNCIL; ADMINISTRATIVE ASSISTANT - SAFETY/SERVICE; SENIOR SECRETARY LAW DIRECTOR'S OFFICE; SECRETARY - LAW DIRECTOR'S OFFICE FOR THE CITY OF MARION, OHIO

Whereas, the Council for the City of Marion finds the job descriptions for the Mayor Secretary; Clerk of Council; Administrative Assistant, Safety/Service, Senior Secretary - Law Director's Office; Secretary - Law Director's Office for the City of Marion to be in need of revisions; and

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

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

Section 1. That the current job description for the Mayor Secretary; Clerk of Council; Administrative Assistant, Safety/Service, Senior Secretary - Law Director's Office; Secretary - Law Director's Office attached hereto as Exhibit A, shall be amended and renamed in part with the updated job descriptions attached hereto as Exhibit B.

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

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


Dave Edwards
President of Council

APPROVED: JUN 15 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

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AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,300,000, TO REFUND ALL OR A PORTION OF THE CITY'S OUTSTANDING VARIOUS PURPOSE BONDS, SERIES 2000; APPROVING A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND REGISTRAR AGREEMENT, A BOND PURCHASE AGREEMENT, AN ESCROW AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO THE ISSUANCE OF THE BONDS; DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance Nos. 2000-132, 2000-133 and 2000-134, each passed October 9, 2000, Various Purpose Bonds, Series 2000, dated as of November 1, 2000 (the "Series 2000 Bonds") were issued to (i) improve the City storm water system by constructing and replacing storm water sewers on Executive Drive, Littleton Street, Kentucky Avenue, Michigan Avenue, Fleetwood Avenue, Van Buren Street, Jefferson Street, Richland Road, Church Street, Clover Avenue, Homer Street, Kensington Place, Merchant Avenue, Spencer Street, Bartram Avenue, Avondale Avenue, Barks Road East, Catalina Drive, Reed Avenue, McKinley Lane and Oakland Boulevard Ditch, between certain termini, together with all necessary appurtenances, (ii) improve the City sanitary sewer system by constructing new sanitary sewer lines, manholes and lift for Church Street, Clover Avenue, Homer Street, Kensington Place, Merchant Avenue, Spencer Street, Bartram Avenue, Avondale Avenue, Vernon Heights Boulevard, Barks Road East and Reed Avenue, between certain termini, and (iii) prepay, through a single lump sum, the City's accrued liability to the Police and Fireman's Disability and Pension Fund of the State of Ohio and authorizing an agreement with the Pension Fund with respect to that lump sum payment; and

WHEREAS, the Series 2000 Bonds maturing on or after December 1, 2010 are currently outstanding in the principal amount of \$5,820,000 (the "Outstanding Bonds"); and

WHEREAS, the Outstanding Bonds may be called for redemption at any date on or after December 1, 2010, at a redemption price equal to 102% of the principal amount of the Outstanding Bonds being redeemed plus accrued interest to the redemption date, and

WHEREAS, refunding by calling all or a portion of the Outstanding Bonds for redemption could achieve significant present value savings for the City; and

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the Improvement to be financed by the Bonds is at least five years and the estimated maximum maturity of the Bonds is 29 years based upon the weighted average of the amounts allocated to the classes of improvements set forth in the Fiscal Officer's Certificate, which allocation is approved, ratified and confirmed;

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

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"Annual Information" means annual financial information and operating data of the type to be specified in the Continuing Disclosure Agreement in accordance with the Rule.

"Auditor" means the City Auditor.

"Authorized Denominations" means the denomination of \$5,000 or any integral multiple thereof.

"Bond proceedings" means, collectively, this Ordinance, the Bond Registrar Agreement, the Bond Purchase Agreement, the Final Terms Certificate, the Continuing Disclosure Agreement, the Escrow Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Purchase Agreement" means the Bond Purchase Agreement between the City and the Original Purchaser now on file with the Clerk of this Council.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Ordinance and the Bond Registrar Agreement.

"Bond Registrar" means the bank or trust company appointed by the Auditor in the Final Terms Certificate to act as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

"Bond Registrar Agreement" means the Bond Registrar Agreement between the City and the Bond Registrar now on file with the Clerk of this Council.

"Bonds" means the bonds authorized in Section 2.

"Book entry form" or "book entry system" means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository or its designated agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

"City" means the City of Marion, Ohio.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Code" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

RECORD OF ORDINANCES

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Drews Legal Work, Inc.

Form No. 3063

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"Continuing Disclosure Agreement" means, collectively, the Continuing Disclosure Certificate and the agreements of the City set forth in Section 9(c) of this Ordinance.

"Continuing Disclosure Certificate" means the Continuing Disclosure Certificate authorized by this Ordinance.

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

"Escrow Agreement" means the Escrow Agreement authorized by this resolution between the County and the Escrow Trustee.

"Escrow Fund" means, collectively, the escrow funds established pursuant to the Escrow Agreement.

"Escrow Trustee" means The Huntington National Bank as escrow trustee under the Escrow Agreement and as successor bond registrar for the Outstanding Bonds.

"Final Terms Certificate" means the Final Terms Certificate authorized by this Ordinance to be executed by the Auditor.

"Improvement" means, collectively, (i) improving the City storm water system by constructing and replacing storm water sewers on Executive Drive, Littleton Street, Kentucky Avenue, Michigan Avenue, Fleetwood Avenue, Van Buren Street, Jefferson Street, Richland Road, Church Street, Clover Avenue, Homer Street, Kensington Place, Merchant Avenue, Spencer Street, Bartram Avenue, Avondale Avenue, Barks Road East, Catalina Drive, Reed Avenue, McKinley Lane and Oakland Boulevard Ditch, between certain termini, together with all necessary appurtenances, (ii) improving the City sanitary sewer system by constructing new sanitary sewer lines, manholes and lift for Church Street, Clover Avenue, Homer Street, Kensington Place, Merchant Avenue, Spencer Street, Bartram Avenue, Avondale Avenue, Vernon Heights Boulevard, Barks Road East and Reed Avenue, between certain termini, and (iii) prepaying, through a single lump sum, the City's accrued liability to the Police and Fireman's Disability and Pension Fund of the State of Ohio and authorizing an agreement with the Pension Fund with respect to that lump sum payment.

"Interest Payment Dates" means June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2010.

"Mandatory Sinking Fund Redemption" means the schedule of the mandatory redemption of Term Bonds set forth in the Final Terms Certificate.

"Mandatory Sinking Fund Redemption Dates" means those Principal Payment Dates set forth in the Final Terms Certificate on which a portion of the principal amount of the Term Bonds are required to be redeemed.

"MSRB" means the Municipal Securities Rulemaking Board established by the SEC.

"Original Purchaser" means Fifth Third Securities, Inc.

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

"Preliminary Official Statement" means the preliminary official statement of the City relating to the issuance of the Bonds substantially in the form now on file with the Clerk of this Council.

"Principal Payment Dates" means December 1 in each of the years from and including 2010 to and including 2030; provided, however, that the first Principal Payment Date may be deferred one year and the last Principal Payment Date may be advanced up to five years if such actions are determined by the Auditor in the Final Terms Certificate to be in the best interest of and financially advantageous to the City and further provided that in no case shall the last Principal Payment Date exceed the maximum maturity of the Bonds.

"Rule" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

"SEC" means the Securities and Exchange Commission.

"Serial Bonds" means those Bonds designated as such and maturing on the dates set forth in the Final Terms Certificate.

"Specified Events" means the occurrence of any of the following events, within the meaning of the Rule, with respect to the Bonds, as applicable: principal and interest payment delinquencies; non-payment related defaults; unscheduled draws on debt service reserves reflecting financial difficulties; unscheduled draws on credit enhancements reflecting financial difficulties; substitution of credit or liquidity providers, or their failure to perform; adverse tax opinions or events affecting the tax-exempt status of the Bonds; modifications to rights of holders or beneficial owners of the Bonds; Bond calls; defeasances; release, substitution, or sale of property securing repayment of the Bonds; and rating changes. The repayment of the Bonds is not secured by a lien on any property capable of release or sale or for which other property may be substituted.

"Term Bonds" means those Bonds designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. It is necessary and determined to be in the City's best interest to issue bonds of this City in an aggregate principal amount not to exceed \$6,300,000 (the Bonds) to refund all or a portion of the Outstanding Bonds and to pay costs of issuing the Bonds. The aggregate principal amount of Bonds to be issued (not to exceed \$6,300,000) shall be determined by the Auditor in the Final Terms Certificate to be the aggregate principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2.

Proceeds of the Bonds sufficient, together with other moneys available to the City, to refund all or a portion of the Outstanding Bonds (as determined by the Auditor in accordance with Section 10) shall be deposited into the Escrow Fund in accordance with the Escrow Agreement. The remaining proceeds of the Bonds shall be used to pay costs of the issuance of the Bonds. Any proceeds of the Bonds (other than on deposit in

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the Escrow Fund) not spent 120 days after the issuance of the Bonds shall be transferred to the Bond Retirement Fund and used to pay principal of or interest on the Bonds when due. All interest earned on amounts on deposit in each of those funds derived from the proceeds of the Bonds (including interest earned on such interest) shall be credited to the fund and used for the purposes set forth above, and shall not be transferred to the General Fund. All of the proceeds of the Bonds and interest earned on those proceeds are hereby appropriated for the purposes set forth above.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated the Closing Date.

(a) *Interest Rates.* The Bonds shall bear the rate or rates of interest per year (computed on a 360-day per year basis consisting of twelve 30-day months), as shall be determined by the Auditor in the Final Terms Certificate. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) *Principal Payment Schedule.* The Bonds shall mature on the Principal Payment Dates in principal amounts as shall be determined by the Auditor, subject to subsection (c) of this Section, in the Final Terms Certificate.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the City, the Auditor shall specify in the Final Terms Certificate (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Serial Bonds shall mature and the principal amount thereof to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds, if any, to be issued as Term Bonds, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and the Mandatory Sinking Fund Redemption Date and the Mandatory Sinking Fund Redemption Requirements applicable to those Term Bonds.

(c) *Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts.* The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest rate per year for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or mandatory sinking fund redemption of those principal amounts of Bonds shall not exceed 6% per year.

(d) *Payment of Debt Charges.* The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds, shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Auditor, in the name and on behalf of the City, in connection with the book entry system.

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(e) *Redemption Provisions.* The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) *Mandatory Sinking Fund Redemption.* If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to and redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements on the Mandatory Sinking Fund Redemption Dates applicable to the Term Bonds set forth in the Final Terms Certificate at a price equal to 100% of the principal amount of the Term Bonds to be redeemed plus accrued interest to the applicable Mandatory Sinking Fund Redemption Date.

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Auditor, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) *Optional Redemption.* Certain maturities of Bonds may be subject to optional redemption by and at the sole option of the City, in whole or in integral multiples of \$5,000 on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, all to be determined by the Auditor in the Final Terms Certificate provided that the earliest optional redemption date shall not be earlier than December 1, 2019 or later than December 1, 2022, and the redemption price shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed by operation of the Mandatory Sinking Fund Redemption Requirements. The

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Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Auditor to the Bond Registrar, given upon the direction of this Board by adoption of an Ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

There shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other money available therefore and held by the Bond Registrar, will be sufficient to redeem the Bonds for which notice of redemption has been given.

(iii) Partial Redemption. If fewer than all of the Bonds are called for optional redemption at one time, they shall be called as selected by, and in a manner determined by the City. If fewer than all Bonds of a single maturity are to be redeemed, the selection of the Bonds to be redeemed, or portions thereof in Authorized Denominations shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of partial redemption of Bonds by lot when Bonds in denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of a redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including accrued interest to the redemption date), and (ii) issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination in an aggregate principal amount equal to the unmaturing and unredeemed portion, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefore on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in

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the mat as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

Section 4 Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Mayor and the Auditor, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Auditor, shall be numbered as determined by the Auditor in order to distinguish each Bond from any other Bond 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 Auditor shall appoint a bank or trust company located in the State of Ohio to act as the initial Bond Registrar after determining that the appointed bank or trust company will not endanger the funds or securities of the City and that proper safeguards are available for that purpose and that appointment shall be confirmed in the Final Terms Certificate. The Bond Registrar Agreement is approved, and the Auditor is authorized to sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement with any changes that are not inconsistent with this Ordinance, are not materially adverse to the City and are approved by the Auditor. That such changes are not materially adverse to the City and have been approved by the Auditor shall be conclusively evidenced by the Auditor's signing of the Bond Registrar Agreement. The Auditor shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Auditor on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) *Bond Registrar.* So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its principal corporate trust office. Subject to the provisions of Section 5(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) *Transfer and Exchange.* Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the principal corporate

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trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) *Book Entry System.* The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners in book entry form shall have no right to receive Bonds 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 Bonds 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 Bonds 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, and after the Bond Registrar has made provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the City and the Bond Registrar authenticate and deliver bond certificates in registered form 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 Bonds, after determining that the signing thereof will not endanger the funds or securities of the City.

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Section 6. Sale of the Bonds to the Original Purchaser. The Bonds are to be sold at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Auditor in the Final Terms Certificate, and shall be awarded by the Auditor with and upon such other terms as are required or authorized by this Ordinance to be specified in the Final Terms Certificate, in accordance with law, the provisions of this Ordinance and the Bond Purchase Agreement. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code.

The Auditor shall sign and deliver the Final Terms Certificate and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Auditor, the Director of Law, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

The Bond Purchase Agreement is approved, and the Auditor is authorized to sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement, with any changes that are not inconsistent with this Ordinance, are not materially adverse to the City and are approved by the Auditor. That such changes are not materially adverse to the City and have been approved by the Auditor shall be conclusively evidenced by the Auditor's signing of the Bond Purchase Agreement.

Section 7. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 Bonds when and as the same fall due.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Code, or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City hereby designates the Bonds as "qualified tax-exempt obligations" 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 Bonds 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 principal amount of the Bonds, 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 principal amount of the Bonds, but

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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 145(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 Bonds as "qualified tax-exempt obligations".

Further, the City represents and covenants, during any time or in any manner as might affect the status of the Bonds as "qualified tax-exempt obligations", 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition issue that combines issues or lots of tax-exempt obligations of different issuers.

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 Bonds to be and to 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 Bonds to the governmental purposes 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 the proceeds of the Bonds 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 Auditor, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Bonds 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 Bonds as the City is permitted 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 Bonds 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 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, 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 Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the principal of and interest on which is paid from proceeds of the Bonds (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 Bonds from gross income for federal income tax purposes, and the officers 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 Bonds.

Ordinance No. 2010-49Passed MAY 10 2010 20 Section 9. Official Statement and Continuing Disclosure.

(a) *Primary Offering Disclosure -- Official Statement.* The Preliminary Official Statement of the City relating to the original issuance of the Bonds substantially in the form now on file with the Auditor is approved. The distribution and use of the Preliminary Official Statement is hereby approved. The Mayor and the Auditor are each authorized and directed to complete the Preliminary Official Statement, with such modifications, completions, changes and supplements, as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the revised Preliminary Official Statement is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of the Rule.

Those officers are each further authorized and directed to complete and sign on behalf of the City, and in their official capacities, a final official statement for purposes of the Rule, and are further authorized to use and distribute, or authorize the use and distribution of, that final official statement and supplements thereto in connection with the original issuance of the Bonds as may in their judgment be necessary or appropriate. Those officers and each of them are also authorized to sign and deliver, on behalf of the City, and in their official capacities, such certificates in connection with the accuracy of the Preliminary Official Statement and the final official statement and any amendment thereto as may, in their judgment, be necessary or appropriate.

(b) *Application for Rating or Bond Insurance.* If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

(c) *Agreement to Provide Continuing Disclosure.* For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. The City further agrees, in particular, to provide or cause to be provided:

(i) to the MSRB, (A) Annual Information for each City fiscal year ending hereafter, not later than the 270th day following the end of the fiscal year, and (B) when and if available, audited City financial statements for each such fiscal year; and

(ii) to the MSRB, in a timely manner, notice of (A) any Specified Event if that Event is material, (B) the City's failure to provide the Annual Information within the time specified above, and (C) any change in the accounting principles applied in the preparation of its annual financial statements, any change in its fiscal year, its failure to appropriate funds to meet costs to be incurred to perform the agreement, and of the termination of the agreement.

The Continuing Disclosure Certificate now on file with the Clerk of this Board is approved. The Auditor is authorized and directed to complete, sign and deliver, in the name and on behalf of the City, the Continuing Disclosure Certificate with such changes that are not inconsistent with this Ordinance, are not materially adverse to the

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City, and are approved by the Auditor, to specify in reasonable detail the Annual Information to be provided (which may be provided by specific reference to other documents previously filed and available in accordance with the Rule), whether the City has obtained any credit enhancement or provider for the Bonds and the City's expectations as to whether audited financial statements will be prepared, the accounting principles to be applied in their preparation, and whether they will be available together with, or separately from, Annual Information. That any such changes to the Continuing Disclosure Certificate are not materially adverse to the City and are approved by the Auditor shall be evidenced conclusively by the signing of the Continuing Disclosure Certificate by the Auditor.

The Auditor is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Certificate, including timely provision of information and notices as described above. Prior to making any filing in accordance with clause (ii) above or providing notice of the occurrence of any other events, the Auditor shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the City. The Auditor, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made.

The City reserves the right to amend its Continuing Disclosure Agreement, and to obtain the waiver of noncompliance with any provision of the Continuing Disclosure Agreement, as may be necessary or appropriate to achieve its compliance with any applicable federal securities law or rule, to cure any ambiguity, inconsistency or formal defect or omission, and to address any change in circumstances arising from a change in legal requirements, change in law, or change in the identity, nature, or status of the City, or type of business conducted by the City. Any such amendment or waiver will not be effective unless the Continuing Disclosure Agreement (as amended or taking into account such waiver) would have complied with the requirements of the Rule at the time of the primary offering of the Bonds, after taking into account any applicable amendments to or official interpretations of the Rule, as well as any change in circumstances, and until the City shall have received: either (i) a written opinion of bond or other qualified independent special counsel selected by the City that the amendment or waiver would not materially impair the interests of holders or beneficial owners of the Bonds or (ii) the written consent to the amendment or waiver of the holders of at least a majority of the principal amount of the Bonds then outstanding. Annual Information containing any revised operating data or financial information shall explain, in narrative form, the reasons for any such amendment or waiver and the impact of the change on the type of operating data or financial information being provided.

The City's Continuing Disclosure Agreement shall be solely for the benefit of the holders and beneficial owners from time to time of the Bonds. The exclusive remedy for any breach of the agreement by the City shall be limited, to the extent permitted by law, to a right of holders and beneficial owners to institute and maintain, or to cause to be instituted and maintained, such proceedings as may be authorized at law or in equity to obtain the specific performance by the City of its obligations under the agreement. Any individual holder or beneficial owner may institute and maintain, or cause to be instituted and maintained, such proceedings to require the City to provide or cause to be provided a pertinent filing if such a filing is due and has not been made. Any such proceedings to require the City to perform any other obligation under the Continuing Disclosure Agreement (including any proceedings that contest the sufficiency of any pertinent filing) shall be instituted and maintained only by a trustee appointed by the holders and beneficial owners of not less than 25% in principal amount of the Bonds then outstanding or by holders and beneficial owners of not less than 10% in principal amount of the Bonds then outstanding in accordance with Section 133.25(B)(4)(b) or (C)(1) of the Revised Code, as applicable (or any like or comparable successor provisions).

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The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

The City's Continuing Disclosure Agreement shall remain in effect only for such period that the Bonds are outstanding in accordance with their terms and the City remains an obligated person with respect to the Bonds within the meaning of the Rule. The obligation of the City to provide the Annual Information and notices of the events described above shall terminate, if and when the City no longer remains such an obligated person.

The Auditor is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Auditor determines to be necessary in connection with a book entry system for the Bonds, after approval of any such agreement by the Director of Law.

Section 10. Redemption of Outstanding Bonds. This Council finds and determines that the redemption of all or a portion of the Outstanding Bonds could result in substantial present value savings to the City. The Auditor is authorized to determine in the Final Terms Certificate the amount and maturities of the Outstanding Bonds to be redeemed in order to maximize present value savings to the City, and the Auditor is authorized to determine the date for the redemption of those Outstanding Bonds, and the Auditor is hereby directed to give notice of that redemption.

The Escrow Agreement in the form now on file with the Clerk of this Council is approved and the Auditor is authorized to sign and deliver, in the name and on behalf of the City, the Escrow Agreement with such changes that are not inconsistent with this resolution, are not materially adverse to the City, and are approved by the Auditor. That any such changes are not materially adverse to the City and are approved by the Auditor shall be evidenced conclusively by the signing of the Escrow Agreement by the Auditor.

Section 11. Certification and Delivery of Ordinance and Final Terms Certificate. The Clerk of Council is directed to deliver a certified copy of this Ordinance and a signed copy of the Final Terms Certificate to the County Auditor of Marion County.

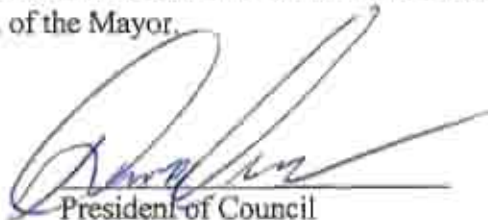
Section 12. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds 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 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

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

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Section 14. Emergency. 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 Bonds to enable the City to timely refund the Outstanding Bonds and thereby preserve its credit and to permit the Bonds to be combined with other bonds of the City in a consolidated bond issue and achieve savings in the cost of issuing the Bonds; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval of the Mayor.


President of Council

Approved: MAY 11 2010

Mayor: 

Attest: 
Clerk of Council

FISCAL OFFICER'S CERTIFICATE

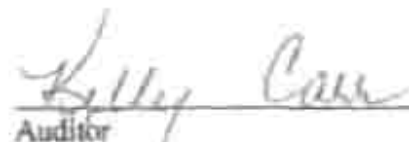
To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion (the City), I certify in connection with your proposed issue of bonds in the principal amount not to exceed \$6,300,000 (the "Bonds") to refund all or a portion of the County's outstanding Various Purpose Bonds, Series 2000 (the "Series 2000 Bonds") that were issued as of November 1, 2000 to (i) improve the City storm water system by constructing and replacing storm water sewers on Executive Drive, Littleton Street, Kentucky Avenue, Michigan Avenue, Fleetwood Avenue, Van Buren Street, Jefferson Street, Richland Road, Church Street, Clover Avenue, Homer Street, Kensington Place, Merchant Avenue, Spencer Street, Bartram Avenue, Avondale Avenue, Barks Road East, Catalina Drive, Reed Avenue, McKinley Lane and Oakland Boulevard Ditch, between certain termini, together with all necessary appurtenances, (ii) improve the City sanitary sewer system by constructing new sanitary sewer lines, manholes and lift for Church Street, Clover Avenue, Homer Street, Kensington Place, Merchant Avenue, Spencer Street, Bartram Avenue, Avondale Avenue, Vernon Heights Boulevard, Barks Road East and Reed Avenue, between certain termini, and (iii) prepay, through a single lump sum, the City's accrued liability to the Police and Fireman's Disability and Pension Fund of the State of Ohio and authorizing an agreement with the Pension Fund with respect to that lump sum payment (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Ohio Revised Code Sections 122.20 and 122.34, is 29 years. That maximum maturity is based on (i) the fiscal officer's certificates dated October 9, 2000 for the Series 2000 Bonds and (ii) my calculation of the average number of years of life or period of usefulness of the Improvement as measured by the weighted average of the amounts proposed to be expended for the several classes of the Improvement as follows: \$5,472,180 for the improvement of the storm water system and the sanitary sewer system, 30 years; and \$827,820 for the prepayment of the accrued liability to the Police and Fireman's Disability and Pension Fund of the State of Ohio, 25 years; the weighted average is therefore 29 years.

Dated: May 11, 2010


 Auditor
 City of Marion, Ohio

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AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,950,000, TO PAY COSTS OF CONSTRUCTING AND EXTENDING LAKES BOULEVARD, IMPROVING BARKS ROAD BETWEEN DELAWARE AVENUE AND STATE ROUTE 529, CONSTRUCTING A PORTION OF WELLNESS DRIVE, CONSTRUCTING CERTAIN PUBLIC INFRASTRUCTURE RELATED TO DELAWARE AVENUE, IMPROVING FOREST LAWN BOULEVARD AND BLAINE AVENUE, BETWEEN CERTAIN TERMINI BY CONSTRUCTING STORM WATER SEWERS AND SANITARY SEWERS, AND ACQUIRING AND INSTALLING A COMPREHENSIVE FINANCIAL MANAGEMENT, UTILITY BILLING, COMMUNITY DEVELOPMENT, COMMUNITY ACCESS, HUMAN RESOURCES AND PAYROLL COMPUTER PROGRAM AND EQUIPMENT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; APPROVING A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND REGISTRAR AGREEMENT, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO THE ISSUANCE OF THE BONDS; DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance Nos. 2009-39, 2009-40, 2009-41 and 2009-42, each passed April 27, 2009, a note in anticipation of bonds in the amount of \$4,755,000 dated June 24, 2009 (the "Outstanding Note"), was issued for the purpose stated in Section 1, to mature on June 23, 2010; and

WHEREAS, this Council finds and determines that the City should issue the Bonds (as defined in Section 1) to retire the Outstanding Note; and

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the Improvement to be financed by the Bonds is at least five years and the estimated maximum maturity of the Bonds is 28 years based upon the weighted average of the amounts allocated to the several classes of improvements set forth in the Fiscal Officer's Certificate, which allocation is approved, ratified and confirmed;

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Annual Information" means annual financial information and operating data of the type to be specified in the Continuing Disclosure Agreement in accordance with the Rule.

"Auditor" means the City Auditor.

"Authorized Denominations" means the denomination of \$5,000 or any integral multiple thereof.

"Bond proceedings" means, collectively, this Ordinance, the Bond Registrar Agreement, the Bond Purchase Agreement, the Final Terms Certificate, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that

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provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Purchase Agreement" means the Bond Purchase Agreement between the City and the Original Purchaser now on file with the Clerk of this Council.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Ordinance and the Bond Registrar Agreement.

"Bond Registrar" means the bank or trust company appointed by the Auditor in the final Terms Certificate to act as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

"Bond Registrar Agreement" means the Bond Registrar Agreement between the City and the Bond Registrar now on file with the Clerk of this Council.

"Bonds" means the bonds authorized in Section 2.

"Book entry form" or "book entry system" means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository or its designated agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

"City" means the City of Marion, Ohio.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Code" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"Continuing Disclosure Agreement" means, collectively, the Continuing Disclosure Certificate and the agreements of the City set forth in Section 9(c) of this Ordinance.

"Continuing Disclosure Certificate" means the Continuing Disclosure Certificate authorized by this Ordinance.

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

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"Final Terms Certificate" means the Final Terms Certificate authorized by this Ordinance to be executed by the Auditor.

"Improvement" means, collectively, (i) constructing and extending Lakes Boulevard, improving Barks Road between Delaware Avenue and State Route 529, constructing a portion of Wellness Drive and constructing certain public infrastructure related to Delaware Avenue, (ii) improving Forest Lawn Boulevard and Blaine Avenue, between certain termini, by constructing storm water sewers and sanitary sewers, and (iii) acquiring and installing a comprehensive financial management, utility billing, community development, community access, human resources and payroll computer program and equipment, together with all necessary appurtenances thereto.

"Interest Payment Dates" means June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2010.

"Mandatory Sinking Fund Redemption" means the schedule of the mandatory redemption of Term Bonds set forth in the Final Terms Certificate.

"Mandatory Sinking Fund Redemption Dates" means those Principal Payment Dates set forth in the Final Terms Certificate on which a portion of the principal amount of the Term Bonds are required to be redeemed.

"MSRB" means the Municipal Securities Rulemaking Board established by the SEC.

"Original Purchaser" means Fifth Third Securities, Inc.

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

"Preliminary Official Statement" means the preliminary official statement of the City relating to the issuance of the Bonds substantially in the form now on file with the Clerk of this Council.

"Principal Payment Dates" means December 1 in each of the years from and including 2010 to and including 2030; provided, however, that the first Principal Payment Date may be deferred one year and the last Principal Payment Date may be advanced up to five years if such actions are determined by the Auditor in the Final Terms Certificate to be in the best interest of and financially advantageous to the City and further provided that in no case shall the last Principal Payment Date exceed the maximum maturity of the Bonds.

"Rule" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

"SEC" means the Securities and Exchange Commission.

"Serial Bonds" means those Bonds designated as such and maturing on the dates set forth in the Final Terms Certificate.

"Specified Events" means the occurrence of any of the following events, within the meaning of the Rule, with respect to the Bonds, as applicable: principal and interest payment delinquencies; non-payment related defaults; unscheduled draws on debt service reserves reflecting financial difficulties; unscheduled draws on credit enhancements reflecting financial difficulties; substitution of credit or liquidity providers, or their failure to perform; adverse tax opinions or events affecting the tax-

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exempt status of the Bonds; modifications to rights of holders or beneficial owners of the Bonds; Bond calls; defeasances; release, substitution, or sale of property securing repayment of the Bonds; and rating changes. The repayment of the Bonds is not secured by a lien on any property capable of release or sale or for which other property may be substituted.

"Term Bonds" means those Bonds designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose. Application of Proceeds. It is necessary and determined to be in the City's best interest to issue bonds of this City in an aggregate principal amount not to exceed \$4,950,000 (the Bonds) to retire the Outstanding Note and to pay costs of issuing the Bonds. The aggregate principal amount of Bonds to be issued (not to exceed \$4,950,000) shall be determined by the Auditor in the Final Terms Certificate to be the aggregate principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2.

The proceeds from the sale of the Bonds shall be used to retire the Outstanding Note and to pay costs of the issuance of the Bonds. Any proceeds of the Bonds not spent 120 days after the issuance of the Bonds shall be transferred to the Bond Retirement Fund and used to pay principal of or interest on the Bonds when due. All interest earned on amounts on deposit in each of those funds derived from the proceeds of the Bonds (including interest earned on such interest) shall be credited to the fund and used for the purposes set forth above, and shall not be transferred to the General Fund. All of the proceeds of the Bonds and interest earned on those proceeds are hereby appropriated for the purposes set forth above.

Section 3. Denominations, Dating, Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated the Closing Date.

(a) *Interest Rates.* The Bonds shall bear the rate or rates of interest per year (computed on a 360-day per year basis consisting of twelve 30-day months), as shall be determined by the Auditor in the Final Terms Certificate. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) *Principal Payment Schedule.* The Bonds shall mature on the Principal Payment Dates in principal amounts as shall be determined by the Auditor, subject to subsection (c) of this Section, in the Final Terms Certificate.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the City, the Auditor shall specify in the Final Terms Certificate (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Serial Bonds shall mature and the principal amount thereof to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds, if any, to be issued as Term Bonds, the principal amount thereof that shall be stated to mature on each such Principal Payment

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Date, and the Mandatory Sinking Fund Redemption Date and the Mandatory Sinking Fund Redemption Requirements applicable to those Term Bonds.

(c) *Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts.* The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest rate per year for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or mandatory sinking fund redemption of those principal amounts of Bonds shall not exceed 6% per year.

(d) *Payment of Debt Charges.* The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds, shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Auditor, in the name and on behalf of the City, in connection with the book entry system.

(e) *Redemption Provisions.* The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) *Mandatory Sinking Fund Redemption.* If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to and redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements on the Mandatory Sinking Fund Redemption Dates applicable to the Term Bonds set forth in the Final Terms Certificate at a price equal to 100% of the principal amount of the Term Bonds to be redeemed plus accrued interest to the applicable Mandatory Sinking Fund Redemption Date.

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Auditor, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on

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the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. Certain maturities of Bonds may be subject to optional redemption by and at the sole option of the City, in whole or in integral multiples of \$5,000 on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, all to be determined by the Auditor in the Final Terms Certificate provided that the earliest optional redemption date shall not be earlier than December 1, 2019 or later than December 1, 2022, and the redemption price shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed by operation of the Mandatory Sinking Fund Redemption Requirements. The Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Auditor to the Bond Registrar, given upon the direction of this Board by adoption of an Ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

There shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other money available therefore and held by the Bond Registrar, will be sufficient to redeem the Bonds for which notice of redemption has been given.

(iii) Partial Redemption. If fewer than all of the Bonds are called for optional redemption at one time, they shall be called as selected by, and in a manner determined by the City. If fewer than all Bonds of a single maturity are to be redeemed, the selection of the Bonds to be redeemed, or portions thereof in Authorized Denominations shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of partial redemption of Bonds by lot when Bonds in denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of a redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including accrued interest to the redemption date), and (ii) issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination in an aggregate principal amount equal to the unmatured and unredeemed portion, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing

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marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) *Payment of Redeemed Bonds.* Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefore on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Mayor and the Auditor, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Auditor, shall be numbered as determined by the Auditor in order to distinguish each Bond from any other Bond 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 Auditor shall appoint a bank or trust company located in the State of Ohio to act as the initial Bond Registrar after determining that the appointed bank or trust company will not endanger the funds or securities of the City and that proper safeguards are available for that purpose and that appointment shall be confirmed in the Final Terms Certificate. The Bond Registrar Agreement is approved, and the Auditor is authorized to sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement with any changes that are not inconsistent with this Ordinance, are not materially adverse to the City and are approved by the Auditor. That such changes are not materially adverse to the City and have been approved by the Auditor shall be conclusively evidenced by the Auditor's signing of the Bond Registrar Agreement. The Auditor shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

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No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Auditor on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) *Bond Registrar.* So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its principal corporate trust office. Subject to the provisions of Section 5(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) *Transfer and Exchange.* Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) *Book Entry System.* The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity

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and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners in book entry form shall have no right to receive Bonds 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 Bonds 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 Bonds 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, and after the Bond Registrar has made provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the City and the Bond Registrar authenticate and deliver bond certificates in registered form 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 Bonds, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Sale of the Bonds to the Original Purchaser. The Bonds are to be sold at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Auditor in the Final Terms Certificate, and shall be awarded by the Auditor with and upon such other terms as are required or authorized by this Ordinance to be specified in the Final Terms Certificate, in accordance with law, the provisions of this Ordinance and the Bond Purchase Agreement. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code.

The Auditor shall sign and deliver the Final Terms Certificate and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Auditor, the Director of Law, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

The Bond Purchase Agreement is approved, and the Auditor is authorized to sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement, with any changes that are not inconsistent with this Ordinance, are not materially adverse to the City and are approved by the Auditor. That such changes are not materially adverse to the City and have been approved by the Auditor shall be conclusively evidenced by the Auditor's signing of the Bond Purchase Agreement.

Section 7. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill

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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 Bonds when and as the same fall due.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Code, or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City hereby represents that the Outstanding Note was treated as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Note from the proceeds of, and within 90 days after the issuance of, the Bonds, and represents that all other conditions are met for treating the Bonds as "qualified tax-exempt obligations" and not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code.

Further, the City represents and covenants, during any time or in any manner as might affect the status of the Bonds as "qualified tax-exempt obligations", 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition issue that combines issues or lots of tax-exempt obligations of different issuers.

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 Bonds to be and to 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 Bonds to the governmental purposes 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 the proceeds of the Bonds 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 Auditor, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Bonds 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 Bonds as the City is permitted 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 Bonds 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,

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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 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, 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 Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the principal of and interest on which is paid from proceeds of the Bonds (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 Bonds from gross income for federal income tax purposes, and the officers 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 Bonds.

Section 9. Official Statement and Continuing Disclosure

(a) *Primary Offering Disclosure – Official Statement.* The Preliminary Official Statement of the City relating to the original issuance of the Bonds substantially in the form now on file with the Auditor is approved. The distribution and use of the Preliminary Official Statement is hereby approved. The Mayor and the Auditor are each authorized and directed to complete the Preliminary Official Statement, with such modifications, completions, changes and supplements, as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the revised Preliminary Official Statement is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of the Rule.

Those officers are each further authorized and directed to complete and sign on behalf of the City, and in their official capacities, a final official statement for purposes of the Rule, and are further authorized to use and distribute, or authorize the use and distribution of, that final official statement and supplements thereto in connection with the original issuance of the Bonds as may in their judgment be necessary or appropriate. Those officers and each of them are also authorized to sign and deliver, on behalf of the City, and in their official capacities, such certificates in connection with the accuracy of the Preliminary Official Statement and the final official statement and any amendment thereto as may, in their judgment, be necessary or appropriate.

(b) *Application for Rating or Bond Insurance.* If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

(c) *Agreement to Provide Continuing Disclosure.* For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements

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and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. The City further agrees, in particular, to provide or cause to be provided:

(i) to the MSRB, (A) Annual Information for each City fiscal year ending hereafter, not later than the 270th day following the end of the fiscal year, and (B) when and if available, audited City financial statements for each such fiscal year; and

(ii) to the MSRB, in a timely manner, notice of (A) any Specified Event if that Event is material, (B) the City's failure to provide the Annual Information within the time specified above, and (C) any change in the accounting principles applied in the preparation of its annual financial statements, any change in its fiscal year, its failure to appropriate funds to meet costs to be incurred to perform the agreement, and of the termination of the agreement.

The Continuing Disclosure Certificate now on file with the Clerk of this Board is approved. The Auditor is authorized and directed to complete, sign and deliver, in the name and on behalf of the City, the Continuing Disclosure Certificate with such changes that are not inconsistent with this Ordinance, are not materially adverse to the City, and are approved by the Auditor, to specify in reasonable detail the Annual Information to be provided (which may be provided by specific reference to other documents previously filed and available in accordance with the Rule), whether the City has obtained any credit enhancement or provider for the Bonds and the City's expectations as to whether audited financial statements will be prepared, the accounting principles to be applied in their preparation, and whether they will be available together with, or separately from, Annual Information. That any such changes to the Continuing Disclosure Certificate are not materially adverse to the City and are approved by the Auditor shall be evidenced conclusively by the signing of the Continuing Disclosure Certificate by the Auditor.

The Auditor is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Certificate, including timely provision of information and notices as described above. Prior to making any filing in accordance with clause (ii) above or providing notice of the occurrence of any other events, the Auditor shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the City. The Auditor, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made.

The City reserves the right to amend its Continuing Disclosure Agreement, and to obtain the waiver of noncompliance with any provision of the Continuing Disclosure Agreement, as may be necessary or appropriate to achieve its compliance with any applicable federal securities law or rule, to cure any ambiguity, inconsistency or formal defect or omission, and to address any change in circumstances arising from a change in legal requirements, change in law, or change in the identity, nature, or status of the City, or type of business conducted by the City. Any such amendment or waiver will not be effective unless the Continuing Disclosure Agreement (as amended or taking into account such waiver) would have complied with the requirements of the Rule at the time of the primary offering of the Bonds, after taking into account any applicable amendments to or official interpretations of the Rule, as well as any change in circumstances, and until the City shall have received: either (i) a written opinion of bond or other qualified independent special counsel selected by the City that the amendment or waiver would not materially impair the interests of holders or beneficial owners of the Bonds or (ii) the written consent to the amendment or waiver of the holders of at least a majority of the principal amount of the Bonds then outstanding. Annual Information containing any revised operating data or financial information shall explain, in narrative form, the reasons for any such amendment or waiver and the impact of the change on the type of operating data or financial information being provided.

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The City's Continuing Disclosure Agreement shall be solely for the benefit of the holders and beneficial owners from time to time of the Bonds. The exclusive remedy for any breach of the agreement by the City shall be limited, to the extent permitted by law, to a right of holders and beneficial owners to institute and maintain, or to cause to be instituted and maintained, such proceedings as may be authorized at law or in equity to obtain the specific performance by the City of its obligations under the agreement. Any individual holder or beneficial owner may institute and maintain, or cause to be instituted and maintained, such proceedings to require the City to provide or cause to be provided a pertinent filing if such a filing is due and has not been made. Any such proceedings to require the City to perform any other obligation under the Continuing Disclosure Agreement (including any proceedings that contest the sufficiency of any pertinent filing) shall be instituted and maintained only by a trustee appointed by the holders and beneficial owners of not less than 25% in principal amount of the Bonds then outstanding or by holders and beneficial owners of not less than 10% in principal amount of the Bonds then outstanding in accordance with Section 133.25(B)(4)(b) or (C)(1) of the Revised Code, as applicable (or any like or comparable successor provisions).

The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

The City's Continuing Disclosure Agreement shall remain in effect only for such period that the Bonds are outstanding in accordance with their terms and the City remains an obligated person with respect to the Bonds within the meaning of the Rule. The obligation of the City to provide the Annual Information and notices of the events described above shall terminate, if and when the City no longer remains such an obligated person.

The Auditor is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Auditor determines to be necessary in connection with a book entry system for the Bonds, after approval of any such agreement by the Director of Law.

Section 10. Certification and Delivery of Ordinance and Final Terms Certificate. The Clerk of Council is directed to deliver a certified copy of this Ordinance and a signed copy of the Final Terms Certificate to the County Auditor of Marion County.

Section 11. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds 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 Bonds 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 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 12. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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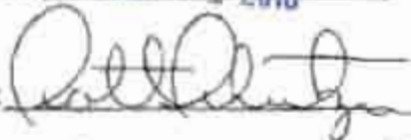
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Section 13. Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds to enable the City to timely retire the Outstanding Note and thereby preserve its credit and to permit the Bonds to be combined with other bonds of the City in a consolidated bond issue and achieve savings in the cost of issuing the Bonds; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval of the Mayor.



President of Council

Approved: MAY 11 2010Mayor: Attest: 

Clerk of Council


FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of bonds in the principal amount not to exceed \$4,950,000 (the "Bonds") to pay costs of (i) constructing and extending Lakes Boulevard, improving Barks Road between Delaware Avenue and State Route 529, constructing a portion of Wellness Drive and constructing certain public infrastructure related to Delaware Avenue, (ii) improving Forest Lawn Boulevard and Blaine Avenue, between certain termini, by constructing storm water sewers and sanitary sewers, and (iii) acquiring and installing a comprehensive financial management, utility billing, community development, community access, human resources and payroll computer program and equipment, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Ohio Revised Code Section 122.20, is 28 years. That maximum maturity is based on my calculation of the average number of years of life or period of usefulness of the Improvement as measured by the weighted average of the amounts proposed to be expended for the several classes of the Improvement as follows: \$1,643,000 for constructing, extending and improving Lakes Boulevard, Barks Road and Wellness Drive and constructing certain public infrastructure related to Delaware Avenue, 20 years (this being my estimate of the life or period of usefulness of that class of the Improvement); \$2,524,500 for constructing storm water sewers and sanitary sewers, 40 years; and \$782,000 for acquiring a computer program and equipment, 10 years; the weighted average is therefore 28 years.

Dated: May 11, 2010



Auditor
City of Marion, Ohio

Ordinance No. 2010-51

Passed JUN 15 2010 20

ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 760 OF THE MARION CITY CODE "TAXICABS AND CHAUFFEURED LIMOUSINE", MORE SPECIFICALLY BY PROVIDING NECESSARY UPDATES THROUGHOUT SAID CHAPTER AS SET FORTH HEREIN

WHEREAS, the Council has recognized a real and present need to provide updates to existing Chapter 760 TAXICABS AND CHAUFFEURED LIMOUSINE of the Marion City Code, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion to update the sections identified below as same are found and determined to be in the best interests of the citizens of the municipality,

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

Section 1. The Council finds it necessary for the benefit of the health, safety, welfare and general good of the citizens of the municipality to provide for updates and enhancements of existing sections of the Marion City Code as provided as follows:

*(modifications are shown in 14 point font, **bolded**, and ~~strike-through~~)*

CHAPTER 760: TAXICABS AND CHAUFFEURED LIMOUSINE

§ 760.02 LICENSE REQUIRED.

No taxicab company or chauffeured limousine shall operate motor vehicles for the transportation of persons for hire within the municipality until an application has been filed and approved by Council ~~Council~~ **the Safety Director** and a license has been issued.

§ 760.03 APPLICATION INFORMATION.

Each person or taxicab company or chauffeured limousine desiring to obtain a license shall make application therefor to the City-Council ~~City-Council~~ **Safety Director** setting forth the following facts:

§ 760.07 LIABILITY INSURANCE REQUIREMENTS.

Each taxicab company or chauffeured limousine company filing an application as provided by § 760.03 shall carry liability insurance on each motor vehicle operated as a taxicab protecting the passengers and the public against all accidents arising out of the ownership, maintenance or use of such taxicab in the amount of ~~\$12,500~~ **\$ 100,000** because of bodily injury to or death of one person in any one accident, in the amount of ~~\$25,000~~ **\$ 200,000** because of bodily injury to or death of two or more persons in any one accident, and in the amount of ~~\$7,500~~ **\$ 50,000** because of injury to property of others in any one accident. Duplicate copies of insurance policies covering every piece of equipment must be filed with the Safety/~~Service~~ Director. No person shall file a duplicate policy containing a limitation clause of any kind. The penalty for filing a duplicate policy containing a duplicate clause shall be forfeiture of the license on the equipment specifically covered by the duplicate policy. It shall be the obligation of the taxicab company or chauffeured limousine company to notify the Safety/~~Service~~ Director at least 30 days prior to cancellation of any policy. (70 Code, § 760.07) (Ord. 1982-74, passed 6-14-82; ; Am. Ord. 1998-120, passed 7-13-98)

§ 760.09 APPLICATION FOR DRIVER'S LICENSE.

(A) Every application for a license as a driver of a taxicab or chauffeured limousine shall make application to the Safety/~~Service~~ Director on blank forms to be supplied and shall furnish such information as may be required. The application shall be sworn to by the applicant before filing and shall contain a statement that the applicant is:

Ordinance No. 2010-51 Passed JUN 15 2010

- (1) A citizen of the United States;
- (2) Able to speak, read and write the English language;
- (3) Over 18 years of age; and
- (4) Not addicted to the use of alcohol or drugs.
- (5) Have no more than six points on his/her driver's record as established by O.R.C. 4507.40**
- (6) Not have been convicted of a felony involving moral turpitude within the past ten years.**

(B) Such affidavit shall be accompanied by the certificates to two reputable citizens of the municipality to the effect that:

- (1) They have known the applicant for more than one year;
- (2) They have read over his or her affidavit and from their own knowledge are satisfied that the statement contained in the affidavit are true.

(C) The applicant shall also furnish, to the **Safety** Director, evidence that he or she holds a valid operator's license under the laws of the state. The applicant shall further file with his/her application two photographs of himself or herself which shall have been taken within 30 days next preceding the date of application. One photograph shall be attached to the application.

('70 Code, § 760.09) (Ord. 1981-9, passed 1-12-81; Am. Ord. 1998-120, passed 7-13-98)

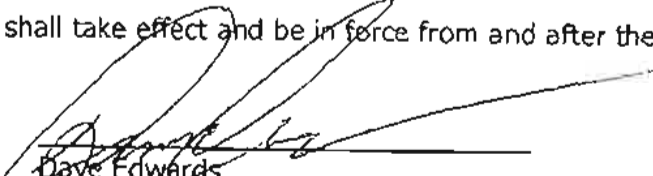
§ 760.11 DRIVER'S LICENSE FEES; INITIAL, RENEWAL AND LOSS.

Every driver of a taxicab or chauffeured limousine shall pay to the Safety/Service Director, upon issuance of the license, an annual license fee of \$5 **\$ 10.00** terminating one year from the date of issuance of the license. Taxicab driver's shall also pay the Safety/Service Director an annual renewal fee of \$3 **\$ 10.00** to be issued only on the basis of one year commencing one year from the date of issuance. A fee of \$1 **\$ 5.00** shall be charged for each lost or destroyed license replaced by the municipality. ('70 Code, § 760.11) (Ord. 1974-133, passed 11-11-74; Am. Ord. 1998-120, passed 7-13-98)

§ 760.99 PENALTY.

Whoever violates any provisions of this chapter shall be fined not more than \$50-**\$150.00** Any such violation shall constitute a separate offense on each successive day continued. ('70 Code, § 760.99) (Ord. 7085, passed 10-8-62; Am. Ord. 1998-120, passed 7-13-98)

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


Dave Edwards
President of Council

Approved: JUN 16 2010


Mayor Scott Schertzer

Attest: 
Clerk of Council

Ordinance No. 2010-52

Passed JUN 15 2010 20

ORDINANCE AMENDING CHAPTER 331 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY BY ADDING SECTION 331.40 TO PROHIBIT ENGINE BRAKING WITHIN THE CITY OF MARION, OHIO

WHEREAS, the Council has been advised by the Office of Mayor of the necessity of adopting a prohibition in regard to the use of engine braking systems, which create offensive noise, by vehicles within the city of Marion, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion to include within the Codified Ordinances of the City of Marion, Ohio a prohibition as to the use of engine braking systems which create offensive noise as such is found to create hardship, annoyance, inconvenience and a detrimental affect upon the residents of the City,

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

Section 1. The Council finds it necessary for the benefit of the health, safety, welfare and peaceful enjoyment of the community to impose a prohibition within the City Code as to the use of engine braking and having determined this necessity enacts the following provision and directs its enforcement within the City of Marion, Ohio:

§ 331.40 ENGINE BRAKING

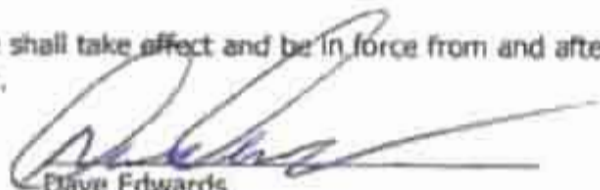
(a) *No person shall apply an engine brake or engine retarder (a practice commonly known as "jake braking") and/or an exhaust brake system, when operating a motor vehicle upon a street or highway within the municipality, as to disturb the peace and quiet enjoyment of the neighborhood, and/or likely to cause inconvenience or annoyance to persons of ordinary sensibilities.*

(b) *Engine brake or engine retarders shall be defined to include, but not limited to, C Brakes, Pac Brakes, Tek Brakes, Jake Brakes and any other type of engine brake or engine retarder commonly utilized within the trucking industry.*

(c) *This section shall not apply to fire engines or fire trucks answering emergency calls within the municipality.*

(d) *Whoever violates this section is guilty of a minor misdemeanor.*

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



Dave Edwards
President of Council

Approved: JUN 16 2010



Mayor Scott Schertzer

Attest;



Clerk of Council

Ordinance No. 2010-53

Passed JUN 28 2010 30

ORDINANCE AUTHORIZING THE *Service* DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE FOLLOWING MATERIALS AND PROJECTS: CONTROLLED DENSITY FILL & CONCRETE, BIOSOLIDS LAND APPLICATION, HIGH CALCIUM QUICK LIME AND THE PAINTING OF THE SPIRAL PUMPS & BIOSOLIDS STORAGE BUILDING FOR THE DIVISION OF WATER POLLUTION CONTROL

J.F.

WHEREAS, that the Service Director finds the need to purchase CDF and Concrete, Biosolids Land Application, High Calcium Quick Lime and The Painting of the Spiral Pumps & Biosolids Storage Building for the Division of Water Pollution Control.

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

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

- Controlled Density Fill
- Concrete,
- Biosolids Land Application,
- High Calcium Quick Lime, and
- The Painting of the Spiral Pumps & Biosolids Storage Building for the Division Of Water Pollution Control.

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

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

Mike Thomas

President *Pro Tempore*

Approved: JUN 28 2010

[Signature]

Acting Mayor

Attest:

[Signature]

Clerk of Council

Ordinance No. 2010-54 Passed JUN 15 2010 20

ORDINANCE AUTHORIZING THE ACCEPTANCE IN AND TRANSFER OUT OF CERTAIN REAL PROPERTIES RELATED TO THE MARION LAND BANK PROGRAM PURSUANT TO OHIO REVISED CODE, MARION CITY CODE 1367 ET AL AND THE SAFETY DIRECTOR'S PROPERTY DISPOSITION GUIDELINES AND DECLARING AN EMERGENCY

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

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

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

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

190 Carhart St.

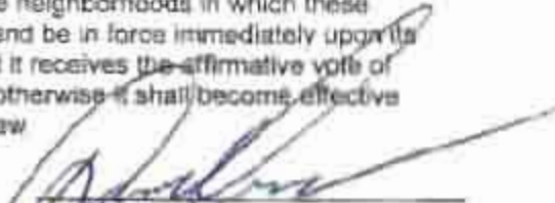
Section 2 The Council finds it to be in the best interests of the City to authorize the disposition and transfer out of the Land Bank each of the following real properties, said properties having previously found and determined by Council to qualify as properties fitting the expressed purposes, including but not limited to being non-productive lands, as contained within Marion City Code Chapter 1367. Council finds it appropriate and in the best interests of the City of Marion to enable the authorities granted the Safety Director and directs he apply his adopted Property Disposition Guidelines, as each property is determined viable for Land Reutilization as enabled by ORC 5722 et. al

391 W. Columbia St., Marion, Ohio -to the Marion City School district, a state of Ohio governmental entity for a public purpose, consistent with the aforementioned general guidelines

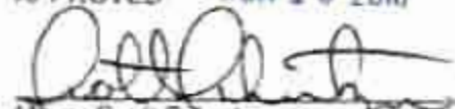
344 Monroe - to an adjoining property owner, applying the aforementioned general guidelines

190 Carhart St. - to Concerned Citizens Against Violence Against Women, Inc., applying the aforementioned general guidelines

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


Dave Edwards
President of Council

APPROVED JUN 16 2010


Mayor Scott Schretzer

ATTEST


Clerk of Council

RECORD OF ORDINANCES

Detroit Legal Blank, Inc.

Form No. 3381

Ordinance No. 2010-55

Passed JUN 15 2010 2010

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

17

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 or the Board of Building Appeals has made a Finding and Determination that the property is a Nuisance, this being the FIFTH 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

(A)

265 Blaine Ave - confirmed - GARAGE ONLY

562 Blaine Ave - confirmed

128 W Fairground - confirmed

440 E. George St. - confirmed

565 Lee St. - confirmed

334 Nye St. - confirmed - HOUSE ONLY

502 Osgood - confirmed - **BOTH HOUSE AND GARAGE BUT NOT BLOCK BUILDING
AND NOT UNTIL AFTER THE 1ST DAY OF
SEPTEMBER, 2010**

156 Park Blvd - confirmed - HOUSE IN REAR ONLY

314 Park Blvd - confirmed

316 Park Blvd. - confirmed

498 Scranton Ave - confirmed

626 Wood St - confirmed

429 Windsor St. - confirmed **HOUSE ONLY LEAVE GARAGE UNLESS SAFETY
DIRECTOR PROVIDES ADDITIONAL AUTHORIZATION**

(B)

In regard to each of the following properties, the NSP Grant Administrator shall obtain spec and bids for the demolition however shall take into account not all authorizations and document review processes have been completed as of the date of the adoption of this spec and bid Ordinance, however if obtained subsequently can be returned for an Ordinance authorizing the elimination of said nuisances via a contract for same:

1042 Bennett St. - BoA Entry

712 Blaine Ave - Notices

144-146 Carhart S. - BoA Entry

578 Decatur - confirmed

516 Henry St. - BoA Entry

254 Johnson St. - Notices

191-193 Edwards St. - BoA Entry

816-829 E. Fairground St. - consent, notices BoA Entry

RECORD OF ORDINANCES

Troyer Legal Work, Inc.

Form No. 30047

Ordinance No. 2010-55 ⁴³⁶

Passed

JUN 15

20

- 183 Fies - Notices
- 153 Fies - Notices
- 160 McWilliams Ct. - consent, notices, BoA Entry
- 219 Olney Ave. - BoA Entry
- 516 Park Street - BoA Entry
- 513 S. Prospect St. - BoA Entry
- 183 Silver St. - Consent, Notices, BoA Entry
- 554 N. State St. - BoA Entry

(Identified item in note as to above properties denotes items necessary for final approvals)

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 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: JUN 16 2010


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2010-56

Passed JUN 15 2010, 20

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, FOURTH ROUND, FIRST SET, AND DECLARING AN EMERGENCY

WHEREAS, the Council, Mayor, Law Director and Regional Planning continue to work diligently to improve the community's well-being by eliminating nuisances which are present in Marion's neighborhoods; and

WHEREAS, by previous Ordinance the Council authorized the letting of demolition the subject demolition herein

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

Section 1 The Safety Director is authorized to enter into a contract for the demolition of the following properties with High Touch Companies LLC of Lexington, Ohio the lowest and best bidder in response to the previously authorized letting process for the total sum of \$ 29,899.00 for those homes contained below designated by Regional Planning as Round 4 and \$ 33,649.00 for those properties contained below designated by Regional Planning as Round 4 a.

- 810 Herman St. - confirmed TO BE DEMOLISHED FIRST
- 190 Cathart - confirmed
- 120 Columbia St. East - confirmed
- 832 Davids St. - confirmed
- 194 Edwards St. - confirmed
- 383 Fies Ave. - confirmed
- 294 Glad St. - confirmed
- 643 Grant St. - confirmed
- 902 Mark St. East - confirmed
- 224 Olney Ave. - confirmed
- 497 Silver St. - confirmed
- 417 Toledo Ave. - confirmed
- 425 Toledo Ave. - confirmed
- 138 Waterloo St. - confirmed
- 255-257 Uncapher Ave. - confirmed

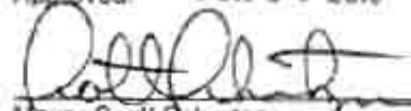
all under the Neighborhood Stabilization Program

All costs associated with the above contract, letting process and support activities shall be paid for from Neighborhood Stabilization Grant Program

Section 2 That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and inhabitants thereof; more specifically in that the safety and security of the impacted neighborhoods is an imperative need that cannot afford further delay and the need to utilize the grant funding to utilize the full grant amount as best possible without further delay, and as such shall take effect and be in force upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise, it shall come effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: JUN 16 2010


 Mayor Scott Schertzer

Attest:


 Clerk of Council

Ordinance No. 2010-57

Passed JUN 28 2010, 20

ORDINANCE AUTHORIZING THE ^{service} SAFETY DIRECTOR ENTER INTO AN AGREEMENT FOR A PERIOD OF (1) YEAR, WITH AN OPTION YEAR, WITH DAVE'S CARPET SALES FOR JANITORIAL SERVICES AT CITY HALL AND DECLARING AN EMERGENCY.

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WHEREAS, it has been determined that Dave's Carpet Sales has submitted the lowest and most responsive bid for janitorial services at City Hall, Marion, Ohio

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

Section 1. That the Safety Director be authorized and is hereby directed to enter into contract with Dave's Carpet Sales for the janitorial services at City Hall for a period of one year and one additional option year.

Section 2. That the current price of \$21,870.00 shall be payable from the City Hall General Fund

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and the safety of the City of Marion and the inhabitants thereof, and the current contract for janitorial services will expire on June 30, 2010, and as such, shall take effect and be in force immediately upon its passage and approval of the Mayor, provided it received the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Mike Thomas
President Pro Tempore

APPROVED: JUN 29 2010

[Signature]
Acting Mayor

ATTEST:

[Signature]
CLERK OF COUNCIL

Ordinance No. 2010-58

Passed JUN 15 2010, 2010

ORDINANCE MAKING AN ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010.

Whereas, Council finds that there are additional funds needed for the Barks Road TIF Fund and General Fund for expenses through 2010.

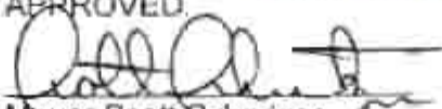
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

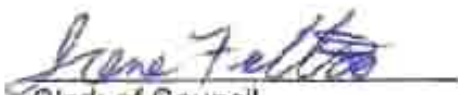
Section 1. That there be an additional appropriation made in various funds as follows:

<u>BARKS ROAD TIF</u>	
Professional Services	\$1,000.00
<u>GENERAL FUND</u>	
Police Department	
Transfer Account (Grant)	\$23,829.67
Airport Department	
Property Tax	\$ 9,015.86
Total General Fund	\$32,845.53

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 16 2010

 Mayor Scott Schertzer

ATTEST:

 Clerk of Council

Ordinance No. 2010-59

Passed JUN 28 2010 20

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE BAILIFF, DEPUTY BAILIFF, PROBATION OFFICER, CLERK OF COURT, DEPUTY CLERK - MUNICIPAL COURT FOR THE CITY OF MARION, OHIO

Whereas, the Council for the City of Marion finds the job descriptions for the Bailiff; Deputy Bailiff; Probation Officer, Clerk of Court, Deputy Clerk - Municipal Court for the City of Marion to be in need of revisions; and

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

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

Section 1. That the current job description for the Bailiff; Deputy Bailiff; Probation Officer, Clerk of Court; Deputy Clerk - Municipal Court attached hereto as Exhibit A, shall be amended and renamed in part with the updated job descriptions attached hereto as Exhibit B.

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

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

Mike Thomas

President *Pro Tempore*

APPROVED: *JUN 29 2010*

[Signature]

Acting Mayor

Attest;

[Signature]

Clerk of Council

CITY OF MARION, OHIO
MUNICIPAL COURT
Job Description

Job Title:	CLERK OF COURT
Department:	MUNICIPAL COURT
Reports To:	MUNICIPAL COURT JUDGE
FLSA Status:	Exempt
Prepared By:	Human Resources
Prepared Date:	6-27-08
Approved By:	Municipal Court Judge
Approved Date:	06-04-10

SUMMARY: Responsible to the Municipal Court Judge to efficiently and accurately perform the duties necessary for the operation of the Municipal Court as specified by Ohio Revised Code 1901.31. Supervises all of the difficult and independent clerical operations, which requires the application of judgment based upon knowledge gained through experience. General administrative supervision and advice is received from the Judge but otherwise works independently to achieve satisfactory results.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following but are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Under Bond, responsible for the collection and handling of all court fees, fines and deposits, accepts and processes bail bonds, accounts for such receipts. Examines legal documents submitted to court for adherence to law or court procedures, prepares case folders, and posts, files, or routes documents
- Issues arrest warrants, complaints, subpoenas and other court processes; keeps court records, issues bonds, writs and other authorized court orders
- Supervises the scheduling for docket of all court cases and maintains docket files; Officiates at jury trials by calling and polling the jury, swears in witnesses and provides meals and lodging, if needed.
- Secures information for judge, contacts witnesses, attorneys, and litigants to obtain information for court, and instructs jurors when to appear
- Serves as Voluntary Wage Assignment Trustee, collects and disburses funds for this account and keeps accurate records of same
- Records case disposition, court orders, and arrangement for payment of court fees; Prepares reports of cases started, funds received on judgment and cost, cash bonds and bank deposits
- Prepares and issues correspondence, keeps records and prepares periodic activity reports; develops work procedures, specialized forms and records; Maintains and oversees the operations of the Court's computerized records system

SUPERVISORY RESPONSIBILITIES:

Directly supervises 9 to 12 non-supervisory employees. Carries out these responsibilities in accordance with the Court's policies and applicable laws. Responsibilities include interviewing, hiring, training, planning, assigning and directing work, appraising performance, rewarding and disciplining employees; addressing complaints and resolving problems.

QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Education and/or Experience

Associate's degree (A. A.) or equivalent from two-year college or technical school with emphasis on government, law and the court system, and experience in difficult clerical work including some experience in a supervisory capacity preferred. One year or more experience as Deputy Clerk in Marion Municipal Court required or equivalent experience. Any combination of education, training and experience that provides required knowledge, skill and ability may be considered.

Language Skills

Ability to read, analyze, and interpret professional journals, technical procedures, or governmental regulations; write reports, correspondence, and procedure manuals; speak clearly and effectively present information and respond to questions from clients, supervisor, attorneys, City Council and the public served.

Mathematical Skills

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals; compute rate, ratio, percent, draw and interpret graphs, count money and make change.

Reasoning Ability

Ability to solve problems and deal with a variety of concrete variables in situations where only limited standardization exists; interpret a variety of instructions in written, oral, diagram, or schedule form.

Computer Skills

Should have thorough knowledge and excellent skill in the use of the Municipal Court computer system: the Internet, Spreadsheet and Word Processing software.

Certificates, Licenses, Registrations

Valid Ohio Driver's License. Must be able to be Bonded. Notary Public highly recommended.

Other Knowledge, Skills and Abilities

Thorough knowledge of office practices, procedures and equipment, principles, practices, functions and legal requirements of the Municipal Court; some knowledge of commercial and governmental accounting and the principles of business administration. Ability to exercise good judgment in making decisions in conformance with laws, regulations and policies; establish and maintain good working relationships with superiors, attorneys, co-workers and the public.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is regularly required to use hands to finger, handle, or feel; reach with hands and arms; talk or hear; frequently required to stand, walk and sit; occasionally required to stoop, kneel, crouch, or crawl; must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close, distance, color and peripheral vision; depth perception and ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is occasionally exposed to moving mechanical parts. The noise level is usually quiet to moderate.

CITY OF MARION, OHIO
MUNICIPAL COURT
Job Description

Job Title:	DEPUTY CLERK OF COURT
Department:	MUNICIPAL COURT
Reports To:	CLERK OF COURT
FLSA Status:	Non-exempt
Prepared By:	Human Resources
Prepared Date:	6-27-08
Approved By:	Municipal Court Judge
Approved Date:	06-04-10

SUMMARY: Responsible to the Clerk of Court for accurate, timely performance of a variety of both routine and difficult clerical tasks associated with the operation of the Municipal Court. The work involves complex, varied, non-standardized tasks, processes and operations requiring applications of numerous laws, procedures and regulations.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following but are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Greets visitors, answers telephone calls, assists individuals at the counter.
- Receives monies, issues receipts, posts receipts in cash book, balances monies received and receipts daily; compiles bank deposits; reconciles checking accounts. Compiles month end and year end reports.
- Maintains filing system for pending and finished cases; schedules hearings and issues notices to all parties for pre-trials, trials and hearings, etc. Sends notices to prospective jurors.
- Files documents from attorneys and individuals, calculates costs, issues accurate and timely summons, subpoenas, garnishments, attachments, executions, certificates of judgments, etc., as directed by instructions.
- Provides information and assists individuals regarding filing procedures in Small Claims Court, schedules hearings and initiates Report of Referee on Small Claim cases.
- Types all correspondence, Judgment Entries, Rulings, etc., of the Judge.
- Issues summons, warrants on complaints, bench warrants, commitments, etc.
- Appoints attorneys for indigent defendants, processes fee applications and forwards to County Auditor, prepares Recognizance Bonds.
- Maintains Court Dockets and Index information, files traffic and criminal cases; enters data from traffic/criminal complaints into computer for case numbers, enters dispositions on traffic and criminal cases into computer; schedules payments on fines and costs, cancels operator's license for non-payment of fines.
- Avoids errors in work causing inaccuracies in reports, records, or technical data resulting in inaccurate or incomplete information and possible litigation against the City as well as audit findings by the State Auditor.

QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Education and/or Experience

High school diploma or general education degree (GED) required with training or experience performing all types of clerical tasks. Vocational and business school training with emphasis on governmental regulations and/or court systems preferred. Any combination of experience and training that provides the required knowledge, skill and ability may be considered.

Language Skills

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, procedure manuals and government regulations, read, comprehend and record figures accurately, communicate effectively, both written and orally.

Mathematical Skills

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals, count money and make change.

Reasoning Ability

Ability to deal with problems involving several variables in familiar context, ability to understand and follow complex oral and written instructions.

Computer Skills

Should have knowledge of and skill in the use of the Municipal Court computer system (learn on-the-job); the Internet, Spreadsheet and Word software.

Certificates, Licenses, Registrations**Other Knowledge, Skills and Abilities**

Should have knowledge of legal terminology, Court policies and procedures and the Ohio Revised Code; thorough knowledge of office practices, procedures and equipment; skill in the use of all types of office equipment, including, but not limited to typewriter, personal computer, calculator, printer, copier, FAX, credit card terminal, etc.; some knowledge of accounting, bookkeeping and record keeping. Handle sensitive inquiries from officials, attorneys, litigants, defendants and others and maintain confidentiality as required. Ability to deal with the public, including people in stressful situations on the telephone and/or in person. Ability to work with little supervision and solve problems independently. Ability to work with speed and accuracy in a fast paced environment with numerous interruptions.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is regularly required to stand, walk, sit, use hands to finger, handle, or feel, reach with hands and arms and talk or hear, occasionally required to stoop, kneel, crouch, or crawl, must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close, color and peripheral vision, depth perception and ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is occasionally exposed to moving mechanical parts. The noise level is usually quiet to moderate.

CITY OF MARION, OHIO
MUNICIPAL COURT
Job Description

Job Title	BAILIFF
Department	MUNICIPAL COURT
Reports To:	MUNICIPAL COURT JUDGE
FLSA Status:	Non-exempt
Prepared By:	Human Resources
Prepared Date	6-27-08
Approved By:	Municipal Court Judge
Approved Date:	06-04-10

SUMMARY: Responsible to the Municipal Court Judge to maintain order in the courtroom during trial and all duties specified by GRC 1901.32 and other State, County and City statutes, rules and regulations pertaining to the operation of the Court. Under close supervision by the Judge and Clerk of Court, is responsible for: all persons in custody of the Court, for delivering court papers and deposit of court monies.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following but are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Checks courtroom for security and cleanliness; assures availability of sundry supplies for use of Judge; Checks all affidavits for the day to determine if charged parties have previous records
- Opens Court, attends court and all hearings; preserves order during court sessions; enforces courtroom rules of behavior and warns persons not to disturb court procedure; guards persons brought before the court; collects and retains unauthorized firearms from persons entering courtroom; stops people from entering courtroom while Judge charges jury; guards jurors and jury room; reports need for police or medical assistance to appropriate authority
- Receives affidavits and appearance bonds from Police Department; serves subpoenas in City and County; performs messenger service for the Court; serves civil and criminal papers as directed by the Court; performs bank deposit of all monies received by the court in payment of fines

QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Education and/or Experience

High school diploma or general education degree (GED) required. High school or vocational school training with emphasis on law enforcement and several years experience as a guard or patrolman in a military or civilian force preferred. Any combination of education and experience that provides the required knowledge, skill and ability may be considered.

Language Skills

Ability to: read and carry out instructions; write correspondence and memos; speak clearly and decisively in order to effectively present information in one-on-one and small group situations

Mathematical Skills

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals.

Reasoning Ability

Ability to solve practical problems and deal with a variety of variables in situations where only limited standardization exists, interpret a variety of instructions in written or oral form

Computer Skills

General working knowledge of computer

Certificates, Licenses, Registrations

Valid Ohio Driver's License

Other Knowledge, Skills and Abilities

Good knowledge of Court procedures. Ability to handle people with tact and courtesy, get along with others; work with others or alone, handle sensitive inquiries from officials and others and maintain confidentiality required; drive vehicle, must be physically able to control irate, unruly individuals and situations which may require strength, mobility, agility and persuasiveness

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is regularly required to stand, walk, sit; use hands to finger, handle, or feel, reach with hands and arms and talk or hear; occasionally required to climb or balance and stoop, kneel, crouch, or crawl; must occasionally lift and/or move more than 100 pounds. Specific vision abilities required by this job include close, distance, color and peripheral vision; depth perception and ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is regularly exposed to outside weather conditions, occasionally exposed to moving mechanical parts. The noise level is usually quiet to moderate.

**CITY OF MARION OHIO
JOB DESCRIPTION**

Job Title	PROBATION OFFICER
Department:	MUNICIPAL COURT
Reports To	CHIEF PROBATION OFFICER
FLSA Status	Non-exempt
Prepared By	Human Resources
Prepared Date:	01-28-08
Approved By:	Municipal Court Judge
Approved Date	06-04-10

SUMMARY The duties of this position are performed in accordance with regulations prescribed by State, County and City Statutes. The position involves responsibility for persons under probation of the court. Supervision is received from the presiding judge, court clerk and bailiff as well as the Chief Probation Officer. Counsels adult offenders in activities related to legal conditions of probation or parole by performing the following duties. If necessary, performs duties of Deputy Bailiff preserving order during Court sessions.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following but are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Attends hearings, assigns community service workers to various agencies if needed
- Initiates forms and all paperwork for defendants sentenced to Community Control Sanctions and monitors completion of the program
- Performs records checks from both computerized and hard copy files
- Confers with offender, legal representatives, family, and other concerned persons, and reviews documents pertaining to legal and social history of offender to conduct pre-hearing or pre-sentencing investigations and to formulate rehabilitation plan
- Compiles reports, testifies in court, and makes recommendations concerning conditional release or institutionalization of offender
- Informs offender or guardian of legal requirements of conditional release such as visits to office, restitution payments, or educational and employment stipulations
- Counsels offender and family or guardian, helps offender to secure education and employment, arranges custodial care, and refers offender to social resources of community to aid in rehabilitation.
- Evaluates offender's progress on follow-up basis including visits to home, school, and place of employment
- Secures remedial action by court if necessary

SUPERVISORY RESPONSIBILITIES: This job has no supervisory responsibilities.

QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

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.

Language Skills

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from officials, clients and the general public.

Mathematical Skills

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

Reasoning Ability

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

Computer Skills

Knowledge of Internet software, Spreadsheet software and Word Processing software.

Certificates, Licenses, Registrations

Valid unrestricted Ohio Driver's License

Other Skills and Abilities

Good knowledge of court procedures, tact and judgment in handling people; ability to follow oral and written instructions; ability to control individuals and situations involving strength, mobility and agility; ability to handle sensitive inquiries from officials and the public while maintaining confidentiality required; ability to drive vehicle.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this Job, the employee is regularly required to sit, use hands to finger, handle, or feel, reach with hands and arms, talk and hear. The employee is occasionally required to stand, walk, climb or balance, stoop, kneel, crouch or crawl, taste and smell. The employee may occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close, distance, color and peripheral vision, depth perception and ability to adjust focus.

Work Environment: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this Job, the employee is occasionally exposed to outside weather conditions. The noise level in the work environment is usually moderate.

Ordinance No. 2010-60

Passed JUN 15 2010 20

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE FOR CERTAIN AIR SPACE EASEMENT RIGHTS WITH MICHEL F. ZUCKER THROUGH THE COMMUNITY IMPROVEMENT CORPORATION AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion through its Planning Department has been presented a proposal to revitalize a certain two billboard structure within the downtown, and

WHEREAS, the proposal would aid in the City's urban development and/or urban renewal and further, said lease is compliant with the conditions associated with the authority afforded the City's designated agent Community Improvement Corporation, herein after referred to as C.I.C. as it furthers civic development and enhances community communication capabilities as referenced below,

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

SECTION 1. The Council hereby authorizes the Mayor to execute all documents necessary to enter into a lease agreement with Michael F. Zucker for certain air space easement rights and if necessary under-ground structural support components all determined not required for use by the municipality for the defined term. The Council finding the lease will promote the welfare of the community, improve the economy, assist in the development of commercial activities, non-profits, and communications related to the betterment of the community This by utilizing the City's designated agent The Community Improvement Corporation as same will aid in the City's urban development and/or urban renewal and is compliant with the conditions associated with the authority afforded the C.I.C. (ORC 1724.10) Said lease shall be in such form and content as approved by the Law Director, and is to include, but is not limited to a ^{monthly} rental payment of 1,000 per year, a minimum standard as to prohibitions of offensive adds, a minimum standard as to must carry of community non-profit, community organization add content and be for a period of 20 years with a right to renew for an additional 10 year period.

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 need to move forward without further delay and to enable better communication within the community, 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 16 2010


Mayor Scott Schertzer

Attest;

Clerk of Council

Ordinance No. 2010-61

Passed

JUN 8 2010

20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO TAKE ALL STEPS NECESSARY TO UTILIZE FULLY THE FEMA FY 2009 GRANT AWARDED FOR THE INSTALLATION OF A FIRE SUPPRESSION SYSTEM IN FIRE STATION ONE, AUTHORIZING ALL R.F.P.'S FOR DESIGN AND AUTHORIZING SPEC AND BID OF THE PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion was awarded a FY 2009 FEMA Assistance to Firefighters Grant in order to install a fire suppression system in Fire Station One, and

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

Section 1. Based upon the report provided by the Chief of the Fire Department and the Service Director in regard to the FEMA AFG Grant the subject hereof, the Council desires to fully utilize the federal grant funding and therefore the Council determines it is necessary to authorize the Service Director, his designees to complete all necessary agreements, processes, including, but not limited to RFP's for design and Spec and Bids for the project. This project determined to be necessary for the protection of the health and safety of the public and firefighting personnel against fire and fire-related hazards and contemplates activities such as: installation of a sprinkler system for all of station 1; basement, first floor, second floor, and attic space.

Section 2. The grant amount is approximately \$ 87,000.00 total, there is a 10% local match. Cost of the project shall be paid from the grant funds, local match shall be payable from the Capital Improvement Fund.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof. Due to the real and present need to move forward without delay given the loss of the grant funds if continual progress is not undertaken; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.



President *pro tempore*.

APPROVED: JUN 2 9 2010



Acting Mayor

ATTEST:



Clerk of Council

Ordinance No. 2010-62

Passed JUN 28 2010 20

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE ENGINEERING AID II, CUSTODIAN, ~~AND BUILDING MAINTENANCE SUPERVISOR~~ FOR THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY

Whereas, the Council for the City of Marion finds the job descriptions for Engineering Aid II, Custodian, ~~and Building Maintenance Supervisor~~ for the City of Marion to be in need of revisions; and

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

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

Section 1. That the current job description for the Engineering Aid II, Custodian, ~~and Building Maintenance Supervisor~~ attached hereto as Exhibit A, shall be amended and renamed in part with the updated job descriptions attached hereto as Exhibit B.

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

Section 3. 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 reestablish the custodian position in City Hall; 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.

Mark Thomas

President Pro Tempore

APPROVED: JUN 29 2010

[Signature]

Acting Mayor

Attest;

[Signature]

Clerk of Council

Amended in Committee 6-28-10

**CITY OF MARION
JOB DESCRIPTION**

Job Title:	CUSTODIAN	
Department:	City Hall	
Reports To:	Service Director	
FLSA Status:	Non-exempt (USW-2A)	P.9
Prepared By:	Human Resources	19
Prepared Date:	June 18, 2010	
Approved By:	Service Director	
Approved Date:	June 18, 2010	
	Ray Gude	19

SUMMARY: Performs routine caretaking of building

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following and other related duties as assigned.

- Makes sure buildings are opened and closed unless otherwise directed
 - Shovels snow from sidewalks and driveways and applies de-icer at City Hall, City parking lot, Recreation Center, and WIC building
 - Makes arrangements with City Garage for parking lot snow removal.
 - Performs minor carpentry or masonry work on buildings
 - Sweeps and mops floors in the event of spills, accidents, messes, and/or complaints during the work day.
 - Assists with transporting items to storage.
 - Collects recyclables from City Hall offices
 - Maintains shrubs and planting around the perimeter of building
 - Performs a variety of other ground tasks including removal of litter from parking lot
 - Performs minor repairs within capabilities and works with independent contractors for other major repairs
 - Collects money from parking meters behind old Rite Aid building. Deposits money in bank and brings receipt to City Hall
 - Raises and lowers flag as appropriate
 - Monitors cleaning supplies and restocks as needed
 - Changes light bulbs
-

- Cleans office of the Mayor, Directors, and all secured areas once a week
- Plunges clogged commodes and addresses straightforward plumbing problems
- From time to time, will utilize people assigned to community service to assist with tasks.

SUPERVISORY RESPONSIBILITIES:

This job has no supervisory responsibilities.

COMPETENCIES: To perform the job successfully, an individual should demonstrate the following competencies:

Respond well to difficult or emotional customer situations; Respond promptly to requests for service and assistance; meet commitments. Speak clearly; Listen and get clarification. Write clearly and informatively; Present numerical data effectively. Show respect and sensitivity for cultural differences; treat others with respect and consideration regardless of their status or position. Be able to deal with frequent change, delays, or unexpected events. Be consistently at work and on time; keep appointments on time.

QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Education and/or Experience:

High school diploma or general education degree (GED). Previous custodial experience preferred with some knowledge of plumbing, electrical and carpentry.

Language Skills:

Ability to read and comprehend simple instructions, short correspondence, and memos. Ability to write simple correspondence. Ability to effectively present information in one-on-one and small group situations to customers, clients, and other employees of the organization.

Mathematical Skills:

Ability to add, subtract, multiply and divide. Ability to perform these operations using units of weight measurement, volume, and distance.

Reasoning Ability:

Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

CERTIFICATES, LICENSES AND REGISTRATIONS:

Valid Ohio Driver's License. HVAC certification preferred

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, or feel; reach with hands and arms; talk or hear and taste or smell. The employee is frequently required to stand, walk; climb or balance and stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close, distance, color and peripheral vision; depth perception and ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly exposed to outside weather conditions. The employee occasionally works near moving mechanical parts in high, precarious places; and is occasionally exposed to fumes or airborne particles; toxic or caustic chemicals, risk of electric shock and vibration. The noise level in the work environment is usually moderate.

Work Hours - Determined by the Service Director within the framework of a typical 40 hour work week (M-F 7:30am-4:30pm with a one hour lunch break)

2010.62

CITY OF MARION
ENGINEERING DEPARTMENT
JOB DESCRIPTION

Job Title: ENGINEERING AIDE II
Department: Engineering
Reports To: City Engineer
FLSA Status: Non-exempt USWA Grade 24
Prepared By: H.R. Director
Prepared Date: 2-9-07
Approved By: City Engineer City Council ORD. NO. 2007-50
Approved Date: 2-23-07 Approved 8-13-07

SUMMARY: An employee of this class must skillfully apply sub-professional engineering principles and techniques to work performed in the office and in the field. Employee must be familiar with office records and field locations. Duties must be performed with accuracy. Supervision is received from a professional staff but the employee is expected to perform routine tasks independently with reference to supervisor only on difficult problems as they occur.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following and other related duties as assigned.

- Serves as a skilled draftsman in the office.
- Does layouts and draws plans and profiles.
- Reduces and plots field notes.
- Draws plans and prepares preliminary estimates for sewers, streets, sidewalks, curbs and gutters.
- Assists in preparing specifications for construction projects.
- Makes drawings for location and right-of-way work.
- Reviews and processes petitions from contractors, residents and the public for street and sewer improvements and for street and alley locations.
- Serves as instrument person on survey party for City streets, sewers, alleys, sidewalks, curbs, gutters, and corporation lines, does computations for topographic maps.
- Leads survey party in such work as running profiles and cross-sections.
- Oversees the staking out of construction projects, running grades and computing quantities.
- Reviews and performs the more complex mathematical computations.
- Keeps records, prepares correspondence and may assist in inspection work.
- Inspects paving and other projects associated with Engineering Department.

SUPERVISORY RESPONSIBILITIES:

None

REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Good knowledge of sub-professional engineering practices, land survey and drafting techniques, including the knowledge and efficient use of CADD.

- Ability to use computer and associated software, e.g. MS WORD, EXCEL, OUTLOOK;
- Good knowledge of mathematics,
- Ability to prepare drawings from field notes and plats of records.
- Ability to carry out duties and follow complex oral and written instructions with minimum of detail,
- Ability to plan sub-professional engineering work,
- Extensive knowledge and experience in Asphalt paving and associated materials and techniques

LANGUAGE SKILLS:

Ability to read, analyze, and interpret periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from officials, contractors, employees, and the general public.

MATHEMATICAL SKILLS:

Ability to calculate figures and amounts such as proportions, percentages, area, circumference, and volume. Ability to apply concepts of basic algebra and geometry

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

EDUCATION and/or EXPERIENCE:

Graduation from a technical institute with study in surveying or drafting, or some experience in the field as an engineering technician, or considerable experience in practical engineering work and completion of a standard high school course with work in science and mathematics; or any equivalent combination of experience and training which provides the required knowledge, skill and ability

CERTIFICATES, LICENSES, REGISTRATIONS:

Valid Ohio Driver's License

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk or hear and taste or smell. The employee is frequently required to stand, walk, sit, use hands to finger, handle, or feel, reach with hands and arms, climb or balance and stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently exposed to moving mechanical parts; high, precarious places, fumes or airborne particles and outside weather conditions. The noise level in the work environment is usually moderate.

Ordinance No. 2010-63

Passed

JAN 28 2010

20

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING COLUMBIA STREET AND BLAINE AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS AND SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$400,000 (the "Bonds") to pay costs of improving Columbia Street and Blaine Avenue, between certain termini, by constructing storm water sewers and sanitary sewers, together with all necessary appurtenances thereto

Section 2. The Bonds shall be dated August 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$400,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated their date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of issuance by setting forth that maturity date in the Note Purchase Agreement by and between the City and Fifth Third Securities, Inc. (the "Original Purchaser") of the Notes (the "Note Purchase Agreement"). The Notes shall bear interest at a rate or rates not to exceed six percent (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 Note Purchase Agreement.

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 Note Purchase Agreement, 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 Note Purchase Agreement after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Paying Agent")

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

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

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("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 Note Purchase Agreement now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the

RECORD OF ORDINANCES

0263

Form 1001 (Rev. 1-1-00)

Form No. 1001

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Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. 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, 146 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 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 Bonds as "qualified tax-exempt obligations" 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition 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

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the intended tax status of the Notes, and (c) to give 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.


Section 11 If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12 The Clerk of Council is directed to deliver a certified copy of this ordinance and the Note Purchase Agreement to the County Auditor


Section 13 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 14 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 15 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 potentially combine the Notes with one or more other note issues of the City into a consolidated note issue and achieve savings in costs of issuance and a lower interest rate for the Notes, wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.


President Pro Tempore.

Approved: JUN 29 2010


Acting Mayor

Attest:


Clerk of Council

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$400,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of improving Columbia Street and Blaine Avenue, between certain termini, by constructing storm water sewers and sanitary sewers, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

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

3. The maximum maturity of the principal amount of the Notes is 20 years from the date of the original issuance of notes to pay costs of the Improvement.

Dated: June 28, 2010

Kelly Carr
Auditor
City of Marion, Ohio

Ordinance No. 2010-64

Passed JUN 28 2010 20

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$700,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING COLUMBIA STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING AND REHABILITATING STORM WATER SEWERS AND SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$700,000 (the "Bonds") to pay costs of improving Columbia Street, between certain termini, by constructing and rehabilitating storm water sewers and sanitary sewers, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated August 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$700,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated their date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of issuance by setting forth that maturity date in the Note Purchase Agreement by and between the City and Fifth Third Securities, Inc. (the "Original Purchaser") of the Notes (the "Note Purchase Agreement"). The Notes shall bear interest at a rate or rates not to exceed six percent (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 Note Purchase Agreement.

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

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

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

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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 Note Purchase Agreement now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax

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

Section 10. 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 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 Bonds as "qualified tax-exempt obligations" 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition 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

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the intended tax status of the Notes, and (c) to give 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.

Section 11 If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance and the Note Purchase Agreement to the County Auditor.

Section 13. 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 14. 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 15. 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 potentially combine the Notes with one or more other note issues of the City into a consolidated note issue and achieve savings in costs of issuance and a lower interest rate for the Notes, wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor

Mike Thomas
President Pro Tempore

Approved: JUN 29 2010

[Signature]
Acting Mayor

Attest:

[Signature]
Clerk of Council

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$700,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of improving Columbia Street, between certain termini, by constructing and rehabilitating storm water sewers and sanitary sewers, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

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

3. The maximum maturity of the principal amount of the Notes is 20 years from the date of the original issuance of notes to pay costs of the Improvement.

Dated: June 28, 2010

Kelly Carr
Auditor
City of Marion, Ohio

Ordinance No.

2010-65

Passed

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ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING MILLBURN AVENUE AND MEADOW STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS AND SANITARY SEWERS, WIDENING AND LOWERING THE STREETS, INSTALLING CURBS AND DRAINAGE AND REPLACING SIDEWALKS AND DRIVEWAY APPROACHES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,400,000 (the "Bonds") to pay costs of improving Millburn Avenue and Meadow Street, between certain termini, by constructing storm water sewers and sanitary sewers, widening and lowering the streets, installing curbs and drainage and replacing sidewalks and driveway approaches, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated August 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,400,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated their date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of issuance by setting forth that maturity date in the Note Purchase Agreement by and between the City and Fifth Third Securities, Inc. (the "Original Purchaser") of the Notes (the "Note Purchase Agreement"). The Notes shall bear interest at a rate or rates not to exceed six percent (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 Note Purchase Agreement.

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

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Auditor, and the entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Auditor will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9-96 and Chapter 133 of the Revised Code if it is determined by the Auditor that issuance of the Notes in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance.

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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 Note Purchase Agreement now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

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

Section 10. 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 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 Bonds as "qualified tax-exempt obligations" 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition 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

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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 give 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.

Section 11. If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to the City the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance and the Note Purchase Agreement to the County Auditor.

Section 13. 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 14. 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 15. 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 potentially combine the Notes with one or more other note issues of the City into a consolidated note issue and achieve savings in costs of issuance and a lower interest rate for the Notes, wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Mike Thomas
President Pro Tempore

Approved: JUN 29 2010
[Signature]
Acting Mayor

Attest:
[Signature]
Clerk of Council

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$1,400,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of improving Millburn Avenue and Meadow Street, between certain termini, by constructing storm water sewers and sanitary sewers, widening and lowering the streets, installing curbs and drainage and replacing sidewalks and driveway approaches, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

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

3. The maximum maturity of the principal amount of the Notes is 20 years from the date of the original issuance of notes to pay costs of the Improvement.

Dated: June 28, 2010

Kelly Carr
Auditor
City of Marion, Ohio

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ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,600,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING OAK STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS AND SANITARY SEWERS, WIDENING AND LOWERING THE STREET, INSTALLING CURBS AND DRAINAGE, AND REPLACING SIDEWALKS AND DRIVEWAY APPROACHES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,600,000 (the "Bonds") to pay costs of improving Oak Street, between certain termini, by constructing storm water sewers and sanitary sewers, widening and lowering the street, installing curbs and drainage, and replacing sidewalks and driveway approaches, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated August 1, 2011, shall bear interest at the now estimated rate of 6% per year payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,600,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated their date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of issuance by setting forth that maturity date in the Note Purchase Agreement by and between the City and Fifth Third Securities, Inc. (the "Original Purchaser") of the Notes (the "Note Purchase Agreement"). The Notes shall bear interest at a rate or rates not to exceed six percent (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 Note Purchase Agreement.

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

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Auditor, and the entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Auditor will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 995 and Chapter 133 of the Revised Code if it is determined by the Auditor that issuance of the Notes in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance.

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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 Note Purchase Agreement now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

RECORD OF ORDINANCES

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Ordinance No. _____

Form No. 2001

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

Section 10. 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 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 Bonds as "qualified tax-exempt obligations" 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition 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

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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.

Section 11. If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance and the Note Purchase Agreement to the County Auditor.

Section 13. 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 14. 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 15. 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 potentially combine the Notes with one or more other note issues of the City into a consolidated note issue and achieve savings in costs of issuance and a lower interest rate for the Notes, wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Mike Thomas

President Pro Tempore

Approved: JUN 29 2010

[Signature]
Acting Mayor

Attest:

[Signature]
Clerk of Council

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$1,600,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of improving Oak Street, between certain termini, by constructing storm water sewers and sanitary sewers, widening and lowering the street, installing curbs and drainage, and replacing sidewalks and driveway approaches, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

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

3. The maximum maturity of the principal amount of the Notes is 20 years from the date of the original issuance of notes to pay costs of the Improvement.

Dated: June 28, 2010

Kelley Carr
Auditor
City of Marion, Ohio

RECORD OF ORDINANCES

0277

Fiscum Limited Liability, Inc.

Form No. 5042

Ordinance No. 2010-67

Passed JUN 28 2010 20

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING ROBINSON AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS, INSTALLING CURBS AND DRAINAGE, AND RESURFACING THE STREET, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$400,000 (the "Bonds") to pay costs of improving Robinson Avenue, between certain termini, by constructing storm water sewers, installing curbs and drainage, and resurfacing the street, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated August 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$400,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated their date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of issuance by setting forth that maturity date in the Note Purchase Agreement by and between the City and Fifth Third Securities, Inc. (the "Original Purchaser") of the Notes (the "Note Purchase Agreement"). The Notes shall bear interest at a rate or rates not to exceed six percent (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 Note Purchase Agreement.

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

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Auditor, and the entire principal amount may be represented by a single note, may be issued as fully registered securities (for which the Auditor will serve as note registrar), and may be issued in book entry or other uncertificated form in accordance with Section 9.06 and Chapter 133 of the Revised Code if it is determined by the Auditor that issuance of the Notes in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance.

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 Note Purchase Agreement now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax

RECORD OF ORDINANCES

0279

Deane Legal Staff, Inc.

Form No. 3093

Ordinance No. 2010-67

Passed

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

Section 10 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 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 Bonds as "qualified tax-exempt obligations" 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition 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

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Passed _____, 20____

the intended tax status of the Notes, and (c) to give 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.

Section 11. If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance and the Note Purchase Agreement to the County Auditor.

Section 13. 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 14. 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 15. 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 potentially combine the Notes with one or more other note issues of the City into a consolidated note issue and achieve savings in costs of issuance and a lower interest rate for the Notes; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Nick Thomas
President Pro Tempore

Approved: JUN 29 2010

[Signature]
Acting Mayor

Attest:

[Signature]
Clerk of Council

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$400,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of improving Robinson Avenue, between certain termini, by constructing storm water sewers, installing curbs and drainage, and resurfacing the street, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

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

3. The maximum maturity of the principal amount of the Notes is 20 years from the date of the original issuance of notes to pay costs of the Improvement.

Dated: June 28, 2010

Kelly Carr
Auditor
City of Marion, Ohio

Ordinance No. 2010-68

Passed

JAN 28 2011

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ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,100,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING WEST CENTER STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING AND REHABILITATING SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,100,000 (the "Bonds") to pay costs of improving West Center Street, between certain termini, by constructing and rehabilitating sanitary sewers together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated August 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,100,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated their date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of issuance by setting forth that maturity date in the Note Purchase Agreement by and between the City and Fifth Third Securities, Inc. (the "Original Purchaser") of the Notes (the "Note Purchase Agreement"). The Notes shall bear interest at a rate or rates not to exceed six percent (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 Note Purchase Agreement.

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

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

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

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("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 Note Purchase Agreement now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the

Ordinance No. 2010-68

Passed

JUN 28 2010

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Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. 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 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 Bonds as "qualified tax-exempt obligations" 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition 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

JUN 28 2010

Ordinance No. 2010-68

Passed _____ 20__

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.

Section 11. If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance and the Note Purchase Agreement to the County Auditor.

Section 13. 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 14. 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 15. 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 potentially combine the Notes with one or more other note issues of the City into a consolidated note issue and achieve savings in costs of issuance and a lower interest rate for the Notes; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Wick Thomas
President Pro Tempore

Approved: *[Signature]*
Acting Mayor

Attest:
[Signature]
Clerk of Council

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$1,100,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of improving West Center Street, between certain termini, by constructing and rehabilitating sanitary sewers, together with all necessary appurtenances thereto (the "Improvement"), that:

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

Dated: June 28, 2010

Kelly Carr
 Auditor
 City of Marion, Ohio

JUN 28 2010

Ordinance No. 2010-69

Passed

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ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$150,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING AND REHABILITATING THE SANITARY SEWER SYSTEM IN THE MARION PLAZA AND IN THE ROYAL OAKS SUBDIVISION, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3 is 20 years,

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$150,000 (the "Bonds") to pay costs of constructing and rehabilitating the sanitary sewer system in the Marion Plaza and in the Royal Oaks Subdivision, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated August 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$150,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated their date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of issuance by setting forth that maturity date in the Note Purchase Agreement by and between the City and Fifth Third Securities, Inc. (the "Original Purchaser") of the Notes (the "Note Purchase Agreement"). The Notes shall bear interest at a rate or rates not to exceed six percent (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 Note Purchase Agreement.

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

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

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

JUN 28 2010

Ordinance No. 2010-69

Passed

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("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 Note Purchase Agreement now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the

RECORD OF ORDINANCES

0291

City of Los Angeles, Inc.

Form No. 884C

Ordinance No. 2010-69Passed JUN 20 2010 20

Notes The tax shall be within the ten-mil 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 claims and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. 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 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 Bonds as "qualified tax-exempt obligations" 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition 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 give one or more appropriate

Ordinance No. 2010-69Passed JUN 28 2010, 2010

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.

Section 11. If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance and the Note Purchase Agreement to the County Auditor.

Section 13. 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 14. 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 15. 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 potentially combine the Notes with one or more other note issues of the City into a consolidated note issue and achieve savings in costs of issuance and a lower interest rate for the Notes; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Mike Thomas
President *Pro Tempore*

Approved: JUN 29 2010

[Signature]
Acting Mayor

Attest:

[Signature]
Clerk of Council

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$150,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of constructing and rehabilitating the sanitary sewer system in the Marion Plaza and in the Royal Oaks Subdivision, together with all necessary appurtenances thereto (the "Improvement"), that:

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

Dated: June 28, 2010


 Auditor
 City of Marion, Ohio

RECORD OF ORDINANCES

Hays Land Mark, Inc.

Form No. 6887

Ordinance No. 2010-24

Passed JUN 28 2010 20

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$150,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE SANITARY SEWER SYSTEM AT THE MARION LANDFILL BY INSTALLING LEACHATE COLLECTION PIPES AND PUMPS TO COLLECT AND TRANSPORT LEACHATE FROM THE ORIGINAL LANDFILL CELL TO THE EXISTING LEACHATE COLLECTION SYSTEM, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$150,000 (the "Bonds") to pay costs of improving the sanitary sewer system at the Marion Landfill by installing leachate collection pipes and pumps to collect and transport leachate from the original landfill cell to the existing leachate collection system, together with all necessary appurtenances thereto

Section 2. The Bonds shall be dated August 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$150,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated their date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of issuance by setting forth that maturity date in the Note Purchase Agreement by and between the City and Fifth Third Securities, Inc. (the "Original Purchaser") of the Notes (the "Note Purchase Agreement"). The Notes shall bear interest at a rate or rates not to exceed six percent (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 Note Purchase Agreement.

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

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

Ordinance No. 2019-70

Passed

MAY 28 2019

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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 Note Purchase Agreement now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

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

Section 10. 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 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 Bonds as "qualified tax-exempt obligations" 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition 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

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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 give 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.

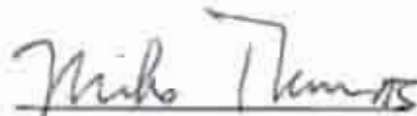
Section 11. If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance and the Note Purchase Agreement to the County Auditor.

Section 13. 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 14. 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 15. 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 potentially combine the Notes with one or more other note issues of the City into a consolidated note issue and achieve savings in costs of issuance and a lower interest rate for the Notes; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.



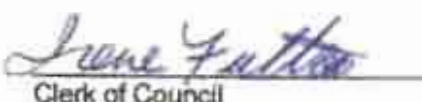
President *Pro Tempore*

Approved: JUN 29 2010



Acting Mayor

Attest:



Clerk of Council

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$150,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of improving the sanitary sewer system at the Marion Landfill by installing leachate collection pipes and pumps to collect and transport leachate from the original landfill cell to the existing leachate collection system, together with all necessary appurtenances thereto (the "Improvement"), that:

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

Dated: June 28, 2010

Kelley Carr
Auditor
City of Marion, Ohio

Ordinance No. 2010-71Passed JUL - 6 2010, 20

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 30 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$2,400,000 (the "Bonds") to pay costs of constructing, equipping and furnishing an aquatic center, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated August 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$2,400,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated their date of issuance and shall mature one year from the date of issuance, provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to 15 days less than one year from the date of issuance by setting forth that maturity date in the Note Purchase Agreement by and between the City and Fifth Third Securities, Inc. (the "Original Purchaser") of the Notes (the "Note Purchase Agreement"). The Notes shall bear interest at a rate or rates not to exceed six percent (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 Note Purchase Agreement.

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

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

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

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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 Note Purchase Agreement now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133 3D(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by

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the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10 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 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 Bonds as "qualified tax-exempt obligations" 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 Bonds 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 Bonds, 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 Bonds, 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 Bonds 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition 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 give 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

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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.

Section 11. If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance and the Note Purchase Agreement to the County Auditor.

Section 13. 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 14. 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 15. 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 potentially combine the Notes with one or more other note issues of the City into a consolidated note issue and achieve savings in costs of issuance and a lower interest rate for the Notes; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.


Dave Edwards
President of Council

Approved: JUL - 8 2010


Mayor Scott Schertzer

Attest:


Clerk of Council

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Marion, Ohio:

As fiscal officer of the City of Marion, I certify in connection with your proposed issue of notes in the principal amount of \$2,400,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") to pay costs of constructing, equipping and furnishing an aquatic center, together with all necessary appurtenances thereto (the "Improvement"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 30 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the principal amount of the Notes is 20 years from the date of the original issuance of notes to pay costs of the Improvement.

Dated: July 6, 2010

Kelly Carr
Auditor
City of Marion, Ohio

RECORD OF ORDINANCES

0301

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2010-72

Passed JUN 28 2010 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HALEY AND ALDRICH FOR THE CERTIFIED PROFESSIONAL AND OTHER ASSIGNED DUTIES FOR THE FORMER MANUFACTURED GAS FACILITY, CURRENTLY THE LINDEN PLACE PROPERTIES, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion has an immediate need to enter in contract with a Certified Professional to begin the remediation of the Linden Place property, and;

WHEREAS, the City of Marion has determined Haley and Aldrich to be the most qualified firm through a quality based selection process, for this project with an approximate total fee of 262,000,

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 Haley and Aldrich for the Certified Professional and other assigned duties for the former Manufactured Gas Facility, currently Linden Place.

Section 2: That the cost of such contract shall be payable from the Clean Ohio Revitalization Grant and Columbia Gas of Ohio.

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.

Mike Thomas

President Pro Tempore

Approved: JUN 29 2010

[Signature]

Acting Mayor

Attest;

[Signature]
Clerk of Council

Ordinance No. 2010-73

Passed JUN 28 2010, 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, SIXTH ROUND OF DEMOLITIONS UNDER 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 or the Board of Building Appeals has made a Finding and Determination that the property is a Nuisance, this being the SIXTH 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:

In regard to each of the following properties, the NSP Grant Administrator shall obtain spec and bids for the demolition however shall take into account not all authorizations and document review processes have been completed as of the date of the adoption of this spec and bid Ordinance, however if obtained subsequently can be returned for an Ordinance authorizing the elimination of said nuisances:

(I'm not sure of these addresses' status right now, but they need to be on list)

- 443 Ballentine
- 386 Commercial
- 183 Frederick
- 487 Decatur
- 415/415 1/2 Mary St.
- 259 Silver St.
- 134 - 136 N. Vine St.
- 389 Chestnut St.
- 851 Adams
- 980 Bryant
- 311 Clinton
- 205-207 E. Columbia St.
- 598 Decatur
- 254 Johnson
- 177 Lincoln

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326 Waterloo
 546 Wilson
 596 Adams
 219-221 Blaine
 712 Blaine
 189 Jefferson
 253-255 N. Prospect St
 217 Neil
 213 Park Blvd.
 326 Park Blvd.
 469 Park Blvd.
 299 W. Fairground
 183 Fies
 160 Johnson
 744 N. Main St. (Garage only)
 153 Fies
 190 Dix
 520 Jefferson
 265 Patten St.
 531 W. State St.

Consents:

213 Benton Place - not until Sept 1, 2010
 546 Blaine Ave.
 748 Blaine
 408 Fies
 397 Girard
 472 N. Grand
 136 E. Mark
 376 Mary St
 381 Monroe
 561 Mound
 516 Park Street
 374 Silver St.
 379 Silver St.
 132 Waterloo
 835 York St.
 1042 Bennett St.
 144-146 Carhart
 191-193 Edwards
 816-820 Fairground St. East
 516 Henry St.
 160 McWilliams Ct.
 219 Olney Ave.
 513 Prospect St. - South
 554 State St. - North

Found as Blight on June 10, 2010

446 Avondale Ave.
 192 Bain Ave.
 427 Cherry St.
 421 Clinton
 321 Columbia West
 413 Columbia West
 671 Florence
 325 George St. East
 376 Nye St.

Ordinance No. 2010-73

Passed JUN 28 2010, 20

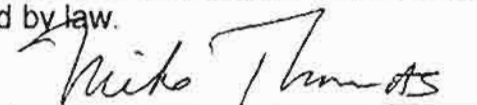
- 181 Olney Ave.
- 218 Olney Ave.
- 237 Olney St.
- 453 Osgood
- 213 Park Blvd.
- 222 Park Blvd.
- 223 Park Blvd.
- 274 Patten St.
- 587 Polk St.
- 195 Stark Ct.
- 631 Tyler St.
- 310 Windsor St.

Susan's notes:

219-221 Blaine, large duplex 2-18-10 voted blight by BoA, owners daughter indicated she would consent and give the property to Land Bank.

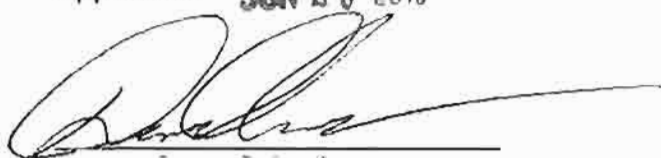
160 Johns, large duplex at Johns & Wilson, voted blight by BoA 3-18-10, owner original said she would consent then Joe Davis claimed he was buying...never happened.

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 shall take effect and be in force upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall come effective from and after the earliest period allowed by law.



President *pro tempore*.

Approved: JUN 29 2010



Acting Mayor
Attest:


Clerk of Council

Ordinance No. 2010-74

Passed JUL 12 2010, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION
IN THE POLICE DEPARTMENT FUND FOR THE YEAR
ENDING DECEMBER 31, 2010.

Whereas, the Council has been advised there is an immediate need to provide additional funds to the Police Department Central Garage Maintenance line item to cover the costs for the remainder of the the 2010 year.


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

Section 1. That there be additional appropriations as follows.

GENERAL FUND

Central Garage Maintenance	101.1000.5404	\$50,000.00
----------------------------	---------------	-------------

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



Dave Edwards
President of Council

Approved: JUL 13 2010



Mayor Scott Schertzer

Attest:



Clerk of Council

Ordinance No. 2010-75

Passed JUL 13 2010, 20

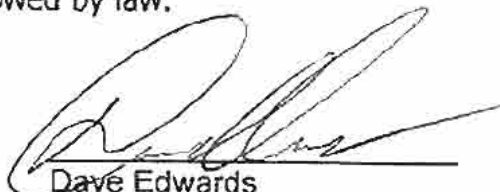
ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR SNOW REMOVAL SERVICES AT THE MARION MUNICIPAL AIRPORT

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 snow removal services at the Marion Municipal Airport.

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

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



Dave Edwards
President of Council

APPROVED: JUL 13 2010



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF ORDINANCES

Dayton Local Bank, Inc.

Lepr. No. 10000

Ordinance No. 2010-76

Passed NOV 8 2010, 20

ORDINANCE TO VACATE A CERTAIN 16.56' WIDE EAST/WEST ALLEY BETWEEN 142 AND 146 NORTH MAIN STREET (LOTS 56, 57, AND 58) (Applicant, Michael Belcher and Brad Belcher).

WHEREAS, in the opinion of this Council, there is good cause for vacating the east/west alley between 142 and 146 North Main Street (Lots 56, 57, and 58), in the City of Marion, and,

WHEREAS, the petition to vacate this alley was considered and approved by the Marion City Planning Commission at its meeting of July 6, 2010.

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

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

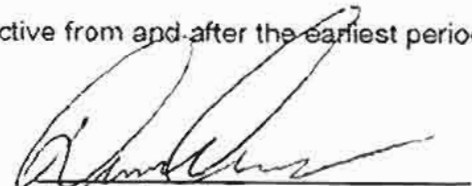
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:


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

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

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

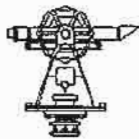
Section 4. That this ordinance shall become effective from and after the earliest period allowed by law.


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council



PROPOSED ALLEY VACATION

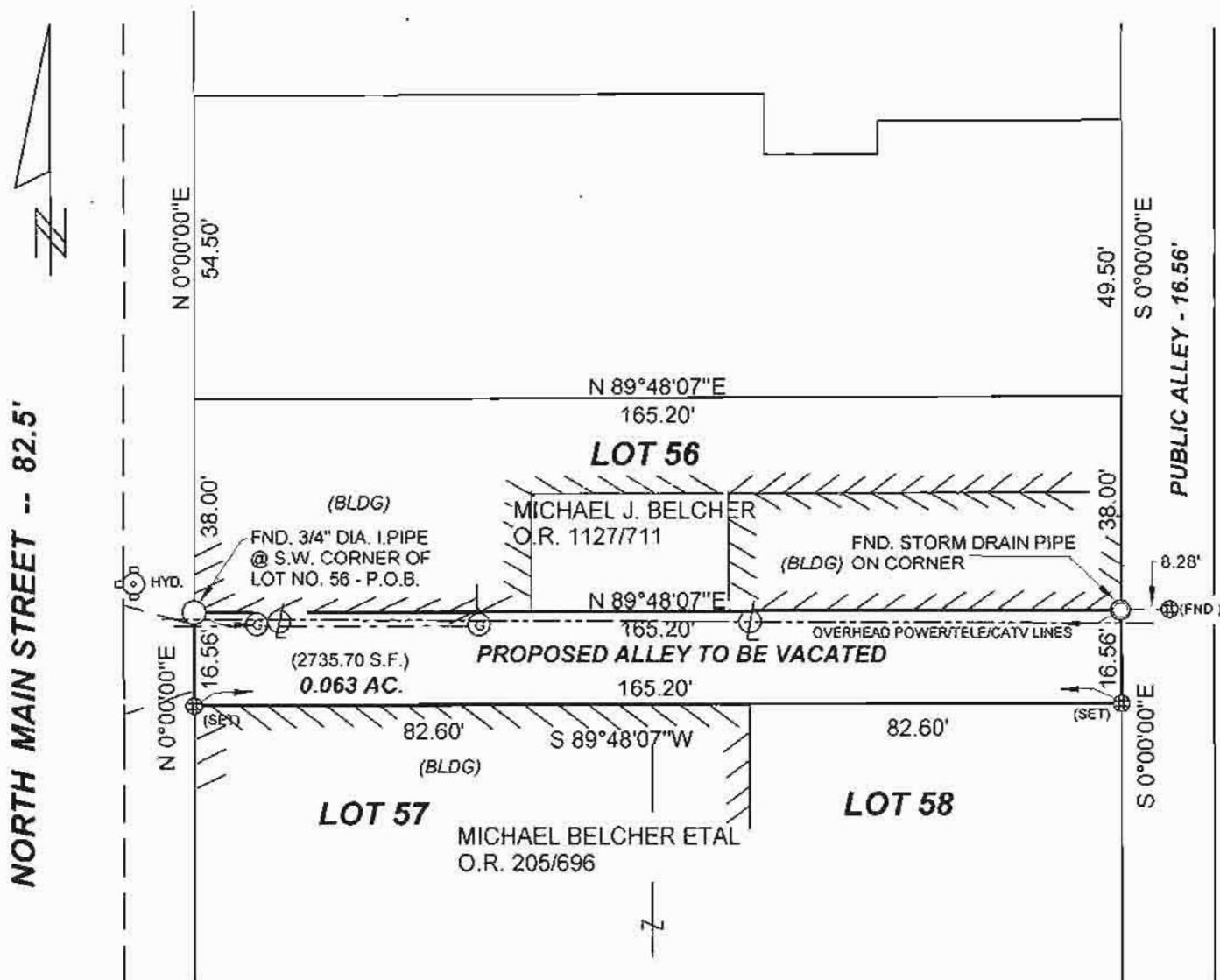
Exhibit "A"

106 S. Elm St.
P.O. Box 133

FOX SURVEYING COMPANY
Prospect, Ohio 43342-0133
foxsurveying@verizon.net

Ph. 740-494-2028
Fax: 740-494-2730

**SURVEY OF ALLEY BETWEEN LOT NUMBER 56 TO THE NORTH,
& LOT NUMBERS 57 & 58 TO THE SOUTH, IN THE ORIGINAL TOWN PLAT
OF MARION, (PLAT BOOK 1, PAGE 3), CITY OF MARION,
MARION COUNTY, STATE OF OHIO.**



THIS SURVEY WAS PERFORMED AT THE REQUEST OF: MICHAEL BELCHER

REFERENCE MATERIALS

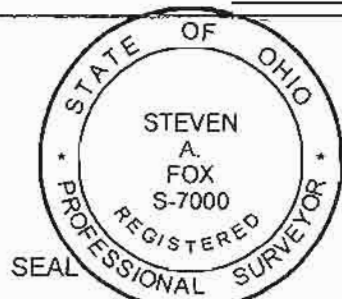
- ① SURVEY BY S. FOX-DATED 06-01-1996
 - ②
 - ③
 - ④
 - ⑤
- Official Record _____ Page _____
 Prior Deed Volume _____ Page _____
 Basis of Bearing REF. NO. 1 - EAST R/W OF NO. MAIN ST.
 N 0°00'00" E

LEGEND

- Scale 1" = 30 feet
-
- R.R. spike
 - Fnd. 3/4" dia. i.pipe
 - Survey nail- as noted
 - Stone found
 - State hwy R/W monument found
 - 5/8" dia. iron pin set with a plastic cap stamped "FOX SURVEYING CO"
 - Survey (MAG) spike set
 - Monument box found

CERTIFICATION

I hereby certify that this plat is a true and correct representation of a survey performed under my responsible direction and supervision and is correct to the best of my knowledge.



Steven A. Fox
Steven A. Fox, Reg. P.S. No. 7000

05-04-2010
Date of Survey

Isa. 28:17a

Ordinance No. 2010-77

Passed JUL 27 2010, 20

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH ARCHITECTS, BRANDSTETTER CARROLL, INC. FOR DESIGN SERVICES, COST ESTIMATES AND PREPARE BIDDING DOCUMENTS FOR AN AQUATICS CENTER AT LINCOLN PARK AND DECLARING AN EMERGENCY.

WHEREAS, City Council finds the needs to build a new aquatics center at Lincoln Park. The pool in Lincoln Park gives wellness opportunities, exercise, fun, and relief from the heat to many visitors, it is a 30-year old outdated pool; and

WHEREAS, the City of Marion has determined Brandstetter Carroll, Inc. to be the most qualified firm for this project after the R.F.P. process was conducted by the Recreation Director.

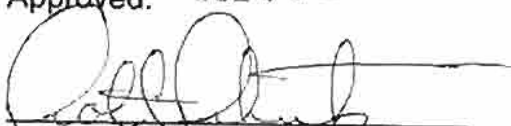
BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1: That the Safety Director is authorized to enter into contract with Brandstetter Carroll, Inc. for design services for the Aquatics Center at Lincoln Pool, showing that said firm was the best able and most responsive to the R.F.P. specifications.

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

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, due to the real and present need to move forward without delay to assure the opening of the pool in 2011; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

Approved: JUL 30 2010


Mayor Scott Schertzer



Mike Thomas
President Pro-Tempore

Attest;


Clerk of Council

Ordinance No. 2010-78

Passed AUG 09 2010, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FUEL, SALT, AND ROAD PAINT.

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

WHEREAS, the current contracts are set to expire in October of 2010.

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


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

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



Dave Edwards
President of Council

Approved: AUG 10 2010



Mayor Scott Schertzer

Attest;



Clerk of Council

Ordinance No. 2010-79

Passed JUL 26 2010 20

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, ROUND 4B AND 4C AND DECLARING AN EMERGENCY

WHEREAS, the Council, Mayor, Law Director and Regional Planning continue to work diligently to improve the community's well-being by eliminating nuisances which are present in Marion's neighborhoods, and

WHEREAS, by previous Ordinance the Council authorized the letting of demolition the subject demolition herein,

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

Section 1. The Safety Director is authorized to enter into a contract for the demolition of the following property under the Neighborhood Stabilization Program with Pergo Direct Inc., doing business as Fisher Excavating, 2915 Boundary Road, Prospect OH 43342, Ohio the lowest and best bidder in response to the previously letting process for the total sum of \$50,338 for Round 4B (9 properties) and \$42,174 for Round 4C (8 properties)

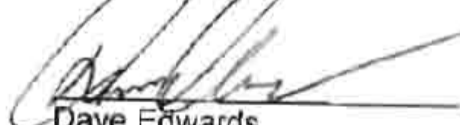
<u>Round 4B</u>		<u>Round 4C</u>	
352 Avondale	380 Chester	175 Boone	570 Darius
282 Leader St.	364 Lee St.	827 Davids	633 Henry St.
438 Lee St.	364 Milburn	620 Park St.	227 Patterson
389 Milburn	419 Milburn	19 Senate St.	419 W. Columbia St.
356 Commercial			

Costs associated with 438 Lee St., and 419 Milburn, and part of 364 Milburn totaling \$10,189.08 in Round 4 B will be paid by the FY 2009 Formula Grant. The remaining \$40,148.92 of Round 4B of the above contract, and the entire amount of Round 4C \$42,174, the letting process and support activities shall be paid from the Neighborhood Stabilization Grant Program.

Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof; more specifically in that the safety and security of the impacted neighborhoods is an imperative need that cannot afford further delay, and as such shall take effect and be in force upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall come effective from and after the earliest period allowed by law.

Approved JUL 27 2010


Mayor Scott Schertzer


Dave Edwards
President of Council

Attest:


Clerk of Council

Ordinance No. 2010-80

Passed JUL 26 2010 20

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER IN TO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, ROUND 5 AND DECLARING AN EMERGENCY

WHEREAS, the Council, Mayor, Law Director and Regional Planning continue to work diligently to improve the community's well-being by eliminating nuisances which are present in Marion's neighborhoods, and

WHEREAS, by previous Ordinance the Council authorized the letting of demolition the subject demolition herein,

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

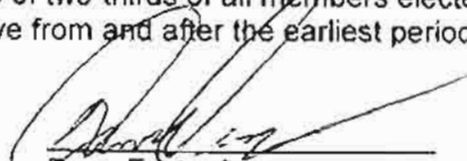
Section 1. The Safety Director is authorized to enter into a contract for the demolition of the following property under the Neighborhood Stabilization Program with Park Enterprise Construction, Inc., 560 Barks Rd. West, Marion, OH 43302, the lowest and best bidder in response to the previously letting process for the total sum of \$92,159.22 for Round 5 (15 homes)

Round 5

- | | |
|------------------------------|--|
| 265 Blaine Ave (garage only) | 502 Osgood (not demo until after 9/1/10) |
| 562 Blaine Ave. | 156 Park Blvd. |
| 128 West Fairground St. | 314 Park Blvd. |
| 440 E. George St. | 316 Park Blvd. |
| 565 Lee St. | 498 Scranton Ave. |
| 420 Milburn | 183 Silver St. |
| 334 Nye St. (House only) | 626 Wood St. |
| 429 Windsor St. | |

Costs associated with demolition of 156 Park Blvd. for \$6,919.75 and the garage at 265 Blaine Ave for \$2,891.17 totaling \$9,810.92 in Round 5 will be paid by the FY 2009 Formula Grant. The remaining \$82,348.30 of Round 5 of the above contract, the letting process and support activities shall be paid from the Neighborhood Stabilization Grant Program.

Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof; more specifically in that the safety and security of the impacted neighborhoods is an imperative need that cannot afford further delay, and as such shall take effect and be in force upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall come effective from and after the earliest period allowed by law.


Dave Edwards
President of Council

Approved: JUL 27 2010


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2010-81

Passed JUL 26 2010, 20

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH HINA ENVIRONMENTAL SOLUTIONS, LLC FOR ASBESTOS EVALUATION AS A PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the Council, Mayor, Law Director and Regional Planning continue to work diligently to improve the community's well-being by eliminating nuisances which are present in Marion's neighborhoods and have enjoyed significant success to date, and

WHEREAS, it has been found necessary by the NSP Committee after consultation with ODH and OEPA personnel to have asbestos surveys completed going forward in certain circumstances and that same is a best practice going forwarded given the referenced agencies uncertainty in their application of their rules and regulations in programs such as the NSP which have been underway for more than a year now, and

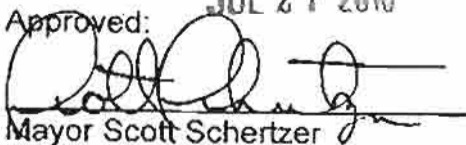
WHEREAS, Regional Planning Commission staff has conducted a request for proposal process in regard to this professional service activity, after which Hina Environmental Solutions, LLC has been determined to be the most qualified and capable to complete the activity related to identified premises,

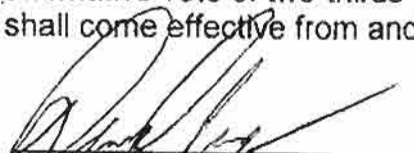
BE IT ORDAINED by the Council for the City of Marion, Ohio:

Section 1. The Safety Director is authorized to enter into a contract on behalf of the Neighborhood Stabilization Program for professional services related to asbestos surveys for properties identified by the NSP Committee with the firm who best responded to Regional Planning's RFP process, to wit: Hina Environmental Solutions, LLC, 2824-B fisher Rd., Columbus, OH 43204.

All costs associated with the above contract, letting process and support activities shall be paid from the Neighborhood Stabilization Grant Program.

Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof; more specifically in that the safety and security of the impacted neighborhoods is an imperative need that cannot afford further delay, and as such shall take effect and be in force upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall come effective from and after the earliest period allowed by law.

Approved: JUL 27 2010

 Mayor Scott Schertzer


 Dave Edwards
 President of Council

Attest:

 Clerk of Council

Ordinance No. 2010-82

Passed JUL 26 2010, 2010

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, ROUND 6A AND 6B AND DECLARING AN EMERGENCY

WHEREAS, the Council, Mayor, Law Director and Regional Planning continue to work diligently to improve the community's well-being by eliminating nuisances which are present in Marion's neighborhoods, and

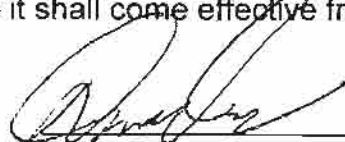
WHEREAS, by previous Ordinance the Council authorized the letting of demolition the subject demolition herein,

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

Section 1. The Safety Director is authorized to enter into a contract for the demolition of the following property under the Neighborhood Stabilization Program with Pergo Direct Inc., dba Fisher Excavating, 2915 Boundary Road, Prospect OH 43342, the lowest and best bidder in response to the letting process for Round 6A for a maximum 20 units, and Round 6B for a maximum total of 14 units each under the specifications and terms contained within the referenced letting process; both contracts being subject to final analysis on each individual project property and the specific and expressed provision to contractor of an Authorization to Commence submitted by the grant administrator in regard to each individual property at a sum not to exceed grant funds available

All costs associated with the above contracts, letting process and support activities shall be paid from the Neighborhood Stabilization Grant Program.


Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof; more specifically in that the safety and security of the impacted neighborhoods is an imperative need that cannot afford further delay, and as such shall take effect and be in force upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall come effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: JUL 27 2010


 Mayor Scott Schertzer

Attest:


 Clerk of Council

Ordinance No. 2010-83

Passed AUG 09 2010, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE FY 09 FORMULA GRANT PROJECTS, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids for the CDBG FY '09 Formula Projects including the street paving in Lincoln Park and the sidewalk replacements on Senate St..

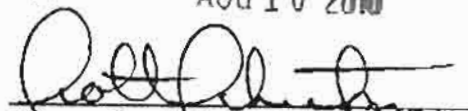
Section 2. That the cost of such contracts shall be payable up to \$40,600 for the Lincoln Park Paving Project and \$50,000 for the Senate St. Sidewalk project from the FY09 Community Development Block Grant (CDBG) fund and up to \$20,000 from the City's Revolving Loan Fund for the Senate St. Sidewalk Project.

Section 3 The FY 09 Formula grant requires that all work be completed by December 31, 2010

Section 4. This Ordinance is hereby declared an emergency measure necessary for the immediate preservation of public peace, welfare and safety of the City of Marion and the inhabitants thereof, 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 10 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

RECORD OF ORDINANCES

0327

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2010-84

Passed AUG 09 2010, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH AMERICAN RAMP COMPANY FOR THE SKATE PARK RAMP PROJECT AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 2009-51 authorized applying and administering the FY 2009 CDBG Formula Grant which includes replacing the half-pipe ramp at the Skate Park

WHEREAS, Given the report provided by the Recreation Director and Marion County Regional Planning, the item desired is of such a unique nature that it is a specialty product with unique qualities and where there is only one manufacturer which is capable of producing the desired product and to that end the Council after a complete and full review determines that pursuant to ORC 735.051 an emergency condition is present and warrants foregoing formal bidding and advertising; and

WHEREAS, American Ramp Company is the sole manufacturer of the Pro Series Ramp System which has a fastener free 7 gauge galvanized steel skate park ramp, and the Pro Series build method has a 20 year warranty which will be very advantageous to the City of Marion, and

WHEREAS, American Ramp Company has submitted the best bid of \$22,558.60

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 American Ramp Company, 601 McKinley, Joplin, MO 64801 for the Skate Park Ramp Project.

Section 2. That said contract shall be payable up to \$22,000 from the Community Development Block Grant FY 2009 Formula Program and up to \$600 from the City of Marion Recreation Dept.

Section 3. The FY 09 Formula Grant requires that all work be completed by December 31, 2010.

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 warrants foregoing formal bidding and advertising, 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.

Approved: AUG 10 2010

Dave Edwards
President of Council

Mayor Scott Schertzer

Attest:

Jane Faltus
Clerk of Council

Ordinance No. 2010-85 Passed AUG 09 2010, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OBERLANDER'S TREE AND LANDSCAPE, LTD FOR THE 2010 TREE REMOVAL PROGRAM, PROJECT 10-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2010-37 authorized the preparation of plans, specifications and advertising for bids for the 2010 Tree Removal Program Project 10-1M for the City of Marion, Ohio, and

WHEREAS, Oberlander's Tree and Landscape, Ltd. submitted the lowest, best bid and only timely bid,

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 Oberlander's Tree and Landscape, Ltd., for the 2010 Tree Removal Program, Project 10-1M.

Section 2. That said contract shall be payable from the Tree Care Fund (101.1022.5401).

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



Dave Edwards
President of Council

APPROVED: AUG 10 2010


Mayor Scott Schertzer

ATTEST:


Clerk of Council

Ordinance No. 2010-86

Passed SEP 27 2010, 20

ORDINANCE TO VACATE A CERTAIN 16.5 WIDE EAST/WEST ALLEY BETWEEN 130 AND 146 NORTH STATE STREET (BETWEEN LOTS #8 AND #9) (Applicant, Rodney Ridgeway)

WHEREAS, in the opinion of this Council, there is good cause for vacating the east/west alley between 130 and 146 North State Street (between lots #8 and #9), in the City of Marion, and,

WHEREAS, the petition to vacate this alley was considered and approved by the Marion City Planning Commission at its meeting of August 10, 2010.

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

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

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

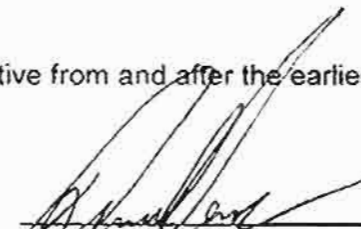
Section 1. That the alley as described in the attached Exhibit "A" and "A1", be and is hereby vacated.

Section 2. That title to the real estate comprising said alley shall revert to the abutting property owners in accordance with the laws of Ohio ORC 723.041 Permanent easement... When any street, alley... is vacated all utilities rights, easement, access whether owned privately or by any governmental authority, located on, over, or under the portion of the street, alley, or highway affected by such vacation shall be deemed to have a permanent easement in such vacated portion of such street, alley, or highway for the purpose of maintaining, operating, renewing, reconstructing, and removing said utility facilities and for purposes of access to said facilities. Effective Date: 10-16-1961


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

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

SEP 28 2010



 Dave Edwards
 President of Council



 Mayor Scott Schertzer

ATTEST:



 Clerk of Council

Ordinance No. 2010-87

Passed SEP 27 2010

, 20

ORDINANCE TO VACATE A CERTAIN 17' WIDE EAST/WEST ALLEY NORTH OF 976 EAST CENTER STREET, THE ORIGINAL REQUEST HAVING BEEN AMENDED (LOT # 1818) (Applicant, Certified Oil)

WHEREAS, the Administration worked with the Applicant, the adjoining property owners and City Planning, as a result of consultation with all it was determined and recommended by the Service Director that the original application which included both the east west alley and the north south alley be amended to exclude the request for vacation of the north south alley, and this Council finding good cause for vacating the east/west alley north of 976 East Center Street (lot #1818), in the City of Marion this consistent with the aforementioned amendment, and

WHEREAS, the petition to vacate this alley was re-considered and approved by the Marion City Planning Commission at its meeting of August 10, 2010 acting upon the requested amendment submitted by the Service Director,

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

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

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

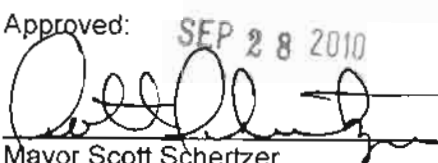
Section 1. That the alley as described in the attached Exhibit "A" be and is hereby vacated.

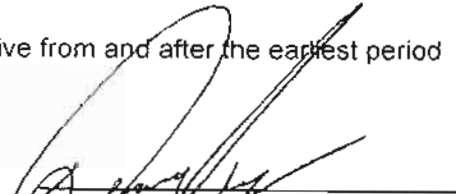
Section 2. The title to the real estate comprising said alley shall revert to the abutting property owners in accordance with the laws of ORC. The Council affirms the Planning Offices recommendation of June 15, 2010 contained within its report and the Planning Commission's vote to provide, given the applicant's consent the portion they normally would receive by the application of the aforementioned statute revert instead to the adjoining lot to the north of the subject alley. Support being found in Hamilton, Glendale & Cincinnati Traction Co. v. Parish, 67 Ohio St. at page 190, in relevant part: "... by necessity to preserve his easement of ingress and egress, which in many cases is a valuable property right, and without which the lots might be of little value..."

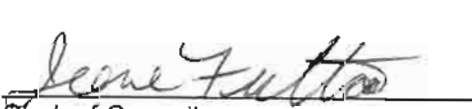
Further, as provided by statute, 723.041, a Permanent easement remains in the subject vacated alley way: When any street, alley...is vacated all utilities rights, easement, access whether owned privately or by any governmental authority, located on, over, or under the portion of the street, alley, or highway affected by such vacation shall be deemed to have a permanent easement in such vacated portion of such street, alley, or highway for the purpose of maintaining, operating, renewing, reconstructing, and removing said utility facilities and for purposes of access to said facilities.

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

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

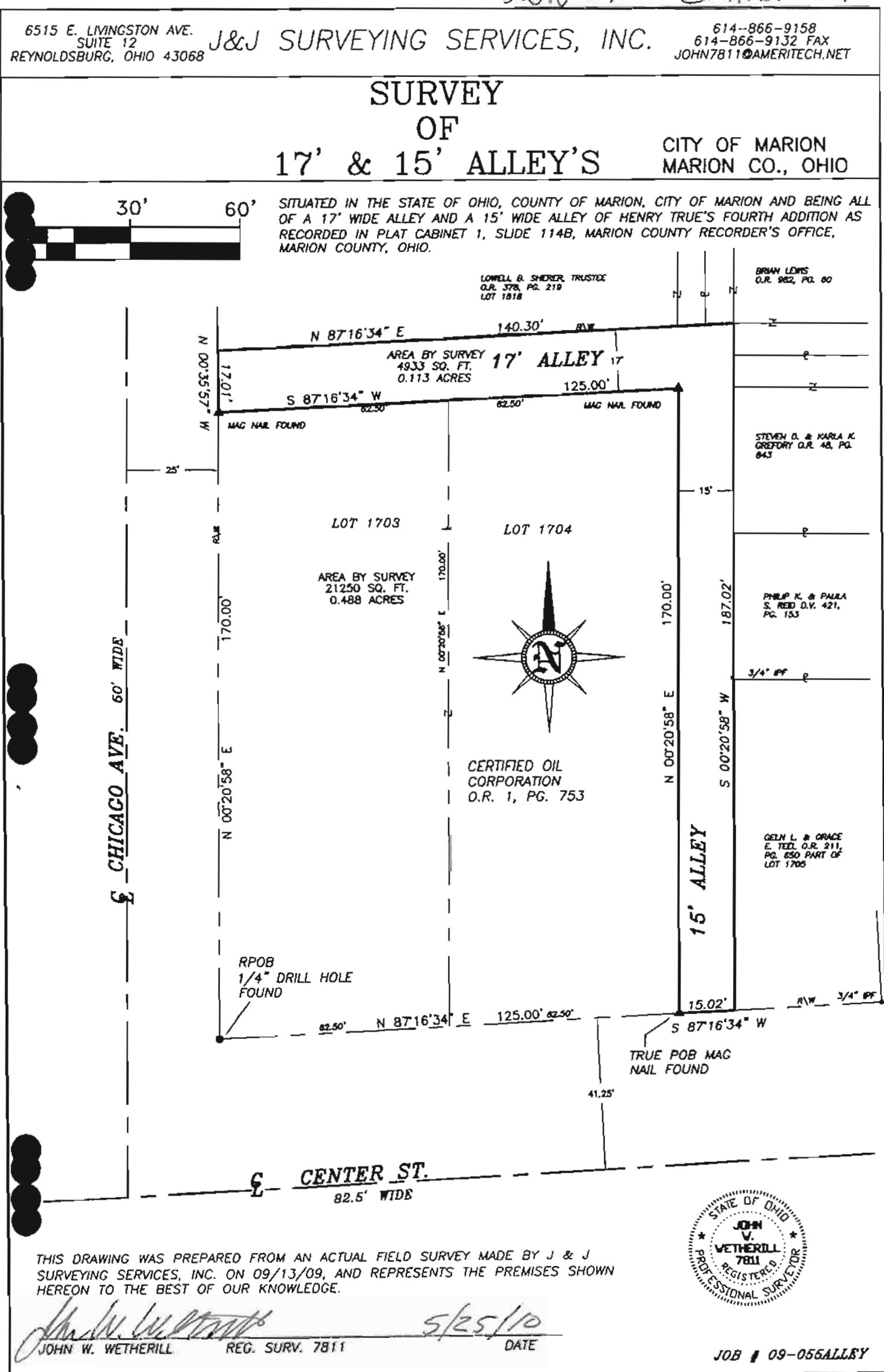
Approved: SEP 28 2010

 Mayor Scott Schertzer


 Dave Edwards
 President of Council

ATTEST:

 Clerk of Council

2010-87

2010-87 - Exhibit A



Ordinance No. 2010- 88

Passed AUG 26 2010 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE STORM WATER UTILITY AND SANITARY SEWER IMPROVEMENT FUND FOR THE YEAR ENDING DECMEBER 31, 2010.

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

Whereas, the City of Marion is proceeding and the funds must be appropriated to complete current projects in process, 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 Storm Water Utility Fund in the amount of \$2,500,000.00 and the Sewer Improvement Fund in the amount of \$2,500,000.00, which would cover the following projects: West Center Sewer Lining @ 1.1 mil; Sanitary Sewer @ Marion Plaza @ 150,000; Marion Landfill @ 150,000; Columbia St. Sewer Lining @ 1.3 mil; Pennsylvania/Forest Lawn @ 1.6; Blaine Ave Sanitary @ 1.9 mil and 1.8 mil; Woodrow Sewer @ 2.1 mil; Oak Grove/Barks Ave 1.9 mil; Columbia St/Blain Ave 400,000.

STORM WATER UTILITY FUND

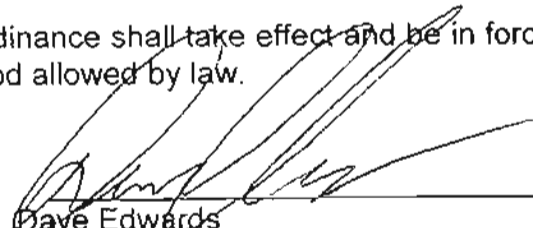
Storm Sewer Improvement		
Capital Improvement	504.5008.5443	\$2,500,000.00

SANITARY SEWER IMPROVEMENT FUND

Sanitary Sewer Improvement		
Capital Improvement	502.5004.5443	\$2,500,000.00

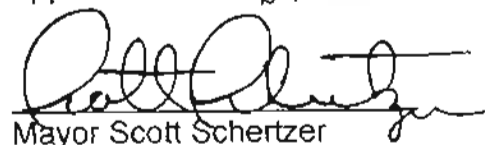
Total		\$5,000,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Dave Edwards
President of Council

Approved: AUG 27 2010



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2010-89

Passed AUG 26 2010, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE FIRE DEPARTMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010 FOR UTILIZATION OF DONATIONS FROM VARIOUS ORGANIZATIONS

WHEREAS, there is an immediate need for the appropriations of money from donations paid into Fire Department Donations. These monies will be used within the Capital Equipment, Supply and Materials and Quartermaster line items.

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

Section 1. That the amount of \$828.57 be appropriated into the Supplies and Materials Line item for the Fire Department Fund Account No. 101.1002.5502 from the donated monies of a fund of Hollingsworth Trust and the Marion Elks 32.

Section 2. That the amount of \$913.79 be appropriated into the Capital Equipment Line item for the Fire Department Fund Account No. 101.1002.5304 from the donated monies of the Marion Elks 32.

Section 3. That the amount of \$1702.09 be appropriated into the Quartermaster Line item for the Fire Department Fund Account No. 101.1002.5104 from the specifically specified Hazardous Materials Donated Money from the Marion Elks 32.

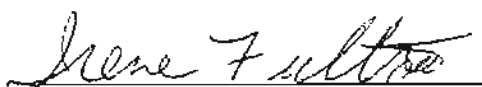
Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Approved: AUG 27 2010


 Dave Edwards
 President of Council


 Mayor Scott Schertzer

Attest;


 Clerk of Council

Ordinance No. 2010-90

Passed AUG 26 2010, 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE POOL CAPITAL IMPROVEMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010.

Whereas, the Council has been advised there is an immediate need to appropriate the borrowed funds to the Pool Capital Improvement Fund for the Aquatic Center Project.

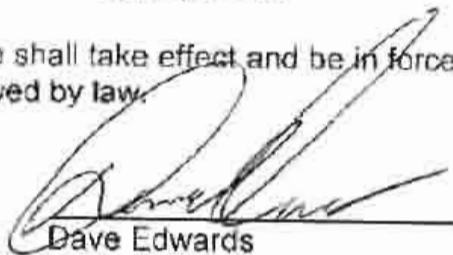
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1 That there be an appropriation made in the Capital Improvement Pool line item for Professional Services.

Aquatic Center Capital Improvement


Professional Services	401.4008.5402	\$400,000.00
Capital Improvement	401.4008.5443	<u>\$2,000,000.00</u>
		\$2,400,000.00

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



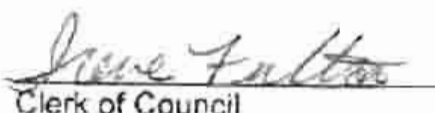
Dave Edwards
President of Council

Approved: AUG 27 2010



Mayor Scott Schertzer

Attest:



Clerk of Council

Ordinance No. 2010-91

Passed SEP 13 2010 20

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO DISPOSE OF 5 VEHICLES PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, AND 1 VEHICLE UTILIZED BY THE TRANSIT DEPARTMENT AND DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.

WHEREAS, the Council has been advised by the Police Department, Transit Department, that the six vehicles previously used by these departments are no longer necessary, and

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

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

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

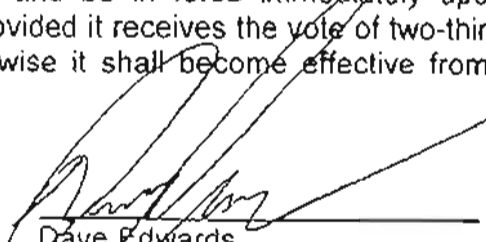
- | | |
|--|-----------------------------------|
| 1979 Chevy Van, Miles 44,900 | VIN. CGL1597120823 |
| 1996 Ford Ranger, Miles 175,963 | VIN. 1FTCR14AXTTA11621 |
| 2002 Dodge Intrepid, Miles 83,259 | VIN. 2B3HD46R62H198538 |
| 2003 Ford Crown Vic, Miles 130,983 | VIN. 2FAFP71W23X129127 |
| 2004 Ford Crown Vic, Miles 113,970 | VIN. 2FAFP71W74X166966 |
| 2004 Dodge Intrepid, Miles 86,328 | VIN. 2B3HD46V54H701833 |
| 1998 Ford E350 Bus, Miles 186,626 | VIN. 1FDKE30F2VHB84183 |

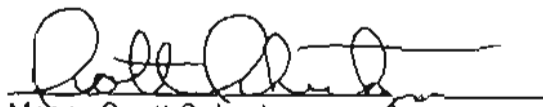
pulled
9-8-10
by Lt
Burdaugh
- went to
probation

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


Section 3. That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City for further reason that the Police auction is occurring on October 2, 2010; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

APPROVED: SEP 14 2010


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

MEMORANDUM

To: Marion City Council Clerk

From: Tom Robbins, Director of Public Safety

Date: October 19, 2010

Subject: 2004 Ford Crown Victoria

The following vehicle that was schedule for public auction on October 2, 2010 was re-directed from the auction. This vehicle was found to be necessary for municipal use at the Marion Municipal Airport.

2004 Ford Crown Victoria VTN# 2FAFP71W74X166966 Mileage: 113,970



Director of Safety

Scott Schertzer, Mayor · 740.387.3591
Tom Robbins, Director of Public Safety · 740.387.5865
Jay M. Shoup, Director of Public Service · 740.387.4705

233 West Center Street · Marion, Ohio 43301-1822

Ordinance No. 2010-92

Passed SEP 13 2010, 2010

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE FIRE DEPARTMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010 FOR UTILIZATION OF GRANT MONIES FROM THE 2009 HOMELAND SECURITY FUND

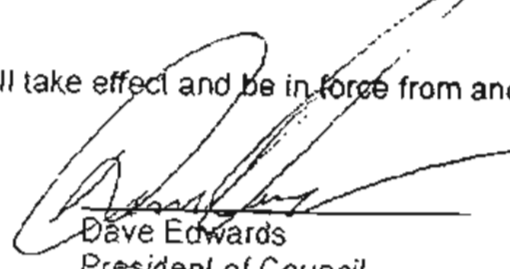
WHEREAS, there is an immediate need for the appropriations of money from grants to be reimbursed to the Fire Department. These monies will be used within the Quartermaster line item.

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

Section 1. That the amount of \$9,561.00 be appropriated into the Quartermaster Line item for the Fire Department Fund Account No. 101.1002.5104 from the monies to be reimbursed to the Fire Department from the Homeland Security Fund.

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

Approved: SEP 14 2010



Dave Edwards
President of Council


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2010-93

Passed OCT 11 2010, 20

ORDINANCE TO AMEND A MODERATE COMMUNITY REINVESTMENT AREA #2 IN THE CITY OF MARION BY ADDING TWO SMALL AREAS TO THE EXISTING DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion on **January 27, 2003, with Ordinance 2003-131**, after consulting with the Marion City Schools **last amended** a Community Reinvestment Area of the City of Marion in areas immediately north, and west of downtown in which reinvestment had been discouraged and contained a large number of older homes and vacant and abandoned homes, and

07

WHEREAS, investment in **this existing amended CRA** has started to take place in these areas with 20 homes having substantial remodeling, 11 new single family homes constructed, and 92 new units constructed in duplexes, triplexes, and apartments as of February 2010, and

WHEREAS, several small areas adjacent to the zone have also experienced blight; these areas also having very old housing units and including two former elementary school sites, and Kenneth Lengieza, City Planning Director and Housing Officer for the Community Reinvestment, after consulting with the CRA Housing Council, **and the Marion City Schools**, has recommended these areas be added, and

WHEREAS, a survey of housing (see Exhibit A) as required by the Ohio Revised Code (ORC) Section 3735.66 has be prepared for the additional area to be included in the expanded CRA, and,

WHEREAS, the maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities, and

WHEREAS, the remodeling of existing structures or the construction of new structures in this expanded Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted, then

THEREFORE, BE IT ORDAINED BY THE CITY OF MARION, MARION COUNTY, OHIO:

Section 1. The area described below as an addition to Community Reinvestment Area #2 constitutes and area in which housing facilities or structures of historical significance are located and in which new construction or repair of existing facilities has been discouraged.

Section 2. The expanded Marion Community Reinvestment Area #2 is hereby established to add the following described area to the area described in Ordinance 2003-131 (see Exhibit B)

17

An area bounded by Barks Avenue on the west, Bellefontaine Avenue on the south, Uncapher Avenue on the east and the north property lines of the north side of Congress Street on the north.

and

An irregular area starting at Girard Avenue on the west to Superior Street on the extreme south to South Prospect Street, proceeding northeast to West Walnut Street, proceeding east to Delaware Avenue, then continuing north on South State Street to St James Street, east to South Vine, north to

Ordinance No. 2010-93

Passed OCT 11 2010, 20

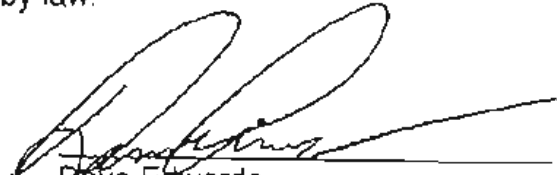
Franklin Street to a line extending from Ellis Court, proceeding on Ellis Court and Baker Street on to Church Street on the north, then proceeding west on East Church Street, south on South State Street, west on Hill Street and continuing southwest on Bellefontaine Avenue to the place of beginning on Girard Ave'

Section 3. All properties identified in Exhibit A as being within the designated Community Reinvestment Area are eligible for this incentive. As part of the project, the City of Marion intends to undertake supporting public improvements in the designated area.

Section 4. **Within Community Reinvestment Area 2, the percentage of tax exemption on the increase in valuation, the terms of the exemptions and all procedures shall not be changed by this ORDINANCE and thus shall remain as described in SECTION 5 of ORDINANCE 2003-131**

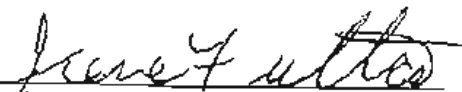
Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that Area application must be filed immediately in order for properties to be eligible for consideration and as such, shall 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: OCT 12 2010


Dave Edwards
President of Council


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-95

Passed SEP 27 2010 30

for
 ORDINANCE MAKING AN APPROPRIATION IN THE PARKS DEPARTMENT ~~FROM~~ PROJECT PLAYGROUND DONATED FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010 *MF*

WHEREAS, the Parks Department needs to appropriate donated monies from remaining funds from previous Project Playground monies dedicated to be utilized for repair and up-keep of project playground.

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

Section 1. That there be an appropriation made in the Parks Department in the amount of \$3,346 as follows

Parks Department		
Supplies	211.2040.5502	3,346.00

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

APPROVED: SEP 28 2010


 Dave Edwards
 President of Council


 Mayor Scott Schertzer

ATTEST


 Clerk of Council

Ordinance No. 2010-96Passed SEP 27 2010, 20 PID Number 84609
MAR-4-10.01

ORDINANCE ENACTED BY THE CITY OF MARION, MARION COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE ODOT DISTRICT SIX URBAN PAVING PROJECT, AND DECLARING AN EMERGENCY

SECTION I - Project Description

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

This project proposes to plane and resurface pavement with asphalt concrete and replace loop detectors and pavement markings. This project is an ODOT District Six Urban Paving Project.

SR-4: South Prospect/Walnut from the South Corporation Line to Delaware Ave/SR-423

SR4DA: Klerx/Prospect from SR 4/Main St to SR 4/Walnut St

SR-95: W. Center St/Davids St from the West Corporation Line to Davids/Columbia intersection

SR-309: Kenton Ave from West Corporation Line to SR-95/Center intersection

Additional Locations:

SR-95: Church St from Blaine Ave to Vine St

SR-309: Church St from Vine St to Sargent St

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

SECTION II - Consent Statement

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

SECTION III - Cooperation Statement

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

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

That prior to the construction commencement date of the above-referenced project, the LPA shall install and/or repair all curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act and the LPA agrees to assume and bear one hundred percent (100%) of the cost of such installation and/or repair of curb ramps;

The City will assume and bear one hundred percent (100%) of the cost of construction less the amount of Federal and State funds set aside by the Director of Transportation and the Federal Highway Administration. The City

Ordinance No.

2010-06

Passed

SEP 27 2010

of

will assume and bear one hundred percent (100%) of the cost of curbs, gutters, utility relocations, partial- and full-depth pavement repairs and other non-surface related items. The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration

SECTION IV - Utilities and Right-of-Way Statement

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

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual

SECTION V Maintenance

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

SECTION VI - Authority to Sign

The Service Director of said City is hereby empowered on behalf of the City of Marion to enter into contracts with the Director of Transportation necessary to complete the above described project.


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

Approved

SEP 28 2010



Mayor Scott Schertzer



Dave Edwards
President of Council

Attest:



Clerk of Council

Ordinance No. 2010-97

Passed SEP 27 2010, 20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,350,000, TO PAY COSTS OF THE IMPROVEMENT, AS DEFINED HEREIN; APPROVING A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND REGISTRAR AGREEMENT, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2009-83, passed August 24, 2009, a portion of a note in anticipation of bonds in the amount of \$11,005,000 dated October 14, 2009 (the "Outstanding Note"), was issued to pay costs of the Improvement (as defined in Section 1), to mature on October 13, 2010; and

WHEREAS, this Council finds and determines that the City should issue the Bonds (as defined in Section 1) to retire the portion of the Outstanding Note issued to pay costs of the Improvement; and

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the Improvement to be financed by the Bonds is at least five years and the estimated maximum maturity of the Bonds is 37 years based upon the weighted average of the amounts allocated to the several classes of improvements set forth in the Fiscal Officer's Certificate, which allocation is approved, ratified and confirmed;

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Annual Information" means annual financial information and operating data of the type to be specified in the Continuing Disclosure Agreement in accordance with the Rule.

"Auditor" means the City Auditor.

"Authorized Denominations" means the denomination of \$5,000 or any integral multiple thereof.

"Bond proceedings" means, collectively, this Ordinance, the Bond Registrar Agreement, the Bond Purchase Agreement, the Final Terms Certificate, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Purchase Agreement" means the Bond Purchase Agreement between the City and the Original Purchaser authorized by this Ordinance.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Ordinance and the Bond Registrar Agreement.

"Bond Registrar" means the bank or trust company appointed by the Auditor in the Final Terms Certificate to act as the initial authenticating agent, bond registrar,

Ordinance No. 2010-097Passed SEP 27 2010, 20

transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

"Bond Registrar Agreement" means the Bond Registrar Agreement between the City and the Bond Registrar authorized by this Ordinance.

"Bonds" means the bonds authorized in Section 2.

"Book entry form" or "book entry system" means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository or its designated agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

"City" means the City of Marion, Ohio.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Code" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"Continuing Disclosure Agreement" means, collectively, the Continuing Disclosure Certificate and the agreements of the City set forth in Section 9(c) of this Ordinance.

"Continuing Disclosure Certificate" means the Continuing Disclosure Certificate authorized by this Ordinance.

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

"Final Terms Certificate" means the Final Terms Certificate authorized by this Ordinance.

"Improvement" means, collectively, (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, 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

SEP 27 2010

Ordinance No. 2010-97

Passed _____, 20____

installing a new records management system for the Police Department and (g) acquiring and equipping a new pumper truck for the Fire Department, together with all necessary appurtenances.

“Interest Payment Dates” means June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2010.

“Mandatory Sinking Fund Redemption” means the schedule of the mandatory redemption of Term Bonds set forth in the Final Terms Certificate.

“Mandatory Sinking Fund Redemption Dates” means those Principal Payment Dates set forth in the Final Terms Certificate on which a portion of the principal amount of the Term Bonds are required to be redeemed.

“MSRB” means the Municipal Securities Rulemaking Board established by the SEC.

“Original Purchaser” means Fifth Third Securities, Inc.

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

“Preliminary Official Statement” means the preliminary official statement of the City relating to the issuance of the Bonds substantially in the form now on file with the Clerk of this Council.

“Principal Payment Dates” means December 1 in each of the years from and including 2010 to and including 2035; provided, however, that the first Principal Payment Date may be deferred one year and the last Principal Payment Date may be advanced up to six years if such actions are determined by the Auditor in the Final Terms Certificate to be in the best interest of and financially advantageous to the City and further provided that in no case shall the last Principal Payment Date exceed the maximum maturity of the Bonds.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Final Terms Certificate.

“Specified Events” means the occurrence of any of the following events, within the meaning of the Rule, with respect to the Bonds, as applicable: principal and interest payment delinquencies; non-payment related defaults; unscheduled draws on debt service reserves reflecting financial difficulties; unscheduled draws on credit enhancements reflecting financial difficulties; substitution of credit or liquidity providers, or their failure to perform; adverse tax opinions or events affecting the tax-exempt status of the Bonds; modifications to rights of holders or beneficial owners of the Bonds; Bond calls; defeasances; release, substitution, or sale of property securing repayment of the Bonds; and rating changes. The repayment of the Bonds is not secured by a lien on any property capable of release or sale or for which other property may be substituted.

“Term Bonds” means those Bonds designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

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The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. It is necessary and determined to be in the City's best interest to issue bonds of this City in an aggregate principal amount not to exceed \$10,350,000 (the "Bonds") to retire a portion of the Outstanding Note and to pay costs of issuing the Bonds. The aggregate principal amount of Bonds to be issued (not to exceed \$10,350,000) shall be determined by the Auditor in the Final Terms Certificate to be the aggregate principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2.

The proceeds from the sale of the Bonds shall be deposited into a proper fund or funds and used, together with other moneys available to the City, to retire the Outstanding Note and to pay costs of the issuance of the Bonds. Any proceeds of the Bonds not spent 120 days after the issuance of the Bonds shall be transferred to the Bond Retirement Fund and used to pay principal of or interest on the Bonds when due. All interest earned on amounts on deposit in each of those funds derived from the proceeds of the Bonds (including interest earned on such interest) shall be credited to the fund and used for the purposes set forth above, and shall not be transferred to the General Fund. All of the proceeds of the Bonds and interest earned on those proceeds are hereby appropriated for the purposes set forth above.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated the Closing Date.

(a) Interest Rates. The Bonds shall bear the rate or rates of interest per year (computed on a 360-day per year basis consisting of twelve 30-day months), as shall be determined by the Auditor in the Final Terms Certificate. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature on the Principal Payment Dates in principal amounts as shall be determined by the Auditor, subject to subsection (c) of this Section, in the Final Terms Certificate.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the City, the Auditor shall specify in the Final Terms Certificate (i) the aggregate principal amount of Bonds, if any, to be issued as Serial Bonds, the Principal Payment Dates on which those Serial Bonds shall mature and the principal amount thereof to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds, if any, to be issued as Term Bonds, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and the Mandatory Sinking Fund Redemption Date and the Mandatory Sinking Fund Redemption Requirements applicable to those Term Bonds.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest rate per year for the Bonds, determined by taking into account the respective

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principal amounts of the Bonds and terms to maturity or mandatory sinking fund redemption of those principal amounts of Bonds, shall not exceed 6% per year.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds, shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Auditor, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to and redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements on the Mandatory Sinking Fund Redemption Dates applicable to the Term Bonds set forth in the Final Terms Certificate at a price equal to 100% of the principal amount of the Term Bonds to be redeemed plus accrued interest to the applicable Mandatory Sinking Fund Redemption Date.

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Auditor, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

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(ii) Optional Redemption. Certain maturities of Bonds may be subject to optional redemption by and at the sole option of the City, in whole or in integral multiples of \$5,000 on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, all to be determined by the Auditor in the Final Terms Certificate provided that the earliest optional redemption date shall not be earlier than December 1, 2019 or later than December 1, 2022, and the redemption price shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed by operation of the Mandatory Sinking Fund Redemption Requirements. The Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Auditor to the Bond Registrar, given upon the direction of this Board by adoption of an Ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

There shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other money available therefore and held by the Bond Registrar, will be sufficient to redeem the Bonds for which notice of redemption has been given.

(iii) Partial Redemption. If fewer than all of the Bonds are called for optional redemption at one time, they shall be called as selected by, and in a manner determined by the City. If fewer than all Bonds of a single maturity are to be redeemed, the selection of the Bonds to be redeemed, or portions thereof in Authorized Denominations shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of partial redemption of Bonds by lot when Bonds in denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of a redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including accrued interest to the redemption date), and (ii) issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination in an aggregate principal amount equal to the unmatured and unredeemed portion, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

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(v) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefore on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Mayor and the Auditor, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Auditor, shall be numbered as determined by the Auditor in order to distinguish each Bond from any other Bond 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 Auditor shall appoint a bank or trust company located in the State of Ohio to act as the initial Bond Registrar after determining that the appointed bank or trust company will not endanger the funds or securities of the City and that proper safeguards are available for that purpose and that appointment shall be confirmed in the Final Terms Certificate. The Bond Registrar Agreement is approved, and the Auditor is authorized to sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement with any changes that are not inconsistent with this Ordinance, are not materially adverse to the City and are approved by the Auditor. That such changes are not materially adverse to the City and have been approved by the Auditor shall be conclusively evidenced by the Auditor's signing of the Bond Registrar Agreement. The Auditor shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Auditor on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

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(a) *Bond Registrar.* So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its principal corporate trust office. Subject to the provisions of Section 5(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) *Transfer and Exchange.* Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) *Book Entry System.* The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners in book entry form shall have no right to receive Bonds 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 Bonds 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 Bonds for use in a book entry system, the Auditor may attempt to establish a securities

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depository/book entry relationship with another qualified Depository. If the Auditor does not or is unable to do so, the Auditor, and after the Bond Registrar has made provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the City and the Bond Registrar authenticate and deliver bond certificates in registered form 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 Bonds, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Sale of the Bonds to the Original Purchaser. The Bonds are to be sold at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Auditor in the Final Terms Certificate, and shall be awarded by the Auditor with and upon such other terms as are required or authorized by this Ordinance to be specified in the Final Terms Certificate, in accordance with law, the provisions of this Ordinance and the Bond Purchase Agreement. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code.

The Auditor shall sign and deliver the Final Terms Certificate and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, 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, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

The Bond Purchase Agreement is approved, and the Auditor is authorized to sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement, with any changes that are not inconsistent with this Ordinance, are not materially adverse to the City and are approved by the Auditor. That such changes are not materially adverse to the City and have been approved by the Auditor shall be conclusively evidenced by the Auditor's signing of the Bond Purchase Agreement.

Section 7. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 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 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.

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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 Bonds issued for purposes of constructing and improving storm water sewers and related appurtenances, and to the extent such money is appropriated for that purpose, the tax to be levied shall be reduced by the amount of money so available and appropriated.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Code, or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City hereby represents that the Outstanding Note was treated as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Note from the proceeds of, and within 90 days after the issuance of, the Bonds and other moneys available to the City, and represents that all other conditions are met for treating the Bonds as "qualified tax-exempt obligations" and not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. Any amount of the Bonds in excess of the principal amount of the portion of the Outstanding Note being retired by the Bonds, determined in accordance with Section 265(b)(3) of the Code (the "Designated Amount"), is hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City represents and covenants that it, together with all its subordinate entity or entities that issue obligations on their behalf, or on behalf of which they issue obligations, in or during the calendar year in which the Bonds are issued, (a) have not issued and will not issue, as a "qualified borrower", tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Designated Amount of the Bonds, in an aggregate amount in excess of \$30,000,000, and (b) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Designated Amount of the Bonds, but excluding obligations, other than "qualified 501(c)(3) bonds" as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not "advance refunding obligations" as defined in Section 145(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 Bonds as "qualified tax-exempt obligations".

Further, the City represents and covenants, during any time or in any manner as might affect the status of the Bonds as "qualified tax-exempt obligations", 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 covenants that it will not form, participate in the formation of, or benefit from or avail itself of any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composition issue that combines issues or lots of tax-exempt obligations of different issuers.

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 Bonds to be and to 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 Bonds to the governmental purposes 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

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certain uses of the proceeds of the Bonds 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 Auditor, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Bonds 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 Bonds as the City is permitted 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 Bonds 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 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, 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 Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the principal of and interest on which is paid from proceeds of the Bonds (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 Bonds from gross income for federal income tax purposes, and the officers 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 Bonds.

Section 9. Official Statement and Continuing Disclosure.

(a) *Primary Offering Disclosure -- Official Statement.* The Preliminary Official Statement of the City relating to the original issuance of the Bonds substantially in the form now on file with the Auditor is approved. The distribution and use of the Preliminary Official Statement is hereby approved. The Mayor and the Auditor are each authorized and directed to complete the Preliminary Official Statement, with such modifications, completions, changes and supplements, as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the revised Preliminary Official Statement is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of the Rule.

Those officers are each further authorized and directed to complete and sign on behalf of the City, and in their official capacities, a final official statement for purposes of the Rule, and are further authorized to use and distribute, or authorize the use and distribution of, that final official statement and supplements thereto in connection with the original issuance of the Bonds as may in their judgment be necessary or appropriate. Those officers and each of them are also authorized to sign and deliver, on behalf of the City, and in their official capacities, such certificates in connection with the accuracy of the Preliminary Official Statement and the final official statement and any amendment thereto as may, in their judgment, be necessary or appropriate.

(b) *Application for Rating or Bond Insurance.* If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Bonds by one or more

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nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

(c) *Agreement to Provide Continuing Disclosure.* For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. The City further agrees, in particular, to provide or cause to be provided:

(i) to the MSRB, (A) Annual Information for each City fiscal year ending hereafter, not later than the 270th day following the end of the fiscal year, and (B) when and if available, audited City financial statements for each such fiscal year; and

(ii) to the MSRB, in a timely manner, notice of (A) any Specified Event if that Event is material, (B) the City's failure to provide the Annual Information within the time specified above, and (C) any change in the accounting principles applied in the preparation of its annual financial statements, any change in its fiscal year, its failure to appropriate funds to meet costs to be incurred to perform the agreement, and of the termination of the agreement.

The Continuing Disclosure Certificate now on file with the Clerk of this Board is approved. The Auditor is authorized and directed to complete, sign and deliver, in the name and on behalf of the City, the Continuing Disclosure Certificate with such changes that are not inconsistent with this Ordinance, are not materially adverse to the City, and are approved by the Auditor, to specify in reasonable detail the Annual Information to be provided (which may be provided by specific reference to other documents previously filed and available in accordance with the Rule), whether the City has obtained any credit enhancement or provider for the Bonds and the City's expectations as to whether audited financial statements will be prepared, the accounting principles to be applied in their preparation, and whether they will be available together with, or separately from, Annual Information. That any such changes to the Continuing Disclosure Certificate are not materially adverse to the City and are approved by the Auditor shall be evidenced conclusively by the signing of the Continuing Disclosure Certificate by the Auditor.

The Auditor is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Certificate, including timely provision of information and notices as described above. Prior to making any filing in accordance with clause (ii) above or providing notice of the occurrence of any other events, the Auditor shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the City. The Auditor, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made.

The City reserves the right to amend its Continuing Disclosure Agreement, and to obtain the waiver of noncompliance with any provision of the Continuing Disclosure Agreement, as may be necessary or appropriate to achieve its compliance with any applicable federal securities law or rule, to cure any ambiguity, inconsistency or formal

Ordinance No. 2010-97

Passed SEP 27 2010 20

defect or omission, and to address any change in circumstances arising from a change in legal requirements, change in law, or change in the identity, nature, or status of the City, or type of business conducted by the City. Any such amendment or waiver will not be effective unless the Continuing Disclosure Agreement (as amended or taking into account such waiver) would have complied with the requirements of the Rule at the time of the primary offering of the Bonds, after taking into account any applicable amendments to or official interpretations of the Rule, as well as any change in circumstances, and until the City shall have received: either (i) a written opinion of bond or other qualified independent special counsel selected by the City that the amendment or waiver would not materially impair the interests of holders or beneficial owners of the Bonds or (ii) the written consent to the amendment or waiver of the holders of at least a majority of the principal amount of the Bonds then outstanding. Annual Information containing any revised operating data or financial information shall explain, in narrative form, the reasons for any such amendment or waiver and the impact of the change on the type of operating data or financial information being provided.

The City's Continuing Disclosure Agreement shall be solely for the benefit of the holders and beneficial owners from time to time of the Bonds. The exclusive remedy for any breach of the agreement by the City shall be limited, to the extent permitted by law, to a right of holders and beneficial owners to institute and maintain, or to cause to be instituted and maintained, such proceedings as may be authorized at law or in equity to obtain the specific performance by the City of its obligations under the agreement. Any individual holder or beneficial owner may institute and maintain, or cause to be instituted and maintained, such proceedings to require the City to provide or cause to be provided a pertinent filing if such a filing is due and has not been made. Any such proceedings to require the City to perform any other obligation under the Continuing Disclosure Agreement (including any proceedings that contest the sufficiency of any pertinent filing) shall be instituted and maintained only by a trustee appointed by the holders and beneficial owners of not less than 25% in principal amount of the Bonds then outstanding or by holders and beneficial owners of not less than 10% in principal amount of the Bonds then outstanding in accordance with Section 133.25(B)(4)(b) or (C)(1) of the Revised Code, as applicable (or any like or comparable successor provisions).

The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

The City's Continuing Disclosure Agreement shall remain in effect only for such period that the Bonds are outstanding in accordance with their terms and the City remains an obligated person with respect to the Bonds within the meaning of the Rule. The obligation of the City to provide the Annual Information and notices of the events described above shall terminate, if and when the City no longer remains such an obligated person.

The Auditor is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Auditor determines to be necessary in connection with a book entry system for the Bonds, after approval of any such agreement by the Director of Law.

Section 10. Certification and Delivery of Ordinance and Final Terms Certificate. The Clerk of Council is directed to deliver a certified copy of this Ordinance and a signed copy of the Final Terms Certificate to the County Auditor of Marion County.

Section 11. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or

Ordinance No. 2010-97

Passed SEP 27 2010 20

will at the time of delivery of the Bonds 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 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 12. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

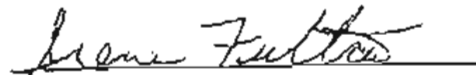
Section 13. Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds to enable the City to timely retire the Outstanding Note and thereby preserve its credit and to permit the Bonds to be combined with other bonds of the City in a consolidated bond issue and achieve savings in the cost of issuing the Bonds; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval of the Mayor.

Approved: SEP 28 2010


Dave Edwards
President of Council


Mayor Scott Schertzer

Attest:


Irene Fulton
Clerk of Council

Ordinance No. 2010-98

Passed SEP 27 2010 20

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$250,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF ACQUIRING AND INSTALLING A NEW TELEPHONE SYSTEM FOR CITY BUILDINGS, TOGETHER WITH ALL NECESSARY APPURTENANCES; APPROVING AND AUTHENTICATING A NOTE PURCHASE AGREEMENT; AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO THE ISSUANCE OF THE NOTES; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2009-83, passed by the Council of the City on August 24, 2009, a portion of a note in anticipation of bonds in the amount of \$11,005,000 dated October 14, 2009 (the "Outstanding Note") was issued to pay the costs of acquiring and installing a new telephone system for City buildings, together with all necessary appurtenances (the "Improvement");

WHEREAS, this Council finds and determines that the City should retire the portion of the Outstanding Note issued to pay costs of the Improvement 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 is 15 years and the estimated maximum maturity of the bonds is October 16, 2028.

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$250,000 to pay the costs of acquiring and installing a new telephone system for City buildings, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately July 1, 2011, 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 15 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$250,000 shall be issued in anticipation of the issuance of the Bonds to retire the portion of the Outstanding Note issued to pay costs of the Improvement. The Notes shall be dated October 13, 2010 and shall mature July 21, 2011, 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 a final terms certificate (the "Final Terms Certificate"). 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 Final Terms Certificate.

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 Final Terms Certificate, 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 Final Terms Certificate after determining that the payment at that bank or trust company will not endanger the funds

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or securities of the City and that proper procedures and safeguards are available for that purpose (the "Paying Agent").

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by Fifth Third Securities, Inc. (the "Original Purchaser") and approved by the Auditor in the Final Terms Certificate. 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 Final Terms Certificate referred to in Sections 3 and 4. The note purchase agreement by and between the City and the Original Purchaser (the "Note Purchase Agreement") now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note

RECORD OF ORDINANCES

0373

Davton Legal Blank, Inc.

Form No. 3001

Ordinance No. 2010-98

Passed SEP 27 2010, 20

Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

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

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 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

Ordinance No. 2010-98Passed SEP 27 2010, 20

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 represents that the Outstanding Note was treated as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem a portion of the Outstanding Note from proceeds of, and within 90 days after the issuance of the Notes and other moneys available to the City, and represents, covenants and determines that all other conditions will be met for treating the Notes as "qualified tax-exempt obligations" and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of paragraph (D) of Section 265(b)(3) of the Code. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefitted 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 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. If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the

RECORD OF ORDINANCES

0375

Davies Legal Blank, Inc.

Form No. 8891

Ordinance No. 2010-98

Passed SEP 27 2010, 20

Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The Clerk of Council is directed to deliver a certified copy of this Ordinance and the Final Terms Certificate to the County Auditor.

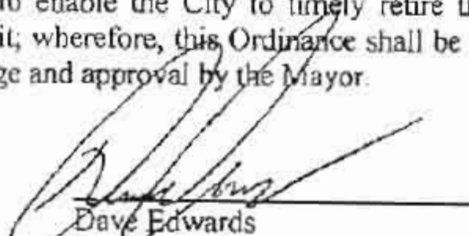
Section 13. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will 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 14. 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.

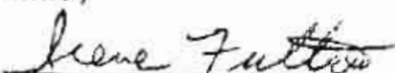
Section 15. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Note and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Approved: ^{SEP 28 2010}


Mayor Scott Schertzer


Dave Edwards
President of Council

Attest;


Clerk of Council

Ordinance No. 2010-99

Passed SEP 27 2010, 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH NEIDHART FARMS, INC. FOR THE LAND APPLICATION OF BIOSOLIDS AT THE WATER POLLUTION CONTROL PLANT HAVING DETERMINED SAID ENTITY TO HAVE SUBMITTED THE LOWEST AND BEST BID AND DECLARING AN EMERGENCY.

WHEREAS, the Water Pollution Control Plant has and currently is in need of a contractor to provide services related to the land application of biosolids, and

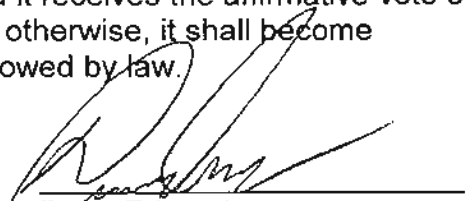
WHEREAS, the Superintendent of the WPCP has advised, detailed specifications were prepared and a bidding procedure was utilized to find an appropriate contractor and said Superintendent has detailed to the Council the results of the bid procedure and the subsequent analysis,

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


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

Section 2. That the contract shall be payable from the Sewer Revenue Fund Account.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon it's passage and approval by the Mayor given the immediate need to dispose of the accumulated biosolids at the WPCP and the negative impact a delay would cause if the matter did not proceed immediately; provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise, it shall become effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: SEP 28 2010


 Mayor Scott Schertzer

Attest;


 Clerk of Council

Ordinance No. 2010-100

Passed SEP 27 2010 20

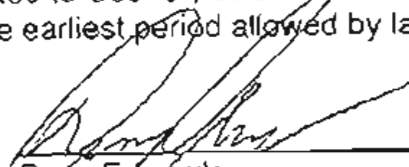
ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL MAP BY RETURNING THE FIRST NORTH/SOUTH ALLEY EAST OF CHICAGO AVE. AND NORTH OF CENTER ST. TO TWO WAY TRAFFIC AND DECLARING AN EMERGENCY

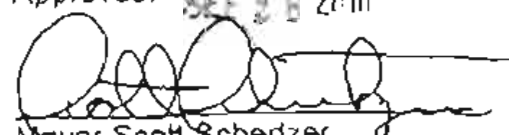
WHEREAS, the Council having just adopted an Ordinance to vacate an east west alley off of Chicago Ave. and north of Center St. Council finds it necessary to convert the north/south alley just east of Chicago and north of Center street to two way traffic, and

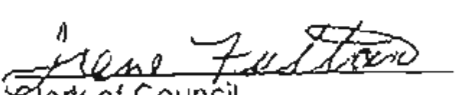
BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

SECTION 1. That Council determines it to be beneficial for the north/south alley just east of Chicago Ave. and north of Center street to be returned to two way traffic, given the recent vacation of the east west alley that previously lead to Chicago Ave.

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 recent vacation of the adjacent alley and the need to have the most proper traffic patter; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.


 Dave Edwards
 President of Council

Approved: SEP 28 2010

 Mayor Scott Scherzter

Attest,

 Clerk of Council

Ordinance No. 2010-101

Passed OCT 25 2010, 20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR CENTRAL GARAGE FUEL FOR THE YEAR ENDING DECEMBER 31, 2010.

WHEREAS, the Council has been advised there is an immediate need to provide additional funds to the Central Garage line item to allow for additional fuel purchases to finish out this budget year, and

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

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


Section 1. That there be additional appropriation made in the General Fund in the amount of \$52,000.00 as follows:

GENERAL FUND

Central Garage for Fuel Acc. # 601.6000 5503 \$52,000.00

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

APPROVED: OCT 26 2010


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

0383

Payroll Book, Inc.

Form No. 3043

Ordinance No. 2010-102

Passed

OCT 25 2010 20

ORDINANCE MAKING AN APPROPRIATION IN THE GENERAL FUND EQUIPMENT MAINTENANCE LINE ITEM FOR CLOCK REPAIR AT FIRE STATION #1 FOR THE YEAR ENDING DECEMBER 31, 2010

WHEREAS, there is an immediate need for the appropriations of the donated money from donations paid into the General Fund by the Veterans of Foreign Wars 3313 into the Equipment Maintenance Line Item 101.1002.5303 for the repair of the clock at Fire Station #1

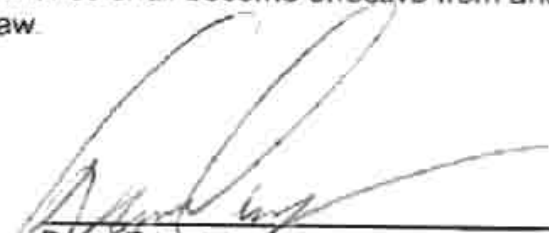
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an appropriation made in the General Fund in the amount of \$700.00 as follows:

GENERAL FUND	101.1002.5303	<u>\$700.00</u>
	Total	<u>\$700.00</u>

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

APPROVED: OCT 26 2010


Dave Edwards
President of Council


Mayor Scott Schertzer

ATTEST:


Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 3481

Ordinance No. 2010-103

Passed OCT 25 2010, 20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PARTICIPATE IN THE COST SHARING AND DEVELOPMENT OF A SAFE ROUTES TO SCHOOLS TRAVEL PLAN FOR ONE MARION CITY ELEMENTARY OR MIDDLE SCHOOL, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

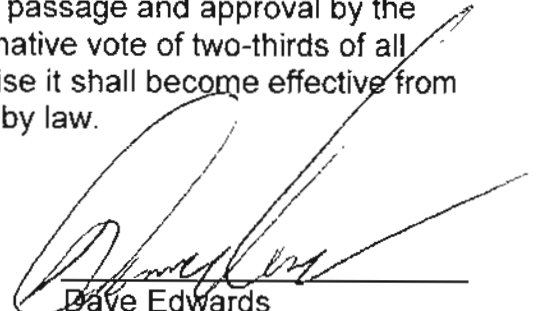
Whereas, Council finds it necessary to participate in the cost sharing of \$3,800.00 for the development of a Safe Routes to Schools Travel Plan along with Marion City Schools and other interested parties.

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 participate in the cost sharing up to \$3,800.00 and the development of a Safe Routes to Schools Travel plan for one elementary or middle school building, with the Marion City Schools and other interested parties.

Section 2. That said contract shall be payable from the general fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and to begin the work necessary for the development of the travel plan for submission to the Ohio Department of Transportation prior to July 1, 2011, 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 26 2010


Mayor Scott Schertzer

Attest:


Clerk of Council

Ordinance No. 2010-104

Passed OCT : 4 2010, 20

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT GRANTING AN EASEMENT TO A CERTAIN PARCEL OF LAND, AND DECLARING AN EMERGENCY

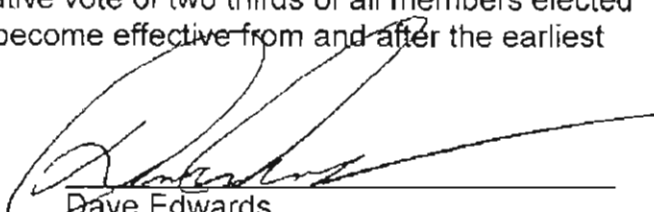
Whereas, The City of Marion is the owner of a certain parcel (.316 acres more or less), and

Whereas, this easement is needed to allow for certain improvements associated with the General Economic Development in the area, and

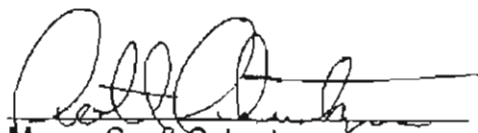
Whereas the improvements in this area will be beneficial to the community and will produce a significant impact on the local economy including tax revenue.

THEREFORE BE IT ORDAINED, by the Council of the City of Marion, Marion County Ohio that we hereby authorize the Mayor to execute the Easement agreement attached as Exhibit A and to take any further action consistent with this Ordinance.

Section 1. 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 immediacy of the project and the need to proceed without delay; given the need to allow for the construction of the necessary improvements at the location; and as such shall take effect and be in force immediately upon its passage and approval by the mayor, provided it receive 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 14 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

070.
2010-104.

EXHIBIT A

SITUATE IN THE STATE OF OHIO, MARION COUNTY MARION TOWNSHIP

BEING A 16 FOOT BY 827.85 FOOT STRIP OF LAND LOCATED NORTH OF
PARCEL 1700800006000 NOW OWNED BY WP-5 LLC AND SOUTH OF A
PARCEL 1700800003000 NOW OWNED BY WHIRLPOOL CORP.

THIS PARCEL BEING IDENTIFIED AS PART OF PARCEL 170080000700
THAT PART OF THE PARCEL LOCATED TO THE EAST OF THE ROAD TO THE
WEST OF THE ABOVE MENTIONED PARCELS

BEING FURTHER DESCRIBED AS

BEGINNING AT A METAL SURVEY MARKED IN THE NORTHWEST CORNER
OF A 26.85 ACRE TRACT AND ON THE SOUTH LINE OF A CERTAIN 16 FOOT
EASEMENT PREVIOUSLY CONVEYED TO THE CITY OF MARION

THENCE SOUTH 84 DEGREE 47 MINUTES EAST ALONG AN ON THE SOUTH
LINE OF AFORESAID 16 FOOT EASEMENT A DISTANCE OF 827.85 FEET TO A
METAL SURVEY MARKER ON THE EAST LINE OF THE SAID 26.85 ACRE
TRACT

THENCE SOUTH 0 DEGREE 07 MINUTES WEST ON AND ALONG THE EAST
LINE OF SAID 26.85 ACRE TRACT A DISTANCE OF 16 FEET TO A POINT

THENCE NORTH 84 DEGREE 47 MINUTES WEST PARALLEL TO AFORESAID
16 FOOT EASEMENT A DISTANCE OF 827.50 FEET TO A POINT ON THE WEST
LINE OF AFORESAID 26.85 ACRE TRACT

THENCE NORTH 0 DEGREE 33 WEST ON AND LONG THE AFORESAID 26.85
ACRE TRACT A DISTANCE OF 16 FEET TO A METAL SURVEY MARKER OR
OTHER MONUMENT WITH IS THE PLACE OF THE BEGINNING

EXHIBIT 'B'

100022-VC

LEGAL DESCRIPTION

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

Being part of the Southeast Quarter of Section 19, Township 5 South, Range 15 East, and being the same 26.85 acre tract of land now or formerly owned by Turco Purex Industrial Corp., O.R. Vol. 47, Pages 985-988, Marion Township, Marion County, State of Ohio, and being more particularly described as follows:

Commencing at an existing railroad spike located at the intersection of the centerline of County Road 101 (Campbell Road) with the South Right-of-Way Line of State Route 95 and North Right-of-Way Line of Conrail Railroad and South Line of Section 19;

Thence along said common Right-of-Way Line and Section Line South 89 degrees 02 minutes 00 seconds West for a distance of 2610.98 feet to a 1 inch dia. iron pipe found at the Southeast corner of hereinafter described 26.859 acre tract and the point of beginning.

Thence continuing along said common Right-of-Way Line and Section Line South 89 degrees 02 minutes 00 seconds West for a distance of 807.45 feet to a metal survey marker found stamped "Tozzer;"

Thence North 00 degrees 33 minutes 00 seconds West for a distance of 1478.75 feet to an iron pin set (passing over a 5/8 inch dia. iron pin found at a distance of 60.00 feet);

Thence South 84 degrees 46 minutes 36 seconds East for a distance of 827.80 feet to a 5/8 inch dia. iron pin found;

Thence South 00 degrees 07 minutes 00 seconds West for a distance of 1389.70 feet to a 1 inch dia. iron pipe found on the South Line of State Route 95 (passing over a 5/8 inch dia. iron pin found at a distance of 1329.70 feet) and the place of beginning.

Containing 26.857 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated June 28, 1993. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

Prior Deed, O.R. Vol. 47, Pages 985-988
Basis of bearings, Survey by J. Tozzer, dated 1/10/63, South R/W S. R. 95 South 89 degrees 02 minutes 00 seconds West

Premises also known as: 1792 Marion-Agosta Road, Marion, OH 43302

Permanent Parcel No.: 17-008000.0600

Ordinance No. 2010-105

Passed OCT 25 2010, 20

ORDINANCE MAKING APPROPRIATIONS IN THE CHIP GRANT FUND FOR THE YEAR ENDING DECMEBER 31, 2010.

Whereas, the City of Marion has been awarded CHIP grant funds for the two year period starting September 1, 2010 through December 31, 2012

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

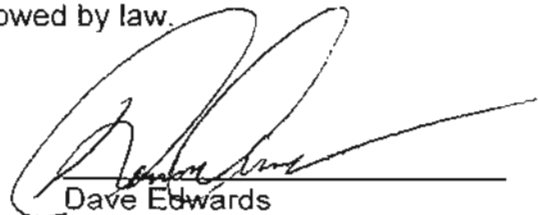
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be appropriations made as follows:

CHIP Grant

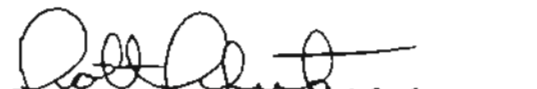
Administration	240.2045.5422	15,000
Home Repair	240.2045.5468	2,000
Rental Rehab	240.2045.5432	1,000
Owner Rehab	240.2045.5437	2,000
Rental Assistance	240.2045.5433	<u>10,000</u>
		30,000

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

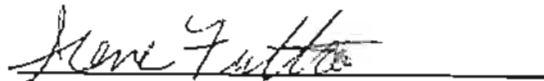


Dave Edwards
President of Council

Approved: OCT 26 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-106

Passed OCT 26 2010, 2010

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SHELLY AND SANDS INC., FOR THE 2010 STREET RESURFACING PROJECT 10-1R FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2010-38 authorized the preparation of specifications and advertising for bids for the 2010 Street Resurfacing Project 10-1R for the City of Marion, Ohio and

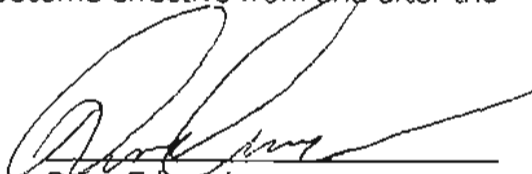
WHEREAS, Shelly and Sands Inc. submitted the lowest and best bid of \$649,453.20.

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 2010 Street Resurfacing Project 10-1R.

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.



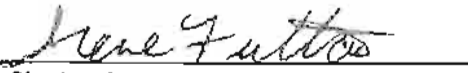
 Dave Edwards
 President of Council

Approved: OCT 26 2010



 Mayor Scott Schertzer

Attest:



 Clerk of Council

Ordinance No. 2010-107

Passed OCT 25 2010, 20

ORDINANCE EXPRESSING THE FINDINGS OF THE COUNCIL REGARDING THE SERVICE DIRECTOR'S LETTING OF THE MATERIAL CONTRACT AND ACTING ON HIS RECOMMENDATION IN REGARD TO REJECTING SAID MATERIAL BID AND DIRECTING CONTRACT BE RE-BID AND DECLARING AN EMERGENCY

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 November 2010 – October 31, 2012 fuel, and paint bid, and

WHEREAS, the Council took up the matter at Finance Committee on the 19th day of October, 2010 at which time Committee members were made aware of bidding concerns as presented by the Service Director's office. Only one bid was received for fuel and paint as opened on August 25, 2010. Bid advertising and publication procedures were properly followed. 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, that the best course available to it is to exercise its' preserved right to reject all bids in regard to the fuel and paint supply contract and accept the re-bidding held on October 13, 2010, whereas Marion Oil was the lowest and best bid for fuel and Ennis Paint was the lowest and best bid for traffic paint.

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

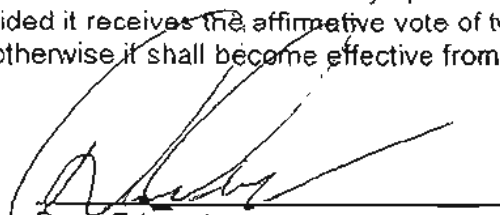
Section 1. The Council, after investigation and detailed analysis of the bidding process, determining the bid received in response to the Fuel and Paint Material, be rejected and the contract be re-bid per the bid publication stated that the City of Marion reserves the right to reject any and all bids.

Section 2. That the Service Director be authorized to enter into contract for the purchase of fuel with Marion Oil for regular gasoline and diesel fuel @ 0.019 over OPIS benchmark price.

Section 3. That the Service Director be authorized to enter into contract with Ennis Paint for the purchase of Traffic Paint @ 56.55 for 5 gal. white and 58.40 for 5 gal yellow.

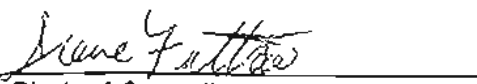
Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and due to the imminent expiration of Material Contract will expire October 31, 2010, and the 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.

Approved: OCT 26 2010


 Dave Edwards
 President of Council


 Mayor Scott Schertzer

Attest:


 Clerk of Council

Ordinance No. 2010-108Passed NOV 22 2010 20

ORDINANCE AMENDING VARIOUS SECTIONS OF MARION CITY CODE TO TAKE INTO ACCOUNT CHANGES MADE BY THE STATE LEGISLATURE IN REGARD TO SIMILAR SECTIONS OF OHIO REVISED CODE AND TO PROVIDE FOR UPDATES AS TO OTHER SECTIONS OF MARION'S CITY CODE, MORE SPECIFICALLY: 335.01(C); 606.27; Chapter 675 AND VARIOUS SECTIONS RELATED TO PENALTIES AND DECLARING AN EMERGENCY

WHEREAS, the Council has been advised by Administrators responsible for the enforcement of the existing nuisance provisions as to weeds of the need to revise out dated provisions, and

WHEREAS, the Council finds it to be in the best interests of the citizens of Marion to update the Code as to the serving of notices on weed/grass cuttings to owners or other persons having charge of their property as a real and present needs exists,

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

Section 1. § 335.01(C) DRIVER'S OR COMMERCIAL DRIVER'S LICENSE REQUIRED; RESTRICTION VIOLATION, now reading, in relevant part, as:

(C) Whoever violates division (A)(1) or (3) of this section by operating a motor vehicle when his/her driver's or commercial driver's license has been expired for no more than six months in guilty of a minor misdemeanor. (R.C. § 4507.99(C))

shall be amended to read as follows:

(C) Whoever violates division (A)(1) or (3) of this section by operating a motor vehicle when his/her driver's or commercial driver's license has been expired at the time of the offense is guilty of a minor misdemeanor. If within three years of the offense, the offender previously was convicted of or pleaded guilty to three or more violations of this section the offense is a misdemeanor of the first degree. (R.C. § 4510.12(B)(12))

Section 2 § 606.27 REGISTRATION OF FELONS, now reading as:

§ 606.27 REGISTRATION OF FELONS.

(A) No person who takes up residency in the municipality, who has been convicted in any court of any state of a crime which is a felony under the laws of such state or of the United States or which, if committed in the State of Ohio, would have been a felony under the laws of the State of Ohio, and who is currently on parole or probation for such a crime, shall knowingly fail to report as required in division (D) of this section.

(B) Every person described in division (A) of this section shall report to the Police Division, within one week after taking up residency in the municipality, and make a written statement on a form provided by the Division and signed by such person, showing the true name of such person and every other name or alias by which such person is or has been known, a full and complete physical description of himself or herself, the name of each crime described in division (A) of this section of which he/she or she has been convicted, together with the name of the place where such crime was committed, the name under which he/she or she was convicted and the year of the conviction therefor, and the address of his or her residence in the municipality

Ordinance No. 2010-108

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and the date of his or her most recent release from incarceration for the commission of the crime described in division (A) of this section.

(C) At the time of furnishing the information required by this section, such person shall be photographed and fingerprinted by the Division and such photograph and fingerprints shall be made a part of the records of the Division.

(D) No person described in division (A) of this section, upon changing his or her place of residence in the municipality, shall knowingly fail, within 31 days after so changing his or her residence, to notify the Division, in a written statement on a form provided by the Division and signed by such person, of such change of address and the new address of his or her residence in the municipality.

(E) Five years after the most recent release from incarceration for a crime described in division (A) of this section of any person described in division (A) of this section, the Division shall remove from its files and destroy all reports, records, photographs and fingerprints of such person taken or received pursuant to this section.

(F) All reports, records, photographs and fingerprints taken pursuant to this section shall be the private records of the Division, open to inspection only by city or police officers or persons having official duties to perform in connection therewith. No person having access to such records shall disclose to any other person, other than in the regular discharge of his or her duties, any information contained therein.

(G) Nothing in this section shall be deemed or construed to apply to any person who has received a pardon for each such crime of which he/she or she was convicted.

(H) Whoever knowingly violates any of the provisions of this section is guilty of failure to register as a felon, a minor misdemeanor. ('70 Code, § 606.27) (Ord. 1980-53, passed 4-28-80) Penalty, see § 698.02.

Is hereby repealed.

Section 3 CHAPTER 375: BICYCLE LICENSING, now reading as:

CHAPTER 375: BICYCLE LICENSING

Section

- 375.01 License required
- 375.02 Safety/Service Director to keep records
- 375.03 Application and fee
- 375.04 Issuance and term
- 375.05 When license not to be issued
- 375.06 License plate issuance and description
- 375.07 Replacing license plate

§ 375.01 LICENSE REQUIRED

No person who resides within the municipality or uses a bicycle in connection with employment within the municipality, shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles within the municipality unless such bicycle has been licensed and a license plate is attached thereto, as provided in this chapter.

('70 Code, § 375.01) Penalty, see §§ 309.01 and 309.02

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§ 375.02 SAFETY/SERVICE DIRECTOR TO KEEP RECORDS.

The Safety/Service Director, or someone designated by him/her, shall keep a record of the number of each license, the date of issue, the name of the person to whom issued, the number on the frame of the bicycle for which issued and a record of all bicycle license fees collected by him/her.
(70 Code, § 375.02)

§ 375.03 APPLICATION AND FEE.

Application for a bicycle license shall be made to the Safety/Service Director upon a form provided by him/her. A permanent license fee of \$3 shall be paid to the Safety/Service Director before each license is granted.
(70 Code, § 375.03) (Ord. 1982-16, passed 2-8-82)

§ 375.04 ISSUANCE AND TERM.

The Safety/Service Director, or someone designated upon receiving proper application therefor, is hereby authorized to issue a bicycle license which shall be permanent and effective for the period of ownership of the bicycle by the applicant.
(70 Code, § 375.04)

§ 375.05 WHEN LICENSE NOT TO BE ISSUED.

The Safety/Service Director shall not issue a license for any bicycle when he/she knows or has reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such bicycle or has not complied with the provisions of this chapter.
(70 Code, § 375.05)

§ 375.06 LICENSE PLATE ISSUANCE AND DESCRIPTION.

The Safety/Service Director shall issue a license plate bearing the license number assigned to the bicycle and the name of the municipality, together with a certificate bearing the name of the owner and the license number.
(70 Code, § 375.06)

§ 375.07 REPLACING LICENSE PLATE.

In the event a license plate is lost or destroyed, the Safety/Service Director, if satisfied of such fact, shall issue a new license plate upon application of the owner of the bicycle, for which a fee of \$3.00 shall be charged. (70 Code, § 375.07) (Ord. 1982-16, passed 2-8-82) *Cross-reference: Bicycle regulations. see Ch.373 Statutory reference: Power to regulate bicycles. R.C. § 4511.07(H)*

Is hereby repealed.

Section 4. Marion Codified Ordinance 912.20, now reading as follows.

§ 912.20 NONPAYMENT; MUNICIPALITY'S REMEDY.

Each sewer charge established and made pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid within 90 days after it is due and payable it shall be certified to the County Auditor who shall place the same on the tax duplicate. With the interest and penalties allowed by law, it shall be collected as other municipal taxes are collected.

NOV 22 2010

Ordinance No. 2010-108

Passed _____ 20____

('70 Code, § 912.20) (Ord. 1977-22, passed 2-28-77)

SHALL BE AMENDED TO READ:

§ 912.20 NONPAYMENT; MUNICIPALITY'S REMEDY.

Each sewer charge established and made pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid within 60 days after it is due and payable it shall be certified to the County Auditor who shall place the same on the tax duplicate. With the interest and penalties allowed by law, it shall be collected as other municipal taxes are collected.

Section 5. Marion Codified Ordinances 101.99, now reading as follows:

§ 101.99 GENERAL PENALTY.

Whenever, in the codified ordinances or in any ordinance of the municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding \$100. A separate offense shall be deemed committed on each day during or on which a continuing violation occurs.

SHALL BE AMENDED TO READ:

Whenever, in the codified ordinances or in any ordinance of the municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding **\$150.00** A separate offense shall be deemed committed on each day during or on which a continuing violation occurs.

Section 6. Marion Codified Ordinances 193.99, now reading as follows:

§ 193.99 PENALTY.

Any person, firm or corporation who shall fail, neglect or refuse to make any return, questionnaire or declaration required by this chapter, or any taxpayer who shall refuse to pay the Municipal Income Tax, penalties and interest imposed by this chapter, or any person who shall refuse to permit the City Auditor or any duly authorized agent or employee, to examine his/her books, records and papers, or who shall knowingly make any incomplete, false or fraudulent return, or who shall attempt to do anything whatever to avoid the payment of the whole or any part of the tax, shall be guilty of a misdemeanor and shall be fined not more than \$100 or imprisoned for not more than 60 days, or both. The failure of any employer or taxpayer to receive or procure a return, questionnaire or declaration form shall not excuse him/her from making a return, questionnaire or declaration or from paying the tax.

SHALL BE AMENDED TO READ:

Any person, firm or corporation who shall fail, neglect or refuse to make any return, questionnaire or declaration required by this chapter, or any taxpayer who shall refuse to pay the Municipal Income Tax, penalties and interest imposed by this

Ordinance No. 2010-108

Passed NOV 22 2010 20

chapter, or any person who shall refuse to permit the City Auditor or any duly authorized agent or employee, to examine his/her books, records and papers, or who shall knowingly make any incomplete, false or fraudulent return, or who shall attempt to do anything whatever to avoid the payment of the whole or any part of the tax, shall be guilty of a misdemeanor and shall be fined not more than \$150.00 or imprisoned for not more than 60 days, or both. The failure of any employer or taxpayer to receive or procure a return, questionnaire or declaration form shall not excuse him/her from making a return, questionnaire or declaration or from paying the tax.

Section 7. Marion Codified Ordinances 606.03, now reading as follows:

§ 606.03 CLASSIFICATION OF OFFENSES

As used in this General Offenses Code:

- (A) Offenses include misdemeanors of the first, second, third and fourth degree, minor misdemeanors, and offenses not specifically classified.
- (B) Regardless of the penalty which may be imposed, any offense specifically classified as a Misdemeanor is a misdemeanor.
- (C) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.
- (D) Any offense not specifically classified is a minor misdemeanor if the only penalty which may be imposed is a fine not exceeding \$100.

SHALL BE AMENDED TO READ:

As used in this General Offenses Code:

- (A) Offenses include misdemeanors of the first, second, third and fourth degree, minor misdemeanors, and offenses not specifically classified.
- (B) Regardless of the penalty which may be imposed, any offense specifically classified as a misdemeanor is a misdemeanor.
- (C) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.
- (D) Any offense not specifically classified is a minor misdemeanor if the only penalty which may be imposed is a fine not exceeding \$150.00

Section 8. Marion Codified Ordinances 698.02, now reading as follows:

§ 698.02 PENALTIES FOR MISDEMEANOR.

(A) Unless another penalty is otherwise expressly provided in the section of which the provision is a part, whoever violates any of the provisions of this Part Six - General Offenses Code, other than a minor misdemeanor, shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

(B) Terms of imprisonment for misdemeanor shall be imposed as follows:

- (1) For a misdemeanor of the first degree, not more than six months;

Ordinance No. 2010-108Passed NOV 22 2010, 20

- (2) For a misdemeanor of the second degree, not more than 90 days;
- (3) For a misdemeanor of the third degree, not more than 60 days;
- (4) For a misdemeanor of the fourth degree, not more than 30 days.

(C) Fines for misdemeanor shall be imposed as follows:

- (1) For a misdemeanor of the first degree, not more than \$1,000;
- (2) For a misdemeanor of the second degree, not more than \$750;
- (3) For a misdemeanor of the third degree, not more than \$500;
- (4) For a misdemeanor of the fourth degree, not more than \$250.

(D) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than \$100.

(E) The court may require a person who is convicted of or pleads guilty to a misdemeanor to make restitution for all or part of the property damage that is caused by his/her offense and for all or part of the value of the property that is the subject of any theft offense, as defined in § 642.01(K), that the person committed. If the court determines that the victim of the offense was 65 years of age or older or permanently or totally disabled at the time of the

SHALL BE AMENDED TO READ:

(A) Unless another penalty is otherwise expressly provided in the section of which the provision is a part, whoever violates any of the provisions of this Part Six - General Offenses Code, other than a minor misdemeanor, shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

(B) Terms of imprisonment for misdemeanor shall be imposed as follows:

- (1) For a misdemeanor of the first degree, not more than six months;
- (2) For a misdemeanor of the second degree, not more than 90 days;
- (3) For a misdemeanor of the third degree, not more than 60 days;
- (4) For a misdemeanor of the fourth degree, not more than 30 days.

(C) Fines for misdemeanor shall be imposed as follows:

- (1) For a misdemeanor of the first degree, not more than \$1,000;
- (2) For a misdemeanor of the second degree, not more than \$750;
- (3) For a misdemeanor of the third degree, not more than \$500;
- (4) For a misdemeanor of the fourth degree, not more than \$250.

(D) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than \$150.00

Ordinance No. 2010-108Passed NOV 22 2010 20

(E) The court may require a person who is convicted of or pleads guilty to a misdemeanor to make restitution for all or part of the property damage that is caused by his/her offense and for all or part of the value of the property that is the subject of any theft offense, as defined in § 642.01(K), that the person committed. If the court determines that the victim of the offense was 65 years of age or older or permanently or totally disabled at the time of the

Section 9. Marion Codified Ordinances 736.99, now reading as follows:

§ 736.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than \$100 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

SHALL BE AMENDED TO READ:

Whoever violates or fails to comply with any of the provisions of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than \$150.00 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Section 10. Marion Codified Ordinances 918.99, now reading as follows:

§ 918.99 PENALTY.

Whoever violates any of the provisions of this chapter or violates any properly promulgated rule, regulation or order authorized by this chapter, is guilty of a minor misdemeanor and shall be fined \$100 per day for any such violation. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SHALL BE AMENDED TO READ:

Whoever violates any of the provisions of this chapter or violates any properly promulgated rule, regulation or order authorized by this chapter, is guilty of a minor misdemeanor and shall be fined \$150.00 per day for any such violation. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 11. Marion Codified Ordinances 1345.99, now reading as follows:

§ 1345.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense which is punishable by a fine of not more than \$100. 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. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree which is punishable by not more than 60 days in jail and/or \$500.

SHALL BE AMENDED TO READ:


Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense which is punishable by a fine of not more than \$150.00 On a

Ordinance No. 2010-108

Passed NOV 22 2010 20

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. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree which is punishable by not more than 60 days in jail and/or \$500.

Section 12. 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 immediacy of the project and the need to proceed without delay; given the need to implement the same changes made by the State legislature as to applicable penalties for misdemeanor offenses creating equitability among state citizens; and as such shall take effect and be in force immediately upon its passage and approval by the mayor, provided it receive 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 23 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-109

Passed OCT 25 2010 20

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR ON BEHALF OF THE CITY OF MARION TO CONTRACT WITH STATE OF OHIO NATURAL GAS PURCHASE PROGRAM TO SUPPLY NATURAL GAS TO SELECTED CITY OWNED SERVICE ADDRESSES WITHIN THE CITY OF MARION, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion conducted an open proposal process wherein prospective natural gas suppliers were invited to tender retail price and contract length of service offers to the City, and

WHEREAS, the City received proposals from various suppliers in response to the request, and

WHEREAS, the proposal received from State of Ohio Natural Gas Purchase Program was deemed to be the lowest and best proposal after technical review by the City, and

WHEREAS, it has been recommended by the Administration of the City to the Marion City Council to execute a contract with State of Ohio Natural Gas Purchase Program at the earliest possible date to take best advantage of variable market conditions, and

WHEREAS, the proposed contract will positively impact the natural gas rates for 15 gas meters at City owned and operated facilities, and

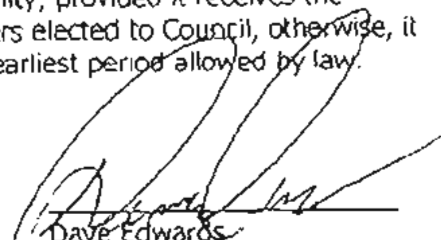
WHEREAS, Council recognizes that the City is currently a customer of various other companies for its various natural gas needs and sites located throughout the City and also at City owned facilities located just outside the City, and

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

Section 1. The Council hereby finds and determines that the budget of the City will be positively impacted by entering into contract for natural gas services for the 15 gas meters on an annual basis. Therefore, the Council hereby authorizes the Service Director to enter into a contract with the State of Ohio Natural Gas Purchase Program, reviewed by the Law Director, commencing in December 2010, or upon terms substantially similar therewith.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and shall take effect and be in force immediately upon its passage and approval by the Mayor given the immediate need to move forward without delay for the economic well being of the community; provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise, it shall become effective from and after the earliest period allowed by law.

Approved: OCT 26 2010


Daye Edwards
President of Council


Mayor Scott Schertzer

Attest;

Irene Furtner
Clerk of Council

RECORD OF ORDINANCES

Marion Local Blank Log

Page No. 0001

Ordinance No. 2010-110

Passed

NOV 23 2010

20

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH JOHNSON PROPERTY SERVICES AND CUMMINS AIRFIELD SERVICES FOR SNOW REMOVAL AT MARION MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY

WHEREAS, on July 12, 2010 by passage of Ordinance # 2010-75, Council authorized the Service Director to prepare specifications and advertise for bids for snow removal at Marion Municipal Airport, and

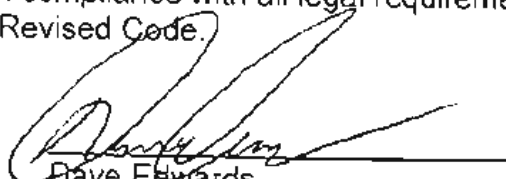
WHEREAS, based upon bid opening held September 17, 2010, the combination of both services bids was determined to be best was thereby determined.

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 Johnson Property Services, W. Center St., Marion, Ohio, and Cummins Airfield Services, 3054 Likens Rd., Marion, Ohio, for a two year period and option for third year at mutual agreement

SECTION 2 That cost per "unit" per hour consisting of vehicles with plows and experienced operators. 20 ft. plow \$225/hr 18ft. plow \$200/hr. 11 ft. plows \$100/hr sand application \$100/ton Work and services will be divided between Johnson Property Services and Cummins Airfield Services.

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


Dave Edwards
President of Council

Approved: NOV 23 2010


Mayor Scott Schertzer

Attest;


Clerk of Council

Ordinance No. 2010-113

Passed DEC 27 2010, 20

ORDINANCE AUTHORIZING THE ACCEPTANCE OUT OF CERTAIN REAL PROPERTIES RELATED TO THE MARION LAND BANK PROGRAM PURSUANT TO OHIO REVISED CODE, MARION CITY CODE 1367 ET. AL. AND THE SAFETY DIRECTOR'S PROPERTY DISPOSITION GUIDELINES AND DECLARING AN EMERGENCY

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

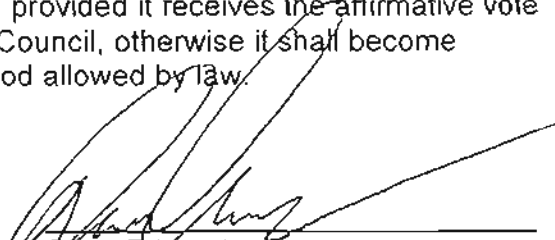
WHEREAS, City Administrators working through the Nuisance Abatement Task Force has been making significant progress in relation to nuisance properties within the community and continue to make a difference not only removing nuisance structures, but also where achievable rehabilitating nuisance structures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

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

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

- 570 Darius
- 255 Elm St.
- 426 N. Grand St.
- 299 W. Fairground St.
- 282 Leader St.


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


 Dave Edwards
 President of Council

APPROVED: DEC 30 2010


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

Ordinance No. 2010-115

Passed DEC 27 2010 20

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE FIRE DEPARTMENTS UNIFORM SALARIES LINE ITEMS FROM THE GENERAL FUND FOR THE YEAR ENDING DECMEBER 31, 2010.

Whereas, the Council has been advised there is an immediate need to provide additional funds to the Fire Department uniform salaries line items to allow for the additional cost to be covered out of this budget year. This is due to an unexpected retirement of a fire fighter.

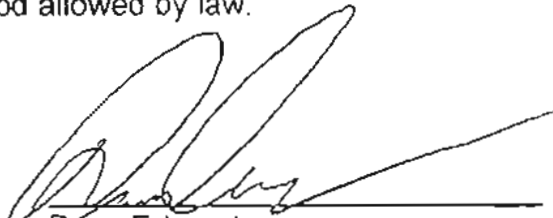
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriation made in the Fire Department budget line items salaries in the amount of \$4,061.00

GENERAL FUND

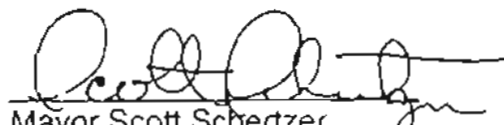
Uniform Salaries	101.1131.510111	\$4,061
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Dave Edwards
President of Council

APPROVED: DEC 30 2010



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Ordinance No. 2010-116

Passed DEC 27 2010 .20

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.

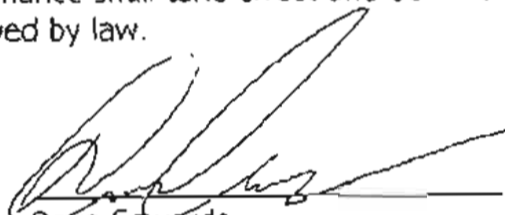
WHEREAS, Dauch Concrete Co. submitted the lowest and best bid of \$51.00/cubic yard.

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 @ \$51.00/cubic yard to be used at the Water Pollution Control Plant.

Section 2. That said contract shall be payable from the Sanitary Storm Sewer Supplies and Materials Accounts (502.5003.5502 and 504.5007.5502).

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: DEC 30 2010


 Mayor Scott Schertzer

ATTEST:


 Clerk of Council

ORDINANCE NO. 6289

ORDINANCE TO LEVY SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF GEORGE STREET BY CONSTRUCTING THROUGH A SANITARY SEWER WITH NECESSARY HOUSE LATERALS ON THE NORTH SIDE BEGINNING AT A MANHOLE IN THE CENTER OF AN ALLEY, SAID ALLEY BEING IMMEDIATELY WEST OF LOT NUMBER 2296 IN MECHANIC'S ADDITION; THENCE EAST TO A POINT IN LOT NUMBER 2292 A SUFFICIENT DISTANCE TO SERVE LOT NUMBER 2292; AND ON THE SOUTH SIDE FROM A MANHOLE IN THE CENTER OF GEORGE STREET AT A POINT NORTH OF THE WEST LINE OF LOT NUMBER 2201 EAST TO A POINT 130 FEET EAST OF THE EAST LINE OF LOT NUMBER 2297 IN HUBER'S ADDITION TO THE CITY OF MARION.

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

Section 1. That the assessment of the cost and expense of improving the following street in the City of Marion, Ohio, by constructing a sanitary sewer with necessary house laterals on the north side beginning at a manhole in the center of an alley, said alley being immediately west of Lot Number 2296 in Mechanic's Addition; thence east to a point in Lot Number 2292 a sufficient distance to serve Lot Number 2292; and on the south side from a manhole in the center of George Street at a point north of the west line of Lot Number 2201 east to a point 130 feet east of the east line of Lot Number 2297 in Huber's Addition to the City of Marion, amounting in the aggregate to \$4173.40, as reported to this Council on the 9th day of August, 1957 by the City Engineer, notice of the filing of said assessment having been given as required by law, be and the same is hereby adopted and confirmed, and that there be and are hereby levied and assessed upon the lots and lands bounding and abutting upon said improvement the several amounts represented as aforesaid, which assessments and the description of said lots and lands are now on file in the office of the Clerk of this Council and which assessments are at the rate of \$6.87 for the North side and \$7.96 for the South side, per front foot and are not in excess of the special benefits to said property and are not in excess of any statutory limitation.

Section 2. That the total assessment against each lot or parcel of land shall be payable in cash within thirty days from and after the passage of this Ordinance, or, at the option of the owner in ten (10) semi-annual installments with interest at the same rate as shall be borne by the bonds to be issued in anticipation of the collection of the same. All cash payments shall be made to the Treasurer of the said City. All assessments and installments thereof remaining unpaid at the expiration of said thirty days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be by him placed on the tax duplicate and collected as other taxes are collected.

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

PASSED: December 9, 1957
APPROVED: December 10, 1957
Gale D. Ireland, Mayor
Attest: Irene Addison, Clerk

Robert G. Haldeman,
president pro tem of council

ORDINANCE NO. 6290

ORDINANCE AUTHORIZING THE PARK BOARD, THROUGH ITS PRESIDENT, TO EXERCISE A RIGHT OF WAY EASEMENT TO THE OHIO FUEL GAS COMPANY.

WHEREAS, The Ohio Fuel Gas Company plans the installation of a gas main along the west side of a certain park drive, which park drive is along the extreme east side of Lincoln Park, and

WHEREAS, Council deems it advisable to authorize the granting of an easement of right of way.

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

Section 1. That the Park Board is hereby authorized and directed to grant an easement to The Ohio Fuel Gas Company, its successors and assigns, for the purpose of the right to lay a pipe line over and through the premises hereinafter described, and to maintain, operate without restriction or limitation, repair, replace and remove same, together with valves and other necessary appurtenances.

Section 2. That the right of way granted shall be along the west side of the present existing park drive, which park drive lies on the immediate east side of Lincoln Park.

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

PASSED: December 9, 1957
APPROVED: December 10, 1957
Gale D. Ireland, Mayor
Attest: Irene Addison, Clerk

Robert G. Haldeman,
PRESIDENT PRO TEM OF COUNCIL

ORDINANCE ESTABLISHING THE SALARY OF THE CLERK IN THE SERVICE DEPARTMENT
AND REPEALING SECTION 8 OF ORDINANCE NO. 6163.

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

Section 1. That the salary of the Clerk in the Service Department shall be \$245.00 per month, effective January 1, 1958.

Section 2. That Section 8 of Ordinance No. 6163, which is in conflict with Section 1 of this ordinance, be and the same is hereby repealed.

Section 3. That this Ordinance is hereby declared to be an emergency measure and its immediate enactment is necessary for the preservation of the public health, safety and welfare for the reason that it is necessary to reestablish the foregoing salary commensurate with the increased cost of living.

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

Robert G. Waldeman
PRESIDENT PRO TEM OF COUNCIL.

PASSED: December 19, 1957

APPROVED:

Attest: Irene Addison, Clerk

On December 19, 1957 the ten days expired for the above Ordinance to be returned from Mayor Ireland, as provided in Sec. 2.44 of the Marion City Code, the Ordinance was not returned within the time limited in this section, therefore, the Ordinance took effect in the same manner as if he had signed same.

ORDINANCE NO. 6164

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT OPERATING AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 1958.

BE IT ORDAINED BY THE Council of the City of Marion, State of Ohio, two-thirds of the members elected thereto concur:-

Section 1. To provide for the current expenses and other expenditures of the City of Marion, Ohio, during the fiscal year ending December 31, 1958, the following sums be and they are hereby set aside, transferred and appropriated, as follows:

Section 2. That there be appropriated from the General Fund the sum of \$775,636.00 as follows:

<u>1 A 1 - COUNCIL</u>			
1 A 1	Members	\$ 9,000.00	
1 A 5	Incidentals	5.00	
	Total for Council		\$ 9,005.00
<u>1 B - CLERK OF COUNCIL</u>			
1 B 1	Clerk	\$ 3,000.00	
1 B 4	Stationery and printing	250.00	
1 B 5	Incidentals	250.00	
	Total for Clerk Council		\$ 3,500.00
<u>1 C - MAYOR</u>			
1 C 1	Mayor	\$ 6,500.00	
1 C 5	Incidentals	400.00	
	Total for Mayor		\$ 6,900.00
<u>1 D - AUDITOR</u>			
1 D 1	Auditor	\$ 5,200.00	
1 D 2-	Deputy	4,800.00	
1 D 3	Clerk Hire	5,580.00	
1 D 4	Stationery and Printing	800.00	
1 D 5	Incidentals	1,500.00	
	Total for Auditor		\$17,880.00
<u>1 E - TREASURER</u>			
1 E 1	Treasurer	\$ 1,500.00	
1 E 4	Stationery and Printing	100.00	
1 E 5	Incidentals	350.00	
	Total for Treasurer		\$ 1,950.00

1 - F - SOLICITOR

1 F 1	Solicitor	\$ 4,800.00	
1 F 2	Clerk	1,740.00	
1 F 3	Assistant Solicitor	2,800.00	
1 F 4	Stationery and Printing	200.00	
1 F 5	Incidentals	500.00	
	Total for Solicitor		\$ 10,060.00

1 - I LEGAL ADVERTISING

1 I 7	Ordinances and Resolutions	\$ 500.00	
1 I 8	Annual Report	200.00	
	Total for Legal Advertising		\$ 700.00

1 - J JUDGE MUNICIPAL COURT

1 J 1	Judge	\$ 5,000.00	
1 J 2	Assistant Judge	500.00	
	Total for Judges		\$ 5,500.00

1 - K - MUNICIPAL COURT

1 K 1	Clerk	\$ 2,956.00	
1 K 2	Bailiff	2,956.00	
1 K 3	Deputy Clerk	3,240.00	
1 K 4	Stationery and Printing	3,700.00	
1 K 5	Incidentals	2,800.00	
1 K 6	Bailiff Auto Expense	840.00	
1 K 7	Vefunds	500.00	
1 K 8	Deputy Bailiff	4,080.00	
1 K 9	Clerk Hire	2,240.00	
	Total Municipal Court		\$ 22,912.00

1 - M - JURY & WITNESS FEES

1 M 1	Fees	\$ 500.00	
	Total Jury & Witness Fees		\$ 500.00

1 - Y - CIVIL SERVICE

1 Y 1	Members	\$ 375.00	
1 Y 2	Clerk	250.00	
1 Y 4	Stationery and Printing	200.00	
	Total Civil Service		\$ 825.00

2 - C - POLICE DEPARTMENT

2 C 1	Regular Police	\$ 117,660.00	
2 C 2	Clerk Hire	5,780.00	
2 C 3	Supplies Traffic Bureau	500.00	
2 C 4	Stationery & Printing	1,000.00	
2 C 5	Incidentals	3,500.00	
2 C 6	Gas and Oil	5,500.00	
2 C 7	Towing Charges	7,000.00	
2 C 8	Auto Maintenance	1,000.00	
2 C 9	Clothing Allowance	4,000.00	
2 C 10	Subsistence of Prisoners	18,000.00	
2 C 11	Criminal Investigation	1,000.00	
2 C 21	Equipment & vehicle replacement	2,000.00	
2 C 22	Cruiser Rental	5,740.00	
	Total Police Department		\$201,300.00

2 - D - FIRE DEPARTMENT

2 D 1	Regular Firemen	\$173,220.00	
2 D 3	Furniture & fixtures	300.00	
2 D 4	Stationery and Printing	50.00	
2 D 5	Incidentals	2,500.00	
2 D 7	Fuel and Light	1,500.00	
2 D 8	Maintenance	1,800.00	
2 D 9	Clothing Allowance	4,600.00	
2 D 20	Tools and Building	2,000.00	
2 D 21	Equipment	1,500.00	
	Total Fire Department		\$189,470.00

2 - R - HUMANE OFFICER

2 R 1	Salary	\$ 1,140.00	
	Total Humane Officer		\$ 1,140.00

3 - A - HEALTH DEPARTMENT

3 A 1	Health Officer	\$ 3,330.00	
3 A 2	Clerk	3,040.00	
3 A 3	Clerk Hire	1,000.00	
3 A 4	Stationery and Printing	200.00	
3 A 5	Incidentals	650.00	
3 A 6	Wages salary	3,330.00	

<u>3 - C - QUARANTINE</u>		
3 C 8	Medical Supplies	\$ 50.00
3 C 9	Food and Coal	75.00
	Total Quarantine	<u>\$ 125.00</u>
<u>3 - D - INSPECTION</u>		
3 D 6	Inspector	\$ 4,260.00
3 D 7	Incidentals	500.00
3 D 8	Assistant Inspector	3,720.00
3 D 9	Lab - Supplies	500.00
3 D 10	Auto Expense	1,330.00
3 D 11	Sanitarian	3,920.00
	Total Inspection	<u>\$ 14,230.00</u>
<u>4 - A - SERVICE DEPARTMENT</u>		
4 A 1	Director	\$ 5,600.00
4 A 4	Stationery and Printing	400.00
4 A 5	Incidentals	1,500.00
4 A 8	Special Incidentals	1,000.00
4 A 9	Labor - Parking Meters	7,680.00
4 A 10	Parking Meter Repairs	1,500.00
4 A 11	Vehicular - Replacement	
	Total Service Department	<u>\$ 17,680.00</u>
<u>4 - C - CITY HALL</u>		
4 C 1	Janitor	\$ 6,000.00
4 C 2	Utilities (water, telephone, gas & electric)	12,000.00
4 C 5	Incidentals	2,000.00
4 C 6	Repairs and Maintenance	8,000.00
	Total City Hall	<u>\$ 28,000.00</u>
<u>4 - H - CITY ENGINEERS</u>		
4 H 1	Engineer	\$ 6,500.00
4 H 2	Assistant Engineer	5,850.00
4 H 3	Assistants	21,000.00
4 H 4	Sanitary Engineer	7,600.00
4 H 5	Incidentals	1,000.00
	Total City Engineers	<u>\$ 42,350.00</u>
<u>4 - O - STREET LIGHTING</u>		
4 O 8	Contracts	\$ 50,000.00
	Total Street Lighting	<u>\$ 50,000.00</u>
<u>4 - XX - HYDRANT RENTAL</u>		
4 XX 1	Rentals	\$ 35,000.00
	Total Hydrant Rentals	<u>\$ 35,000.00</u>
<u>4 - R - SEWERS</u>		
4 R 6	Employees	\$ 5,000.00
4 R 7	Material	2,000.00
4 R 8	Equipment	1,000.00
	Total for Sewers	<u>\$ 8,000.00</u>
<u>4 - Y - LANDS AND BUILDING</u>		
4 Y 6	Fire and Tornado Insurance	\$ 3,000.00
4 Y 22	Taxes	3,000.00
	Total Lands and Buildings	<u>\$ 6,000.00</u>
	City Share P. E. R. S.	\$ 20,000.00
	Claims	5,000.00
	Special Assessments	25,000.00
	Parks	12,000.00
	Recreation	5,000.00
	Industrial Insurance	20,000.00
	Total Transfers	<u>\$ 87,000.00</u>
	Total appropriations & Transfers General Fund	<u>\$776,311.00</u>

Section 3. That there be appropriated from the Airport Fund, the sum of \$12,789.60 as follows:

<u>A - P - AIRPORT</u>		
A P 1	Operator	\$ 3,450.00
A P 2	Light and Fuel	1,500.00
A P 3	Incidentals, insurance & telephone	3,000.00
A P 4	Stationery and printing	25.00
A P 5	Snow Removal	500.00
A P 7	Limin- Farm Land	700.00
A P 8	Lands and Building	1,500.00
A P 9	Industrial Insurance	250.00
A P 10	Mowing Labor	1,600.00
A P 11	P. E. R. S.	264.60
Total Airport		\$ 12,789.60

Section 4. That there be appropriated from the Park Fund the sum of \$11,000.00 as follows:

15 A 5	Incidentals	\$ 4,500.00
15 A 6	Labor	6,500.00
Total Park Fund		\$ 11,000.00

Section 5. That there be appropriated from the Veteran's Housing Fund the sum of \$ 9,845.00 as follows:

<u>F H - VETERAN'S HOUSING</u>		
F H 1	Salary	\$ 3,450.00
F H 4	Office Expense	300.00
F H 5	Incidentals	200.00
F H 8	Repairs and Maintenance	3,500.00
F H 9	Refunds	200.00
F H 10	Street Repair & Lightans	370.00
F H 11	P. E. R. S. Matching	125.00
F H 12	Insurance	350.00
F H 13	Taxes	1,000.00
F H 14	Equipment	200.00
F H 15	Industrial Insurance	150.00
Total Veterans Housing		\$ 9,845.00

Section 6. That there be appropriated from the Hospital Fund the sum of \$1,219,500.00 as follows:

<u>5 A - HOSPITAL FUND</u>		
5 A 4	Office Supplies	\$ 13,000.00
5 A 5	Service Contracts	27,000.00
5 A 6	Employees Salaries	700,000.00
5 A 7	Utilities	41,000.00
5 A 8	Food	85,000.00
5 A 9	Kitchen Supplies	6,000.00
5 A 10	Pharmacy Drugs	95,000.00
5 A 11	Surgical and Patient Supplies	80,000.00
5 A 12	Laundry Supplies	4,000.00
5 A 13	Repair Equipment	10,000.00
5 A 14	Incidentals	20,000.00
5 A 15	X-Ray and Laboratory	38,000.00
5 A 20	Lands and Building	6,000.00
5 A 21	Equipment	10,000.00
5 A 23	Public Employes Retirement	53,000.00
5 A 24	Industrial Commission Insurance	30,000.00
5 A 25	Sales Tax	1,500.00
Total Hospital		\$ 1,219,500.00

Section 7. That there be appropriated from the Sewer Revenue Fund the sum of \$158,935.00 as follows:

<u>S R - SEWER REVENUE FUND</u>		
S R 1	Technical Supervisor	\$ 960.00
S R 2	Superintendent	4,685.00
S R 3	Operators	20,000.00
S R 4	Labor	12,500.00
S R 5	Incidentals and Equipment	13,500.00
S R 6	Power	6,500.00
S R 7	Repairs and Maintenance	5,000.00
S R 13	Contract for Billing	9,500.00
S R 15	Industrial Insurance	2,000.00
S R 16	P. E. R. S.	2,700.00
S R 17	Bond and Interest Retirement	81,590.00
Total Sewer Revenue Fund		\$ 158,935.00

Section 8. That there be appropriated from the Garbage Fund the sum of \$156,640.00 as follows:

<u>0 D - GARBAGE FUND</u>		
G D 1	Labor	\$119,000.00
G D 2	Clerk	2,940.00
G D 4	Stationery and Printing	1,000.00
G D 5	Incidentals	2,000.00
G D 6	Truck Supplies & Repairs	5,000.00
G D 7	Equipment	5,000.00
G D 9	Refunds	200.00
G D 10	Motor Fuel	7,000.00
G D 11	P. E. R. S. Matching	8,500.00
G D 12	Industrial Insurance	6,000.00
Total Garbage		\$156,640.00

Section 9. That there be appropriated from the Street Construction, Maintenance and Repair Fund the sum of \$192,900.00 as follows:

<u>13 A STREET CONSTRUCTION, MAINTENANCE & REPAIR</u>		
13 A 6	Labor	\$120,000.00
13 A 7	Material	15,000.00
13 A 8	Equipment and Repairs	12,000.00
13 A 9	Motor Fuel	6,500.00
13 A 10	Miscellaneous	12,000.00
13 A 11	P. E. R. S. Matching	9,400.00
13 A 12	Industrial Insurance	6,500.00
13 A 13	Traffic Light Outlay	3,500.00
13 A 14	Traffic Light Maintenance	8,000.00
Total Street Construction, Maintenance & Repair		\$192,900.00

Section 10. That there be appropriated from the Recreation Fund the sum of \$5,000.00 as follows:

<u>16 A - RECREATION</u>		
16 A 1	Playground Director	\$4,000.00
16 A 2	Playground incidentals	1,000.00
Total Recreation		\$5,000.00

Section 11. That this Ordinance be and it is hereby declared to be an emergency measure in that it provides for a daily operation of said City, and as such it shall become immediately effective upon its adoption and approval, provided it receives a two-thirds majority vote of the members elected to Council, otherwise it shall be come effective at and after the earliest period allowed by law.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: January 13, 1958
APPROVED: January 14, 1958

Wendell L. Stromr
Mayor

ATTEST: Alta Sheehe
Clerk

ORDINANCE NO. 6293

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO HOWARD W. TRAVIS
IN THE SUM OF \$ 105.39.

WHEREAS, Howard W. Travis performed services for the City of Marion, from the 6th day of January through the 12 day of January, 1958, and

WHEREAS, no provision was made for compensating said Howard W. Travis for said services, and

WHEREAS, said Howard W. Travis has made a claim upon the City of Marion in the sum of \$105.39, for said services, and

WHEREAS, Council deems it advisable to pay said claim.

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Howard W. Travis and to pay unto Howard W. Travis the sum of \$105.39.

Section 2. That said claim be paid from the Service Director's salary fund, 4-A-1.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim.

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

Fred C. Baldauf
President of Council

PASSED: January 13, 1958
APPROVED: January 14, 1958

Wendell L. Stromr, Mayor
Attest: Alta P. Sheehe, Clerk

ORDINANCE NO. 6294

ORDINANCE AUTHORIZING THE CIVIL SERVICE COMMISSION TO APPLY FOR MEMBERSHIP TO THE CIVIL SERVICE ASSEMBLY OF THE UNITED STATES AND CANADA.

WHEREAS, it is deemed to be to the best interests of the City of Marion that the Civil Service Commission of said City apply for membership to the Civil Service Assembly of the United States and Canada for the purpose of providing adequate and up-to-date testing material for Civil Service employees.

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

Section 1. That the Clerk of the Civil Service Commission is hereby authorized and directed to apply for membership to the Civil Service Assembly of the United States and Canada, and the sum of Seventy-five (\$75.00) is authorized to be expended for such purpose from account designated 1-Y-4.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: January 13, 1958
APPROVED: January 14, 1958

Wendell L. Strong, Mayor
Attest: Alta Sheeha, Clerk

ORDINANCE NO. 6295

ORDINANCE CREATING THE POSITION OF REGISTERED PHARMACIST, PART-TIME ON RELIEF BASIS AT MARION GENERAL HOSPITAL, AND ESTABLISHING THE SALARY THEREFOR.

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

Section 1. That there is hereby created the position of Registered Pharmacist, Part-Time Relief Basis, at the Marion General Hospital, payable at the rate of \$3.00 per hour.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: January 13, 1958
APPROVED: January 14, 1958

Wendell L. Strong, Mayor
Attest: Alta Sheeha, Clerk

ORDINANCE NO. 6296

ORDINANCE AUTHORIZING THE BOARD OF GOVERNORS OF THE MARION GENERAL HOSPITAL TO ENTER INTO A CONTRACT WITH THE BOARD OF THE MARION COUNTY WELFARE DEPARTMENT ESTABLISHING THE RATE OF \$20.00 PER DAY FOR SERVICES OF INDIGENT CITIZENS AT MARION GENERAL HOSPITAL AND AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO RATIFY AND APPROVE SAID CONTRACT.

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

Section 1. That the Board of Governors of the Marion General Hospital is hereby authorized and directed to enter into a contract from the 1st day of January, 1958, to the 1st day of January, 1959, with the Marion County Welfare Department for the care of indigent citizens of the City and County of Marion at the rate of Twenty Dollars (\$20.00) per day.

Section 2. That the Safety-Service Director is hereby authorized and directed to approve and ratify said contract on behalf of the City of Marion, Ohio, when signed by the Board of Governors and Welfare Department.

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

PASSED: January 13, 1958
APPROVED: January 14, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong, Mayor
Attest: Alta Sheeha, Clerk

ORDINANCE REPEALING ORDINANCE NO. 6016, ENACTED FEBRUARY 27, 1956, WHICH BANS PARKING
IN THE METERED DISTRICT OF THE CITY BETWEEN THE HOURS OF 2:30 A. M. AND 5:30 A. M., AND IT IS HEREBY
REPEALED.

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

Repealed 1/5/58

Section 1. That Ordinance No. 6016 passed on the 27th day of February 1956, which bans parking in the metered district of the City between the hours of 2:30 A. M. and 5:30 A. M., be and it is hereby repealed.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: January 13, 1958
APPROVED: January 14, 1958

Wendell L. Strong, Mayor
Attest: Alta Sheehe, Clerk

ORDINANCE NO. 6258

PROVIDED FOR THE ISSUANCE OF BONDS OF THE CITY OF MARION FOR THE PURPOSES
OF CONSTRUCTING SEWER IMPROVEMENTS.

Repealed 1/5/58

WHEREAS, the notes in the amount of \$1,135,000, issued in anticipation of bonds to provide funds for the hereinafter stated improvement are about to call due, now therefore,

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

Section 1. That it is hereby declared necessary to issue the bonds of the City of Marion in the principal sum of \$1,135,000 for the purpose of constructing new sanitary sewers and interceptor sewers in certain areas of the City and for reconstruction of sanitary sewer facilities.

Section 2. Said issue shall consist of 1,135 bonds of the denomination of \$1000 each, numbered consecutively from 1 to 1,135, inclusive, dated February 1, 1958, due and payable \$20,000 on June 1 and \$25,000 on December 1 in each of the years 1959 to 1981, inclusive, and \$25,000 on June 1 and \$25,000 on December 1 in each of the years 1982 and 1983, which maturities are hereby declared to be in substantially equal annual amounts, and shall bear interest at the rate of three and three-quarters per centum (3 3/4%) per annum, payable December 1, 1958 and semiannually thereafter on the first day of June and December in each year, said interest to be evidenced by coupons to be attached to said bonds, and both principal and interest shall be payable at the National City Bank of Marion, in Marion, Ohio.

Section 3. Said bonds shall express on their face the purpose for which they are issued; that they are issued pursuant to this ordinance and shall be signed by the Mayor and Auditor and sealed with the corporate seal of said city. The interest coupons shall bear the facsimile signature of the City Auditor.

Said bonds shall be the full general obligations of the City of Marion, and the full faith, credit, and revenue of said City are hereby pledged for the prompt payment of the same.

Section 4. For the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds promptly, when and as the same fall due, and also to provide a sufficient fund to discharge the said serial bonds at maturity, there shall be and is hereby levied on all the taxable property in the said City, in addition to all other taxes, a direct tax annually during the period said bonds are to run, in an amount sufficient to provide funds to pay the interest upon said bonds as and when the same falls due, and also to provide a fund for the discharge of the principal of said serial bonds at maturity, which tax shall not be less than the sinking fund tax required by Section XI of Article XII of the Constitution; provided, that in any year in which the surplus sewer revenue are available and are appropriated for the purpose of paying the interest and principal accruing for such year upon the bonds herein authorized, the tax herein levied for such debt charges shall be reduced by the amount so available and so appropriated.

Said tax shall be and is hereby 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 said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items, and for the full amount thereof. The funds derived from the tax levies hereby required shall be placed in a separate and distinct fund, which together with the interest collected on same, shall be irrevocably pledged for the payment of principal and interest of said bonds when and as the same fall due.

Section 5. Said bonds shall be offered at par and accrued interest to the Treasurer as custodian of the Bond Retirement Fund, and any bonds not taken by said Fund shall be advertised and sold in the manner provided by law.

Section 6. The bond sale advertisement for the sale of said bonds shall state that anyone desiring to do so may present a bid for such bonds based upon their bearing a different rate of interest than hereinbefore fixed, provided however, that where a fractional rate is bid such fraction shall be one quarter of one per cent or multiples thereof. If said bonds are sold bearing a different rate of interest than hereinbefore specified, such bonds shall bear such rate of interest as may be provided for in the resolution awarding the same.

Section 7. The proceeds derived from the sale of said bonds, except the premium and accrued interest, shall be used for the purpose for which said bonds are issued and for no other purpose; the premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest in the manner provided by law.

Section 8. The Clerk is hereby directed to send a certified copy of this ordinance to the County Auditor.

Section 9. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: January 13, 1958
APPROVED: January 14, 1958

Wendell L. Strone, Mayor
Attest: Alta Sheeha, Clerk

ORDINANCE NO. 1095

ORDINANCE ESTABLISHING THE POSITION OF VETERANS HOUSING-PARKING METER SUPERINTENDENT.

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

Section 1. Effective February 1st, 1958, there is hereby established the position of Veterans Housing-Parking Meter Superintendent.

Section 2. The position of superintendent established in Section 1 hereof shall be filled by appointment and supervised by the Safety-Service Director of the City.

Section 3. The bond of the Veterans Housing-Parking Meter Superintendent shall be a fidelity bond in the amount of \$2,000.00 conditioned according to law and subject to the approval of the Mayor.

Section 4. The salary of the Veterans Housing Parking Meter Superintendent shall be paid one-half from the operating funds of Veterans Housing Project and one-half from the Parking Meter Fund, which funds are now designated as P. N. 1 and 4-A-9.

Section 5. The salary of the Veterans Housing-Parking Meter Superintendent shall be:

1st. six months of Service	\$350.00 per month
2nd. six months of Service	\$375.00 per month
After 12 months of Service	\$392.50 per month

payable on vouchers approved by the Safety Service Director.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed on the effective date of this ordinance.

Section 7. That this Ordinance be and is hereby declared to be an emergency measure for the immediate preservation of the public health, safety and general welfare and for the further reason that that there is an immediate need for the establishing of said position, and as such emergency shall take effect and be in force immediately upon its passage and approval by the Mayor.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: January 27, 1958
APPROVED: January 28, 1958
Wendell L. Strone, Mayor
Attest: Alta Sheeha, Clerk

ORDINANCE NO. 1100

ORDINANCE AUTHORIZING THE SUPERINTENDENT OF THE SEWER TREATMENT PLANT TO APPLY FOR MEMBERSHIP IN THE OHIO SEWER AND INDUSTRIAL WASTE TREATMENT CONFERENCE.

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

Section 1. That W. A. Burnett, Superintendent of the Sewer Treatment Plant is hereby authorized and directed to make application to the Ohio Sewer and Industrial Waste Treatment Conference, for annual membership for the year ending December 31st, 1958.

Section 2. That the cost of said dues shall be payable from 5-B-5, Sewer Revenue Incidental Fund, heretofore appropriated.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: January 27, 1958
APPROVED: January 28, 1958
Wendell L. Strone, Mayor
Attest: Alta Sheeha, Clerk

Revised
2/2 = 2/9/58

ORDINANCE NO. 1301

ORDINANCE PROVIDING THAT NO PERSON SHALL STAND OR PARK A VEHICLE ALONG THE CURB WHICH HAS BEEN PAINTED YELLOW OR LAWFUL AUTHORITY AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

WHEREAS, certain sections of curb are painted yellow by lawful authority, and

WHEREAS, Council desires that no parking shall be allowed at said curb.

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

Section 1. No person shall stand or park a vehicle along the curb which has been painted yellow by lawful authority.

Section 2. Any person who violates this ordinance shall be deemed guilty of a misdemeanor and shall be subject to penalty provided in Section 19.121 of the Marion City Code.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: January 27, 1958
APPROVED: January 28, 1958

Wendall L. Strong, Mayor
Attest: Alta Sheehe, Clerk

ORDINANCE NO. 1302

ORDINANCE APPROVING THE PAYMENT OF \$100.57 TO AXTHELM-TURNER INC., FOR UNIFORMS IN 1957 BY POLICE OFFICERS JAMES PETRY AND FRANCIS O'HARA IN 1957. THE BILLS WERE NOT VOUCHERED IN 1957.

WHEREAS, by ordinance each new member of the Marion Police Dept. has a \$200. uniform allowance per year and

WHEREAS, after the first year said members have \$100. uniform allowance per year and

WHEREAS, in the year 1957 James Petry and Francis O'Hara, members of the Marion Police Department purchased uniforms from Axthelm-Turner Inc. which uniforms were purchased in the year 1957 in the following amounts: James Petry, \$82.07 and Francis O'Hara, \$18.40 and

WHEREAS, through an error said billings were not vouchered in the year 1957 and

WHEREAS, each of said officers had sufficient moneys in his uniform allowances fund for 1957 to cover said billings which sums of money were turned back to the general fund and

WHEREAS, Council finds that said billings should be paid from the general fund due to the oversight in paying them from the 1957 appropriation.

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

Section 1. Thus, hereby, ordered paid to Axthelm-Turner Inc. the sum of \$100.57 for the following bills which were billed in 1957 and through an error were not vouchered in 1957: James Petry, \$82.07, and Francis O'Hara \$18.40.

Section 2. There is, hereby, appropriated from the general fund to the Claim Payment fund the sum of \$100.57 for the payment of the accounts set forth in Section 1, hereof,

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper voucher thereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: FEBRUARY 10, 1958
APPROVED: FEBRUARY 11, 1958

Wendell L. Strong, Mayor
Attest: Alta F. Sheehe, Clerk

Published
Feb. 14. 21. 1958

SECTION 21.4

ORDINANCE A AMENDING SECTION 21.7 OF THE MARION CITY CODE TO ADD TO THE LIST OF PERMITTED USES IN THE "B" COMMERCIAL DISTRICT THE PERMITTED USES OF THE "A" RESIDENTIAL DISTRICT.

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

Section 1. That Section 21.7 of the Marion City Code, which reads as follows:

"All lands and buildings in the "B" Commercial District, as shown on the use map adopted by section 21.4 of this chapter, may be erected and used exclusively for the uses permitted in the "A" Residential District or for any of the following uses:

- 1. Auctioneering rooms.
- 2. Auto parking lots.
- 3. Bakeries.
- 4. Barbershops.
- 5. Banks.
- 6. Baths.
- 7. Beauty shops.
- 8. Bowling alleys.
- 9. Business colleges.
- 10. Dancing academies.
- 11. Electric motor services.
- 12. Frozen food establishments.
- 13. Hotels.
- 14. Laundries.
- 15. Loan Companies.
- 16. Locksmiths.
- 17. Offices.
- 18. Photograph offices.
- 19. Plumbing shops.
- 20. Poolrooms.
- 21. Printshops.
- 22. Private clubs.
- 23. Restaurants.
- 24. Fur cleaning shops.
- 25. Sales and show rooms.
- 26. Shoe repair shops.
- 27. Stores for retail.
- 28. Tailor shops.
- 29. Theater and moving picture houses.
- 30. Tinmith shops.
- 31. Tire repairin establishments.
- 32. Undertaking establishments.
- 33. Upholstering establishments.
- 34. House trailers.

Billboards, public carages, dry cleaning plants, gasoline or oil stations, electric substations or other commercial or public or semi-public uses, not inconsistent with this section, may be permitted in the "B" Commercial District upon approval by the city planning commission in special cases where such uses will not be detrimental to or tend to alter or change the character of the neighborhood." shall be amended to read as follows:

"All lands and buildings in the "B" Commercial District, as shown on the use map adopted by section 21.4 of this chapter, may be erected and used exclusively for the uses permitted in the "A" Residential District or for any of the following uses:

- 1. Auctioneering rooms.
- 2. Auto parking lots.
- 3. Bakeries.
- 4. Barbershops.
- 5. Banks.
- 6. Baths.
- 7. Beauty shops.
- 8. Bowling alleys.
- 9. Business colleges.
- 10. Dancing academies.
- 11. Electric motor services.
- 12. Frozen food establishments.
- 13. Hotels.
- 14. Laundries.
- 15. Loan companies.
- 16. Locksmiths.
- 17. Offices.
- 18. Photograph offices.
- 19. Plumbing shops.
- 20. Poolrooms.
- 21. Print shops.
- 22. Private clubs.
- 23. Restaurants.
- 24. Fur cleaning shops.
- 25. Sales and show rooms.
- 26. Shoe repair shops.
- 27. Stores for retail.
- 28. Tailor shops.
- 29. Theater and moving picture houses.
- 30. Tinmith shops.
- 31. Tire repairin establishments.
- 32. Undertaking establishments.
- 33. Upholstering establishments.
- 34. House trailers.

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

PASSED: February 10, 1958
APPROVED: February 11, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong, Mayor
Attest: Alta F. Sheehe, Clerk

ORDINANCE NO. 430A

ORDINANCE REGULATING THE INSTALLATION OF ALL SIGNS, BANNERS OR STREAMERS ON PUBLIC PROPERTY, OR THE SIDEWALK OR BETWEEN THE SIDEWALKS AND CURB.

*Published 8/1/58 + 3/2/58
Amended
Res. # 6421*

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

Section 1. It shall be unlawful for any person, firm or corporation, with directly, or by or through any agent, servant, or employee, to suspend or place any cloth or other sign, banner, streamer, or the like on or over any sidewalk, street, alley, or other public place, without first securing a permit so to do, and unless such sign, banner, streamer, or the like, shall be placed or suspended and secured and fastened to the satisfaction and approval of the Chief of the Fire Department of said City of Marion; such permit may be obtained as follows:

Any person, firm or corporation desiring to place, or suspend any sign, banner, streamer, or the like on or over any sidewalk, street, alley, or other public place, shall first file a written application for a permit with the desk sergeant of the Police Department; such application shall contain a description of the proposed sign, banner, streamer, etc., the location, material from which constructed, the method of securing or fastening same, and such other information as may be required. Said application shall at once be presented to the Director of Public Safety, and upon his approval, such permit shall be granted, for which a fee of 50 cents shall be charged and collected prior to its issue; all fees received therefrom shall be credited to the General Fund. Upon the approval by the Director of Public Safety, the desk sergeant shall issue such permit, and keep a record thereof together with the fees received.

Section 2. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$50.00 for each offense, and each day of continuing violation shall be construed a separate offense. In the case of a firm or corporation, the person or official really responsible for such violation shall be considered the person offending.

Section 3. All such signs, awnings, banners, streamers and the like now in use, shall at once be made to conform to the provisions of Section 1 hereof, upon orders from the Department of Safety.

Section 4. The Director of Safety-Service and the Chief of the Fire Department in determining whether or not a permit should be issued shall determine the reasonableness of said sign, having regard to the public health, safety, morals and general welfare of the citizens of the City of Marion.

Section 5. This Ordinance shall not apply to flags and pennants installed on poles, which poles are inserted in holes in the sidewalks, the holes having been placed for that purpose.

Section 6. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta F. Sheehe, Clerk

ORDINANCE NO. 630C

ORDINANCE RE-ESTABLISHING SALARY OF THE OPERATOR-MANAGER OF THE MARION MUNICIPAL AIRPORT.

*Repeal 8/1/53
See 20121*

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

Section 1. That effective March 1, 1958, Section 21 of Ordinance No. 6163 which reads as follows: 1st 6 months service - \$275.00 per month; 2nd 6 months service - \$300.00 per month; After 12 months service - \$315.00 per month; is hereby amended to read as follows:

"That the salary of the Operator-Manager of the Marion Municipal Airport shall be as follows: \$150.00 per month."

Section 2. That this Ordinance is hereby declared to be an emergency measure in that it provides for the preservation of the health, safety, morals and general welfare of the citizens of the City of Marion and for the further reason that it is necessary to immediately re-establish the salary wherein it is in line with the overall program at the Marion Municipal Airport and as such it takes effect and be in force immediately upon the signature of the Mayor providing it receives a 2/3 vote of all the members elected to council.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta F. Sheehe, Clerk

ORDINANCE NO. 6306

ORDINANCE PROVIDING POSITION OF A MAINTENANCE-MAN AT MARION MUNICIPAL AIRPORT AND ESTABLISHING A SALARY THEREOF.

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

Section 1. That there is hereby created the position of Maintenance-Man at the Marion Municipal Airport, effective March 1, 1958.

Section 2. That the salary for the position created in Section 1 hereof shall be \$273.00 per month.

Section 3. That the salary provided for in section 2 hereof shall be paid from moneys appropriated in A P 10 now designated Mowing Labor during the year 1958.

Section 4. That this Ordinance is hereby declared to be an emergency measure in that it provides for the preservation of the health, safety, morals and general welfare of the citizens of the city of Marion and for the further reason that it is necessary to immediately re-establish the salary wherein it is in line with the overall program at the Marion Municipal Airport and as such it take effect and be in force immediately upon the signature of the Mayor providing it receives a 2/3 vote of all the members elected to council.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta F. Sheeche, Clerk

ORDINANCE NO. 6307

ORDINANCE TRANSFERRING FUNDS ALREADY APPROPRIATED

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

Section 1. That funds already appropriated in the Airport Fund be transferred as follows:

From A P 1	Operator	
To A P 10	Mowing Labor	
Total transfers	Airport Fund	\$1130.00

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta F. Sheeche, Clerk

ORDINANCE NO. 6308

ORDINANCE TRANSFERRING FUNDS ALREADY APPROPRIATED.

WHEREAS, by Ordinance No. 6168 Section 6 provides that the interest on the Sewer Improvement Notes authorized in said ordinance was to be paid from the proceeds of said notes, and

WHEREAS, by Ordinance No. 6287 there was appropriated \$102,662.00 for the purpose of paying note interest, bond interest, and bond retirement, which sum was appropriated from the Sewer Revenue Fund and which sum included accrued interest from the sale of the Sewer Revenue Notes provided for in Ordinance No. 6168 and also included all interest earned on inactive deposits, which inactive deposits were on proceeds on Sewer Improvement Notes issued under Ordinance No. 6168.

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

Section 1. That there is hereby transferred from the Special Fund to the Sewer Revenue Fund the sum of \$62,562.50 which sum represents the moneys appropriated from the Sewer Revenue Fund by Ordinance No. 6287 and which sum of money was for the purpose of paying interest on the Sewer Revenue Notes referred to in the preamble hereof.

Section 2. That the balance of said moneys in the Special Fund which was created by Ordinance No. 6287 shall be paid by the Auditor to the Treasurer's Sinking Fund for the purpose of paying bond interest and retiring bonds which were authorized issued by Ordinance No. 6298. The moneys authorized in this section to be paid by the Auditor to the Treasurer's Sinking Fund includes the accrued interest received on the sale of the notes mentioned in the preamble hereof and the interest earned on inactive deposits mentioned in the preamble hereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO MURPHY REALTY COMPANY IN THE AMOUNT OF \$59.10.

WHEREAS, on the 17th day of June 1957, at approximately 1:44 P. M., James E. Harris, an employee of the City of Marion, was driving a truck owned by the City of Marion, and while in the scope of his employment backed said truck into a building located at 458 West Center Street, Marion, Ohio, damaging a rear door on said building, and

WHEREAS, Murphy Realty Company, owner of said building, has made claim against the City of Marion in the amount of Fifty-nine Dollars and Ten cents, (\$59.10) and

WHEREAS, Council deems it advisable to pay said claim,

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Murphy Realty Company and to pay unto Murphy Realty Company the sum of Fifty-nine Dollars and Ten cents (\$59.10).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Fifty-nine Dollars and Ten Cents (\$59.10); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper vouchers thereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta F. Sheehy, Clerk

ORDINANCE NO. 6310

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO MRS. RUTH LUNDQUIST IN THE AMOUNT OF \$25.00.

WHEREAS, on the 16th day of August, 1957, Mrs. Ruth Lundquist suffered a fall on the sidewalk on the north side of Wilson Avenue alongside of the house at 173 Lincoln Avenue, causing her to break her glasses, and

WHEREAS, said Mrs. Ruth Lundquist has made claim against the City of Marion in the amount of Twenty-five Dollars (\$25.00) for replacing her glasses.

WHEREAS, Council deems it advisable to pay said claim.

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Mrs. Ruth Lundquist and to pay unto Mrs. Ruth Lundquist the sum of Twenty-Five Dollars (\$25.00).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Twenty-five Dollars (\$25.00); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper vouchers thereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta F. Sheehy, Clerk

ORDINANCE NO. 6311

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO THE VAN ATTA SUPPLY COMPANY IN THE AMOUNT OF \$44.98.

WHEREAS, on the 7th day of November 1957, at approximately 8:00 A. M., Jack Honaker, an employee of the Marion Sanitation Department, was driving a sanitation truck owned by the City of Marion and while in the scope of his employment, and backed said truck into the rear of a 1953 Chevrolet panel truck belonging to The Van Atta Supply Company damaging said truck, and

WHEREAS, said The Van Atta Supply Company has made claim against the City of Marion in the amount of \$44.98 for said damage to said truck, and

WHEREAS, Council deems it advisable to pay said claim.

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of The Van Atta Supply Company and to pay unto The Van Atta Supply Company the sum of Forty-four Dollars and Ninety-eight Cents (\$44.98).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Forty-four Dollars and Ninety-eight Cents (\$44.98); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper voucher thereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta F. Sheebs, Clerk

ORDINANCE NO. 6312

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO STEWARD CONSTRUCTION COMPANY IN THE AMOUNT OF \$162.79.

WHEREAS, on the 14th day of November, 1957, at approximately 10:30 A. M. Charles Abrams, an employee of the City of Marion, was driving a truck owned by the City of Marion and while in the scope of his employment backed into a truck owned by Steward Construction Company damaging said truck owned by Steward Construction Company, and

WHEREAS, said Steward Construction Company has made claim against the City of Marion, in the amount of One Hundred Sixty-two Dollars and Seventy-nine Cents (\$162.79), and

WHEREAS, Council deems it advisable to pay said claim.

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Steward Construction Company and to pay unto Steward Construction Company the sum of One Hundred Sixty-two Dollars and Seventy-nine Cents (\$162.79).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of One Hundred Sixty-two Dollars and Seventy-nine Cents (\$162.79); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper voucher thereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta F. Sheebs, Clerk

ORDINANCE NO. 6313

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO SIGNIFY INTO A CONTRACT TO EMPLOY A TECHNICAL SUPERVISOR AT THE MARION SEWAGE TREATMENT WORKS.

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

Section 1. That the Safety-Service Director be and he is hereby authorized and empowered to enter into a contract to employ Floyd G. Browne, aka Floyd G. Browne and Associates, as technical supervisor, for a period of one year beginning March 1, 1958, and ending February 28, 1959, for the sum of \$960.00 per year, payable in monthly installments of \$80.00 each, upon presentation of invoice.

Section 2. That the Ordinance be and it is hereby declared to be an emergency measure in that it provides a daily operation of said City and as such it shall become immediately effective upon its adoption and approval, provided it receives a two-thirds majority vote of the members elected to Council, otherwise it shall become effective at and after the earliest period allowed by law.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta P. Sheeha, Clerk

ORDINANCE NO. 6314

RESOLUTION APPROPRIATING \$380.00 TO INCIDENTAL FUND, CLERK OF COUNCIL.

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

Section 1. That there is hereby appropriated from the General Fund to the Clerk of Council 185 incidentals the sum of \$380.00.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta P. Sheeha, Clerk

ORDINANCE NO. 6315

ORDINANCE PROHIBITING THE INSTALLATION OF UNVENTED GAS HEATERS IN LIVING QUARTERS WITHIN THE CITY AND PROVIDING FOR THE INSPECTION THEREOF AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

*Published
3/1/58 + 2/2/58*

WHEREAS, the installation and use of improperly vented gas-fired space or room heating apparatus in living quarters in the city is a continued menace and threat to both life and property, Council deems it necessary for the preservation of the public property, health and safety to prohibit such installation and use.

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

Section 1. No person shall, within the corporate limits of the City of Marion, install, use or cause or permit to be installed or used, in any residence apartment, flat, tenement, room or like living quarters, a gas fired space or room heating apparatus unless such apparatus is vented to a flue or gas vent, so as to prevent the accumulation of toxic or injurious gases or liquids, with vents to be extended to a point two (2) feet above the top of the highest point of the building in which installed. This section is not applicable to domestic gas ranges, domestic laundry stoves, gas log heaters which are installed in a fireplace with an adequate flue, and domestic hot plates unless they are used as space or room heaters.

Section 2. Any person who violates this section shall be guilty of a misdemeanor and each such person shall be guilty of a separate offense for each and everyday during which any violation is committed, continued, or permitted and upon conviction of a violation thereof shall be punished as provided in Section 1.4 of the Code of the City of Marion.

Section 3. The Safety-Service Director of the City is hereby authorized and directed to appoint employees of the Department of Safety and Service and Health to enforce this Ordinance in addition to other duties devolving upon them.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta P. Sheeha, Clerk

ORDINANCE NO. 6326

ORDINANCE CREATING POSITION AND CLASSIFICATION ESTABLISHING SALARIES AND WAGES AND SALARY SCALES FOR PERSONNEL EMPLOYED AT MARION GENERAL HOSPITAL.

WHEREAS, The Board of Governors has advised Council that it is necessary to pay employees at the Marion General Hospital according to their preparation and qualifications, and

WHEREAS, the Board of Governors has established certain grades in the various positions at Marion General Hospital, and

WHEREAS, it is necessary to establish additional positions at the Marion General Hospital.

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

Section 1. Effective March 1st, 1958, there is hereby established at the Marion General Hospital the following positions:

- Registered Medical Technologist - Department of Bacteriology.
- Nursing Instructor
- Sterile Surgical Technician

The salaries and wages relating to such positions shall be in accordance with the schedule hereto attached consisting of four (4) pages and made a part hereof as if wholly written herein.

Section 2. The salaries and wages relating to all positions as are enumerated on the schedule attached hereto and not mentioned in Section 1 of this Ordinance shall become effective for such positions March 1st, 1958.

Section 3. The salaries and wages set forth in the attached schedule shall be payable semi-monthly.

Section 4. Ohio licenses Practical Staff Nurses in addition to the compensation provided in Schedule hereto attached and made part hereof by reference shall be paid an additional Fifteen Dollars, (\$15.00) per month when employed for a calendar month on the regular nursing staff from 3:00 P. M. to 11:00 P. M. and an additional Ten Dollars (\$10.00) per month when employed 11:00 P. M. to 7:00 A. M. on the regular nursing staff.

Section 5. That all Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 6. This Ordinance is hereby declared to be an emergency measure for the reason that it is immediately necessary to make the adjustments and additions provided herein, to retain personnel in all departments of the hospital, and for the further reason that it provides for the safety, health and welfare of the citizens of the City of Marion, Ohio, and as such emergency the same shall take effect and be in force immediately upon its passage and approval by the Mayor.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: February 24, 1958
APPROVED: February 25, 1958

Wendell L. Strong, Mayor
Attest: Alta F. Sheehe, Clerk

MARION GENERAL HOSPITAL
- MARION OHIO

REVISION OF PAY SCALE CLASSIFICATIONS

LABORATORY	CLASSIFICATION	PRESENT		SALARY ORDINANCE
Chief Registered Medical Technologist (Head of Department)	A	\$ 500 per month	AMEND ORD- INANCE 6162 TO READ	\$ 550 per mo.
	B	475		500
	C	450		450
	D	425		400
	E	400		
	F	385		
	G	365		
	H	350		
Registered Medical Technologist - Department of Bacteriology	A	-	NEW CLASSIFICATION	\$ 450 per mo.
	B	-		425
	C	-		400
	D	-		350
Registered Medical Technologist (Assistant)	A	\$ 13.65 per da.	AMEND ORD- INANCE 6162	\$ 15.00 per da.
	B	13.00		14.50

	CLASSIFICATION	PRESENT	NEW CLASSIFICATION	
<u>NURSING INSTRUCTOR</u>				\$ 3.00 per hr.
<u>SURGICAL SUITE SUPERVISOR</u>	A	\$ 400 per mo.	AMEND ORD-INANCE 6162 TO READ	\$ 425. per mo.
	B	375		400
	C	350		375
	D	325		350
<u>OPERATING ROOM SUPERVISOR</u>	A	\$ 13.75 per day	AMEND ORD-INANCE 6162 TO READ	\$ 16.50 per da.
	B	13.50		16.00
	C	13.25		15.00
<u>SUPERVISOR</u>	A	\$ 13.75 per day	AMEND ORD-INANCE 6162 TO READ	\$ 16.50 per da.
	B	13.50		16.00
	C	13.25		15.50
	D			15.00
<u>RELIEF - SUPERVISOR</u>	A	\$ 13.00 per day	AMEND ORD-INANCE 6162 TO READ	\$ 15.00 per da.
	B	12.75		14.50
	C	12.50		14.00
<u>HEAD NURSE</u>	A	\$ 13.00 per day	AMEND ORD-INANCE 6162 TO READ	\$ 15.00 per da.
	B	12.75		14.50
<u>STAFF NURSE</u>	A	\$ 12.60	AMEND ORD-INANCE 6162 TO READ	\$ 14.00 per da.
	B	12.00		13.50
	C	11.45		13.00
	D	11.20		12.50
	E	11.00		
	F	10.75		
<u>GRADUATE NURSE (Eligible for Ohio Registration)</u>	A	\$ 11.00 per day	AMEND ORD-INANCE 6162 TO READ	\$ 12.00 per da.
	B	10.75		
	C	10.55		
* Graduate Nurses after passing State Board examination automatically go to the Staff Nurse Classification				
<u>GRADUATE NURSE (Not Eligible for Ohio Registration)</u>	A	\$ 10.55 per day	AMEND ORD-INANCE 6162 TO READ	\$ 12.00 per da.
	B	10.40		11.50
	C	10.30		11.00
	D	10.20		10.00
	E	10.10		
	F	10.05		
<u>RELIEF NURSE REGISTERED</u>	A	\$ 12.60 per day	AMEND ORD-INANCE 6162 TO READ	\$ 13.50 per da.
	B	12.00		13.00
	C	11.45		12.50
	D	11.20		12.00
	E	11.00		
	F	10.75		
<u>UNDERGRADUATE NURSE</u>	A	\$ 11.10 per day	AMEND ORD-INANCE 6162 TO READ	\$ 12.00 per da.
	B	10.55		11.50
	C	10.05		11.00
	D	9.60		
	E	9.15		
<u>STERILE SURGICAL TECHNICIAN</u>	A	-	NEW CLASSIFICATION	\$ 13.00 per da.
	B	-		12.50
	2 Years Training	-		12.00
	1½ Years Training	-		11.50
	1 Year Training	-		11.00
<u>SURGICAL TECHNICIAN</u>	A	\$ 10.55 per day	AMEND ORD-INANCE 6162 TO READ	10Mo. 10.50 per da.
	B	10.05		8Mo. 10.00
	C	9.60		6Mo. 9.50
	D	9.15		4Mo. 9.00
	E	8.60		3Mo. 8.50
				Starting 7.50
<u>OHIO LICENSED PRACTICAL STAFF NURSE</u>	A	\$ 9.45 per day	AMEND ORD-INANCE 6162 TO READ	\$ 10.50 per da.
	B	9.25		10.00
	C	9.00		9.50
	D	8.80		9.00
	E	8.70		
	F	8.60		

DEPARTMENT OF NURSING (CONTINUED)

	CLASSIFICATION	PRESENT		SALARY
DAILY	A	\$ 10.50 per day	AMEND ORD-	\$ 12.00 per da.
	B	10.30	FRANCE 6162	11.50
	C	9.85	TO READ	11.00
	D	9.35		10.50
	E	8.90		10.00
	F	8.20		9.50
	G	7.75		9.00

SCHOOL OF PRACTICAL NURSING

NUTRITIONAL INSTRUCTOR	\$ 3.00 per hour	AMEND ORD- FRANCE 6162 TO READ	\$ 5.00 per hr.
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Recommended Finance Committee Board of Governors on 24 January 1958
Approved by Board of Governors on 30 January 1958 for presentation
to the Council of the City of Marion Ohio for appropriate legislation.

ORDINANCE NO. 6317

ORDINANCE TO PROVIDE FOR HOLIDAY PAY TO HOURLY RATED EMPLOYEES IN
THE SERVICE AND SANITATION DEPARTMENT OF THE CITY OF MARION, OHIO.

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

Section 1. That from and after the effective date of this ordinance, all hourly rated employees in the Service and Sanitation Dept. of the City of Marion shall not be required to work except in an emergency on the holidays herein after designated.

Section 2. That all hourly rated employees of the Service and Sanitation Department who work on the work day immediately preceding and the work day immediately succeeding the herein after designated holidays shall be paid for said holidays at regular time for 8 hours. A Doctor's certificate of injury or sickness of the employee on the day before or after a holiday shall meet the requirement of working that day.

Section 3. That the holidays referred to in Section 1 and 2 hereof shall be the following days:

- a. The first day of January, known as New Years Day.
- b. The thirtieth day of May, known as Decoration Day.
- c. The fourth day of July, known as Independence Day.
- d. The first Monday of September, known as Labor Day.
- e. Any day appointed and recommended by the Governor of this State or the President of the United States as a day of fast or thanksgiving, usually the fourth Thursday in November and known as Thanksgiving Day.
- f. The twenty-fifth day of December, known as Christmas Day.

Section 4. That any Ordinance or part hereof in conflict, herewith, be and is repealed.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: March 10, 1958
APPROVED: March 11, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Shoehs, Clerk

ORDINANCE NO. 6318

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO LEASE A ROOM
ON THE THIRD FLOOR OF THE CITY BUILDING TO THE MARINE RECRUITING SERVICE.

WHEREAS, Council is informed that space is available on the third floor of the City Building which is not now needed for City use and

WHEREAS, The Marine Recruiting Service is interested in leasing a room therein.

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

Section 1. That the Safety-Service Director is hereby authorized to lease said room to the Marion Recruiting Service on the following terms, to wit:

The lessor shall furnish the following: 70° F. heat, AC Current for light and office machines, florescent electrical fixtures (cleaned annually), replacement supply of incandecent and florescent lamps, tubes and starters, including installation, hot & cold running water, wash windows monthly (inside and out), daily cleaning of public spaces, including toilet facilities and waste removal, janitor supplies, separate public toilet facilities for men and women, including soap, towels and tissues, including annual cleaning, initial decorating, redecorating at 36 month intervals, wall washing at 12 month intervals, build in wardrobes, directory ser-

This lease may at the option of the Government be renewed from year to year at a rental of 228.00 per annum; \$19.00 per month, approximately \$2.04/100 per square foot.

The Government reserves the right to terminate such lease upon thirty (30) days written notice.

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

PASSED: March 10, 1958
APPROVED: March 11, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheeche, Clerk

ORDINANCE NO. 6319

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS FROM THE SEWER REVENUE FUND.

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

Section 1. That there is hereby appropriated from the Sewer Revenue Fund the sum of \$10,991.75 as follows:

To	S R 2 Superintendent's Salary	\$25.00
	S R 13 Contract for Billing	\$10,966.75

Total Appropriations \$10,991.75

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: March 10, 1958
APPROVED: March 11, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheeche, Clerk

ORDINANCE NO. 6320

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO SELL AND DISPOSE OF ONE VEHICLE NOW OWNED BY THE CITY OF MARION, OHIO.

WHEREAS, the Safety-Service Director has informed Council that the following described vehicle is no longer fit for public use:

One (1948) International Truck, Motor No. GRD 233 213594, Manufacturer's Serial No. 62205, Body Type: Dump Truck; Model: KBS 5, H.P.: 26.4; No. of Cyl: 6.

and,

WHEREAS, Council deems it advisable to authorize the Safety-Service Director to sell the vehicle.

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

Section 1. That the Safety-Service Director is hereby authorized and directed to sell and dispose of the following described vehicle:

One (1948) International Truck, Motor No. GRD 233 213594, Manufacturer's Serial No. 62205, Body Type: Dump Truck; Model: KBS 5, H.P.: 26.4; No. of Cyl: 6.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: March 10, 1958
APPROVED: March 11, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheeche, Clerk

ORDINANCE NO. 5321

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND MAKE CONTRACTS AND PURCHASE SUPPLIES AND MATERIALS FOR THE SERVICE AND SAFETY DEPARTMENTS OF THE CITY OF MARION, OHIO.

NOW, THEREFORE BE IT ORDAINED, by the Council of the City of Marion, State of Ohio, two-thirds of all members elected thereto concurring:

Section 1. That the Safety-Service Director, be and he is hereby authorized to contract and purchase supplies and materials, to-wit: Sand, coal, cement, stone and such other materials as may be needed in the Service and Safety Departments of the City of Marion, Ohio.

Section 2. That said Safety-Service Director shall advertise for bids for such materials and he shall be authorized and directed to enter into written contracts with the lowest and best bidder for said materials required for periods of one year or fractions of one year beginning May 1, 1958, and terminating not later than April 30, 1959. That said Director may reject any or all bids.

Section 3. That this Ordinance is declared to be an emergency measure in that it provides for the safety, health, and welfare of the citizens of the City of Marion, Ohio, and for the further reason that there is an immediate need for the supplies and materials described herein above in the City, and as such emergency shall take effect and be in force immediately upon its passage and approval by the Mayor.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: March 10, 1958
APPROVED: March 11, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheeshe, Clerk

ORDINANCE NO. 5322

ORDINANCE AUTHORIZING JAMES SIMPKINS, EMPLOYEE OF THE SEWAGE TREATMENT PLANT TO ATTEND SEWAGE TREATMENT SCHOOL IN COLUMBUS, OHIO, MARCH 24 TO MARCH 28, 1958.

NOW, THEREFORE, BE IT ORDAINED BY the Council of the City of Marion, State of Ohio.

Section 1. That James Simpkins, Employee of the Sewage Treatment Plant, is hereby authorized to attend Sewage Treatment School in Columbus, Ohio, March 24 to March 28, 1958.

Section 2. That the expenses in connection therewith incurred by said James Simpkins are hereby authorized to be expended from S-R-5, the Incidental Fund of the Sewer Revenue Fund, heretofore appropriated, not to exceed \$50.00.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: March 10, 1958
APPROVED: March 11, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheeshe, Clerk

ORDINANCE NO. 5323

ORDINANCE AUTHORIZING THE BOARD OF GOVERNORS OF MARION GENERAL HOSPITAL TO MAKE BOILER REPAIRS WITHOUT BIDDING.

WHEREAS, an explosion took place in one of the boilers at Marion General Hospital necessitating immediate and extensive repair to said boiler and

WHEREAS, an emergency exists as a result of said explosion and

WHEREAS, Council deems that in view of the emergency, said repairs should be made without bidding.

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

Section 1. Council hereby finds that an emergency exists at Marion General Hospital as the result of a boiler explosion.

Section 2. Council hereby determines that in view of said emergency, the Board of Governors of Marion General Hospital is hereby authorized to proceed with repairs without bidding even though said repairs will exceed one thousand dollars (\$1000.00).

Section 3. That this Ordinance is hereby declared to be an emergency measure in that it provides for the preservation of the health, safety, morals, and general welfare of the citizens of the City of Marion and for the further reason that it is necessary to immediately make repairs at the Marion General Hospital and as such take effect and be in force immediately upon the signature of the Mayor providing it receives a 2/3 vote of all members elected to Council.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: March 10, 1958
APPROVED: March 11, 1958

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO MRS. THELMA BLEVINS AND APPROPRIATING FUNDS THEREFOR.

WHEREAS, on the 28th day of March, 1956, at approximately 10:45 P. M. Thelma Blevins suffered an injury while a patient at Marion General Hospital and

WHEREAS, said Thelma Blevins has made claim against the City of Marion in the amount of Seven Hundred and Fifty Dollars (\$750.00) and

WHEREAS, Council deems it advisable to pay said claim.

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Thelma Blevins and to pay unto Thelma Blevins the sum of Seven Hundred and Fifty Dollars (\$750.00).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the Hospital Fund to the Claim Payment Fund the sum of Seven Hundred and Fifty Dollars (\$750.00); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval of the City Solicitor of the proper voucher thereof.

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

Fred C. Balduaf
PRESIDENT OF COUNCIL

PASSED: March 24, 1958
APPROVED: March 25, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheehe, Clerk

ORDINANCE AUTHORIZING THE MARION WATER COMPANY TO INSTALL MAINS AND FIRE HYDRANTS.

*Section 1 - Marion Water Co. installed 4/14/58
Section 2 - Marion Water Co. installed 4/14/58
Section 3 - Marion Water Co. installed 4/14/58*

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

Section 1. That the Marion Water Company be and is hereby authorized to install a 6-inch water main in Glenwood Drive westward from its existing 6-inch main a distance of 180 feet to supply five new homes now proposed for construction by Walter Larson.

Section 2. That the Marion Water Company be and is hereby authorized to install an 8-inch water main in Brentwood Drive south a distance of approximately 200-feet to supply four new homes now proposed for construction by Walter Larson. It shall be understood and agreed that the location of this main shall be between the proposed sidewalk and curb and the installation shall be deferred until the necessary grade lines are established by the City Engineer and the street provided with curbs and gutters. It shall be further understood and agreed that when it is necessary to further extend this main to supply additional homes, a fire hydrant will be installed at a location to be selected by the Fire Chief approximately 600 feet south of the existing hydrant at Brentwood Drive and Glenwood Drive.

Section 3. That the Marion Water Company be and is hereby authorized to install an 8-inch water main in Edison Avenue south from the end of its existing 8-inch main 375 feet to the corporation line and that a fire hydrant will be installed at a location as directed by the Fire Chief. It shall be understood and agreed that the main and hydrant installations will be deferred until such time as grades are established by the City Engineer and curbs and gutters installed with provision being made between the proposed sidewalk and curb for the installation of the water main.

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

Fred C. Balduaf
PRESIDENT OF COUNCIL

PASSED: April 14, 1958
APPROVED: April 14, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheehe, Clerk

ORDINANCE NO. 6326

ORDINANCE AUTHORIZING THE BOARD OF GOVERNORS OF MARION GENERAL HOSPITAL TO EXECUTE A RELEASE FOR DAMAGE DONE TO THE HOSPITAL BUILDING UPON PAYMENT OF THE AMOUNT OF THE DAMAGE AND AUTHORIZING PAYMENT OF SAID BILL.

WHEREAS, the Hospital building was damaged by an automobile owned by Mr. M. E. Peterson, and,
WHEREAS, the cost of repair was Three Hundred Twenty-Four Dollars and Thirty-Nine cents (\$324.39) and,
WHEREAS, the Insurance Company of said M. E. Peterson is ready to pay unto Marion General Hospital, the sum of Three Hundred Twenty-Four Dollars and Thirty-Nine cents (\$324.39) upon execution of a release,

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

Section 1. The Board of Governors of Marion General Hospital are hereby authorized and directed to execute a release unto M. E. Peterson of all claims arising from an accident damaging a door at Marion General Hospital upon the payment of Three Hundred Twenty-Four Dollars and Thirty-Nine Cents (\$324.39).

Section 2. The sum received shall be deposited to the Hospital fund.

Section 3. The Marion General Hospital is hereby authorized to pay the cost of repairs from the appropriate fund.

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

PASSED: April 14, 1958
APPROVED: April 15, 1958

Fred J. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong, Mayor
ATTEST: Alta F. Sneehe, Clerk

ORDINANCE NO. 6327

*Full
Apr 15-26 58*

ORDINANCE TO PROCEED WITH IMPROVEMENT OF REED AVE. FROM CHURCH STREET TO INDIANA AVE. BY WIDENING EXISTING PAVEMENT TO 23 FEET AND CONSTRUCTING A 30" HIGH CONCRETE CURB AND GUTTER ON EACH SIDE.

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

Section 1. That it is hereby determined to proceed with the improvement of Reed Ave. from Church Street to Indiana Ave. by widening existing pavement to 23 feet and constructing a 30" concrete curb and gutter on each side.

Section 2. That all claims for damages resulting therefrom shall be judicially inquired into after the completion of the proposed improvement, and the Solicitor be and he is hereby authorized and directed to institute proceedings in a Court of competent jurisdiction to inquire into such claims.

Section 3. That the whole cost of said improvement less one-fiftieth thereof and less the cost of reshaping and preparation of the existing base and less the cost of intersections shall be assessed by the front front, upon the following described lots and lands, to-wit: all lots and lands bounding and abutting upon the proposed improvement which said lots and lands are hereby determined to be specifically benefited by said improvement; and the cost of said improvement shall include the expense of the preliminary and other surveys, and of printing and publishing notices, resolutions and ordinances required, and the serving of said notices, and the cost of construction, together with interest on notes and bonds issued in anticipation of the collection of deferred assessments and all other necessary expenditures.

Section 4. That the assessments to be levied shall be paid in twenty semi-annual installments, with interest on deferred payments, at the same rate as shall be borne by the bonds to be issued in anticipation of the collection thereof provided that the owner of any property assessed, may at their option, pay such assessment in cash within thirty days after the passage of the assessing order.

Section 5. That bonds of the City of Marion shall be issued in anticipation of the collection of assessments by installments and in an amount equal thereto and notes of said City shall be issued in anticipation of the levying of such assessments and the issue of such bonds.

Section 6. That the City Engineer be and he is hereby directed to prepare and file with this Council a tentative assessment showing the amount to be assessed on each lot or parcel of land to be assessed.

Section 7. That to pay the remainder of the cost of said improvement there be and is hereby appropriated from the General Fund the sum of \$867.20.

Section 8. That the Director of Public Service be and he is hereby authorized and directed as soon as the funds therefore are available to make and execute a contract for said improvement with the lowest and best bidder after advertisement according to law.

Section 9. Reference is made to Resolution No. 4186 passed on February 24, 1958.

Section 10. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 14, 1958
APPROVED: April 15, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE NO. 6,226

Order April 19-26-58

ORDINANCE TO PROCEED WITH THE IMPROVEMENT OF UHLER ROAD FROM MT. VERNON SOUTH 750 FT. TO THE PRESENT CITY CORPORATION LINE BY RESHAPING EXISTING MACADAM, DOING NECESSARY GRADING, PROVIDING ADEQUATE DRAINAGE, CONSTRUCTING CONCRETE CURBS AND GUTTERS AND SURFACING THE MACADAM WITH 2 1/2 INCHES ASPHALTIC CONCRETE.

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

Section 1. That it is hereby determined to proceed with the improvement of Uhlér Road from Mt. Vernon south 750 ft. to the present city corporation line by reshaping existing macadam, doing necessary grading, providing adequate drainage, constructing concrete curbs and gutters and surfacing the macadam with 2 1/2 inches asphaltic concrete.

Section 2. That all claims for damages resulting therefrom shall be judicially inquired into after the completion of the proposed improvement, and the Solicitor be and he is hereby authorized and directed to institute proceedings in a Court of competent jurisdiction to inquire into such claims.

Section 3. That the whole cost of said improvement less one-fiftieth thereof and the cost of intersections shall be assessed by the foot front, upon the following described lots and lands, to-wit: all lots and lands bounding and abutting upon the proposed improvement which said lots and lands are hereby determined to be specifically benefitted by said improvement; and the cost of said improvement shall include the expense of the preliminary and other surveys, and of printing and publishing notices, resolutions, and ordinances required, and the serving of said notices, and the cost of construction, together with interest on notes and bonds issued in anticipation of the collection of deferred assessments and all other necessary expenditures.

Section 4. That the assessments to be levied shall be paid in twenty semi-annual installments, with interest on deferred payments, at the same rate as shall be borne by the bonds to be issued in anticipation of the collection thereof provided that the owner of any property assessed, may at their option, pay such assessment in cash within thirty days after the passage of the assessing order.

Section 5. That bonds of the City of Marion shall be issued in anticipation of the collection of assessments by installments and in an amount equal thereto and notes of said City shall be issued in anticipation of the levying of such assessments and the issue of such bonds.

Section 6. That the City Engineer be and he is hereby directed to prepare and file with this Council a tentative assessment showing the amount to be assessed on each lot or parcel of land to be assessed.

Section 7. That to pay the remainder of the cost of said improvement there be and is hereby appropriated from the General Fund the sum of \$1,540.00.

Section 8. That the Director of Public Service be and he is hereby authorized and directed as soon as the funds therefore are available to make and execute a contract for said improvement with the lowest and best bidder after advertisement according to law.

Section 9. Reference is made to Resolution No. 4185, passed February 24, 1958.

Section 10. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 14, 1958
APPROVED: April 15, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Vendell L. Strong, Mayor
ATTEST: Alta F. Sheeha, Clerk

ORDINANCE NO. 6,227

Published 4/14/58 4/26/58

ORDINANCE REGULATING TRAFFIC ON EAST FAIRGROUND STREET AND BEARLINGTON A & N WAY STOP AT EAST FAIRGROUND, ROBINSON AND POLK STREETS AND PROVIDING A PENALTY THEREFOR.

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

Section 1. No motor vehicle shall be operated on East Fairground St. between E. Greenwood St. and Decator St. in excess of 20 M.P.H.

Section 2. The following streets are hereby declared to be stop streets at the intersections named and all traffic shall stop completely before proceeding at said intersections.

- a. East Fairground St. where said street intersects with Robinson Ave. and with Polk St.
- b. Polk Street where said street intersects with E. Fairground St.
- c. Robinson Ave. where said street intersects with E. Fairground Street.

Section 3. Any person violating the foregoing provisions shall be amenable to Section 19.121 of the Marion City Code.

Section 4. That this Ordinance be and is hereby declared to be an emergency measure for the reason that it is necessary for the proper control of traffic within the City of Marion, in that it provides for the preservation of the health, safety, morals, and general welfare of the citizens of the City of Marion and as such take effect and be in force immediately upon the signature of the Mayor providing it receives a 2/3 vote of all the members elected to Council.

PASSED: April 14, 1958
APPROVED: April 15, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Vendell L. Strong, Mayor
ATTEST: Alta F. Sheeha, Clerk

ORDINANCE NO. 6328

ORDINANCE APPROPRIATING \$175.00 FOR A NEW AIRING MACHINE FOR THE CITY TREASURER.

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

Section 1. That funds in the amount of One-Hundred and Seventy-Five Dollars (\$175.00) be appropriated as follows:

To	LES	Treasurers Incidentals	\$175.00
		Total Appropriated	\$175.00

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

PASSED: April 14, 1958
APPROVED: April 15, 1958

Fred C. Balcauf
PRESIDENT OF COUNCIL

Wenliell L. Strong, Mayor
ATTEST: Altal F. Snoch, Clerk

ORDINANCE NO. 6331

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO GRANT LICENSES AT THE MARION MUNICIPAL AIRPORT AND TO LEASE LAND THEREON; ESTABLISHING RULES AND REGULATIONS WITH REGARD TO AIRPORT ACTIVITIES; ESTABLISHING FEES FOR COMMERCIAL OPERATIONS AT THE AIRPORT AND ESTABLISHING LEASE RENTAL PAYMENTS; AND REPEALING ORDINANCE NO. 6154, PASSED ON THE 14TH DAY OF JANUARY, 1957.

WHEREAS, under date of February 4th, 1958 The Marion Air Service, Inc., an Ohio Corporation, proposed to the City of Marion, the construction of a hangar and the establishment of an aircraft maintenance shop, and

WHEREAS, said proposal has, in part, been approved, thereby requiring certain provisions of Ordinance No. 6154 to be repealed.

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

Section 1. That Ordinance No. 6154 passed on the 14th day of January, 1957, be and the same is hereby repealed.

Section 2. That the Safety Service Director be and he is hereby authorized to lease parcels of ground at the Marion Municipal Airport for the construction of hangars or buildings thereon for the storage of aircraft or shops for the repair and overhaul of aircraft and aircraft engines, or for other purposes associated with, or incidental to the operation of an airport, on the following terms and conditions:

- A. That parcels of land leased for the construction of hangars, service shops and other businesses shall be in those areas designated for such purposes on the master plan of the Municipal Airport, or any revisions thereof. That the Safety Service Director is authorized to execute a lease with Marion Air Service, Inc. covered by the following description:

Commencing at a point along the east side of the hangar area taxiway which taxiway runs in a south-southwesterly direction from the terminal ramp Fifty (50) feet northeast of the north line of the Galion Iron Works hangar; thence Forty (40) feet in a southeasterly direction-- said line being parallel with the north line of the Galion Iron Works hangar-- to a point which is the southwest corner of the leased premises herein described; thence Eighty (80) feet in a northeasterly direction and parallel to the existing taxiway; thence Eighty (80) feet in southeasterly direction to a point, which line is parallel to the northwest line hereinafter described; thence Eighty (80) feet in a southwesterly direction also parallel to the existing taxiway to a point; thence Eighty (80) feet in a northwesterly direction to the place of beginning. Said area being a square in dimension Eighty by Eighty (80 x 80) feet.
- B. Term of Lease. All leases issued for construction of hangars pursuant to this Ordinance will be for a period not to exceed eighteen (18) years. An option to renew said lease may be granted for a term which is the same as the original term of the lease for a consideration hereinafter recited.
- C. Lease Payments. That the charges imposed for the leasing of land at the Marion Municipal Airport during the original term of any lease issued hereunder shall be the sum of Two Cents (\$.02) per square foot per annum. For any options granted under this ordinance the lease payments shall not be less than One Cent (\$.01) per square foot nor more than Five Cents (\$.05) per square foot per annum.
- D. All buildings shall conform to a more or less standard design and set of plans and specifications shall be approved by the Safety Service Director, the Council of the City of Marion and the Airport Manager.
- E. Lessees shall maintain their respective buildings in an orderly and presentable condition at all times.
- F. Said leases shall not be assignable except with the approval of Council and the Safety Service Director. The said Director being authorized to execute such assignment when approval is granted.
- G. All leases shall terminate the year ending six months after the making of the lease

4. That as an incident to the construction of a hangar facility by Marion Air Service Inc. on the property described in Paragraph 1. above, the said Marion Air Service, Inc. is granted the right to build a concrete ramp leading to the existing taxiway, and further, Marion Air Service, Inc. is hereby granted an exclusive easement on a location to be determined by the City Engineer for the construction of a one (1) inch water line from Williamsport Road to the property described herein at a depth of Four (4) feet. The said Marion Air Service, Inc. shall have the right to repair, replace and maintain said water line.
5. That Marion Air Service, Inc., is granted the right of first refusal to an area immediately adjacent to the southwest side of the premises to be leased for expansion purposes. The option so granted shall be exercised within ninety (90) days from the receipt of written notice from the Safety Service Director given to Marion Air Service, Inc. In the event Marion Air Service, Inc. exercises this option the terms of the lease agreement shall be consistent with the within ordinance.

Section 3. That the Safety Service Director is hereby authorized to lease and rent space in the administration building for use as a restaurant, office or other purposes pertaining to airport operation or to aviation activities upon the following terms and conditions:

- A. That said leases shall be at the rate of \$2.00 per square foot per annum.
- B. Restaurant shall be at the rate of 2% of gross receipts.
- C. Said leases shall have at least one renegotiation period every two years, as to rental rate only.

Section 4. That any person, firm or corporation doing business on the Marion Municipal Airport shall have a license therefore. Which licenses shall not be considered as licenses coupled with a lease and all leases and licenses shall so state.

Section 5. That the licenses authorized in Section 4 hereof shall be issued by the Safety Service Director to persons, firms or corporations in the use of the airport for commercial purposes, including but not limited to sale of gasoline and oil, student instruction, aircraft charter or air taxi, sale of aircraft engines and component parts, aircraft supplies and accessories, service, maintenance and overhaul of aircraft and aircraft engines, on the following terms and conditions:

- A. The charge for any license issued to any person, firm, or corporation pursuant to this Ordinance by the Municipal Airport shall be \$1.00 per annum for each of the above named commercial purposes.
- B. A licensee granted a license for the sale of gasoline shall pay a royalty of two cents (\$0.02) per gallon to the City of Marion for the first fifty thousand (50,000) gallons sold during a calendar year and the sum of one cent (\$0.01) per gallon on each gallon sold in excess of fifty thousand (50,000) gallons during a calendar year. For such licensee as consumes gasoline in the carrying on various activities at the Marion Municipal Airport such licensee shall pay the sum of one cent (\$0.01) per gallon for each gallon so consumed.
- C. Any person, firm or corporation issues a license under this ordinance for the sale of aircraft or aircraft engines and/or component parts, aircraft accessories; the overhaul and maintenance of aircraft and component parts; charter and air taxi; flight instructions shall, commencing on the sixth year after the issuance of the license, pay one half of one per centum (1/2%) of the gross receipts excluding sales taxes unto the City of Marion Ohio.
- D. All royalty fees for gasoline for commercial operation on the Marion Municipal Airport shall be paid in monthly installments due and payable to the Airport Manager by the 10th of each and every month, for the preceding month. All royalty fees on gross volume of business other than gasoline sales shall be paid quarterly and there shall accompany said payment a sworn statement of the volume of business other than gasoline sales, done during the period covered by said report.
- E. Licenses issued under this section, except license for sale of gasoline, shall be for the same period as the lease agreement. In the event a licensee is not also a lessee then said license shall be for a period of one year. All licenses for the sale of gasoline shall be for one year.
- F. Any restaurant license shall not exceed a period of five years.
- G. Said licenses shall be issued by the Safety Service Director only after the persons, firms or corporations show that they have the facilities to meet the requirements of the Rules and Regulations hereto attached and made a part hereof. Said licenses after hearing may be revoked by the Safety Service Director for failure to maintain said facilities.

Section 6. Any aircraft based at the Marion Municipal Airport shall carry public liability and property damage insurance in the minimum amounts of: bodily injury liability \$10,000.00 each person and \$20,000.00 each accident, property damage liability in the sum of \$10,000.00. The owner of aircraft based at the Marion Municipal Airport shall furnish a certificate to the Airport Manager from the underlying insurance carrier showing compliance with this section.

Section 7. That all maintenance and repair or overhaul of aircraft or aircraft engines done on the Marion Municipal Airport shall be done under the direct supervision of a licensed A&P mechanic.

Section 8. This ordinance is hereby declared to be an emergency ordinance in that it provides for the safety, health and welfare of the citizens of the City and for the further reason that it concerns itself with the immediate expansion of the airport facilities and as such emergency shall take effect and be in force immediately upon and after its passage and approval by the mayor.

PASSED: April 14, 1958
APPROVED: April 15, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong, Mayor,
ATTEST: Alta F. Sheehy, Clerk

RULES AND REGULATIONS FOR A COMMERCIAL OPERATOR'S LICENSE ON
THE MARION MUNICIPAL AIRPORT.

1. A Commercial operator's license shall be issued subject to the following terms and conditions:
2. Any person, firm, or corporation desiring to operate commercially on the Marion Municipal Airport shall have a Commercial Operator's License.
3. A license shall be issued for the sale of gasoline, oil, aircraft and component parts, aircraft accessories, overhaul and maintenance of aircraft and component parts, charter and air taxi, flight instruction, aircraft storage, and other purposes associated with, or incidental to an airport operation.
4. Licensee shall own or control suitable equipment and facilities for each of the above services he renders.
5. Licensee shall comply with local airport rules and Civil Air Regulations while performing such services.
6. Licensee shall have an attendant on duty at available twenty four hours per day.
7. Licensee shall cooperate with the airport manager in giving the best possible service to the public.
8. A license to operate a restaurant on the airport shall be a separate license and shall be issued to such person, firm or corporation meeting the requirements of the current ordinances.

ORDINANCE NO. 6122

Published
4/26 - 5/3/58

WHEREAS PROVISION FOR THE ISSUANCE OF BONDS BY THE CITY OF MARION IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RAISING THE HEIGHT OF THE MARION SWIMMING POOL, CONSTRUCTING CONCRETE DECKS AROUND POOL, INSTALLING A FILTER SYSTEM AND NECESSARY APPURTENANCES; ACQUIRING DECK EQUIPMENT, AND CONSTRUCTING A CHILDREN'S WADING POOL; AND DETERMINING THE NECESSITY OF THE ISSUANCE OF SAID BONDS FOR SUCH PURPOSES.

WHEREAS, this Council has requested the City Auditor to issue his certificate as to the estimated life of the improvement to be constructed from the proceeds of the bonds hereinafter referred to and of the notes to be issued in anticipation of said bonds and as to the maximum maturity of such bonds and notes and the City Auditor has certified to this Council such estimated life as exceeding five years, to-wit; ten years, and has further certified the maximum maturity of such bonds as ten years and such notes as five years.

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

Section 1. That it is hereby declared necessary to issue bonds of the City of Marion, Ohio, in the principal sum of Forty-Five Thousand Dollars (\$45,000.00) for the purpose of raising money for raising the height of the present swimming pool, constructing concrete decks around pool, installing a filter system and necessary appurtenances, acquiring deck equipment, and constructing a children's wading pool.

Section 2. That said bonds of the City of Marion shall be issued in the principal sum of Forty-Five Thousand Dollars (\$45,000.00) for the purpose aforesaid, said bonds shall be in the denomination of One Thousand Dollars (\$1,000.) each and shall be dated approximately May 1, 1958, and shall be issued bearing interest at the rate of four per cent (4%) per annum, payable semi-annually on the 1st day of May and November of each year until the principal sum is paid and shall mature in substantially equal semi-annual installments after their issuance.

Section 3. That it is necessary and this Council hereby determines that notes shall be issued in anticipation of the issuance of said bonds.

Section 4. That such anticipatory notes in the amount of Forty-Five Thousand Dollars (\$45,000.) which sum does not exceed the amount of the bond issue, shall be issued bearing interest at the rate of three per cent (3%) per annum, payable semi-annually, such notes shall be dated on the 1st day of May, 1958 and shall mature on or before the 30th day of April, 1959. Such notes shall be executed and delivered in such number and such denomination as may be requested by the purchaser of such notes. Such notes shall be redeemable at any interest period.

Section 5. Such notes shall be executed by the Mayor and City Auditor and shall bear the seal of the Corporation, and shall be payable at the office of the City Treasurer in the City of Marion, Ohio; they shall express upon their face the purpose for which they are issued, and that they are issued in pursuance of this Ordinance.

Section 6. Said notes shall be first offered to the Sinking Fund Trustees of the City of Marion, and so many of the same as shall not be taken by said Sinking Fund, shall be sold at private sale by the City Auditor, but for not less than par and accrued interest, and the proceeds for such sale, except any premium and accrued interest, thereon shall be paid into the proper fund and used for the purpose aforesaid, and for no other purpose. Any premium and accrued interest shall be transferred to the Sinking Fund, to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 7. Said notes shall be the full general obligations of the City and the full faith, credit and revenue of said City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by said notes and any excess fund resulting from the issuance of said notes shall to the extent necessary be used only for the retirement of said notes at maturity, together with interest thereon, and is hereby pledged for such purposes.

Section 8. During the year or years while such notes run there shall be levied on all the taxable

The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of said notes or the bonds in anticipation of which they are issued when and as the same fall due.

Section 9. That the proceeds of the sale of notes herein authorized to be issued, be deposited in the swimming pool fund (new construction) and that the sum of \$45,000. is hereby appropriated for the purpose of paying bid contracts in accordance with the ordinance authorizing the contracts for construction and acquisition passed on the 17th day of April 1958.

Section 10. It is hereby determined that all acts, conditions and things necessary to be done, precedent to and in the issuing of these notes, in order to make them legal, valid and binding obligations of said city of Marion have been done, performed and have happened in regular and due form as required by law; that the faith, credit and revenue of said City of Marion are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity and that no limitation of indebtedness or taxation either statutory or constitutional, has been exceeded in issuing these notes.

Section 11. The City Auditor is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

Section 12. That this Ordinance is hereby declared to be an emergency measure in that it provides for the health, safety, and welfare of the citizens of Marion, Ohio, and for the further reason that it is necessary to have pool facilities available for this year of 1958, and the moneys for said project to make the pool available, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: April 17, 1958
APPROVED: April 15, 1958

Rendell L. Strong, Mayor
ATTEST: Alta F. Sheehy, Clerk

Fred C. Baldwin
PRESIDENT OF COUNCIL

ORDINANCE NO. 111

ORDINANCE AUTHORIZING THE BOARD OF PARK COMMISSIONERS TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE RENOVATION OF THE SWIMMING POOL AT LINCOLN PARK AND FOR RAISING THE PRESENT HEIGHT OF THE PRESENT SWIMMING POOL, CONSTRUCTING CONCRETE DECKS AROUND POOL, INSTALLING A FILTER SYSTEM AND NECESSARY APPURTENANCES; ACQUIRING DECK EQUIPMENT, AND CONSTRUCTING A CHILDREN'S WADING POOL;

WHEREAS, Council has heretofore found that it is necessary to renovate the swimming pool at Lincoln Park and raise the present height of the present swimming pool; construct concrete deck around pool; install a filter system and necessary appurtenances, acquire deck equipment, and construct a children's wading pool, and

WHEREAS, plans, profiles and specifications have been prepared by the Marion City Engineer.

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

Section 1. The Board of Park Commissioners is hereby authorized and directed to advertise for bids and enter into contracts pursuant to law for the renovation of the swimming pool at Lincoln Park and for the raising of the height of the present swimming pool; constructing concrete decks around pool, installing a filter system and necessary appurtenances; acquiring deck equipment, and constructing a children's wading pool.

Section 2. Said bids and contracts shall be in accordance with the plans, profiles and specifications now on file in the office of the Marion City Engineer, which plans, profiles and specifications, Council hereby approves.

Section 3. That this Ordinance is hereby declared to be an emergency measure in that it provides for the health, safety and welfare of the citizens of Marion, Ohio and for the further reason that it is necessary to have pool facilities available for this year of 1958, and the moneys for said project to make the pool available, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: April 17, 1958
APPROVED: April 10, 1958

Rendell L. Strong, Mayor
ATTEST: Alta F. Sheehy

Fred C. Baldwin
PRESIDENT OF COUNCIL

ORDINANCE NO. 614

ORDINANCE AUTHORIZING PAYMENT OF BILLS TO HENRY FIELDS IN THE AMOUNT OF \$29,250.00 FOR THE SUBJECT WORK AND A PROBABLY FIRST IN THE CITY WORK DONE TO REPAIR OF THE ABOVE STREET.

WHEREAS, work on the sidewalk leading to 401 Henry Street and other repairs was completed by the property owner, Henry Fields, to take care and correct the difficulty and;

WHEREAS, upon completion it was found to be satisfactory in the city and and therefore the expense "paid" the city rather than the property owner, and;

WHEREAS, the cost of said repair by said Henry Fields was \$29,250 and

WHEREAS, said Henry Fields now claims in the amount of \$29,250 and;

WHEREAS, Council deems it advisable to pay said bills;

AND, THEREFORE, be it ENACTED by the Council of the City of Tucson, State of Arizona

Section 1. That the City Auditor be and he is hereby authorized to audit and pay said bills of Henry Fields and to pay said Henry Fields a sum of \$29,250.00 (Twenty-Nine Thousand Two Hundred Fifty Dollars) that the amount is to be used for the purpose of paying said bills.

Section 2. That for the purpose of paying said bills a sum of and is hereby appropriated from the General Fund of the City of Tucson for the sum of \$29,250.00 (Twenty-Nine Thousand Two Hundred Fifty Dollars) that the amount is to be used for the purpose of paying said bills.

Section 3. That the City Auditor and City Treasurer are hereby authorized to issue and prepare vouchers and warrants in payment on said bills upon the approval by the City Auditor of the proper accounts thereon.

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

APPROVED ATTEST

PASSED: April 26, 1964
APPROVED: April 26, 1964

Walter E. Strong, Mayor

Henry F. Fields, Clerk

ORDINANCE NO. 615

ORDINANCE AUTHORIZING EMPLOYMENT OF A PROFESSIONAL ARCHITECT TO DESIGN DRAWINGS AND SPECIFICATIONS FOR CONSTRUCTION AND IMPROVEMENTS AT LINDSAY PARK.

WHEREAS, Council is authorized to make certain improvements at the Lindsay Park located at Tucson, Arizona;

WHEREAS, the Tucson City Engineering Department does not have adequate time and employees to prepare plans and specifications for the improvements and;

WHEREAS, Council deems that it would be expedient to employ a professional architect to prepare the plans and specifications for said improvements and;

WHEREAS, Council deems that it would be expedient to employ a professional architect to prepare the plans and specifications for said improvements and;

AND, THEREFORE, be it ENACTED by the Council of the City of Tucson, State of Arizona

Section 1. That the City of Tucson is hereby authorized and directed to employ a professional architect to prepare the plans and specifications for the improvements at the Lindsay Park located at Tucson, Arizona;

Section 2. That the City of Tucson is hereby authorized and directed to employ a professional architect to prepare the plans and specifications for the improvements at the Lindsay Park located at Tucson, Arizona;

Section 3. The amount of the bid for the work under Section 2 hereof shall be paid as follows:

- (1) Upon completion of the primary studies and cost estimates a sum equal to 1/3 of the estimated total cost;
- (2) To pay on the basis of the actual work done, the City shall pay a sum of money equal to 1/3 of the low bid less the payment of the first payment of 1/3;
- (3) The balance shall be paid the architect during the actual construction in a ratio to the degree of work completed.

Section 4. The architect services shall include the necessary conferences, the preparation of preliminary plans and specifications, site visits, large scale and final site detail drawings, the architectural, structural, electrical, mechanical, and other mechanical work, assistance in the securing of forms of proposals and contracts; the issuance of certificates of payment; the keeping of accounts; the general administration of the contract and supervision of the work; and necessary State Department approval of the work and public expense.

Section 5. The architect shall forward the City (6) copies of the drawings and specifications for the purpose of printing and said drawings and specifications shall remain the property of the City.

Section 2. That this Ordinance shall take effect and be in force from and after the date of its passage by the Council.

Section 3. That this Ordinance shall be subject to confirmation from the City Auditor and the City Treasurer.

Section 4. That this Ordinance shall take effect and be in force from and after the date of its passage by the Council.

Paul C. Taylor
CITY CLERK

PASSED: April 28, 1958
APPROVED: April 29, 1958

Wendell L. Dwyer, Mayor
ATTEST: Alvin P. Shreve, Clerk

ORDINANCE NO. 6136

ORDINANCE AUTHORIZING PAYMENT OF A CLAIM TO GEORGE C. BURLAND IN THE AMOUNT OF SEVENTY-FIVE DOLLARS AND FIFTY-SEVEN CENTS, (\$75.57).

WHEREAS, on the 15th day of December, 1957, Lawrence L. Hunt, an employee of the City Sanitation Department, while in the course of his employment and operating a City Sanitation Department truck, did strike and damage an automobile owned by George C. Burland, and

WHEREAS, said George C. Burland has made claim against the City of Marion, Ohio, in the amount of Seventy-five dollars and fifty-seven cents (\$75.57) and,

WHEREAS, Council hereby is authorized to pay said claim;

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of George C. Burland and to pay unto George C. Burland the sum of Seventy-five dollars and fifty-seven cents (\$75.57).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Seventy-five dollars and fifty-seven cents (\$75.57); that the amount so to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper voucher therefor.

Section 4. That this Ordinance shall take effect and be in force from and after the date of its passage by the Council.

Paul C. Taylor
CITY CLERK

PASSED: April 28, 1958
APPROVED: April 29, 1958

Wendell L. Dwyer, Mayor
ATTEST: Alvin P. Shreve, Clerk

ORDINANCE NO. 6137

ORDINANCE ESTABLISHING FIRE LANE ON VARIOUS STREETS WITHIN THE CITY.

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

Section 1. That the following streets shall be designated as "Fire Lane" and no vehicle shall be parked on said streets during the hours of the day:

- West side of Sharp St., between St. to Hayes St.
- South side of Quier Ave., from S. State St. to Swift Pike
- South side of Village St., from St. to Park St.

Section 2. This Ordinance shall take effect and be in force from and after the date of its passage by the Council.

Paul C. Taylor
CITY CLERK

PASSED: April 28, 1958
APPROVED: April 29, 1958

Wendell L. Dwyer, Mayor
ATTEST: Alvin P. Shreve, Clerk

ORDINANCE NO. 6138

ORDINANCE APPROPRIATING FUNDS FOR LINCOLN PARK SWIMMING POOL CONSTRUCTION.

WHEREAS, it is necessary to provide funds for swimming pool construction and necessary expenses connected therewith at Lincoln Park;

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

Section 1. That there is hereby transferred and appropriated from the General Fund to the Special Fund, Lincoln Park pool project, the sum of \$500.00.

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

Validated
5/1/58 - 5/8/58

AN ORDINANCE NO. 6 1958

AN ORDINANCE TO REPEAL THE ORDINANCE APPROVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF HANCOCK, IOWA, ON APRIL 22, 1958, CONCERNING THE IMPROVEMENT OF THE STORM SEWER SYSTEM ALONG 13TH STREET, HANCOCK, IOWA.

WHEREAS, it is the policy of the City of Hancock, Iowa, that improvements are necessary in the City at an estimated cost of Twenty-Five Thousand Dollars (\$25,000.00), and

WHEREAS, the City of Hancock, Iowa, has approved by Council Ordinance No. 13, a first related part of the contemplated work will constitute improvement of the storm sewer and 60% of the contemplated work will be repairs and improvement to the existing sewer system, and,

WHEREAS, the City of Hancock desires that up to 60% of the funds necessary to be paid for the sewer revenue fund and the balance from the General Improvement Fund-Sewer Board money, and,

WHEREAS, Council desires that 60% of the funds shall be obtained from the Sewer Revenue Fund and 33 1/3% from the General Improvement Fund, Sewer Board,

THE PEOPLE, BE IT ORDAINED, by the Council of the City of Hancock, State of Iowa:

Section 1. Council hereby determines that 60% of the work contemplated in Ordinance No. 13, approved by the City of Hancock, Iowa, and 33 1/3% of the work contemplated is storm sewer improvement.

Section 2. That there be transferred from the General Improvement Fund, amounting to the General Fund, the sum of \$12,500.00.

Section 3. That there be transferred from the Sewer Revenue Fund to the Special Fund the sum of \$12,500.00.

Section 4. That there be appropriated from the Special Fund to Sewer, repairs and improvement the sum of \$25,000.00 as follows:

Water	\$7,500.00
Sanitary	5,000.00
Equipment	1,500.00
Repairs	1,000.00
Total Appropriation	<u>\$15,000.00</u>

Section 5. That Ordinance No. 13, approved by the City of Hancock, Iowa, be and shall be repealed with effect from the date of the passage of this ordinance.

Paul E. Johnson
PRESIDENT OF COUNCIL

PASSED: April 23, 1958
APPROVED: April 23, 1958

Wendell L. Strong, Mayor
SPECTOR: Alvin T. Clarke, Clerk

AN ORDINANCE NO. 7 1958

AN ORDINANCE TO REPEAL THE ORDINANCE APPROVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF HANCOCK, IOWA, ON APRIL 22, 1958, CONCERNING THE IMPROVEMENT OF THE STORM SEWER SYSTEM ALONG 13TH STREET, HANCOCK, IOWA.

WHEREAS, it is the policy of the City of Hancock, Iowa, that improvements are necessary in the City at an estimated cost of Twenty-Five Thousand Dollars (\$25,000.00), and

WHEREAS, the City of Hancock, Iowa, has approved by Council Ordinance No. 14, a first related part of the contemplated work will constitute improvement of the storm sewer and 60% of the contemplated work will be repairs and improvement to the existing sewer system, and,

WHEREAS, the City of Hancock desires that up to 60% of the funds necessary to be paid for the sewer revenue fund and the balance from the General Improvement Fund-Sewer Board money, and,

THE PEOPLE, BE IT ORDAINED, by the Council of the City of Hancock, State of Iowa:

Section 1. That the management of the first and regular of repaving the following street in the City of Hancock, Iowa, by constructing a concrete curb, gutter, and sidewalk and machine process on both sides of said street from 100 feet north of 13th Street to a point 75 feet south of 13th Street, amounting to \$15,000.00 as reported to this Council on the 17th day of March, 1958, by the City Engineer, under Ordinance No. 14, approved by the City of Hancock, Iowa, be and shall be repealed with effect from the date of the passage of this ordinance.

PASSED: April 23, 1958
APPROVED: April 23, 1958

Wendell L. Strong, Mayor
SPECTOR: Alvin T. Clarke, Clerk

Paul E. Johnson
PRESIDENT OF COUNCIL

ORDINANCE NO. 1302

ORDINANCE AUTHORIZING THE (REFUND) OF A PORTION OF THE SUM OF TWO THOUSAND FIVE HUNDRED NINETY-FIVE DOLLARS AND SIXTY CENTS TO THE CITY SELLER FOR AN OVERCHARGE ON SEWER RENTALS DURING 1954-1955.

WHEREAS, large amounts of water purchased by the Erie Railroad to be used for the city sewer system and;

WHEREAS, at the time of the purchase of the water, it was not known that the water to be purchased would be used for the sewer system and;

WHEREAS, a special meter was installed and a test period run to establish the proper sewer rental rates, and;

WHEREAS, after said test run and the proper rental charge determined, it was then determined that based upon said test run that the Erie Railroad Company had paid into the city for sewer rental the sum of Two Thousand Five Hundred Ninety-Five Dollars and sixty cents (\$2,595.60) for sewer service on water which actually never had entered the sewer system of the City of Marion, and;

WHEREAS, Council Intention is to have the same refunded to the Erie Railroad Company;

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

Section 1. That the City Sellertax be and he is hereby authorized to pay unto the Erie Railroad Company the sum of \$2,595.60. That for the purpose of paying the refund described in the preamble hereof, there be and is hereby appropriated from the sewer rental fund to the Sewer Revenue Refund the sum of \$2,595.60. That the amount to be paid for the purpose of paying the refund herein above described.

Section 2. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Auditor of the proper voucher thereon.

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

PASSED: April 29, 1958
APPROVED: April 29, 1958

Walter E. Strong, Mayor
ATTEST: Alvin T. Dierker, Clerk

Frederic C. Baldwin
PRESIDENT OF COUNCIL

ORDINANCE NO. 1303

ORDINANCE PERTAINING TO THE INSTALLATION OF A TRAFFIC LIGHT AT THE INTERSECTION OF NORTH GREENWOOD STREET AND EAST FAIRGROUND AND AUTHORIZING THE REMOVAL OF SAID TRAFFIC LIGHT, AND THE REMOVAL OF THE TRAFFIC LIGHT AT NORTH STREET AND WEST CENTER STREET.

Published 4/29/58 + 4/30/58

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

Section 1. The Safety-Service Director is hereby authorized and directed to install a traffic control light at the intersection of North Greenwood and East Fairground Streets.

Section 2. That the traffic light located at the intersection of North Street and East Center Street be removed.

Section 3. That the cost of said removal and installation thereof shall be paid from funds already on hand.

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

PASSED: April 29, 1958
APPROVED: April 29, 1958

Walter E. Strong, Mayor
ATTEST: Alvin T. Dierker, Clerk

Frederic C. Baldwin
PRESIDENT OF COUNCIL

ORDINANCE NO. 6543

ORDINANCE AUTHORIZING THE BOARD OF GOVERNORS OF THE MARION GENERAL HOSPITAL TO ADVERTISE FOR BIDS AND MAKE CONTRACTS AND PURCHASE X-RAY FILM FOR USE AT MARION GENERAL HOSPITAL FOR THE PERIOD FROM JUNE 1, 1958 TO JUNE 1, 1959.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Marion, State of Ohio, two-thirds of all members elected thereto concurring:

Section 1. That the Board of Governors of the Marion General Hospital, be and they are hereby authorized to contract and purchase supplies and materials, to-wit: X-ray film for use at Marion General Hospital.

Section 2. That said Board of Governors shall advertise for bids for such x-ray film and they shall be authorized and directed to enter into written contract with the lowest and best bidder for said X-ray film required for the period from June 1, 1958 to June 1, 1959. That said Board of Governors may reject any or all bids.

Section 3. That this Ordinance shall be and it is hereby declared to be an emergency measure for the reason that there is an immediate need for the supplies described hereinabove and for the further reason that it provides for the safety, health and welfare of the citizens of the City of Marion, Ohio, and as such emergency shall take effect and be in force immediately upon its passage and approval by the Mayor.

Fred C. Baldauf
PRESIDENT OF COUNCIL.

PASSED: May 12, 1958
APPROVED: May 13, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheebe, Clerk

ORDINANCE NO. 6544

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM BY HENRY DAWSON IN THE AMOUNT OF \$48.37.

WHEREAS, on the 16th day of April 1958, Leslie Taylor, an employee of the City of Marion, was driving a truck owned by the City of Marion, and while in the scope of his employment, struck an automobile owned by Henry Dawson, and

WHEREAS, said Henry Dawson, has made claim against the City of Marion, in the amount of Forty-eight Dollars and Thirty-seven Cents for the damage to his automobile as the result of said accident, and

WHEREAS, Council deems it advisable to pay said claim.

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Henry Dawson and to pay unto Henry Dawson the sum of Forty-eight Dollars and Thirty-seven Cents (\$48.37).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General-Fund to the Claim Payment Fund the sum of Forty-eight Dollars and Thirty-seven Cents; that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper vouchers thereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL.

PASSED: May 12, 1958
APPROVED: May 13, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheebe, Clerk

Published
May 15, 22, 1958

ORDINANCE NO. 644

ORDINANCE TO PROCEED WITH THE IMPROVEMENT OF UNDERWOOD AVENUE BY THE CONSTRUCTION OF A CONCRETE CURB AND GUTTER AND SUBSTANTIAL PAVEMENT IN UNDERWOOD AVENUE FROM WOODROW AVENUE TO THE CITY LIMITS.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, State of Ohio, three-fourths of all members elected thereto concurring:

Section 1. That it is hereby determined to proceed with the improvement of Underwood Avenue by the construction of a concrete curb and gutter and substantial pavement in Underwood Avenue from Woodrow Avenue to the city limits, in accordance with the plans, specifications, estimates and profiles of the proposed improvement prepared by the City Engineer, which plans, specifications and profiles are now on file in the office of the Director of Public Service of the City of Marion, Ohio.

Section 2. That all claims for damages resulting therefrom shall be judicially inquired into after the completion of the proposed improvement, and the Solicitor be and he is hereby authorized and directed to institute proceedings in a Court of competent jurisdiction to inquire into such claims.

Section 3. That the whole cost of said improvement less one-fiftieth thereof and the cost of intersections shall be assessed by the foot front upon the following described lots and lands, to-wit: all lots and lands bounding and determined to be specifically benefitted by said improvement; and the cost of said improvement shall include the expense of the preliminary and other surveys, and of printing and publishing notices, resolutions and ordinances required, and the serving of said notices, and cost of construction, together with interest on notes and bonds issued in anticipation of the collection of deferred assessments, and all other necessary expenditures.

Section 4. That the assessments to be levied shall be paid in twenty (20) semi-annual installments, with interest on deferred payments, at the same rate as shall be borne by the bonds to be issued in anticipation of the collection thereof provided that the owner of any property assessed, may at his option, pay such assessment in cash within thirty days after the passage of the assessing ordinance.

Section 5. That bonds of the City of Marion shall be issued in anticipation of the collection of assessments by installments and in an amount, equal thereto and notes of said City shall be issued in anticipation of the levying of such assessments and the issue of such bonds.

Section 6. That the City Engineer be and he is hereby directed to prepare and file with this Council a tentative assessment showing the amount to be assessed on each lot or parcel of land to be assessed.

Section 7. That to pay the remainder of the cost of said improvement there be and is hereby appropriated from the general fund the sum of \$5,395.32.

Section 8. That the Director of Public Service be and he is hereby authorized and directed as soon as the funds therefore are available to make and execute a contract for said improvement with the lowest and best bidder after advertisement according to law.

Section 9. Reference is made to Resolution No. 4194, passed April 1st, 1958.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: May 12, 1958
APPROVED: May 13, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheebe, Clerk

ORDINANCE NO. 6346

ORDINANCE VACATING A CERTAIN FOURTEEN FOOT ALLEY RUNNING EAST FROM LEE STREET BETWEEN LOTS NUMBERED 1944 AND 1945 IN LOVE'S THIRD ADDITION TO THE CITY OF MARION, TO A CERTAIN SIXTEEN FOOT NORTH AND SOUTH ALLEY, WHICH NORTH AND SOUTH ALLEY LIES ALONG THE EAST END OF THE AFORESAID LOTS.

WHEREAS, on or about the 27th day of March, 1958, a petition was filed by Mr. & Mrs. Paul V. Smith and Mr. & Mrs. Ernest Orr, owners of all the property abutting on the portion of an alley to be vacated, said alley being a certain fourteen foot alley running east from Lee Street between lots numbered 1944 and 1945 in Love's Third Addition to the City of Marion, to a certain sixteen foot north and south alley, which north and south alley lies along the east end of the aforesaid lots, and

WHEREAS, all the abutting property owners thereto have signed said petition, and

WHEREAS, Council, upon hearing, is satisfied that there is good cause for such vacation as prayed for, and that it will not be detrimental to the general interest and ought to be made,

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

Section 1. That all that portion of a certain fourteen foot alley running east from Lee Street between lots numbered 1944 and 1945 in Love's Third Addition to the City of Marion, to a certain sixteen foot north and south alley, which north and south alley lies along the east end of the aforesaid lots, be and the same is hereby vacated.

Section 2. That nothing in this Ordinance shall be construed to effect any easement now existing with reference to this vacated alley.

Section 3. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Auditor of Marion County, Ohio, and to the Recorder of Marion County, Ohio.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: May 12, 1958
APPROVED: May 13, 1958

Wendell L. Strong, Mayor
ATTEST: Alta F. Sheebe, Clerk

ORDINANCE NO. 6347

ORDINANCE AUTHORIZING THE BOARD OF GOVERNORS OF THE MARION GENERAL HOSPITAL TO ADVERTISE FOR BIDS FOR THE PURCHASE OF THREE SELF-CONTAINED AIR-COOLED AIR-CONDITIONING UNITS FOR INSTALLATION IN THE NURSES STATIONS ON SECOND, THIRD AND FOURTH FLOORS OF MARION GENERAL HOSPITAL.

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

Section 1. That the Board of Governors of the Marion General Hospital be and they are hereby authorized and directed to advertise for bids according to law for the purchase of three self-contained air-cooled air-conditioning units for installation in the Nurses Stations on Second, Third and Fourth floors of Marion General Hospital, Marion, Ohio.

Section 2. That this Ordinance is hereby declared to be an emergency measure in that there is an immediate need for the equipment described hereinabove, and for the further reason that it provides for the safety, health and welfare of the citizens of the City of Marion, Ohio, and as such emergency shall take effect and be in force immediately upon its passage and approval by the Mayor.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: May 20, 1958
APPROVED: May 20, 1958

Wendell L. Strong
Mayor

ATTEST: Alice F. Shene
CLERK

ORDINANCE NO. 6348

ORDINANCE CREATING POSITIONS AND ESTABLISHING COMPENSATION FOR EMPLOYEES OF THE RECREATION BOARD.

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

Section 1. Commencing on the 9th day of June, 1958, and ending on the 22nd day of August, 1958, there is hereby created the position of Play-ground Director, payable \$80.00 per week, to be paid each 2 weeks, for services to be performed for the Recreation Board of the City of Marion, Ohio.

Section 2. Commencing on the 10th day of June, 1958, and ending on the 15th day of August, 1958, there is hereby created the following positions for services to be performed for the Recreation Board of the City of Marion, Ohio:

- 1 - Playground Supervisor, payable \$61.00 per week, to be paid each 2 weeks.
- 2 - Assistant Playground Supervisor, payable \$23.00 per week, to be paid each 2 weeks.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: May 20, 1958
APPROVED: May 20, 1958

Wendell L. Strong
Mayor

ATTEST: Alice F. Shene
CLERK

ORDINANCE NO. 6349

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIVISION TO ADVERTISE FOR BIDS ACCORDING TO LAW AND ENTER INTO CONTRACTS FOR THE CONSTRUCTION OF A SANITARY RELIEF SEWER COMMENCING AT THE INTERSECTION OF COLUMBIA STREET AND CHAMBERLAIN STREET AND CONTINUING SOUTH IN PEARL STREET TO THE INTERSECTION OF PEARL STREET AND PROSPECT STREET, WITH A 18 INCH SANITARY RELIEF SEWER.

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

Section 1. That the Safety-Service Director be and he is hereby authorized to advertise for bids according to law and enter into contracts for the construction of a sanitary relief sewer commencing at the intersection of Columbia Street and Pearl Street and continuing south in Pearl Street to the intersection of Pearl Street and Prospect Street, with a 18 inch sanitary relief sewer.

Section 2. That the contracts hereinbefore mentioned be entered into with the lowest and best bidder after due advertisement, and shall be in accordance with the plans and specifications to be provided by the Engineer employed to prepare the plans, profiles and specifications.

Section 3. That this Ordinance is hereby declared to be an emergency measure in that there is an immediate need for said improvements, and for the further reason that it provides for the safety, health, peace and welfare of the citizens of the City of Marion, and as such emergency measure shall become effective immediately upon its passage and approval by the Mayor, provided it receives an affirmative vote of two-thirds of the members elected to Council, otherwise it shall become effective at the earliest period allowed by law.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: May 20, 1958
APPROVED: May 20, 1958

Handwritten: 5/22/58

ORDINANCE AUTHORIZING THE BOARD OF PARK COMMISSIONERS TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE RENOVATION OF THE SWIMMING POOL AT LINCOLN PARK AND FOR RAISING THE PRESENT HEIGHT OF THE PRESENT SWIMMING POOL, CONSTRUCTING CONCRETE DECK AROUND POOL, INSTALLING A FILTER SYSTEM AND NECESSARY APPURTENANCES; ACQUIRING DECK EQUIPMENT, AND CONSTRUCTING A CHILDREN'S WADING POOL.

WHEREAS, Council has heretofore found that it is necessary to renovate the swimming pool at Lincoln Park and raise the present height of the present swimming pool; construct concrete deck around pool; install a filter system and necessary appurtenances, acquire deck equipment, and construct a children's wading pool, and

WHEREAS, plans, profiles and specifications have been prepared by the Architect pursuant to Contract,

NOW, THEREFORE, BE IT ORDAINED By the Council of the City of Marion, State of Ohio:

Section 1. That the Board of Park Commissioners is hereby authorized and directed to advertise for bids and enter into contracts pursuant to law for the renovation of the swimming pool at Lincoln Park and for the raising of the height of the present swimming pool; constructing concrete decks around pool, installing a filter system and necessary appurtenances; acquiring deck equipment, and constructing a children's wading pool.

Section 2. That said bids and contracts shall be in accordance with the plans, profiles and specifications now on file in the office of the Safety-Service Director, which plans, profiles and specifications Council hereby approves.

Section 3. That this Ordinance is hereby declared to be an emergency measure in that it provides for the health, safety and welfare of the citizens of Marion, Ohio, and for the further reason that it is necessary to have pool facilities available for this year, of 1958, and the moneys for said project to make the pool available, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: May 26, 1958
APPROVED: May 28, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST: Alta E. Sheane
CLERK

ORDINANCE NO. 8301 - *By Act - 6/1/57*

ORDINANCE REQUESTING THAT THE SWIMMING POOL, LOCATED AT LINCOLN PARK SHALL BE UNDER THE CONTROL AND MANAGEMENT OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF MARION.

WHEREAS, Council has heretofore determined to proceed with the construction and improvement of the swimming pool at Lincoln Park, and

WHEREAS, said pool is within a park under the control and management of the Board of Park Commissioners of this City and is contemplated within improvements in said park as provided in Section 755.03 of the Revised Code of Ohio:

Section 1. That the swimming pool in Lincoln Park in the City of Marion shall be under the control and management of the Board of Park Commissioners of the City of Marion.

Section 2. That any ordinance or part thereof and any section of the Marion City Code or part thereof in conflict herewith is hereby repealed.

Section 3. That this Ordinance is hereby declared to be an emergency measure in that there is an immediate need to determine the control and management of said swimming pool in order to proceed with the construction and improvement of the pool, and for the further reason that it provides for the safety, health, peace and welfare of the citizens of the City of Marion, and as such emergency measure shall become effective immediately upon its passage and approval by the Mayor.

PASSED: May 26, 1958
APPROVED: May 28, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST: Alta E. Sheane
CLERK

ORDINANCE NO. 6222

ORDINANCE ESTABLISHING A FORTY-FOUR HOUR WORK WEEK AT THE SEWAGE TREATMENT PLANT FOR HOURLY RATED EMPLOYEES AND PROVIDING HOLIDAY PAY.

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

Section 1. That from and after the effective date of this Ordinance all hourly rated employees in the Sewage Department of the City of Marion shall not be required to work except in an emergency on the holidays hereinafter designated.

Section 2. That all hourly rated employees of the Sewage Department who work on the work day immediately preceding and the work day immediately succeeding the hereinafter designated holidays shall be paid for said holidays at regular time for 8 hours. A Doctor's certificate of injury or sickness of the employee on the day before or after a holiday shall meet the requirement of working that day.

Section 3. That effective immediately the regular work week in the Sewage Department shall consist of five consecutive days consisting of eight hours each and one day consisting of four hours. All work performed on holidays and Sundays shall be paid at the rate of time and one half. All work in excess of forty four hours during one week or in excess of eight hours in any one day shall be paid for at the rate of time and a half.

Section 4. That the holidays referred to in Section 1, 2 and 3 hereof shall be the following days:

- a. The first day of January, known as New Years Day.
- b. The thirtieth day of May, known as Decoration Day.
- c. The fourth day of July, known as Independence Day.
- d. The first Monday of September, known as Labor Day.
- e. Any day appointed and recommended by the Governor of this state or the President of the United States as a day of fast or thanksgiving, usually the fourth Thursday in November and known as Thanksgiving Day.
- f. The twenty-fifth day of December, known as Christmas Day.

Section 5. That this Ordinance is hereby declared to be an emergency measure in that there is an immediate need for establishing said work week and holidays in the Sewage Department of the City of Marion, and for the further reason that it provides for the safety, health and welfare of the citizens of the City of Marion, Ohio, and as such emergency shall take effect and be in force immediately upon its passage and approval by the Mayor.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: May 26, 1958
APPROVED: May 28, 1958

Wendell L. Strong
Mayor

ATTEST: Alta F. Sheebe
CLERK

ORDINANCE NO. 6223

ORDINANCE ACCEPTING THE PLAN OF LITTLE E. ADAMS WITH SUBDIVISION TO THE CITY OF MARION, OHIO.

WHEREAS, Little E. Adams has heretofore submitted to the Planning Commission of the City of Marion, a plan of Little E. Adams Subdivision to the City of Marion, Ohio, and

WHEREAS, on the 22 day of June, 1958, said Commission approved said plan,

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

Section 1. That the plan of Little E. Adams Subdivision to the City of Marion, Ohio, be and the same is accepted and approved,

Section 2. That this ordinance shall take effect and be in force from and after the date of its passage and approval by the Council of the City of Marion, Ohio.

PASSED: June 5, 1958
APPROVED: June 10, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST: Alta F. Sheebe
CLERK

ORDINANCE NO. 6324

ORDINANCE ESTABLISHING A FIRE LANE ON THE NORTH SIDE OF EAST MAIN STREET FROM MAIN STREET TO STATE STREET, AND ON SOUTH PROSPECT STREET, EAST SIDE FROM SILVER STREET TO WEST FAIRGROUND STREET.

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

Section 1. That the north side of East Main Street from Main Street to State Street shall be designated as "Fire Lane" and vehicles shall be prohibited from parking in said "Fire Lane".

Section 2. That the east side of North Prospect Street from Silver Street to West Fairground Street shall be designated as "Fire Lane" and vehicles shall be prohibited from parking in said "Fire Lane".

Section 3. That any person violating the foregoing provisions shall be amenable to Section 10.77 of the Municipal Code.

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

PASSED: June 9, 1948
APPROVED: June 10, 1948

Paul C. Baldwin
PRESIDENT OF COUNCIL

Walter L. Stevens
Mayor

ATTEST: Atta F. Shamba
CLERK

ORDINANCE NO. 6325

ORDINANCE APPROVING AND CONFIRMING THE ACTION OF THE BOARD OF SUPERVISORS OF MARION GENERAL HOSPITAL IN PURCHASING AN X-RAY TUBE WITHOUT BIDS, IN EXCESS OF \$1,000.00.

WHEREAS, on June 9, 1948, the late Dr. J. H. ... of Marion General Hospital ... and ...

WHEREAS, it was necessary to replace said tube immediately, the Board of Supervisors purchased a new tube for a sum in excess of \$1,000.00 without bidding as required by statute.

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

Section 1. Council finds that an emergency existed at Marion General Hospital on June 9, 1948, and that due to the urgency it was necessary to purchase a replacement tube without bidding as required by statute.

Section 2. Council confirms and approves the action of the Board of Supervisors of Marion General Hospital in purchasing said tube without bidding as required by statute.

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

PASSED: June 9, 1948
APPROVED: June 10, 1948

Paul C. Baldwin
PRESIDENT OF COUNCIL

Walter L. Stevens
Mayor

ATTEST: Atta F. Shamba
CLERK

ORDINANCE NO. 6326

ORDINANCE APPROPRIATING FUNDS WITHIN THE HOSPITAL FUND TO 5-4-13 X-RAY EQUIPMENT.

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

Section 1. That there is hereby appropriated within the Hospital Fund the sum of \$11,255.27 to 5-4-13 X-ray equipment.

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

PASSED: June 9, 1948
APPROVED: June 10, 1948

Paul C. Baldwin
PRESIDENT OF COUNCIL

Walter L. Stevens
Mayor

ATTEST: Atta F. Shamba
CLERK

ORDINANCE NO. 4357

ORDINANCE AUTHORIZING THE CITY SOLICITOR TO SETTLE AND PAY A CLAIM TO LOUISE E. YEAMAN AND LEROY B. YEAMAN IN THE AMOUNT OF \$2,000.00.

WHEREAS, Louise E. Yeaman filed suit against the City of Marion, Ohio, being Case No. 11117 in the Common Pleas Court of Marion County, Ohio, in the amount of \$7,800.00, and

WHEREAS, Leroy B. Yeoman filed suit against the City of Marion, Ohio, being Case No. 11207 in the Common Pleas Court of Marion County, Ohio, in the amount of \$500.00, and

WHEREAS, said suits alleged injuries to Louise E. Yeoman and expenses on the part of Leroy B. Yeoman as a result of said injuries and that said injuries arose as the result of a City work involving the automobile owned by Leroy B. Yeoman and that said automobile was a gift, and

WHEREAS, the City Solicitor informs Council that said cases may be settled for the sum of One Thousand Dollars (\$1,000.00) and the payment of the said costs for said suits, and

WHEREAS, Council deems it advisable to settle said suits,

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay into the fund of Louise E. Yeoman and Leroy B. Yeoman and to pay into Louise E. Yeoman the sum of One Thousand Dollars (\$1,000.00).

Section 2. That for the purpose of paying said claim, there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of One Thousand Dollars (\$1,000.00); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim, upon the approval of the City Solicitor of the proper vouchers thereof.

Section 4. That the City Solicitor is hereby authorized to pay the said costs to be paid by the City from the said fund to the said fund.

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

Enacted: June 8, 1958
Approved: June 10, 1958

Fred C. Ballauf
PRESIDENT OF COUNCIL

Walter W. Ballauf
Mayor

Walter W. Ballauf
CLERK

ORDINANCE NO. 4356

ORDINANCE AUTHORIZING THE CITY SOLICITOR TO SETTLE AND PAY A CLAIM TO THE NORTHERN INSURANCE COMPANY OF NEW YORK IN THE AMOUNT OF \$160.00.

WHEREAS, a truck owned by the City of Marion and being operated for the City struck an automobile owned by Leroy B. Yeoman causing damage thereto in the amount of \$325.52, and

WHEREAS, Leroy B. Yeoman assigned to the Northern Insurance Company of New York a portion of the claim in the amount of \$225.52, and

WHEREAS, said Northern Insurance Company of New York has made claim against the City of Marion in the amount of \$225.52, and

WHEREAS, the City Solicitor informs Council that said claim may be settled for the sum of One Hundred Sixty Dollars (\$160.00), and

WHEREAS, Council deems it advisable to settle said case,

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of the Northern Insurance Company of New York and to pay unto the Northern Insurance Company of New York the sum of One Hundred Sixty Dollars (\$160.00).

Section 2. That for the purpose of paying said claim, there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of One Hundred Sixty-Dollars (\$160.00); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim, upon the approval of the City Solicitor of the proper vouchers thereof.

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

PASSED: June 8, 1958
APPROVED: June 10, 1958

Fred C. Ballauf
PRESIDENT OF COUNCIL

ORDINANCE TO PROVIDE FOR THE ISSUANCE OF NOTES IN ANTICIPATION OF THE LEVY OF SPECIAL ASSESSMENTS AND IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNERS PORTION OF IMPROVING REED AVENUE FROM CHURCH STREET TO INDIANA AVENUE BY WIDENING EXISTING PAVEMENT TO 23 FEET AND CONSTRUCTING A 30 INCH CONCRETE CURB AND GUTTER ON EACH SIDE.

WHEREAS, the Council of the City of Marion has heretofore, by proper legislation, declared the necessity of improving Reed Avenue from Church Street to Indiana Avenue by widening existing pavement to 23 feet, and constructing a 30 inch concrete curb and gutter on each side.

WHEREAS, this Council contemplates the use of \$10,500.00 for the purpose of paying the portion of the cost of said improvements which are to be paid by assessments.

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

Section 1. That it is hereby declared necessary to issue the bonds of the City of Marion in the principal sum of \$10,500.00 for the purpose of raising money, in anticipation of the collection of special assessments for improving Reed Avenue from Church Street to Indiana Avenue.

Section 2. That said bonds shall be dated approximately July 1, 1959, shall bear interest at the rate of 4% per annum, payable semi-annually until the principal sum is paid, and shall mature in ten substantially equal semi-annual installments after their issuance.

Section 3. That for the purpose of raising money in anticipation of the levy of special assessments and in anticipation of the issuance of bonds in anticipation of the collection of special assessments for the improvement as aforesaid in accordance with the legislation heretofore passed by the City of Marion's Council with respect thereto, to pay the property owner's share of the cost and expense of said respective improvements, it is hereby declared necessary to issue and there shall be issued notes of said City in the amount of \$10,500.00, which shall be placed to the credit of the Special Improvement Fund.

The appropriation hereinabove made for said street improvement is subject to the qualification that interest at the rate of 4% per annum for the period prior to the collection of the first installment so to be levied shall be included in said amount, and the amount necessary to pay said interest is hereby appropriated for the payment thereof and for no other purpose.

Section 4. That such anticipatory notes in the amount aforesaid shall be issued bearing interest at the rate of 3% per annum, payable semi-annually. Such notes shall be dated the 1 day of July 1958, and shall mature on or before the 30th day of June, 1959. Such notes shall be executed and delivered in such number and such denominations as may be requested by the purchase of such notes.

Section 5. Such notes shall be executed by the Mayor and City Auditor and bear the seal of the corporation. They shall be payable at the office of the City Treasurer, Marion, Ohio; they shall express upon their face the purpose for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. All assessments collected for the improvements aforesaid and unexpended balances remaining in the funds after the costs and expenses of said improvements have been paid, shall be applied to the payment of said notes and the interest thereon until both are fully provided for.

Section 7. Said notes shall be first offered to the Sinking Fund Trustees of the City and so many of the same as shall not be taken by said trustees shall be sold at private sale by the City Auditor, but for not less than par and accrued interest, and the proceeds from such sale, except any premium and accrued interest thereon and the amount thereof necessary for the payment of interest prior to the maturity of said notes, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose. Any premium and accrued interest and the amount necessary for the payment of interest prior to their maturity shall be transferred to the Sinking Fund to be applied in the payment of principal and interest of said notes in the manner provided by law.

Section 8. Said notes shall be the full general obligations of the City and the full faith, credit and revenue of said City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 9. In the event that such assessments are not levied or bonds are not issued to provide a fund for the payment of said notes at maturity, a general tax shall be levied against all of the property in said City for the payment of such notes and the interest thereon.

Section 10. The City Auditor is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

Section 11. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 9, 1958
APPROVED: June 10, 1958

Gendell L. Strong
Mayor

ATTEST: Alta P. Sheebe
CLERK

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE NO. 4160

ORDINANCE TO PROVIDE FOR THE ISSUANCE OF NOTES IN ANTICIPATION OF THE LEVY OF SPECIAL ASSESSMENTS AND IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNERS PORTION OF IMPROVEMENTS OF UHLER ROAD FROM MT. VERNON AVENUE SOUTH 750 FEET TO THE PRESENT CITY CORPORATION LINE, BY RESHAPING EXISTING MACADAM, DOING NECESSARY GRADING, PROVIDING ADEQUATE DRAINAGE, CONSTRUCTING CONCRETE CURBS AND GUTTERS AND SURFACING THE MACADAM WITH 2½ INCHES OF ASPHALTIC CONCRETE.

WHEREAS, the Council of the City of Marion has heretofore, by proper legislation, declared the necessity of improving Uhler Road from Mt. Vernon Avenue south 750 feet to the present City corporation line, by reshaping existing macadam, and doing necessary grading, providing adequate drainage, constructing concrete curbs and gutters, and surfacing the macadam with 2½ inches of asphaltic concrete;

WHEREAS, this Council contemplates the use of \$11,500.00 for the purpose of paying the portion of the cost of said improvements which are to be paid by assessments.

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

Section 1. That it is hereby declared necessary to issue the bonds of the City of Marion in the principal sum of \$11,500.00 for the purpose of raising money, in anticipation of the collection of special assessments for improving of Uhler Road from Mt. Vernon Avenue south 750 feet to the present city corporation line, by reshaping existing macadam, doing necessary grading, providing adequate drainage, constructing concrete curbs and gutters, and surfacing the macadam with 2½ inches of asphaltic concrete.

Section 2. That said bonds shall be dated approximately July 1, 1959, shall bear interest at the rate of 4% per annum, payable semi-annually until the principal sum is paid, and shall mature in ten substantially equal semi-annual installments after their issuance.

Section 3. That for the purpose of raising money in anticipation of the levy of special assessments and in anticipation of the issuance of bonds in anticipation of the collection of special assessments for the improvement as aforesaid, in accordance with the legislation heretofore passed by the City of Marion's Council with respect thereto, to pay the property owner's share of the cost and expense of said respective improvements, it is hereby declared necessary to issue and there shall be issued notes of said City in the amount of \$11,500.00, which shall be placed to the credit of the Special Improvement Fund.

The appropriation hereinabove made for said street improvement is subject to the qualification that interest at the rate of 4% per annum for the period prior to the collection of the first installment so to be levied shall be included in said amount, and the amount necessary to pay said interest is hereby appropriated for the payment thereof and for no other purpose.

Section 4. That such anticipatory notes in the amount aforesaid shall be issued bearing interest at the rate of 5% per annum, payable semi-annually. Such notes shall be dated the 1st day of July 1958, and shall mature on or before the 30th day of June 1959. Such notes shall be executed and delivered in such number and such denominations as may be requested by the purchase of such notes.

Section 5. Such notes shall be executed by the Mayor and City Auditor and bear the seal of the corporation. They shall be payable at the office of the City Treasurer, Marion, Ohio; they shall express upon their face the purpose for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. All assessments collected for the improvements aforesaid and unexpended balance remaining in the funds after the costs and expenses of said improvements have been paid, shall be applied to the payment of said notes and the interest thereon until both are fully provided for.

Section 7. Said notes shall be first offered to the Sinking Fund Trustees of the City so many of the same as shall not be taken by said trustees shall be sold at private sale by the City Auditor, but for not less than par and accrued interest, and the proceeds from such sale, except any premium and accrued interest thereon and the amount thereof necessary for the payment of interest prior to the maturity of said notes, shall be paid into the proper fund and used for the purpose aforesaid, and for no other purpose. Any premium and accrued interest and the amount necessary for the payment of interest prior to their maturity shall be transferred to the Sinking Fund to be applied in the payment of principal and interest of said notes in the manner provided by law.

Section 8. Said notes shall be the full general obligations of the City and the full faith, credit and revenue of said City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 9. In the event that such assessments are not levied or bonds are not issued to provide a fund for the payment of said notes at maturity, a general tax shall be levied against all of the property in said City for the payment of such notes and the interest thereon.

Section 10. The City Auditor is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

Section 11. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 9, 1958
APPROVED: June 10, 1958

Wendell L. Stroug
Mayor

ATTEST: Alta F. Shaebe
CLERK

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE TRANSFERRING AND APPROPRIATING ADDITIONAL FUNDS FROM THE GENERAL FUND TO THE SPECIAL FUND, LINCOLN PARK POOL PROJECT.

NOW, THEREFORE, BE IT ORDLANED by the Council of the City of Marion, State of Ohio:

Section 1. That there is hereby transferred and appropriated from the General Fund to the Special Fund, Lincoln Park Pool Project, the sum of \$15,000.00,

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

PASSED: June 17, 1958
APPROVED: June 18, 1958

Fred C. Baldauf
President of Council

Wendell L. Strong
Mayor

ATTEST: Alta P. Smeche
Clerk

ORDINANCE NO. 8362

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE MARION COUNTY COMMISSIONERS FOR THE COLLECTION AND TREATMENT OF SEWAGE, AND THE MAINTENANCE AND OPERATION OF SEWERS IN MARION COUNTY SEWER DISTRICT NO. 1, AND ESTABLISHING RATES THEREFOR.

WHEREAS, the Marion County Commissioners have established Marion County Sewer District No. 1, and

WHEREAS, it is the desire of the City and County to enter into a contract whereby the City will accept the sewage from Sewer District No. 1 for treatment in its plant and maintain and operate the sewage system of the County.

NOW, THEREFORE, BE IT ORDLANED by the Council of the City of Marion, State of Ohio:

Section 1. That the Safety-Service Director is hereby authorized and directed to enter into a contract between the City of Marion and the Board of County Commissioners for the purpose of carrying out the preamble hereof which contract shall provide in substance as follows:

NOW, THEREFORE, in consideration of the promises and of the mutual covenants hereinafter contained, and for other good and valuable considerations, the City and County promise and agree:

Section 1. The City promises and agrees with the County, subject to the covenants and conditions hereinafter contained, to provide the necessary additional capacity and facilities to receive, and treat the sanitary sewage and wastes of the District, as they may be collected in the District by means of its intercepting and trunk sewers now existing or hereafter constructed, and to transport said sewage and wastes to the sewage treatment plant of the City and treat and dispose of the same in like manner as the sewage collected within the corporate limits of the City.

The additional facilities shall be provided in accordance with Plate XIII of the Engineering report prepared by Floyd G. Browne and Associates, consulting Engineers, dated February 13, 1957, at such time as the parties mutually agree for future sewer improvements.

The additional capacity and facilities to be provided immediately by the City shall be the extension of the twenty-four (24) inch Forest Lawn Boulevard Trunk sewer southwardly from its present terminus to the present corporation line of the City, a distance of approximately 1100 feet.

Section 2. The City promises and agrees with the County, subject to the covenants and conditions hereinafter contained, to provide the necessary personnel facilities and equipment to operate, maintain and keep in repair the sanitary sewer system of the District, excluding any private lateral service, but including any existing sewers within the District connected to the City sewer system.

Section 3. The County promises and agrees with the City, as necessity and conditions demand and require, to acquire or provide the necessary sanitary sewer facilities in the District in accordance with the adopted general plan of the County for the sewer system in said District (Said plan being described on Plate XIII of the Engineering Report of Floyd G. Browne and Associates of Marion, Ohio, dated February 13, 1957), pursuant to and in the manner prescribed by Chapter 6117 of the Revised Code of Ohio, and in accordance with the regularly established rules and regulations of the County as adopted by the Board of County Commissioners for said District.

Section 4. The County promises and agrees that it shall fix reasonable charges of rents to be paid by every person, firm, corporation, owner, lessor, or tenant whose lot, land or premises in said District now has or may hereafter be served by a connection to said District sanitary sewer system, or is accessible thereto, for the use of the sewers, sewage treatment plant and facilities. The County agrees that said charges of rents in the District for nonresidents of the City shall be and are the same as those established by City's Ordinances Numbers 5058, 6040, and 6089 passed 9/27/48, 4/23/56, and 7/25/56 respectively, or any amendments hereto that are mutually agreeable to both parties hereto.

The County agrees that it shall fix a tap in charge in the amount of One Hundred Dollars (\$100.00) to be paid by every person, firm, corporation, owner, lessor or tenant of any lot, land or premises in said district who hereafter taps into any sewer now constructed or hereafter constructed in said District, said tap in charge to be paid in full before said tap in is permitted. The City agrees that the County may, in the acquisition of a sewer presently contemplated to serve Marion Plaza, Inc., The Marion County Home, Royal Oaks Subdivision and a portion of Zachman-Vernon Acres, in view of the excess costs being borne by the said parties in the construction of said proposed sewer, exempt and waive the payment of the tap in charge for the Marion Plaza, Inc., connections, the Marion County Home Connection, 51 connections in Royal Oaks Subdivision, and 52 connections in Zachman-Vernon Acres.

A schedule of the charges for rent for sewers service and tap in charges in said District is marked Exhibit "C", attached hereto and incorporated herein by reference.

The County agrees that the City shall receive the above rentals and tap in charges and the City agrees to accept the above rentals and tap in charges in consideration of the City receiving, transporting and treating the sanitary sewage and wastes from said District into and through the sewer system of the City, and supervising and inspecting the construction and connections and maintaining, operating and keeping in repair the sewer system of the District.

It is mutually agreed that the terms of this Section shall not prevent the City from complying with the terms of its present sewer bond indenture.

Section 5. The County further agrees and hereby authorizes the City to collect directly from the persons, firms, corporations, owners, lessors or tenants of said lots, lands or premises in said District the above rentals and tap in charges. The City shall bill directly said parties. Billing to and collecting from said parties shall be in the same manner and at the same time as the City now or may hereafter determine to bill and collect from others charged for sewer service.

Section 6. The City agrees that it will collect said rentals and tap in charges directly, and that the City shall assume, at its own expense, all administrative costs and responsibility for making such collections, relieving the County of all responsibility and liability for such rentals and tap in charges, provided however, that in the event that such persons, firms, corporations, owners, lessors or tenants charged and liable for the payment of said rentals or tap in charges fail to pay the same when due, the City, by its Safety-Service Director, may certify such delinquent charges to the County who shall certify the same to the County Auditor who shall place them upon the real property duplicate against the property served by such connections, to be collected by the County Treasurer in the same manner as other taxes, said charges upon being entered on the real property duplicate becoming a lien on such property. County agrees that upon the payment of such delinquent charges to the Treasurer of said County, said payments shall thereupon be paid to the City.

Section 7. THE COUNTY FURTHER AGREES:

(a) That no connection shall be made to the sanitary sewer system of the District until after the issuance of a permit therefor signed by both the County Sanitary Engineer or County Engineer and the City Engineer, and the payment of the tap in charge. Said permits shall be numbered consecutively. The City shall furnish permit forms to the County in triplicate, the County to issue initially the permit, which permit must then be signed by the City Engineer, who is hereby authorized to collect the tap in charge and remit the same to the City.

(b) That the City shall have the right to connect any sanitary sewers built by it to any of the sanitary sewers in the District and to use such sanitary sewers in the District without cost to the City.

(c) That the sanitary sewer system in the District shall be used for sanitary sewage only and such waste and waste water as is permitted under City's Ordinance No. 6040, and not for trade waste or surface water drainage.

That the use of said sanitary sewers in the District shall be governed by the same rules and regulations governing the use of the sanitary sewers of the City as long as said District sewers continue to discharge into the City's sewers; that only sanitary sewage and approved industrial wastes shall be permitted to be discharged into the City sewer system.

That industries desiring to use the District sanitary sewers shall apply in writing to the Safety-Service Director of the City. Acceptance of industrial wastes for discharge into the District sewer system shall be by written contract duly authorized by City Council and approved by the County.

(d) That the County shall adopt rules, regulations and rates pertaining to the use of the District sewer system and specifications for the construction of sanitary sewers in the District, which rules, regulations and specifications shall be at least equal to the requirements set forth in the rules and regulations governing the use of the City sewer system and the standards provided in the City's standard sewer improvement specifications.

(e) That the plans, details and specifications for the construction of any main, trunk or lateral sewers, or sewer facilities, in the District shall be submitted to and approved by the City Engineer, prior to the construction of the same. That the City Engineer or his authorized assistants shall have the right to enter and inspect any sewer, lateral or sewer facility or structure services thereby in the District at any and all times during or after the period of construction of said sewer, lateral or sewer facility for the purpose of ascertaining that all rules, regulations, plans, details and specifications are complied with.

(f) That the City Engineer shall have the right to establish the maximum allowable infiltration in the sanitary sewer system at the time of approving the detailed plans and specifications. Such infiltration shall not exceed 500 gallons per inch of diameter per mile of length per 24 hours.

(g) That it will not permit the discharge of any sewage from territory outside the District without the consent of the City embodied in a contract form and executed according to law.

(h) That the County shall furnish to said City India Ink Cloth tracings of the sewer systems acquired or constructed in the District and notify the Safety-Service Director of said City when construction work will start on any sewer being constructed in the District, and of any major changes thereafter made in the sewer system.

(i) That the County agrees to enact and enforce rules and regulations governing the construction of home laterals and the use of its sanitary sewer system equal to those heretofore adopted by the City for its sewer system. That County shall require connections to the District sewer system by the owners of all premises within ninety (90) days from the date sewers are available for continuous use to such premises.

Section 8. THE CITY FURTHER AGREES:

(A) To maintain record books for accurately recording "Y" measurements and permits issued to connect to the sewers in the District, and to provide County with such record; and, to furnish to County the permit applications referred to in Section 7 (A), herein.

(B) That in view of the City maintaining, operating and keeping in repair the sewer system of the District, and inasmuch as the plans, details and specifications for the construction of any main, trunk or lateral sewers or sewer facilities in said District must be submitted to and approved by City prior to construction, and inasmuch as the District sewer system will become an integral part of the City sewer system for all practical purposes, and in consideration of the rentals and charges to be paid to City under this Agreement the City agrees that it shall perform all inspection of such construction while same is in progress and all connections to the sewer system for the purpose of ascertaining that such construction and connections within the District complies with the approved plans, specifications and requirements of the City.

Section 9. IT IS MUTUALLY AGREED BY THE PARTIES:

(A) That the amounts established herein by the County as rentals and charges in said District, to be paid to and collected by the City, shall continue in force so long as the rates and charges levied within

(B) It is mutually agreed that the City shall make an accounting to the County each year by April 15 of the succeeding year of all sewer service revenues collected by the City from the County and the City alike and the distribution and allocation of these revenues in the manner as set forth in the Engineers estimates of Revenues and Expenses, Table 7 of the Engineering Report of Floyd G. Browne and Associates, dated February 13, 1957.

(C) That the revenue bond coverage for the portion of the City's revenue bond issue financed by the City, and from which the County benefits, being a definite fractional part of the debt service requirements for said bond issue, shall be used, first: to create the debt revenue fund as provided by said bond indenture, and second: any excess not used for retiring bonds before maturity shall be deposited in a special account and rebated to the County at intervals of two years until all of said excess coverage has been paid to County.

(D) That the parties hereto mutually promise and agree that in the event the corporation limits of the City of Marion are extended so as to take in any part of the County Sewer District No. 1, that part of the District sewer system shall become the property of the City of Marion, free of any costs to the City. If General Assessment bonds have been issued to pay for the improvements in the District, the assessment shall remain with the property whether it becomes annexed to the City or remains in the District. If County Revenue bonds have been issued to pay for the improvements in the District, the City shall pay to the County an amount equal to the outstanding debt payable as said bonds are payable. If the City should annex only a part of the aforesaid District, the City shall pay according to the same formula prorated.

(E) County further agrees that any completed sanitary sewers and necessary appurtenances defined herein for the use of any sewer district located within the City of Marion, or within any area which may be annexed to the City of Marion shall be conveyed to said City subject to provisions of Ohio Law, which City shall thereafter maintain, operate and keep in repair such sanitary sewer. County retains the right to joint use of such sanitary sewer for the benefit of the District. The validity of any assessments levied to provide means for the payment of the cost of construction or maintenance of such sewer or any part thereof shall not be affected by this conveyance.

Section 10. It is mutually understood and agreed by the County and the City that this Agreement shall become effective and considered to be in force from and after the 25th day of May, 1958, for a period of twenty-five years (25) to finance the construction stipulated in Section 1. Either party shall have the right to review any of the terms of this contract upon written notice to the other party at intervals of five (5) years from the date hereof. It is not intended by this provision to qualify in any manner Section 9, Paragraph (A) of the Mutual Promises hereinbefore set forth.

Section 11. This contract includes the listed documents and exhibits, as well as this Agreement, all of which are fully a part of this agreement, as if herein set forth in writing.

EXHIBIT "C"

SEWER RENTALS AND CHARGES, MARION COUNTY SEWER DISTRICT NO. 1.

TAPPING CHARGE:

There shall be levied and assessed upon each lot, parcel of land, building or premises situated within Marion County Sewer District No. 1 a tap in charge in the amount of One Hundred Dollars (\$100.00) for each tap in or connection to the sanitary sewer system of said District, said charge to be paid at the time of issuance of the permit to tap and prior to the actual tap in or connection.

RENTALS:

There shall be levied and assessed upon each person, firm, or corporation whose lot, parcel of land, building or premises situated within Marion County Sewer District No. 1 is served by an active connection to the sewer system of said District, a rental for the use of said sewer system, computed as hereinafter set forth.

(A) Based upon the quantity of water used on the premises served by the sewer system as the same is measured by a water meter or meters.

RESIDENTIAL - BI-MONTHLY ACCOUNTS.

For the first 1000 cubic feet, or fraction thereof, per two month period except readings taken in June, July, August and September, of each year \$3.00

For the next 1000 cubic feet in said two month period .48 per 100 cubic feet.
For the next 8000 cubic feet in said two month period .42 per 100 cubic feet.
For the next 20,000 cubic feet in said two month period .30 per 100 cubic feet.
For all over 30,000 cubic feet in said two month period .10 per 100 cubic feet.

For readings taken in June, July, August and September of each year.

For the first 1200 cubic feet, or fraction thereof, per two month period \$3.00
For the next 800 cubic feet in said two month period .43 per 100 cubic feet.
For the next 8000 cubic feet in said two month period .42 per 100 cubic feet.
For the next 20,000 cubic feet in said two month period .30 per 100 cubic feet.
For all over 30,000 cubic feet in said two month period .10 per 100 cubic feet.

Where no water measurement is used, the charge as provided under Section 6(b) of this Ordinance shall be \$2.00 bi-monthly.

*2000 added
by Ord #
1277*

COMMERCIAL - SEWERLY ACCOUNTS.

For the first 500 cubic feet, or fraction thereof, per month \$2.00
 For the next 500 cubic feet in said month .24 per 100 cubic feet.
 For the next 1000 cubic feet in said month .21 per 100 cubic feet.
 For the next 10,000 cubic feet in said month .15 per 100 cubic feet.
 For all over 15,000 cubic feet in said month .05 per 100 cubic feet.

Revised by Resolution # 6317

(B) In addition to the rentals set forth under paragraph A, the following fixed schedule of rates are charged:

Dwellings and Apartments:

One family \$4.00 per quarter
 For each additional family on the same connection \$3.00 per quarter

Trailer Camps:

For each trailer \$2.00 per quarter

Retail Stores:

For each connection (store only) \$5.00 per quarter

Restaurants and Public Dining Places:

For each connection \$10.00 per quarter

Livestock Sales Yards:

For each connection \$15.00 per quarter

Industries and Railroad Yards:

For ten employees or less using sanitary facilities lump sum \$4.00 per quarter
 For each additional employee using sanitary facilities \$.25 per quarter

Section 2. That this Ordinance is hereby declared to be an emergency measure in that there is an immediate need to enter into said contract, and for the further reason that it provides for the safety, health, peace and welfare of the citizens of the City of Marion, and as such emergency measure shall become effective immediately upon its passage and approval by the Mayor, provided it receives an affirmative vote of two-thirds of the members elected to Council, otherwise it shall become effective at the earliest period allowed by law.

PASSED: May 26, 1958
 APPROVED:

Fred C. Baldauf
 PRESIDENT OF COUNCIL

~~VETOED June 3, 1958~~

Mayor

ATTEST:

Alta P. Sheehy

CLERK

(On June 23rd, 1958, Council reconsidered the Ordinance, after Mayor Strong's veto on June 3rd, 1958, and upon the reconsideration it was adopted 9 to 1 of the members elected to Council.)

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS ACCORDING TO LAW AND ENTER INTO CONTRACTS FOR THE CONSTRUCTION OF A TWENTY-FOUR INCH SANITARY TRUNK SEWER IN FOREST LAWN DRIVE FROM THE PRESENT TERMINUS OF A CERTAIN SANITARY SEWER LOCATED APPROXIMATELY 694 FEET SOUTH OF MOUNT VERNON AVENUE IN FOREST LAWN DRIVE, SOUTHERLY IN SAID FOREST LAWN DRIVE A DISTANCE OF APPROXIMATELY 1100 FEET TO THE PRESENT SOUTH CORPORATION LINE WITHOUT ANY LOCAL LATERAL SERVICE.

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

Section 1. That the Safety-Service Director be and he is hereby authorized to advertise for bids according to law and enter into contracts for the construction of a twenty-four inch sanitary trunk sewer in Forest Lawn Drive from the present terminus of a certain sanitary sewer located approximately 694 feet south of Mount Vernon Avenue in Forest Lawn Drive, southerly in said Forest Lawn Drive a distance of approximately 1100 feet to the present south corporation line, without any local lateral service.

Section 2. That the contracts hereinbefore mentioned be entered into with the lowest and best bidder after due advertisement, and shall be in accordance with the plans and specifications to be provided by the Engineer employed to prepare the plans, profiles and specifications.

Section 3. That costs for said contract shall be expended from the sewer improvement fund.

Section 4. That this Ordinance is hereby declared to be an emergency measure in that there is an immediate need for the construction of said improvement, and for the further reason that it provides for the safety, health, peace and welfare of the citizens of the City of Marion, and as such emergency measure shall become effective immediately upon its passage and approval by the Mayor, provided it receives an affirmative vote of two-thirds of the members elected to Council, otherwise it shall become effective at the earliest period allowed by law.

PASSED: May 26, 1938
APPROVED:

Fred C. Baldauf
PRESIDENT OF COUNCIL

Witnessed on June 3rd by Mayor Strong
Mayor

ATTEST:

Alta F. Sheshe
CLERK

(On June 23, 1938, Council reconsidered the Ordinance, after Mayor Strong's veto of June 3rd, 1938, and upon the consideration it was adopted by a vote of 8 to 1, of the members elected to Council).

ORDINANCE NO. 432

ORDINANCE ESTABLISHING A TAPPING FEE TO BE PAID BY THE CITY OF MARION BY PROPERTIES ADJOINING TO A TWENTY-FOUR INCH SANITARY TRUNK SEWER IN FOREST LAWN DRIVE FROM THE PRESENT TERMINUS OF A CERTAIN SANITARY SEWER LOCATED APPROXIMATELY 694 FEET SOUTH OF MOUNT VERNON AVENUE IN FOREST LAWN DRIVE A DISTANCE OF APPROXIMATELY 1100 FEET TO THE PRESENT SOUTH CORPORATION LINE.

WHEREAS, Council has this day determined to construct a twenty-four inch sanitary trunk sewer from the present terminus of a certain twenty-four inch sanitary sewer located approximately 694 feet south of Mount Vernon Avenue in Forest Lawn Drive, southerly in said Forest Lawn Drive a distance of approximately 1100 feet to the present south corporation line, and

WHEREAS, no taps will be made in this sewer for local lateral service to lots abutting upon said sewer, and

WHEREAS, the Engineer reports that if assessments were to be made at this time said assessments would be \$6.00 per abutting foot, and

WHEREAS, Council determines that a tapping fee for said sewer should be established at \$6.00 per abutting foot.

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

Section 1. That any person, firm or corporation tapping a certain twenty-four inch sanitary trunk sewer located between the following two points; from the present terminus of a certain twenty-four inch sanitary sewer located approximately 694 feet south of Mount Vernon Avenue in Forest Lawn Drive, southerly in said Forest Lawn Drive a distance of approximately 1100 feet to the present south corporation line; shall pay a tapping fee for tapping said sewer, which tapping fee shall be calculated as follows: \$6.00 multiplied by the number of abutting front feet owned by the person, firm or corporation upon which sewer service is proposed to be established.

Section 2. That the moneys collected from said tapping fee provided in Section 1 hereof shall be paid into the Sewer Improvement Fund.

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

PASSED: June 23, 1938
APPROVED: June 24, 1938

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:
Alta F. Sheshe, CLERK

ORDINANCE NO. 6305

ORDINANCE TO PROVIDE FOR THE ISSUANCE OF BONDS IN ANTICIPATION OF OF THE LEVY OF SPECIAL ASSESSMENTS AND IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNER'S PORTION OF THE IMPROVEMENT OF WILLOW STREET AND MANDANA AVENUE BY THE CONSTRUCTION OF A CONCRETE CURBING ON BOTH SIDES OF WILLOW STREET AND MANDANA AVENUE FROM SEMINOLE AVENUE TO BRIGHTWOOD DRIVE, THE WIDENING AT THE EXISTING MACADAM PAVEMENT ON WILLOW STREET AND MANDANA AVENUE FROM SEMINOLE AVENUE TO BRIGHTWOOD DRIVE, THE IMPROVEMENT OF THE EXISTING MACADAM PAVEMENT BY REGRADING A PARTICULAR AREA OF MANDANA AVENUE BETWEEN GREENWOOD STREET AND DUFFEE DRIVE, THE RESURFACING OF THE EXISTING AND NEW MACADAM PAVEMENT WITH ASPHALTIC CONCRETE, AND THE CONSTRUCTION OF THE NECESSARY STRUCTURES FOR THE DRAINAGE OF STORM WATER.

WHEREAS, the Council of the City of Marion has heretofore, by proper legislation, declared the necessity of improving Willow Street and Mandana Avenue by the construction of a concrete curbing on both sides of Willow Street and Mandana Avenue from Seminole Avenue to Brightwood Drive, the widening at the existing macadam pavement on Willow Street and Mandana Avenue from Seminole Avenue to Brightwood Drive, the improvement of the existing macadam pavement by regrading a particular area of Mandana Avenue between Greenwood Street and Duffee Drive, the resurfacing of the existing and new macadam pavement with asphaltic concrete, and the construction of the necessary structures for the drainage of storm water, and

WHEREAS, this Council contemplates the use of \$27,200.00 for the purpose of paying the portion of the cost of said improvement which are to be paid by assessments.

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

Section 1. That it is hereby declared necessary to issue the bonds of the City of Marion in the principal sum of \$27,200.00 for the purpose of raising money, in anticipation of the collection of special assessments for the improvement of Willow Street and Mandana Avenue by the construction of a concrete curbing on both sides of Willow Street and Mandana Avenue from Seminole Avenue to Brightwood Drive, the widening at the existing macadam pavement on Willow Street and Mandana Avenue from Seminole Avenue to Brightwood Drive, the improvement of the existing macadam pavement by regrading a particular area of Mandana Avenue between Greenwood Street and Duffee Drive, the resurfacing of the existing and new macadam pavement with asphaltic concrete, and the construction of the necessary structures for the drainage of storm water.

Section 2. That said bonds shall be dated approximately July 1st, 1958, shall bear interest at the rate of 5% per annum, payable semi-annually until the principal sum is paid, and shall mature in ten substantially equal semi-annual installments after their issuance.

Section 3. That for the purpose of raising money in anticipation of the levy of special assessments and in anticipation of the issuance of bonds in anticipation of the collection of special assessments for the improvement as aforesaid, in accordance with the legislation heretofore passed by the City of Marion's Council with respect thereto, to pay the property owner's share of the cost and expense of said respective improvements, it is hereby declared necessary to issue and there shall be issued notes of said City in the amount of \$27,200.00 which shall be placed to the credit of the Special Improvement Fund.

The appropriation hereinabove made for said street improvement is subject to the qualification that interest at the rate of 5% per annum for the period prior to the collection of the first installment so to be levied shall be included in said assessment, and the amount necessary to pay said interest is hereby appropriated for the payment thereof and for no other purpose.

Section 4. That such anticipatory notes in the amount aforesaid shall be issued bearing interest at the rate of 5% per annum, payable semi-annually. Such notes shall be dated the 1st day of July 1958, and shall mature on or before the 30th day of June 1969. Such notes shall be executed and delivered in such number and such denominations as may be requested by the purchase of such notes.

Section 5. Such notes shall be executed by the Mayor and City Auditor and bear the seal of the corporation. They shall be payable at the office of the City Treasurer, Marion, Ohio; they shall express upon their face the purpose for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. All assessments collected for the improvements aforesaid and unexpended balances remaining in the funds after the costs and the expenses of said improvements have been paid, shall be applied to the payment of said notes and the interest thereon until both are fully provided for.

Section 7. Said notes shall be first offered to the Bond Retirement Fund of the City and so many of the same as shall not be taken by said trustees shall be sold at private sale by the City Auditor, but for not less than par and accrued interest, and the proceeds from such sale, except any premium and accrued interest, thereon and the amount thereof necessary for the payment of interest prior to the maturity and for no other purpose. Any premium and accrued interest and the amount necessary for the payment of interest prior to their maturity shall be transferred to the Sinking Fund to be applied in the payment of principal and interest of said notes in the manner provided by law.

Section 8. Said notes shall be the full general obligations of the City and the full faith, credit and revenue of said City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 9. In the event that such assessments are not levied or bonds are not issued to provide a fund for the payment of said notes at maturity, a general tax shall be levied against all of the property in said City for the payment of such notes and the interest thereon.

Section 10. The City Auditor is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

Section 11. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

326 7/1/58
11/2/58

ORDINANCE TO PROVIDE FOR THE ISSUANCE OF NOTES IN ANTICIPATION OF THE LEVY OF SPECIAL ASSESSMENTS AND IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNERS PORTION OF THE IMPROVEMENT OF SEMINOLE AVENUE BY WIDENING BOTH SIDES OF THE EXISTING MACADAM PAVEMENT FROM WILLOW STREET TO WALNUT STREET; BY CONSTRUCTING CONCRETE CURBS ON THE WEST SIDE OF THE STREET FROM WILLOW STREET TO WALNUT STREET, BY CONSTRUCTING CONCRETE GUTTERS ON THE EAST SIDE OF THE STREET FROM WILLOW STREET SOUTH ABOUT 1040 FEET; BY SURFACING THE NEW AND EXISTING MACADAM PAVEMENT WITH ASPHALTIC CONCRETE AND THE CONSTRUCTION OF NECESSARY STRUCTURES FOR THE DRAINAGE OF STORM WATER.

WHEREAS, the Council of the City of Marion has heretofore, by proper legislation, declared the necessity of improving Seminole Avenue by widening both sides of the existing macadam pavement from Willow Street to Walnut Street; by constructing concrete curbs on the west side of the street from Willow Street to Walnut Street, by constructing concrete gutters on the east side of the street from Willow Street south about 1040 feet; by surfacing the new and existing macadam pavement with asphaltic concrete and the construction of necessary structures for the drainage of storm water, and

WHEREAS, this Council contemplates the use of \$24,300.00 for the purpose of paying the portion of the cost of said improvements which are to be paid by assessments.

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

Section 1. That it is hereby declared necessary to issue the bonds of the City of Marion in the principal sum of \$24,300.00 for the purpose of raising money, in anticipation of the collection of special assessments for the improvement of Seminole Avenue by widening both sides of the existing macadam pavement from Willow Street to Walnut Street; by constructing concrete curbs on the west side of the street from Willow Street to Walnut Street, by constructing concrete gutters on the east side of the street from Willow Street south about 1040 feet; by surfacing the new and existing macadam pavement with asphaltic concrete and the construction of necessary structures for the drainage of storm water.

Section 2. That said bonds shall be dated approximately July 1st, 1958, shall bear interest at the rate of 3% per annum, payable semi-annually until the principal sum is paid, and shall mature in ten substantially equal semi-annual installments after their issuance.

Section 3. That for the purpose of raising money in anticipation of the levy of special assessments and in anticipation of the issuance of bonds in anticipation of the collection of special assessments for the improvement as aforesaid in accordance with the legislation heretofore passed by the City of Marion's Council with respect thereto, to pay the property owner's share of the cost and expense of said respective improvements, it is hereby declared necessary to issue and there shall be issued notes of said City in the amount of \$24,300.00, which shall be placed to the credit of the Special Improvement Fund.

The appropriation hereinabove made for said street improvement is subject to the qualification that interest at the rate of 3% per annum for the period prior to the collection of the first installment to be levied shall be included in said amount, and the amount necessary to pay said interest is hereby appropriated for the payment thereof and for no other purpose.

Section 4. That such anticipatory notes in the amount aforesaid shall be issued bearing interest at the rate of 3% per annum, payable semi-annually. Such notes shall be dated the 1st day of July 1958, and shall mature on or before the 30th day of June 1959. Such notes shall be executed and delivered in such number and such denominations as may be requested by the purchase of such notes.

Section 5. Such notes shall be executed by the Mayor and City Auditor and bear the seal of the corporation. They shall be payable at the office of the City Treasurer, Marion, Ohio; they shall express upon their face the purpose for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. All assessments collected for the improvements aforesaid and unexpected balances remaining in the funds after the costs and expenses of said improvements have been paid, shall be applied to the payment of said notes and the interest thereon until both are fully provided for.

Section 7. Said notes shall be first offered to the Bond Retirement Fund of the City and so many of the same as shall not be taken by said Trustees shall be sold at private sale by the City Auditor, but for not less than par and accrued interest, and the proceeds from such sale, except any premium and accrued interest thereon and the amount thereof necessary for the payment of interest prior to the maturity of said notes, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose. Any premium and accrued interest and the amount necessary for the payment of interest prior to their maturity shall be transferred to the Sinking Fund to be applied in the payment of principal and interest of said notes in the manner provided by law.

Section 8. Said notes shall be the full general obligations of the City and the full faith, credit and revenue of said City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by said notes shall, to the extent necessary be used only for the retirement of said notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 9. In the event that such assessments are not levied or bonds are not issued to provide a fund for the payment of said notes at maturity, a general tax shall be levied against all of the property in said City for the payment of such notes and the interest thereon.

Section 10. The City Auditor is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

Section 11. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 23, 1958
APPROVED: June 24, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta F. Steebe
CLERK

Fred C. Baldauf
PRESIDENT OF COUNCIL

3 sub 6/26/58
7/10/58
Amended by
Ord. No. 6184

ORDINANCE NO. 6167

ORDINANCE ESTABLISHING INSPECTION FEES FOR EXCAVATIONS ON CITY OWNED PROPERTY AND ESTABLISHING A CASH PAYMENT TO BE MADE WHERE PAYMENT OR SIDEWALK IS LANE AND REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR THE CITY TO REPAIR ALL STREETS AND SIDEWALKS AT OWNERS EXPENSE AFTER EXCAVATIONS.

WHEREAS, Council deems it necessary for the proper replacement of excavations on City Property to provide inspection therefore and to establish a fee for such inspection to defray the cost of said inspection, and

WHEREAS, Council deems that repairs after excavations made in portions of the City Streets where there is pedestrian and vehicular traffic should be made by the City Street Department except in cases of utilities operating under a franchise within the City of Marion or its agents, and

WHEREAS, sewer repairs are of such a nature, due to depth of trenches and nature of work, that considerable time is necessary on the part of the inspector, Council deems it necessary a special inspection fee should be established for such excavations, and

WHEREAS, Council deems that there be established a cash payment made by any person, firm, or corporation making excavations in streets and sidewalks other than a utility operating under a franchise within the City of Marion or its agents, for purpose of paying repair costs to such openings,

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

Section 1. That any person, firm, or corporation upon obtaining a permit to make an opening in any dedicated street, alley, or other property owned by the City of Marion shall pay the following fees for the inspection of said opening by properly authorized employees of the City of Marion.

- (a) Any excavation to a sewer or to install a sewer \$8.00
- (b) Any excavation other than as provided in (a) above \$3.00
(Except in that utilities operating under Franchise within the City of Marion shall pay no inspection fee for openings in areas other than where there is pedestrian or vehicular traffic.)

Section 2. Said inspection fee shall be paid at the time of obtaining the permit before making the opening unless satisfactory arrangements are made by said person, firm or corporation with the Director of Safety-Service for a monthly villing for said opening.

Section 3. Any such person, firm or corporation who is not subject to obtaining the permit for said opening shall furnish to the Director of Safety-Service a notice of said openings to be made by said person, firm or corporation.

Section 4. That all repairs to streets and sidewalks where the sidewalk extends from the building at the property line to the curb line and has substructures of utilities, conduits, area ways, or other structures, after excavations in pavements and sidewalks as aforesaid shall be made by the City Street Department at the expense of the person obtaining the excavation permit, except utilities operating under a franchise within the City of Marion, or their agents, who shall make their own repairs.

Section 5. That all persons, firms or corporations, except utilities operating under a franchise within the City of Marion, upon obtaining an excavation permit wherein cuts will be made in pavements or sidewalks as described in Section 4 hereof shall make the following cash payments which shall be used to repair the street or sidewalk.

- (a) \$50.00 per cut in pavement where it does not exceed 2 sq. yd. and \$2.00 per sq. foot for all over 2 sq. yds.
- (b) \$20.00 per cut in sidewalk as described in Section 4 hereof where it does not exceed 1 sq. yard and \$1.00 for each sq. foot for all over 1 sq. yd.

Section 6. That any person, firm or corporation who makes excavations as provided herein shall do all back-fill work to the satisfaction of the inspector, to the pavement or sidewalk surface.

Section 7. That Ordinance No. 6113, passed September 10, 1956, and Ordinance No. 6166, passed January 28, 1957, are hereby repealed.

Section 8. The payments required in Section 5 hereof shall be in lieu of deposits required under Section 24.19 of the Marion City Code.

Section 9. That any person, firm or corporation who violates any section of this Ordinance or part thereof shall be deemed guilty of a misdemeanor and upon plea of guilty or conviction thereof shall be punished in accordance with Section 1.4 of the Marion City Code.

Section 10. The payments provided for under Section 5 hereof, shall not be required of persons, firms or corporations to who excavation permits have been issued at the effective date of this Ordinance.

Section 11. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 25, 1958
APPROVED: June 24, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:

ORDINANCE NO. 236

ORDINANCE AUTHORIZING THE BOARD OF GOVERNORS OF MARION GENERAL HOSPITAL TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF A NEW OBSTETRICAL TABLE FOR USE IN THE SOUTH DELIVERY ROOM AT MARION GENERAL HOSPITAL.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, State of Ohio, two-thirds of all members elected thereto concurring:

Section 1. That the Board of Governors of Marion General Hospital, be and they are hereby authorized to contract and purchase a new Obstetrical Table for use in the south delivery room at Marion General Hospital.

Section 2. That said Board of Governors shall advertise for bids for such Obstetrical Table and they shall be authorized and directed to enter into written contract with the lowest and best bidder for said Obstetrical Table. That said Board of Governors may reject any or all bids.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: June 23, 1958
APPROVED: June 24, 1958

Mendell L. Strong
Mayor

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 239

ORDINANCE AUTHORIZING THE INSTALLATION OF A SNACK BAR IN THE LOBBY OF THE CITY HALL TO BE OPERATED BY A BLIND OPERATOR.

WHEREAS, the State Department of Public Welfare, Aid to the Blind, has requested the City for permission to establish a snack bar in the lobby in the City Hall, to be operated by a blind operator, and

WHEREAS, Council deems that said permission should be granted.

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

Section 1. That the Safety-Service Director is hereby authorized and directed to permit the installation of a snack bar in the lobby of City Hall by the State Department of Public Welfare, Aid to the Blind and to permit its operation by a blind operator.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: June 23, 1958
APPROVED: June 24, 1958

Mendell L. Strong
Mayor

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 240

ORDINANCE REQUIRING THAT ALL CURBS OR CURBS AND GUTTERS HEREAFTER CONSTRUCTED WITHIN THE CITY OF MARION BE CONCRETE.

WHEREAS, Council determines it necessary to establish uniformity on all curbs or curbs and gutters constructed within the City.

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

Section 1. That all curbs or curbs and gutters hereafter constructed within the City shall be concrete.

Section 2. Material other than as provided in Section 1 hereof may only be used when approved by the City Engineer and the Council of the City.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: June 23, 1958
APPROVED: June 24, 1958

Mendell L. Strong
Mayor

ATTEST:

Alta F. Sheeha
CLERK

*Order 2/24/58
7/2/58*

6/26/58
7/6/58

ORDINANCE NO. 6371

ORDINANCE REQUIRING THAT ALL SIDEWALKS HEREAFTER CONSTRUCTED WITHIN THE CITY OF MARION, OHIO, BE CONCRETE, AND THAT THE THICKNESS AND GRADE BE APPROVED BY THE CITY ENGINEER.

WHEREAS, Council finds that it is necessary to establish uniformity of the construction of sidewalks within the City.

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

Section 1. That all sidewalks within the City of Marion hereafter newly built or reconstructed shall be concrete only.

Section 2. That the thickness and grade of concrete material and installation of said sidewalks referred to in Section 1 hereof shall be approved by the City Engineer.

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

PASSED: June 23, 1958
APPROVED: June 24, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheehy
CLERK

ORDINANCE NO. 6372

ORDINANCE AUTHORIZING THE CHIEF OF THE MARION FIRE DEPARTMENT TO ATTEND THE OHIO FIRE CHIEFS CONVENTION TO BE HELD AT FINDLAY, OHIO, JULY 9th TO 12th, INCLUSIVE.

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

Section 1. That Owen A. Sifritt, Chief of the Marion City Fire Department is hereby authorized to register and attend the Ohio Fire Chiefs Convention to be held at Findlay, Ohio, July 9th to 12th, 1958, inclusive.

Section 2. That the expenditure for this convention shall be paid from 2-D-1, Incidental Fund of the Marion Fire Department, including a registration fee.

Section 3. The City Auditor and City Treasurer are hereby authorized and directed to prepare the necessary vouchers and warrants in payment of the advance registration fee, as well as other expenses incidental to the use and purposes mentioned in Section 2, not to exceed the sum of \$90.00.

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

PASSED: June 23, 1958
APPROVED: June 24, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheehy
CLERK

ORDINANCE NO. 6373

ORDINANCE CREATING THE POSITION OF SPECIAL ASSISTANT SOLICITOR, CONFIRMING THE APPOINTMENT, ESTABLISHING THE SALARY, AND APPROPRIATING FUNDS THEREFOR.

WHEREAS, the Solicitor's office informs Council that the services of an additional assistant for a period of approximately six months is necessary, and

WHEREAS, Council finds that said necessity exists.

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

Section 1. That there is hereby created the position of an additional assistant solicitor effective July 1, 1958 and ending December 31, 1958.

Section 2. That compensation of said assistant be \$200.00 per month payable monthly.

Section 3. That there is hereby appropriated the sum of \$1200.00 from the General Fund to 4-P-3, Assistant Solicitor Fund.

Section 4. That Council hereby approves and confirms the appointment of G. A. Flacciano as assistant solicitor for the position created in Section 1 hereof.

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

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS TO MANDANA AND SEMINOLE AVENUE PROJECTS.

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

Section 1. There is hereby appropriated the following additional sums to the following projects to pay the city's share of the improvements:

Seminole Avenue curb, gutter and pavement - \$2,422.00

Willow and Mandana Avenue curb, gutter and pavement - \$679.48

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

PASSED: June 23, 1958
APPROVED: June 24, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 835

ORDINANCE PROHIBITING THE PLANTING OF TREES BETWEEN THE SIDEWALK AND THE CURB AND REQUIRING THE APPROVAL OF THE CITY ENGINEER FOR THE PLANTING OF TREES ON OTHER CITY OWNED PROPERTY.

WHEREAS, Council deem it necessary to eliminate the planting of trees on public property unless approval is obtained by the City Engineer.

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

Section 1. From and after the effective date of this ordinance there shall be no trees planted on City owned property between the sidewalk and the curb line on any street in the City.

Section 2. Before any trees are planted on any City owned property other than mentioned in Section 1 hereof the approval of the City Engineer must be obtained.

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

PASSED: July 14, 1958
APPROVED: July 14, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 836

ORDINANCE TRANSFERRING AND APPROPRIATING SUMS OF MONEY FROM THE GENERAL FUND TO CERTAIN IMPROVEMENT FUNDS TO CORRECT DUPLICATED CHARGE ON SAID IMPROVEMENTS.

WHEREAS, a duplicate charge was made for engineering costs on the North State Street sewer project, Warrant No. 15026, dated August 22nd, 1957, in the amount of \$710.80, and

WHEREAS, a duplicate charge was made for engineering costs on the Harrison Street sewer project, Warrant No. 15027, dated August 22nd, 1957, in the amount of \$240.80, and

WHEREAS, by said warrants funds from the two aforesaid improvement projects were paid unto the General Fund the second time.

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

Section 1. That the following sums of money are transferred and appropriated from the General Fund to the North State Street sewer improvement fund, \$710.80, to the Harrison Street sewer improvement fund, \$240.80, total transfers and appropriations, \$951.60.

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

PASSED: July 14, 1958
APPROVED: July 14, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6317

ORDINANCE AMENDING THE ORDINANCE AUTHORIZING THE CONTRACT WITH THE MARION COUNTY COMMISSIONERS FOR THE SANITARY SEWERS.

WHEREAS, Exhibit C which was a part of the contract provided for in Ordinance 6362, provided in the Residential-Bi-Monthly Accounts "Where no water measurement is used, the charge as provided under Section 6 (b) of this Ordinance shall be \$2.00 bi-monthly", and

WHEREAS, said Exhibit C should have provided that "Where no water measurement is used, the charge, if a residential user, shall be \$4.00 bi-monthly, and

WHEREAS, in said Exhibit C a Commercial - Monthly account, for the first 300 cubic feet, or fraction thereof, was listed at \$2.00 and should have read \$1.00,

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

Section 1. That Exhibit "C" of the contract provided for in Ordinance No. 6362 shall provide under the Residential - Bi-Monthly Accounts, "Where no water measurement is used, the charge, if a residential user, shall be \$4.00 bi-monthly" and under the Commercial - Monthly Accounts, the rate for the first 300 cubic feet, or fraction thereof, per month, shall be \$1.00.

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

PASSED: July 14, 1958
APPROVED: July 14, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:

Alta F. Shoche
CLERK

ORDINANCE NO. 6318

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH SHORT FORD INC., FOR THE TOWING OF IMPOUNDED VEHICLES.

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

Section 1. That the Safety-Service Director is hereby authorized to enter into a contract with Short Ford, Inc., Marion, Ohio, for the towing of impounded vehicles, containing the following terms and stipulations:

1. That in the event a contract is entered into it shall be for the term of (1) year.
2. Said contract shall be based upon the following rates:
Towing car from any point within City limits to City Building - \$3.00
Towing from rear end of car (necessary when car is locked) - - - \$4.00
Towing charges on trucks are based on size of the truck.
Wreck Call: Minimum charge of \$4.00 plus time on job. Time on job charges based on \$5.00 per hour for the services of one man and the wrecker. \$8.00 per hour for two men and wrecker.
3. That said contract shall contain the provisions that Short Ford, Inc., shall guarantee that the City shall be held harmless from any liability whatsoever arising from said towing and will furnish the City with a copy of an insurance policy saving the City harmless from any liability whatsoever arising from the towing of legally impounded vehicles.
4. Such other provisions satisfactory to the Safety-Service Director of the City of Marion as inured to its benefit.

Section 2. That Short Ford, Inc., shall be paid at the rate in said contract on itemized statements monthly to the City of Marion.

Section 3. That this Ordinance shall be declared to be an emergency in that it provides for the safety, health and welfare of the citizens of Marion, Ohio, and for the further reason that it is necessary for the daily operation and efficient impounding of vehicles in accordance with Section 19.9 of the City Code, and as such emergency shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: July 14, 1958
APPROVED: July 14, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:

Alta F. Shoche
Clerk

ORDINANCE REGULATING THE PARKING OF VEHICLES ON MAIN STREET IN THE CITY OF MARION, OHIO, AND PROVIDING A PENALTY THEREFOR, AND REPEALING CONFLICTING PARTS OF ORDINANCES.

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

Section 1. The following street shall be designated as "Fire Lane" and vehicles shall be prohibited from parking in said "Fire Lane".

On the west side of Main Street from Silver Street north to Joseph Street.
On the east side of Main Street north from Joseph Street to Fairground Street.

Section 2. That any person violating the foregoing provisions shall be amendable to Section 19.121 of the Marion City Code.

Section 3. That all Ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That this Ordinance shall be declared to be an emergency measure in that it provides for the safety, health and welfare of the citizens of the City of Marion, Ohio, and for the further reason that it is necessary for the daily operation and efficient control of traffic, and as such emergency shall take effect and be in force immediately upon its passage and approval by the Mayor.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: July 14, 1958
APPROVED: July 14, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheehy
CLERK

ORDINANCE TO LEVY SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF VERNON HEIGHTS BOULEVARD BY IMPROVED STREET LIGHTING SYSTEM.

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

Section 1. That the assessments for the cost and expense of improving Vernon Heights Boulevard from the point where the corporation line of the City of Marion, Ohio, crosses Vernon Heights Boulevard north to a distance approximately 820 feet to the north line of lots numbered 12184 and 12397 by an improved system of lights, commonly known as boulevard or white-way lighting, to be paid in part by special assessments amounting in the aggregate to \$1244.00 as set forth by Ordinance No. 6272 duly passed by Marion City Council on the 14th day of October, 1957, be and the same is hereby levied and assessed upon the lots and lands abutting upon said improvement the several amounts reported aforesaid, which assessments together with the description of the lots and lands are now on file in the office of the City Auditor and which assessments are at the rate of eighty-two cents (\$.82) per front foot.

Section 2. That the total assessments against each lot shall be payable in cash within thirty (30) days from and after the passage of this ordinance, or at the option of the owner, to be levied in the manner prescribed by Ordinance No. 6272 duly passed by Marion City Council on the 14th day of October 1957. All cash payments shall be made to the Treasurer of said City of Marion, Ohio. All assessments and installments thereof remaining unpaid at the expiration of said thirty (30) days, shall be certified by the City Auditor as provided by law, to be placed by him on the tax duplicate, collected as other taxes are collected.

Section 3. That this act is and is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health and safety. The reason for such measure lies in the fact that these assessments must be levied, in order to collect special assessment taxes, which will be applied in payment of the electric street lighting charges against the City of Marion, State of Ohio; therefore, this ordinance shall go into effect immediately.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: July 14, 1958
APPROVED: July 14, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheehy
CLERK

ORDINANCE NO. 5258

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF MARION, OHIO, WITH THE COUNTY OF MARION FOR THE CONSTRUCTION OF A FIFTH FLOOR AT MARION GENERAL HOSPITAL, ADDITIONAL ELEVATOR FACILITIES, WITH THE NECESSARY EQUIPMENT ADJUNCTS THEREON.

WHEREAS, WHEREFORE BY Ordinance Number 5258 a contract was entered into by the City of Marion, Ohio, and the County of Marion, Ohio, and

WHEREAS, pursuant to said contract a hospital was constructed and is now being operated as Marion General Hospital, and

WHEREAS, additional facilities are necessary.

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

Section 1. That the Mayor be authorized and he is hereby directed to enter into a contract on behalf of the City of Marion, Ohio, with the County of Marion, Ohio, through its authorized agents, for the construction of a fifth floor nursing wing, additional elevator facilities, with the necessary equipment adjuncts thereto.

Section 2. Under the terms of this agreement the City shall continue to carry on the terms of the agreement heretofore entered into pursuant to Ordinance No. 5258. Under the terms of said agreement County shall agree as follows: That it will submit to the voters of Marion County, including Marion City, the question of the issuance of bonds for the aforesaid improvements and make said money available as so voted.

Under the terms of this agreement it is to be mutually agreed that the improvements be constructed by a Board of Hospital Commissioners and shall be managed by the same Board of Governors as now manages the present hospital, both boards having representation from the City of Marion and County of Marion.

Section 3. That this contract shall be in accordance with the contract previously authorized in Ordinance No. 5258 and any amendments thereto.

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

Fred C. Bladauf
PRESIDENT OF COUNCIL

PASSED: July 14, 1958
APPROVED: July 14, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta P. Sheehy
CLERK

ORDINANCE NO. 5259

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO MILTON THOMPSON IN THE AMOUNT OF \$54.00.

WHEREAS, records of the City of Marion were in error as to the location of the house connection for the sewer for the property located at 201 Waterloo Street and owned by Milton Thompson, and

WHEREAS, Mr. Thompson had extra expense for material and labor in the construction of the sewer connection to his property due to this error in the records, and

WHEREAS, Mr. Thompson has made claim against the City of Marion in the amount of One Hundred Four Dollars (\$104.00) for said extra expense, and

WHEREAS, Council deems that said claim should be paid only in the amount of Fifty-Four Dollars (\$54.00)

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Milton Thompson and to pay unto Milton Thompson the sum of Fifty-Four Dollars (\$54.00).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Fifty-Four Dollars (\$54.00) that the amount is to be used for the purpose of paying said claim

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper vouchers thereof.

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

Fred C. Bladauf
PRESIDENT OF COUNCIL

PASSED: July 14, 1958
APPROVED: July 14, 1958

Wendell L. Strong
Mayor

ORDINANCE NO. 6383

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO MRS. ANGIE FORREST
IN THE AMOUNT OF \$41.96.

WHEREAS, Sewer difficulties developed at 258 Spencer Street and William Ferriman was employed by the property owner, Mrs. Angie Forrest, to determine and correct the difficulty, and

WHEREAS, upon excavation it was found that there was a break in the City main, and

WHEREAS, said Mrs. Angie Forrest has made claim against the City of Marion in the amount of \$124.08, and

WHEREAS, Council deems that said claim should be paid only in the amount of Forty-One Dollars and Ninety-Six Cents (\$41.96).

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Mrs. Angie Forrest and to pay unto Mrs. Angie Forrest the sum of Forty-One Dollars and Ninety-Six Cents (\$41.96).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Forty-One Dollars and Ninety-Six Cents (\$41.96); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper vouchers thereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: July 14, 1958
APPROVED: July 14, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheeche
CLERK

ORDINANCE NO. 6384

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM OF LEROY H. RIEKER
IN THE AMOUNT OF \$10.50.

WHEREAS, LeRoy H. Rieker, 128 Sargent Street, Marion, Ohio, has made claim against the City of Marion, Ohio, for sewer repair, and

WHEREAS, said LeRoy H. Rieker makes claim in the amount of Ten Dollars and Fifty Cents (\$10.50), and

WHEREAS, Council deems it advisable to pay said claim.

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of LeRoy H. Rieker and to pay unto LeRoy H. Rieker the sum of Ten Dollars and Fifty Cents (\$10.50).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Ten Dollars and Fifty Cents (\$10.50); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper vouchers thereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: July 14, 1958
APPROVED: July 14, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheeche
CLERK

ORDINANCE NO. 6382

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO MRS. DUNBAR
IN THE AMOUNT OF \$20.00.

WHEREAS, Mrs. Dunbar, 351 Duane Street, Marion, Ohio, has presented a claim against the City of Marion for damage caused by the City by flushing the sewer lines, and

WHEREAS, said Mrs. Dunbar makes claim in the amount of Twenty Dollars (\$20.00), and

WHEREAS, Council seems it advisable to pay said claim.

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Mrs. Dunbar and to pay unto Mrs. Dunbar the sum of Twenty Dollars (\$20.00).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Twenty Dollars (\$20.00); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper voucher thereof.

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

PASSED: July 14, 1958
APPROVED: July 14, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheehy
Clerk

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE NO. 6383

ORDINANCE AUTHORIZING THE CITY SOLICITOR TO SETTLE THE CASE
OF ALFRED L. GENTLER, ET AL. VS. THE CITY OF MARION, OHIO,
ET AL., BEING CASE NO. 33258 IN THE COMMON PLEAS COURT OF
MARION COUNTY, OHIO, AND AUTHORIZING THE PAYMENT OF THE COSTS
THEREIN.

WHEREAS, heretofore there was filed a case in the Common Pleas Court of Marion County, Ohio, under Case No. 33258 wherein Alfred L. Gentler, et al were plaintiffs and the City of Marion, et al were defendants, and

WHEREAS, a new assessment was made on the street involved in this case and an amicable settlement has been reached,

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

Section 1. That the City Solicitor is hereby authorized and directed to consent to the dismissal of said case by Journal Entry in said Court.

Section 2. That the City Solicitor is hereby authorized to pay the costs incurred in this matter from the City Solicitor's Incidental Fund.

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

PASSED: July 14, 1958
APPROVED: July 14, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheehy
Clerk

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE MAKING A REFUND IN THE AMOUNT OF \$500.00 TO DAVID W. KNICKLE AND FERN KNICKLE FROM THE SPECIAL IMPROVEMENT FUND, UHLER AVENUE PROJECT.

WHEREAS, heretofore the City Engineer prepared tentative assessments for the improvement of Uhler Avenue from concrete curb, gutter, sidewalk and macadam pavement on both sides from a point 400 feet south of Indiana Avenue to a point 100 feet south of Ohio Avenue, and

WHEREAS, by Ordinance No. 6014 it was levied an assessment calculated at the rate of \$17.00 per front foot, and

WHEREAS, pursuant to Resolution No. 4191 said assessment was recalculated at the rate of \$14.00 per front foot, and

WHEREAS, by Ordinance No. 6340 the assessment was levied at \$14.00 per front foot, and

WHEREAS, David W. Knickle and Fern Knickle had paid an assessment calculated at \$17.00 per front foot for 100 feet thereby having paid in \$500.00 in excess of the assessment, and

WHEREAS, Council deems that said \$500.00 shall be refunded from the Special Improvement Fund Uhler Avenue Project, being the account wherein the assessment was paid by David W. Knickle and Fern Knickle.

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

Section 1. That the City Solicitor be and he is hereby authorized to pay unto David W. Knickle and Fern Knickle the sum of Three Hundred Dollars (\$300.00). That for the purpose of paying the refund described in the preamble hereof, there be and is hereby appropriated from the Special Improvement Fund, Uhler Avenue Project, the sum of Three Hundred Dollars (\$300.00). That the amount is to be used for the purpose of paying the refund hereinabove described.

Section 2. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said refund upon the approval by the City Solicitor of the proper voucher thereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: July 14, 1958
APPROVED: July 18, 1958

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehy
CLERK

ORDINANCE NO. 618

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE VILLAGE OF UPPER SANDUSKY, OHIO TO FURNISH FIRE PROTECTION

WHEREAS, by Ordinance No. 4790 passed by Council of the City of Marion, the Safety Service Director is authorized to contract with other villages or cities within a thirty (30) mile radius of Marion and for a period not to exceed three years, in accordance with terms set forth in said Ordinance.

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

Section 1. That the Safety-Service Director be and is hereby authorized to enter into a contract with the Village of Upper Sandusky, Ohio, for a period not to exceed three (3) years in accordance with the terms and conditions set forth in Ordinance No. 4790.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: July 28, 1958
APPROVED: July 28, 1958

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehy
CLERK

ORDINANCE NO. 6389

ORDINANCE APPROPRIATING THE SUM OF \$61.00 FOR THE PURPOSE OF PROVIDING FUNDS FOR THE BOXING COMMISSION TO PAY ITS ANNUAL DUES IN THE STATE ASSOCIATION OF BOXING AND WRESTLING COMMISSIONERS AND FOR THE PURPOSE OF REIMBURSING MEMBERS OF SAID COMMISSION FOR MONIES EXPENDED BY THEM TO ATTEND THE STATE CONFERENCE.

WHEREAS, the Boxing Commission of the City of Marion, Ohio, is a member of the State Association of Boxing and Wrestling Commissioners, and

WHEREAS, membership in said organization is subject to annual dues in the sum of Twenty-Five Dollars (\$25.00), and

WHEREAS, members of the Boxing Commission of the City of Marion, Ohio, in accordance with authority granted by the Mayor, attended the State Conference and expended therefore, personal funds in the sum of Thirty-Six Dollars (\$36.00).

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

Section 1. That there be and is hereby appropriated from the Special Fund the sum of Sixty-One Dollars (\$61.00) for the purpose of paying the dues for the year 1958 by the Boxing Commission of the City of Marion, to the State Association of Boxing and Wrestling Commissioners and the sum of Thirty-Six Dollars (\$36.00) to members of said commission, reimbursing said members for such sums expended by them in attending the State Conference of the Boxing Commissioners.

Section 2. That the City Auditor and City Treasurer are hereby authorized and directed to prepare the necessary vouchers and warrants for the payment of the matter set out in Section 1 herein.

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

PASSED: July 28, 1958
APPROVED: July 28, 1958

Wendell L. Strong
MAYOR
ATTEST:

Alta F. Shaeha
CLERK

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE NO. 6390

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERRING FUNDS ALREADY APPROPRIATED.

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

Section 1. That there be appropriated from the General Fund the sum of \$3.60 as follows:

To 1-A-5 Incidentals	\$ 3.60
Total General Fund	\$ 3.60

Section 2. That there be appropriated from the Recreation Fund the sum of \$354.70 as follows:

To 16 A 1 Playground Directors	\$140.00
16 A 2 Playground Incidentals	214.70
Total Recreation Fund	\$354.70

Section 3. That there be appropriated from the Park Fund the sum of \$1,200.00 as follows:

To 14 A 5 Incidentals	\$1,200.00
Total Park Fund	\$1,200.00

Section 4. That funds already appropriated within the Sewer Repair and Improvement Fund are hereby transferred as follows:

From Labor	\$1,000.00
To Incidentals	\$1,000.00

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

PASSED: July 28, 1958
APPROVED: July 28, 1958

Wendell L. Strong
MAYOR
ATTEST:

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO EXECUTE AN EXTENSION TO THE LEASE BETWEEN THE GENERAL SERVICES ADMINISTRATION OF THE UNITED STATES GOVERNMENT AND THE CITY OF MARION, OHIO FOR A PORTION OF THE THIRD FLOOR OF THE CITY BUILDING THROUGH THE 30th DAY OF SEPTEMBER, 1959.

WHEREAS, heretofore on the 22nd day of August, 1955, it was determined by Council and other officers having control thereof that the third floor of the Marion City Building was not needed for use by the City of Marion, Ohio, and

WHEREAS, said condition continues to exist, and

WHEREAS, by Ordinance No. 594 the Council authorized the Safety-Service Director to enter into a lease with the appropriate agency of the United States Government for the leasing of a certain portion of the third floor, and

WHEREAS, pursuant to said Ordinance the lease was entered into between the General Services Administration of the United States Government and the City of Marion, effective the 1st day of October, 1955 through the 30th day of September, 1956, and

WHEREAS, said lease provided for a year to year tenancy on the condition that Council of the City of Marion passed enabling legislation to renew the lease beyond September 30th, 1956, and

WHEREAS, pursuant to the provision in the lease, the General Services Administration of the United States Government has given a lease renewal notice whereby they propose to extend the lease on the same conditions, provisions and terms, from the 1st day of October, 1956 through the 30th day of September, 1959,

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

Section 1. That the Safety-Service Director is hereby authorized and directed to execute an extension to said lease for a period of one year, from the 1st day of October, 1956, through the 30th day of September, 1959, that said lease shall be renewed on all terms, conditions and provisions of said lease as they now stand.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: July 28, 1958
APPROVED: July 28, 1958

Wendell L. Strong
MAYOR

ATTEST:
Alta F. Shaebe
Clerk

ORDINANCE NO. 632

ORDINANCE AUTHORIZING RENEWAL OF THE CONTRACT BETWEEN THE CITY OF MARION, OHIO, AND LAKE CENTRAL AIRLINES, INC.

WHEREAS, heretofore Lake Central Airlines, Inc. entered into a lease agreement with the City of Marion, Ohio, which lease agreement expired on the 15th day of April, 1956, and

WHEREAS, Lake Central Airlines, Inc. and the City of Marion continue to act under the agreement, and

WHEREAS, SAID LEASE AGREEMENT FURTHER PROVIDED THAT THE LESSEE SHOULD HAVE AN OPTION TO RENEW THE LEASE FOR TWO ADDITIONAL TERMS OF THREE YEARS EACH, AND

WHEREAS, Lake Central Airlines, Inc. and the City of Marion have continue to act under the terms of said original lease as though said lease had been renewed,

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

Section 1. That the actions since the 15th day of April, 1956, by the Lake Central Airlines, Inc., and the City of Marion, Ohio, are hereby approved and confirmed as an extension of the original lease herein.

Section 2. That an agreement of extension for a three year period from April 15, 1956 shall be executed by the Safety-Service Director, said extension to be under the same terms and conditions as provided in the lease from April 16, 1956 to April 15, 1959.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: July 28, 1958
APPROVED: July 28, 1958

Wendell L. Strong
MAYOR

ATTEST:
Alta F. Shaebe
CLERK

ORDINANCE NO. 6393

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE BAKER WOOD PRESERVING COMPANY FOR THE TREATMENT OF INDUSTRIAL WASTE.

WHEREAS, heretofore on the 18th day of May, 1953, the City of Marion, entered into a sewage treatment contract with the Baker Wood Preserving Company for a period of two years, which contract further provided for renewal for successive two year terms, and

WHEREAS, the Baker Wood Preserving Company and the City of Marion have continued to act as if said contract were renewed,

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

Section 1. That the action since the 1st day August, 1953, by the Baker Wood Preserving Company and the City of Marion, Ohio, are hereby approved and confirmed as an extension of the original contract herein.

Section 2. That the Safety-Service Director shall enter into an extension agreement to bring this contract in writing up to date.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: August 11, 1958
APPROVED: August 11, 1958

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Shaebe
CLERK

ORDINANCE NO. 6394

ORDINANCE AUTHORIZING THE MARION WATER COMPANY TO INSTALL MAINS AND FIRE HYDRANTS

*W. L. Strong
8/11/58*

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

Section 1. That The Marion Water Company be authorized to install a 6 inch water main in Commercial Street north from Silver Street to a point near the first alley north of Silver Street connecting with the existing 2 inch water main in Commercial Street now supplying domestic customers and that a fire hydrant be installed at the end of the said new 6 inch main at a place which has been agreed upon by the Water Committee and the Fire Chief. Said hydrant will afford proper fire protection to all residents on Commercial Street and adjacent thereto.

Section 2. That The Marion Water Company be authorized to install a 6 inch water main in Kenmore Avenue northward from Indiana Avenue to the approximate middle of the block between Indiana Avenue and Church Street, connecting said main with the existing 2 inch main running southward from Church Street for improvement of service, and that a fire hydrant be installed on the end of the new 6 inch main at the approximate middle of the block between Church Street and Indiana Avenue as agreed upon by the Water Committee and the Fire Chief in order to afford proper fire protection.

*W. L. Strong
8/11/58*

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: August 11, 1958
APPROVED: August 11, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta F. Shaebe
CLERK

ORDINANCE NO. 6395

ORDINANCE REGULATING THE PARKING OF VEHICLES ON CERTAIN STREETS IN THE CITY OF MARION, OHIO, DESIGNATING FULLY STREET AS ONE-WAY WEST BOUND, AND PROVIDING A PENALTY FOR THE VIOLATION OF SAID PROVISIONS.

Ord. 6395 - 8/11/58

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

Section 1. That vehicles shall be prohibited from parking on the south side of East Center Street from Sargent Street, east 130 feet.

Section 2. That Fully Street is hereby designated a one-way street and that all vehicular traffic moving thereon shall proceed in a westerly direction.

Section 3. That the east side of Monroe Street shall be designated as "fire lane" and vehicles shall be prohibited from parking in said "fire lane".

Section 4. Any person violating the foregoing provisions shall be amenable to Section 19.121

ORDINANCE NO. 6306

ORDINANCE REGULATING THE PARKING OF VEHICLES ON CERTAIN STREETS IN THE CITY OF MARION, OHIO, REPEALING CONFLICTING LEGISLATION, PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, AND INCLUDING AN EMERGENCY.

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

Section 1. Except on Sundays and Holidays and except between the hours of 3:30 P. M. and 5:30 P.M. when no parking shall be permitted, vehicles shall be prohibited from parking for more than a two hour period on the south side of west Center Street from David Street to Park Boulevard.

Section 2. Between the hours of 3:30 P. M. and 5:30 P. M. on weekdays and Saturdays no vehicle shall park on the south side of West Center Street from David Street to Park Boulevard.

Section 3. Any person violating the foregoing provisions shall be amenable to Section 19.121 of the Marion City Code.

Section 4. That so much of Section 1 of Ordinance No. 6003 which reads as follows: "On the South side of West Center Street from the Dayton Erie Railroad to the C & O Railroad," is hereby repealed.

Section 5. That this Ordinance is hereby declared to be an emergency measure in that it provides for the effective and proper control of traffic in the City of Marion, Ohio, and for the further reason that it provides for the safety, health and welfare of the citizens of Marion, Ohio, and as such emergency it shall become effective immediately upon its adoption and approval, provided it receives a two thirds majority vote of the members elected to Council; otherwise it shall become effective at and after the earliest period allowed by law.

PASSED: August 11, 1958
APPROVED: August 11, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehe
CLERK

ORDINANCE NO. 6307

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS ACCORDING TO LAW AND ENTER INTO CONTRACTS FOR THE REPLACEMENT OF APPROXIMATELY 360 FEET OF TEN INCH SANITARY SEWER IN EAST GEORGE STREET BETWEEN PATTERSON STREET AND BALLENTINE AVENUE, AND APPROPRIATING THE SUM OF \$11,500.00 FROM THE SANITARY SEWER IMPROVEMENT FUND

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

Section 1. That the Safety Service Director be and he is hereby authorized to advertise for bids according to law and enter into contracts for the replacement of approximately 360 feet of ten inch sanitary sewer on East George Street between Patterson Street and Ballentine Avenue.

Section 2. That the contracts hereinbefore mentioned be entered into with the lowest and best bidders after due advertisement, and shall be in accordance with the plans and specifications to be provided by the City Engineer.

Section 3. That there is hereby appropriated the sum of \$11,500.00 from the Sanitary Sewer Improvement Fund for the purpose of carrying out Section 1 of this Ordinance.

Section 4. That this Ordinance is hereby declared to be an emergency measure in that there is an immediate need for said improvements and for the further reason that it provides for the safety, health, peace and welfare of the citizens of the City of Marion, and as such emergency measure shall become effective immediately upon its passage and approval by the Mayor, provided it receives an affirmative vote of two-thirds of the members elected to Council, otherwise it shall become effective at the earliest period allowed by law.

PASSED: August 11, 1958
APPROVED: August 11, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehe
CLERK

ORDINANCE NO. 6308

ORDINANCE AUTHORIZING KENNETH WAKELY, CAPTAIN OF THE MARION FIRE DEPARTMENT TO ATTEND THE THIRTEENTH ANNUAL FIRE SCHOOL IN COLUMBUS, OHIO, TO BE HELD SEPTEMBER 8TH THROUGH 12TH, 1958.

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

Section 1. That Kenneth Wakely, Captain on the Marion Fire Department, is hereby authorized to attend the Thirteenth Annual Fire School in Columbus, Ohio, to be held September 8th through 12th, 1958.

Section 2. That the expenses in connection therewith incurred by said Kenneth Wakely are hereby authorized to be expended from 2-D-5, the Incidental Fund of the Marion Fire Department, heretofore appropriated, not to exceed \$75.00.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: August 25, 1958
APPROVED: August 26, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6309

ORDINANCE DESIGNATING THE EAST SIDE OF LEE STREET FROM SILVER STREET TO FAIRGROUND STREET AS "FIRE LANE" AND PROVIDING A PENALTY FOR THE VIOLATION OF SAID PROVISION, AND INCLUDING AN EMERGENCY

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

Section 1. That the east side of Lee Street from Silver Street to Fairground Street shall be designated as "Fire Lane" and vehicles shall be prohibited from parking in said "Fire Lane".

Section 2. Any person violating the foregoing provision shall be amenable to Section 19.121 of the Marion City Code.

Section 3. That this Ordinance is hereby declared to be an emergency measure in that it provides for the effective and proper control of traffic in the City of Marion, Ohio, and for the further reason that it provides for the safety, health and welfare of the citizens of Marion, Ohio, and as such emergency it shall become effective immediately upon its adoption and approval, provided it receives a two-thirds majority vote of the members elected to Council, otherwise it shall become effective at and after the earliest period allowed by law.

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: August 25, 1958
APPROVED: August 26, 1958

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6310

ORDINANCE VACATING ALL THAT PORTION OF A CERTAIN SIXTEEN FOOT ALLEY RUNNING NORTH AND SOUTH BETWEEN CLINTON STREET AND NYE STREET FROM WEST CENTER STREET SOUTH TO THE FIRST INTERSECTING ALLEY, IN THE CITY OF MARION, OHIO

WHEREAS, on or about the 19th day of August, 1958, a petition was filed by the owners of all the property abutting on the portion of an alley to be vacated, said alley being all that portion of a certain sixteen foot alley running north and south between Clinton Street and Nye Street, from West Center Street south to the first intersecting alley, in the City of Marion, Ohio, and

WHEREAS, all the abutting property owners thereto have signed said petition, and

WHEREAS, Council, upon hearing, is satisfied that there is good cause for such vacation as prayed for, and that it will not be detrimental to the general interest and ought to be made,

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

Section 1. That all that portion of a certain sixteen foot alley running north and south between Clinton Street and Nye Street from West Center Street south to the first intersecting alley, in the City of Marion, Ohio, be and the same is hereby vacated.

Section 2. That nothing in this Ordinance shall be construed to effect any easements now existing with reference to this vacated alley.

Section 3. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Auditor of Marion County, Ohio, and to the Recorder of Marion County, Ohio.

ORDINANCE NO. 6-01

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT COMPLETING THE EXTENSION OF THE AGREEMENT FOR FIRE PROTECTION BETWEEN THE CITY OF MARION AND THE B. F. GOODRICH COMPANY FROM MARCH 1st, 1954 TO MARCH 1st, 1959.

WHEREAS, on the 1st day of March, 1954, the City of Marion and the B. F. Goodrich Co. entered into a fire protection agreement for three years, and

WHEREAS, by Ordinance No. 6212 Council authorized the Safety-Service Director to enter into a new three year contract at a new rate, and

WHEREAS, Council finds that due to inadvertence said contract authorized by Ordinance No. 6212 was never entered into and that the parties have acted as if there had been an extension of the contract of 1954.

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

Section 1. That the actions of the parties in acting as if the contract of 1954 between the City of Marion and the B. F. Goodrich Co. for fire protection had been extended are hereby confirmed.

Section 2. That the Safety-Service director is hereby authorized to enter into an extension agreement extending the contract of March 1st, 1954 hereinabove mentioned to March 1st, 1959.

Section 3. That Ordinance No 6212 is hereby repealed.

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

PASSED: August 25, 1958
APPROVED: August 26, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta P. Shaehe
CLERK

ORDINANCE NO. 6402

ORDINANCE ESTABLISHING FEE FOR EMPTYING OF SEPTIC TANK CLEANING TRUCKS AT CITY SANITATION PLANT

WHEREAS, there is a need for a place to empty septic tank cleaning trucks, and

WHEREAS, it is determined that said trucks can be emptied at the City Sanitation Plant, and

WHEREAS, a reasonable charge is to be established at \$5.00 per 1,000 gallon or fraction thereof, and

WHEREAS, Council deems that tickets in books may be sold for this purpose.

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

Section 1. That septic tank cleaning trucks may be emptied at the City Sanitation Plant at times and places specified by the Director of Safety Service

Section 2. That the charge for said service shall be \$5.00 per 1,000 gallon or fraction thereof.

Section 3. That the Safety Service Director may sell books of tickets for this purpose.

Section 4. That all funds so collected shall be deposited in the Sewer Revenue Fund.

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

PASSED: Sept. 8, 1958
APPROVED: Sept. 9, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta P. Shaehe
CLERK

ORDINANCE NO. 6-405

ORDINANCE TO PROVIDE FOR THE ISSUANCE OF BONDS IN ANTICIPATION OF THE LEVY OF SPECIAL ASSESSMENTS AND IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNER PORTION OF THE IMPROVEMENT OF UNDERWOOD AVENUE BY THE CONSTRUCTION OF A CONCRETE CURB AND GUTTER AND SUBSTANTIAL PAVEMENT IN UNDERWOOD AVENUE FROM WOODROW AVENUE TO THE CITY LIMITS.

WHEREAS, the Council of the City of Marion has heretofore, by proper legislation, declared the necessity of improving Underwood Avenue by the construction of a concrete curb and gutter and substantial pavement in Underwood Avenue from Woodrow Avenue to the City Limits.

WHEREAS, this Council contemplates the use of \$26,500.00 for the purpose of paying the portion of the cost of said improvements which are to be paid by assessments.

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

Section 1. That it is hereby declared necessary to issue the bonds of the City of Marion in the principal sum of \$26,500.00 for the purpose of raising money, in anticipation of the collection of special assessments for the improvement of Underwood Avenue by the construction of a concrete curb and gutter and substantial pavement in Underwood Avenue from Woodrow Avenue to the City Limits.

Section 2. That said bonds shall be dated approximately September 30th, 1959, shall bear interest at the rate of 3% per annum, payable semi-annually until the principal sum is paid, and shall mature in ten substantially equal semi-annual installments after their issuance.

Section 3. That for the purpose of raising money in anticipation of the levy of special assessments and in anticipation of the issuance of bonds in anticipation of the collection of special assessments for the improvement as aforesaid, in accordance with the legislation heretofore passed by the City of Marion's Council with respect thereto, to pay the property owner's share of the cost and expense of said respective improvements, it is hereby declared necessary to issue and there shall be issued notes of said City in the amount of \$26,500.00, which shall be placed to the credit of the Special Improvement Fund.

The appropriation hereinabove made for said street improvement is subject to the qualification that interest at the rate of 3% per annum for the period prior to the collection of the first installment so to be levied shall be included in said amount, and the amount necessary to pay said interest is hereby appropriated for the payment thereof and for no other purpose.

Section 4. That such anticipatory notes in the amount aforesaid shall be issued bearing interest at the rate of 3% per annum, payable semi-annually. Such notes shall be dated the 30th day of September 1958 and shall mature on or before the 30th day of September 1959. Such notes shall be executed and delivered in such number and such denominations as may be requested by the purchase of such notes.

Section 5. Such notes shall be executed by the Mayor and City Auditor and bear the seal of the corporation. They shall be payable at the office of the City Treasurer, Marion, Ohio; they shall express upon their face the purpose for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. All assessments collected for the improvements aforesaid and unexpended balance remaining in the funds after the costs and expenses of said improvement have been paid, shall be applied to the payment of said notes and the interest thereon until both are fully provided for.

Section 7. Said notes shall be first offered to Officer of the Bond Retirement Fund of the City and so many of the same as shall not be taken by said trustees shall be sold at private sale by the City Auditor, but for not less than par and accrued interest, and the proceeds from such sale, except any premium and accrued interest thereon and the amount thereof necessary for the payment of interest prior to the maturity of said notes, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose. Any premium and accrued interest and the amount necessary for the payment of interest prior to their maturity shall be transferred to the Sinking Fund to be applied in the payment of principal and interest of said notes in the manner provided by law.

Section 8. Said notes shall be the full general obligations of the City and the full faith, credit and revenue of said City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 9. In the event that such assessments are not levied or bonds are not issued to provide a fund for the payment of said notes at maturity, a general tax shall be levied against all of the property in said City for the payment of such notes and the interest thereon.

Section 10. The City Auditor is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

Section 11. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: September 8, 1958
APPROVED: September 9, 1958

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehy
CLERK

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO C. G. BAUSINGER IN THE AMOUNT OF \$20.00.

WHEREAS, C. G. Bausinger, 517 South Main Street, Marion, Ohio, has presented a claim against the City of Marion for damage caused by the City storm sewer backing up in the basement of his home, and

WHEREAS, said C. G. Bausinger makes claim in the amount of Twenty Dollars (\$20.00), and

WHEREAS, Council deems it advisable to pay said claim,

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of C. G. Bausinger and to pay unto C. G. Bausinger the sum of Twenty Dollars (\$20.00).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Twenty Dollars (\$20.00); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper vouchers thereof.

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

PASSED: September 8, 1950
APPROVED: September 9, 1950

Fred C. Baidauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6405

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO MR. J. HIGGINS IN THE AMOUNT OF \$180.00.

WHEREAS, Sever difficulties developed at the home of Mr. J. Higgins at 638 Uncapher Avenue, and

WHEREAS, upon excavation it was found that there was a break in the City sewer, and

WHEREAS, said Mr. J. Higgins has made claim against the City of Marion in the amount of \$180.00, and

WHEREAS, \$60.00 of said claim represents moneys paid for permit, inspection fee and street replacement costs, which moneys were paid into the General Fund, and

WHEREAS, Council deems that said \$60.00 should be paid from the General Fund, and

WHEREAS, \$120.00 of said claim represents the cost of repair which would be properly charged to the Sewer Rental Fund, and

WHEREAS, Council deems that said \$120.00 should be paid from the Sewer Rental Fund.

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Mr. J. Higgins and to pay unto Mr. J. Higgins the sum of One Hundred Eighty Dollars (\$180.00).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Sixty Dollars (\$60.00); that the amount is to be used for the purpose of paying said claim; and that One Hundred Twenty Dollars (\$120.00) of said claim shall be paid from moneys already appropriated in 585.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon approval by the City Solicitor of the proper vouchers thereof.

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

PASSED: September 8, 1950
APPROVED: September 9, 1950

Fred C. Baidauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 8-36

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO WILTON THOMPSON IN THE AMOUNT OF \$104.00 AND REPEALING ORDINANCE NO. 8-34.

WHEREAS, records of the City of Marion were in error as to the location of the sewer connection for the sewer for the property located at 201 Waterloo Street and owned by Wilton Thompson, and

WHEREAS, Mr. Thompson had extra expense for material and labor in the construction of the sewer connection to his property due to this error in the records, and

WHEREAS, Mr. Thompson has made claim against the City of Marion in the amount of One Hundred Four Dollars (\$104.00) for said extra expense, and

WHEREAS, Council deems it advisable to pay said claim.

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Wilton Thompson and to pay unto Wilton Thompson the sum of One Hundred Four Dollars (\$104.00),

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of One Hundred Four Dollars (\$104.00); that the amount is to be used for the purpose of paying said claim.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper vouchers thereof.

Section 4. That Ordinance No. 8-34 passed July 14th, 1950, is hereby repealed.

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

PASSED: September 8, 1950
APPROVED: September 9, 1950

Fred C. Baldauf
PRESIDENT OF COUNCIL.

Wendell L. Stroop
MAYOR

ATTENT:

Alta F. Shoche
CLERK

ORDINANCE NO. 8-13

ORDINANCE APPROVING THE LITHOGRAPHED ARTERIAL HIGHWAY REPORT IN CITY REPORTS AND ASSOCIATES AN ASSOCIATES, INCLUDING THE ASSOCIATE REPORTS, AUTHORIZING AND REPEALING THE BALANCE DUE UNDER THE CONTRACT BETWEEN THE CITY OF MARION AND BROWN ROBERTS AND ASSOCIATES.

WHEREAS, heretofore the City of Marion entered into a contract with Brown Roberts and Associates for the preparation of an Arterial Highway Report, and

WHEREAS, heretofore in the year 1950 there was presented a preliminary report, which preliminary report was submitted to the State of Ohio and Bureau of Public Roads who requested certain additional information, which was thereafter furnished, and

WHEREAS, Brown Roberts and Associates furnished a lithographed report in June, 1951, which has been reviewed by the State of Ohio, Department of Highways, which Department of Highways has made certain suggestions and state in part "it would appear that in general the report has satisfactorily presented a proposed plan which can be accepted by the department", and

WHEREAS, The City Solicitor has requested certain items from Brown Roberts and Associates in addition to that already in the lithographed report, and

WHEREAS, those items have been furnished the City Solicitor.

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

Section 1. That the City of Marion does hereby approve the scope form and method of presentation of the report and does accept same.

Section 2. That the Safety-Service Director is hereby authorized and directed to prepare a voucher to pay the balance due under said contract, to-wit: the sum of \$1,000.00 to Brown Roberts and Associates.

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

PASSED: September 10, 1951
APPROVED:

Fred C. Baldauf
PRESIDENT OF COUNCIL.

Witness my hand and seal of office this 10th day of September, 1951.

Wendell L. Stroop
MAYOR

ATTENT:
Alta F. Shoche
CLERK

ORDINANCE NO. 690

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERS.

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

Section 1. That in order to meet the additional costs of Poor Relief, there is hereby transferred from the General Fund to the Poor Relief Fund the sum of \$20,000.00.

Total transfer from General Fund \$20,000.00

Section 2. That there is hereby appropriated within the General Fund the sum of \$75.00 as follows:

To 117 Ordinances and Resolutions \$ 75.00
Total General Fund Appropriations \$ 75.00

Section 3. That there is hereby appropriated from the Garbage Fund the sum of \$3,136.71 as follows:

To G-D-5 Incidentals \$ 1,400.00
G-D-6 Truck Supplies & Repairs 1,000.00
G-D-11 P.E.R.S. - Matching 736.71
Total Garbage Fund Appropriations \$3,136.71

Section 4. That there is hereby appropriated from the Street Construction Maintenance and Repair Fund the sum of \$21,000.00 as follows:

To 13-A-7 Material \$10,000.00
13-A-8 Equipment and Repairs 5,500.00
13-A-10 Miscellaneous 2,500.00
13-A-14 Traffic Light Maintenance 3,000.00
Total Street Construction Maintenance and Repair Fund Appropriations \$21,000.00

Section 5. That there is hereby appropriated from the Hospital Fund the sum of \$4,735.53 as follows:

To 5-A-23 P.P.S. - Matching \$ 4,735.53
Total Hospital Fund Appropriations \$ 4,735.53

Section 6. That there is hereby appropriated from the Park Fund the sum of \$3,200.00 as follows:

To 15-A-5 Incidentals \$ 1,400.00
15-A-6 Labor 1,800.00
Total Park Fund Appropriations \$ 3,200.00

Section 7. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: Sept. 22, 1958
APPROVED: Sept. 22, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL.

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 698

ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO JOHN RUTH IN THE AMOUNT OF \$379.15.

WHEREAS, former City Engineer, John Ruth, worked for the City for a substantial number of years, to-wit: in excess of 15 years, and

WHEREAS, his employment was terminated September 1, 1958, and

WHEREAS, under the ordinances of the City of Marion said John Ruth would have been entitled to three weeks vacation, with pay, and

WHEREAS, Council deems it proper to pay said John Ruth a sum of money equal to three weeks pay in lieu of his vacation, which sum of money would be \$379.15.

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

Section 1. That the City Solicitor is hereby authorized to pay a claim unto John Ruth in lieu of three weeks vacation in the sum of \$379.15.

Section 2. That for the purpose of paying said claim funds already appropriated to the Salary for City Engineer 4-R-1 shall be used in the amount of \$379.15, less Federal Withholding Tax in the amount of \$46.00 and Public Employees Retirement in the amount of \$22.75.

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the proper vouchers thereof.

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

PASSED: Sept. 22, 1958
APPROVED: Sept. 22, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6409

ORDINANCE APPROVING A SUPPLEMENTAL AGREEMENT WITH THE UNITED STATES OF AMERICA TO A CONTRACT FOR SEWAGE TREATMENT FROM THE MARION ENGINEER DEPOT.

WHEREAS, heretofore there has existed a contract between the United States government and the City of Marion for treatment of sewage originating at the Marion Engineer Depot, Marion Correctional Institution, and other governmental facilities located on a private sewage line outside the City of Marion, and

WHEREAS, it is the desire of the United States Government and the City of Marion to modify said contract in order to bring it in line with charges made to other parties for sewer rental service,

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

Section 1. That the rates provided in the contract existing between the United States government and the City of Marion and modifications thereto for sewage treatment of sewage originating at Marion Engineer Depot, Marion Correctional Institution, and other governmental facilities served on the private sewer line owned by the government is hereby modified in the following manner:

All rates shall be charged in accordance with the sewer rental ordinances of the City of Marion, being Ordinance numbers 6040 and 6089.

Section 2. These charges shall be effective from the 1st day of June, 1958.

Section 3. That the Safety-Service Director is hereby authorized to enter into a modification contract in compliance with this ordinance.

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

PASSED: Sept. 22, 1958
APPROVED: Sept. 23, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheebe
CLERK

ORDINANCE NO. 6410

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY SERVICE DIRECTOR TO PREPARE SPECIFICATIONS FOR THE PURPOSE OF BIDDING FOR THE LEASE OF POLICE CRUISERS FOR ONE YEAR AND ALSO AUTHORIZING AND DIRECTING THE SAFETY SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR THE LEASE OF THREE (3) POLICE CRUISERS FOR THE CITY OF MARION, OHIO, FOR A PERIOD OF ONE YEAR.

WHEREAS, Council determines and deems it advisable to lease the police cruisers, and

WHEREAS, Council determines that specifications should be prepared and bids received on said specifications.

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

Section 1. That the Safety-Service Director is hereby authorized and directed to prepare specifications for the purpose of bidding for the lease of police cruisers for one year.

Section 2. That the Safety-Service Director is hereby authorized and directed, after preparation of said specifications, to advertise for bids, for the lease of Three (3) police cruisers for the City of Marion, Ohio, Police Department, for a period of one year.

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

PASSED: Sept. 22, 1958
APPROVED: Sept. 22, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheebe
CLERK

ORDINANCE NO 6411

ORDINANCE APPROVING TAPPING OF A TWENTY-FOUR INCH SEWER AT A POINT IN FOREST LAWN DRIVE IMMEDIATELY SOUTH OF QU QUA DITCH FOR THE CONSTRUCTION OF A TWELVE INCH SANITARY SEWER SOUTHERLY FROM SAID POINT A DISTANCE OF 1460 FEET.

WHEREAS, the City of Marion and the Board of County Commissioners have heretofore entered into a contract for Marion County Sewer District # 1, and

WHEREAS, the County Commissioners have expressed a desire for an improvement in said District consisting of a twelve inch sanitary sewer to be constructed in Forest Lawn Drive extension from a manhole immediately south of Qu Qua ditch south a distance of 1460 feet, and

WHEREAS, Council deems such improvement advisable.

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

Section 1. That the City of Marion consents to an improvement by the County Commissioners in Sewer District # 1, which improvement consists of a twelve inch sanitary sewer constructed in Forest Lawn Drive extended from a manhole immediately south of Qu Qua ditch south a distance of 1460 feet.

Section 2. Upon this ordinance becoming effective, this shall constitute an agreement by the City as an amendment to Paragraph 2 of Section 1 of said sewer district agreement mentioned in the preamble hereof.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: Sept. 22, 1958

APPROVED:

(On October 3rd, 1958, the ten days expired for the above ordinance to be returned from Mayor Strong, as provided in Section 2.44 of the Marion City Code. The Ordinance was not returned within the time limited in this section, therefore the ordinance took effect in the same manner as if he had signed same.)

MAYOR

ATTEST:

Alta F. Sheehe
CLERK

ORDINANCE NO 6412

ORDINANCE APPROVING THE LITHOGRAPHED ARTERIAL HIGHWAY REPORT OF BROWN ROBERTS AND ASSOCIATES AS SUBMITTED, INCLUDING THE AGREEMENT THEREOF, AUTHORIZING AND LIQUIDATING THE PAYMENT OF THE BALANCE DUE UNDER THE CONTRACT BETWEEN THE CITY OF MARION AND BROWN ROBERTS AND ASSOCIATES.

WHEREAS, heretofore the City of Marion entered into a contract with Brown Roberts and Associates for the preparation of an Arterial Highway Report, and

WHEREAS, heretofore in the year 1956 there was presented a preliminary report, which preliminary report was submitted to the State of Ohio and Bureau of Public Roads who requested certain additional information, which was thereafter furnished, and

WHEREAS, Brown Roberts and Associates furnished a lithographed report in June, 1958, which has been reviewed by the State of Ohio, Department of Highways, which Department of Highways has made certain suggestions and state in part "it would appear that in general the report has satisfactorily presented a proposed plan which can be accepted by the department", and

WHEREAS, the City Solicitor has requested certain items from Brown Roberts and Associates in addition to that already in the lithographed report, and

WHEREAS, those items have been furnished the City Solicitor.

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

Section 1. That the City of Marion does hereby approve the scope, form and method of presentation of the report and does accept same.

Section 2. That the Safety-Service Director is hereby authorized and directed to prepare a voucher to pay the balance due under said contract, to-wit: the sum of \$1,000.00 to Brown Roberts and Associates.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: September 8, 1958

APPROVED:

(THE ABOVE LEGISLATION WAS PASSED ON SEPTEMBER 8, 1958, VETOED BY MAYOR STRONG ON SEPTEMBER 15, 1958, VETO READ TO COUNCIL ON SEPTEMBER 20, 1958, COUNCIL RECONSIDERED ON OCTOBER 15, 1958, AND PASSED OVER MAYOR'S VETO.)

MAYOR

ATTEST:

Alta F. Sheehe
CLERK

ORDINANCE NO. 6-13

See copy of 10/13/58

ORDINANCE TO Levy Special Assessments for the Improvement of North State Street by Constructing Sewers & Sanitary Sewer on both sides from Fairview to Becker Ave NE and a Storm Sewer on both sides from Fairview to the North Side of Lot No. 1099 on the West Side and to the North Side of Lot No. 2410 on the East Side.

NOW, THEREFORE, BE IT OBTAINED by the Council of the City of Marion, State of Ohio:

Section 1. That the assessment of the cost and expense of improving the following street in the City of Marion, Ohio, by constructing a sanitary sewer on both sides of North State Street from Fairview to Becker Avenue and a storm sewer on both sides from Fairview to the north side of Lot No. 1099 on the west side and to the north side of Lot No. 2410 on the east side, amounting in the aggregate to \$4884.00 for the sanitary sewer and \$1413.00 for the storm sewer, as reported to this Council on the 14th day of August 1958, by the City Engineer, notice of the filing of said assessment having been given as required by law, be and the same is hereby adopted and confirmed, and that there be and are hereby levied an assessed upon the lots and lands bounding and abutting upon said improvement the several amounts represented as aforesaid, which assessments and the description of said lots and lands are now on file in the office of the Clerk of this Council and which assessments are at the rate of \$4.40 per front foot for the sanitary sewer and \$2.60 per front foot for the storm sewer, and are not in excess of the special benefits to said property and are not in excess of any statutory limitation.

Section 2. That the total assessment against each lot or parcel of land shall be payable in cash within thirty days from and after the passage of this Ordinance, or, at the option of the owner in ten (10) semi-annual installments with interest at the same rate as shall be borne by the bonds to be issued in anticipation of the collection of the same. All cash payments shall be made to the Treasurer of said City. All assessments and installments thereof remaining unpaid at the expiration of said thirty days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be by him placed on the tax duplicate and collected as other taxes are collected.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: October 13, 1958
APPROVED: October 13, 1958

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehy
CLERK

ORDINANCE NO. 6-14

ORDINANCE TRANSFERRING AND APPROPRIATING FUNDS FOR THE PURPOSE OF SUPPLEMENTING FUNDS PROVIDED BY SERVICE CLUBS FOR CERTAIN IMPROVEMENTS AT LINCOLN PARK.

NOW, THEREFORE, BE IT OBTAINED by the Council of the City of Marion, State of Ohio:

Section 1. That there is hereby transferred from Vets Housing Fund to Park Fund the sum of \$800.00.

Section 2. That there is hereby appropriated within the Park Fund the sum of \$800.00 to 15 A 7, Tennis Court Improvement, to supplement funds provided by service clubs.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: October 13, 1958
APPROVED: October 13, 1958

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehy
CLERK

ORDINANCE NO. 6-15

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS ACCORDING TO LAW AND ENTER INTO CONTRACTS FOR THE CONSTRUCTION OF A SANITARY SEWER COMMENCING AT THE INTERSECTION OF WALSH STREET AND SILVER STREET IN SILVER STREET; THENCE EASTWARDLY IN SILVER STREET WITH A 21 INCH TRUNK SANITARY SEWER TO LEAVER STREET THENCE CONTINUING EASTWARDLY IN SILVER STREET WITH A 18 INCH TRUNK SANITARY SEWER TO FARMER STREET; THENCE CONTINUING WITH A 15 INCH TRUNK SEWER EASTWARDLY IN SILVER TO OAK STREET; THENCE EAST IN SILVER STREET TO NORTH PROSPECT STREET; THENCE SOUTH IN NORTH PROSPECT STREET TO GEORGE STREET; THENCE EAST IN GEORGE STREET TO THE INTERSECTION OF GEORGE AND STATE STREETS WITH A 10 INCH TRUNK SANITARY SEWER.

NOW, THEREFORE, BE IT OBTAINED by the Council of the City of Marion, State of Ohio:

Section 1. That the Safety-Service Director be and he is hereby authorized to advertise for bids according to law and enter into contracts for the construction of a sanitary sewer commencing at the inter-

SECTION 2. That the contract hereinbefore mentioned be entered into with the lowest and best bidders after due advertisement, and shall be in accordance with the plans and specifications to be provided by the Engineer.

Section 3. That this Ordinance be and it is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, and for the further reason that it is immediately necessary to construct the improvements herein authorized in order to provide adequate sanitary sewerage facilities for the City and its inhabitants; and as such it shall become immediately effective upon its adoption and approval provided it receives two-thirds majority vote of the members elected to Council, otherwise, it shall become effective at and after the earliest period allowed by law.

PASSED: October 13, 1958
APPROVED: October 13, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 2416

ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS ACCORDING TO LAW AND ENTER INTO CONTRACTS FOR THE CONSTRUCTION OF A SANITARY RELIEF SEWER KNOWN AS THE DAVID STREET RELIEF SEWER, COMMENCING IN WOODROW AVENUE AT CLINTON STREET; THENCE IN AN EASTERLY DIRECTION IN WOODROW AVENUE TO BARKS AVENUE; THENCE SOUTH ON BARKS AVENUE TO SHERIDAN ROAD; THENCE EASTERLY IN SHERIDAN ROAD TO BELLEFONTAINE AVENUE; THENCE CONTINUING EASTERLY IN BELLEFONTAINE AVENUE TO DAVID STREET.

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

Section 1. That the Safety-Service Director be and he is hereby authorized to advertise for bids according to law and enter into contracts for the construction of a sanitary relief sewer known as the David Street Relief Sewer, commencing in Woodrow Avenue at Clinton Street; thence in an easterly direction in Woodrow Avenue to Barks Avenue; thence south on Barks Avenue to Sheridan Road; thence easterly in Sheridan Road to Bellefontaine Avenue; thence continuing easterly in Bellefontaine Avenue to David Street.

Section 2. That the contract hereinbefore mentioned be entered into with the lowest and best bidders after due advertisement, and shall be in accordance with the plans and specifications to be provided by the Engineer.

Section 3. That this Ordinance be and it is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, and for the further reason that it is immediately necessary to construct the improvements herein authorized in order to provide adequate sanitary sewerage facilities for the City and its inhabitants; and as such it shall become immediately effective upon its adoption and approval provided it receives a two-thirds majority vote of the members elected to Council, otherwise, it shall become effective at and after the earliest period allowed by law.

PASSED: October 13, 1958
APPROVED: October 13, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 2417

ORDINANCE AUTHORIZING THE MARION WATER COMPANY TO INSTALL MAINS AND FIRE HYDRANTS.

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

Installed 10/15/59
Section 1. That The Marion Water Company be authorized to install an 8 inch water main in Richmond Avenue from the end of its existing main near Fair Park Avenue northward a distance of approximately 1200 feet together with the installation of two fire hydrants, one at the intersection of Littleton Street and Richmond Avenue and one midway between Littleton Street and Fair Park Avenue as directed by the Fire Chief, to supply thirty-five new homes.

Installed 11/12/59
Section 2. That The Marion Water Company be authorized to install a 6 inch or 8 inch main in Littleton Street between Richmond Avenue and Robinson Street a distance of approximately 1225 feet and to install two fire hydrants, one at the intersection of Nassau Drive and Littleton Street and one on Littleton Street midway between Central Drive and Robinson Street as directed by the Fire Chief, to supply thirty new homes on Littleton Street.

Installed 11/12/59
Section 3. That The Marion Water Company be authorized to extend its 8 inch main in Central Drive northward a distance of approximately 50 feet to connect with the proposed new Littleton Street main in advance of paving of the street.

Installed 11/12/59
Section 4. That The Marion Water Company be authorized to extend a 6 inch or 8 inch stub main in Nassau Drive northward approximately 10 feet to avoid having to tear up Littleton Street after the concrete street is poured.

Installed 11/12/59
Section 5. That The Marion Water Company be authorized to extend a 6 inch or 8 inch stub main across Richmond Avenue at Fairlane Avenue approximately 30 feet to permit future extension of main in Fairlane and Fairwood Avenues to avoid having to tear up newly laid concrete when this extension is required in 1959.

Installed 11/12/59
Section 6. It shall be understood and agreed that the developer shall provide a minimum of 6 feet between the sidewalk and curb for the installation of the aforementioned water mains and hydrants so that the service connections can be made without disturbing the concrete street.

Section 7. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: Oct. 27, 1958
APPROVED: Oct. 27, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6-418

ORDINANCE VACATING A CERTAIN TEN FOOT ALLEY RUNNING NORTH 150 FEET FROM CENTER STREET IN ROSEWOOD ADDITION TO THE CITY OF MARION, OHIO.

WHEREAS, on or about the 30th day of September, 1958, a petition was filed by The Pure Oil Company, and a consent by H. A. Krigbaum, owners of all the property abutting on the portion of an alley to be vacated, said alley being described as follows:

Situated in the City of Marion, County of Marion, and State of Ohio, to-wit:
Beginning at an iron pipe on the North line of Center Street, said pipe being at the Southeast corner of Lot No. 6716 in Rosewood Addition to the City of Marion, Ohio, and running thence North along the East line of said Lot No. 6716 one hundred and fifty (150) feet to an iron pipe at the Northeast corner of said Lot No. 6716; thence West ten (10) feet; thence South One hundred fifty (150) feet to the North line of Center Street; thence East ten (10) feet to the place of beginning being a strip of land ten (10) feet in width off the east side of said Lot No. 6716.

and

WHEREAS, all the abutting property owners thereto have signed said petition and consent, and

WHEREAS, Council, upon hearing, is satisfied that there is good cause for such vacation as prayed for, and that it will not be detrimental to the general interest and out to be made,

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

Section 1. That all that portion of a certain ten foot alley described as follows:

Situated in the City of Marion, County of Marion, and State of Ohio, to-wit:
Beginning at an iron pipe on the north line of Center Street, said pipe being at the Southeast corner of Lot No. 6716 in Rosewood Addition to the City of Marion, Ohio, and running thence North along the East line of said Lot No. 6716 one hundred and fifty (150) feet to an iron pipe at the Northeast corner of said Lot No. 6716; thence West ten (10) feet; thence South One hundred fifty (150) feet to the North line of Center Street; thence East ten (10) feet to the place of beginning; being a strip of land ten (10) feet in width off the east side of said Lot No. 6716.

be and the same is hereby vacated.

Section 2. That nothing in this Ordinance shall be construed to effect any easements now existing with reference to this vacated alley.

Section 3. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Auditor of Marion County, Ohio, and to the Recorder of Marion County, Ohio.

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

PASSED: Nov. 10, 1958
APPROVED: Nov. 11, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6-419

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO PREPARE SPECIFICATIONS FOR THE PURPOSE OF BIDDING FOR THE PURCHASE OF POLICE CRUISERS AND ALSO AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR THE PURCHASE OF THREE (3) POLICE CRUISERS FOR THE CITY OF MARION, OHIO.

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

Section 1. That the Safety-Service Director is hereby authorized and direct to prepare specifications for the purpose of bidding for the purchase of police cruisers.

Section 2. That the Safety-Service Director be and he is hereby authorized and directed to advertise for bids according to law, for the purchase of three (3) police cruisers, for the Police Department of the City of Marion, Ohio.

Section 3. That the cost of said vehicles shall be payable out of 1959 appropriations for such purpose, and the City Auditor is hereby authorized to make a certificate that funds for the payment of the

ORDINANCE AUTHORIZING THE SUPERINTENDANT OF THE SEWAGE TREATMENT PLANT TO
APPLY FOR MEMBERSHIP IN THE OHIO SEWAGE AND INDUSTRIAL WASTES TREATMENT CONFERENCE.

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

Section 1. That M. A. Burnett, Superintendent of the Sewage Treatment Plant is hereby authorized and directed to make application to the Ohio Sewage and Industrial Wastes Treatment Conference, for annual membership for the year ending December 31st, 1950.

Section 2. That the cost of said dues shall be payable from S-R-2, Sewer Revenue Incidental Fund, heretofore appropriated.

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

Fred C. Baldauf
PRESIDENT OF COUNCIL

PASSED: Nov. 10, 1948
APPROVED: Nov. 11, 1950

Wendell L. Strong
MAYOR

ATTEST:
Alta F. Sheehy
CLERK

ORDINANCE NO. 6421

ORDINANCE MAKING CERTAIN EXCEPTIONS TO ORDINANCE 6304 WITH REFERENCE TO
SIGNS INSTALLED BETWEEN THE SIDEWALK AND CURB.

WHEREAS, Prior to Ordinance No. 6304 some signs were installed between sidewalk and curb on permanent bases by permits issued by previous administrations and not wishing to create a hardship in such cases, certain exceptions should be made to Ordinance No. 6304,

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

Section 1. Signs now in existence installed on permanent bases by permit between sidewalk and curb may remain under the following rules and regulations:

- a. If the supporting post does not obstruct view of vehicle driver coming out of street intersection, alley, intersection, private or public driveway.
- b. If main part of sign is at least 5 feet from ground to bottom of sign.

Section 2. No permits will be issued for installation of any new signs between sidewalk and curb or on City property.

Section 3. Any person, firm or corporation, who violates Section 2 hereof or violates Section 1 after notice by the Safety-Service Director to remove said sign, shall upon conviction be deemed guilty of a misdemeanor and shall be amenable to Section 1.4 of the Marion City Code.

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

PASSED: Nov. 10, 1950
APPROVED: Nov. 11, 1950

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:
Alta F. Sheehy
CLERK

ORDINANCE NO. 6422

VACATING A PORTION OF THE PUBLIC UTILITY EASEMENT ACROSS THE SOUTH END OF LOT
NUMBERED 13169 AND 13170 AND ACROSS THE NORTH END OF LOT NUMBERED 13171 IN ELM HEIGHTS
ADDITION TO THE CITY OF MARION, OHIO.

WHEREAS, on the 22nd day of September 1930, LaVerne Stafford and John J. Stafford, owners of Lots Numbered 13169, 13170, and 13171, filed a petition asking for the vacation of a public utility easement located in Elm Heights Addition to the City of Marion, Ohio, and more fully described as hereinafter set forth, asking for the vacation of a five (5) foot easement off the south side of Lots Numbered 13169, 13170 and a five (5) foot easement off the north end of Lot Number 13171, and

WHEREAS, said petitioners constitute all of the abutting owners on said public utility easement and the vacation of said public utility easement has been consented to by The Ohio Fuel Gas Company, the General Telephone Company of Ohio, The Marion Water Company and the Ohio Edison Company, being all of the public utilities within said city which might have occasion to make use thereof and,

WHEREAS, it appears to this Council, upon hearing thereof, that there is good cause for vacation of the public utility easement as prayed for and that said vacation will not be detrimental to the public interest and ought to be made.

NOW, THEREFORE, BE it ordained by Council of the City of Marion, Ohio.

Section 1. That the following described portion of a public utility easement within the City of Marion, Ohio, and more particularly described as follows:

Being a portion of the public utility easement set forth in the original plat of Elm Heights Addition to the City of Marion, Ohio, which plat is recorded in the Record of Plats, Book 4, Pages 3, 4 and 5 in the Recorder's Office of Marion County, Ohio, which plat was dedicated on the date of July 8th, 1927 and heretofore approved by the Council of the City of Marion, Ohio, on the 11th day of July 1927,

FIXING AND REGULATING THE PRICE WHICH MAY BE CHARGED BY THE OHIO FUEL GAS COMPANY, ITS SUCCESSORS OR ASSIGNS, FOR NATURAL GAS TO THE CITY OF MARION, OHIO, AND TO ITS INHABITANTS, FOR THE PERIOD OF FOUR (4) YEARS FROM AND AFTER THE EFFECTIVE DATE OF THIS ORDINANCE; AND REPEALING THAT CERTAIN ORDINANCE NO. 3810 PASSED BY THE COUNCIL OF THE CITY OF MARION, OHIO, ON THE 22ND DAY OF OCTOBER 1954, ENTITLED: "ORDINANCE NO. 3810 - FIXING AND REGULATING THE PRICE WHICH MAY BE CHARGED BY THE OHIO FUEL GAS COMPANY, ITS SUCCESSORS OR ASSIGNS, FOR NATURAL, MIXED, OR MANUFACTURED GAS TO THE CITY OF MARION, OHIO, AND TO ITS INHABITANTS, FOR THE PERIOD OF FOUR (4) YEARS FROM AND AFTER THE EFFECTIVE DATE OF THIS ORDINANCE."

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

Section 1. That for the period of Four (4) Years from and after the effective date of this Ordinance the maximum price which The Ohio Fuel Gas Company, its successors or assigns, shall be permitted to charge for and the minimum price at which it or they shall be required to furnish natural gas to the City of Marion, Ohio, and to its inhabitants, shall be and the same is hereby fixed for each individual consumer, as follows:

Twenty-two and one-half Cents (22½¢) per one hundred (100) cubic feet for the first 1,000 cubic feet, used through each meter each month;

Seven and one half Cents (7½¢) per one hundred (100) cubic feet for the next 99,000 cubic feet, used through each meter each month;

Six and three-fourth Cents (6 ¾¢) per one hundred (100) cubic feet for all in excess of 100,000 cubic feet, used through each meter each month;

A Minimum Charge for each customer each month of Two Dollars and Twenty-Five Cents (\$2.25) shall be made. If service under this rate schedule is discontinued at the request of the customer, The Ohio Fuel Gas Company shall not be under any obligation to resume service to the same customer on the same premises until the customer has made payment of an amount equal to the minimum monthly charge for each month of the intervening period, but not to exceed six (6) months.

FUEL COST CLAUSE

The base rates prescribed above are predicated upon a base fuel cost of 32.51¢ per one thousand (1,000) cubic feet.

For the twelve (12) month period ending each March 31, June 30, September 30, and December 31, subsequent to the effective date of this ordinance, an adjusted base price (as hereinafter defined) shall be determined by the Company and for each full one-half (½) cent per 1,000 cubic feet by which the adjusted base price decreases or increases, below or above the base price of 32.51¢ per 1,000 cubic feet, the rates prescribed above shall be decreased or increased at the rate of one-half (½) cent per 1,000 cubic feet as of the first day of the third month following each such twelve (12) month period (hereinafter referred to as the "effective date"), provided that the Company shall have filed with The Public Utilities Commission of Ohio and the Clerk of Council of the City of Marion, Ohio, thirty (30) days prior to the effective date, a computation in support of the adjusted rates, together with a notice that the adjusted rates are to be placed in effect as of 12:01 A. M., on the effective date and shall apply to all bills rendered on and after that date.

The term "adjusted base price" is defined as the price for each twelve (12) month period ending each March 31, June 30, September 30, and December 31, subsequent to the effective date of this ordinance, calculated in the following manner:

Dividing the total dollars paid, as reflected by the books of the Company, for the gas purchased from all suppliers whose rates are subject to the jurisdiction of the Federal Power Commission (hereinafter called "Regulated Suppliers"), during each month of each such twelve (12) month period, by the total gas purchased by the Company from all such Regulated Suppliers; provided that in the event the rate of any Regulated Supplier is approved by The Federal Power Commission prior to becoming effective under bond or while under bond, and such approved rate has been in effect for a period of less than twelve (12) months, then the dollars actually paid to such Regulated Supplier for the twelve (12) months period shall not be used and there shall be included in lieu thereof a sum equal to the amount which would have been paid under such approved rate for the gas purchased from such Regulated Supplier for the twelve (12) month period.

If, during the twelve (12) month period under consideration, the Company shall have received from one or more of its Regulated Suppliers, a refund pursuant to an order of the Federal Power Commission in connection with the final settlement of a rate proceeding, a credit in the amount of the refund shall be applied to the gas purchased costs determined in the preceding subparagraph.

Notwithstanding any provisions to the contrary in the Fuel Cost Clause, the following limitations and conditions shall apply:

- (1) During the first twelve (12) month period after the effective date of this ordinance any increase shall be limited to two cents (2¢) per thousand cubic feet.
- (2) During the second twelve (12) month period after the effective date of this ordinance any increase shall be limited to two cents (2¢) per thousand cubic feet, in addition to the two cents (2¢) provided in the next subparagraph (1) above.
- (3) During the third twelve (12) month period after the effective date of this ordinance any increase shall be limited to two cents (2¢) per thousand cubic feet, in addition to the two cents (2¢) provided in the next subparagraph (1) above, and in addition to the two cents (2¢) provided in the next subparagraph (2) above.
- (4) During the fourth twelve (12) month period after the effective date of this ordinance, any increase shall be limited to two cents (2¢) per thousand cubic feet in addition to the two cents (2¢) provided in the next subparagraph (1) above, and in addition to the two cents (2¢) provided in the next subparagraph (2) above, and in addition to the two cents (2¢) provided in the next subparagraph (3) above.

Section 2. That it is expressly conditioned the service to be rendered by said Company, its successors or assigns, pursuant to this ordinance, shall be primarily for domestic and commercial purposes and that service shall not be extended to other consumers of different classes until after all reasonable requirements for domestic and commercial purposes are fully met, and this provision shall be binding upon said Company, its successors or assigns, during each month of each year; but during any month or year, subject to the foregoing limitations and after compliance with the foregoing provisions gas may be delivered to any other consumer and additional classes of consumers at such times and under such conditions and for such rates as may be agreed upon between the Company and such consumer or consumers.

Section 3. That Ordinance No. 5810 passed by the Council of the City of Marion, Ohio, on the 25th day of October, 1954, entitled: "Ordinance No. 5810 - Fixing and regulating the price which may be charged by The Ohio Fuel Gas Company, its successors or assigns, for natural, mixed, or manufactured gas to the City of Marion, Ohio, and to its inhabitants, for the period of Four (4) Years from and after the effective date of this ordinance: ***be and the same is hereby repealed.

Section 4. The terms and conditions of the service to be rendered shall conform with and be subject to the Rules and Regulations for furnishing gas service of the Company on file with and approved by The Public Utilities Commission of Ohio.

Section 5. That the natural gas furnished or delivered pursuant to the terms of this ordinance, by the said Company, shall have an average heating value of 1,000 British thermal units per cubic foot for any consecutive twelve (12) month period subject to a variance of not more than five (5) percent upward or downward.

Section 6. In the event the State of Ohio or the City of Marion, Ohio, should hereafter impose a tax upon Ohio Fuel, that is not now imposed, or should hereafter increase the rate of any tax now imposed upon Ohio Fuel above the tax rate now existing, other than the rate on property listed in the real estate tax list and duplicate, than the rates prescribed in Section 1 shall be increased to the extent necessary to compensate Ohio Fuel for the increase in cost due to such new tax or higher tax rate. This shall be done in the following manner:

- (a) If the new tax or higher tax rate is computed in direct relation to gas sold or revenues received for the sale of gas, the rates set forth herein shall be adjusted to the extent necessary to recompense the Company for the amount thereof.
- (b) If the new tax or higher tax rate is not related directly to gas sold or to revenues received for the sale of gas, then the total dollar effect thereof upon the cost of serving gas by Ohio Fuel in the City shall be determined, based upon operations of Ohio Fuel in the City during the most recently available twelve months period ending on the 1st day of the December or June, preceding the effective date of the new tax or higher tax rates; the total dollars so computed shall then be divided by the total sales made to the types of customers covered by this Ordinance during the same twelve months period and the rates prescribed herein shall be correspondingly adjusted.

The adjustment of the rates prescribed in this Ordinance, as provided in subparagraphs (a) and (b) above, shall be made by rounding the mathematical result of the computations so prescribed to the nearest one quarter cent (.25¢) per one thousand cubic feet.

The adjusted rate shall be placed in effect and shall apply to all meter readings occurring on and after the effective date of the statute, ordinance or resolution pursuant to which the new tax or increased tax rate is imposed.

Written notification of the adjustment shall be sent to the Clerk of Council of the City as quickly as possible after the effect of the new tax or higher tax rate can be determined.

Section 7. That any ordinance or resolution, or part of an ordinance or resolution, inconsistent herewith, is, to the extent of such inconsistency, hereby, repealed.

Section 8. That should any section or part of a section or provision of a section of this ordinance be declared void, the remainder of this ordinance shall not be affected thereby.

Section 9. That this ordinance shall become effective at the earliest date allowed by law, provided, however, that this ordinance shall have no force or effect whatsoever unless written acceptance of this ordinance is filed by The Ohio Fuel Gas Company with the Clerk of the City of Marion, Ohio, prior to the expiration of thirty (30) days from the date of this ordinance is passed.

PASSED: November 10, 1954
APPROVED: November 19, 1954

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Steens
CLERK

Fred C. Baldauf
PRESIDENT OF COUNCIL

**ORDINANCE ESTABLISHING SALARIES FOR EMPLOYEES AT THE SWIMMING
POOL AT LINCOLN PARK.**

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

Section 1. That effective with the year 1959 there is hereby established the following positions at the Lincoln Park swimming pool.

- a. Beginning the 15th day of May, and ending the 15th day of September inclusive, the position of Manager. The salary of the Manager shall be \$100.00 per week.
- b. Beginning the 15th day of May, and ending the 15th day of September inclusive, the position of Assistant Manager. The salary of the Assistant Manager shall be \$75.00 per week.
- c. *Five (5) life guards* Beginning the 15th day of May, and ending the 15th day of September inclusive, the position of five (5) life guards. The salary of each life Guard shall be \$40.00 per week.
- d. Beginning the 15th day of May, and ending the 15th day of September inclusive, the position of four (4) Bath house attendants. The salary of each Bath House Attendant shall be \$.70 per hour.
- e. Beginning the 15th day of May, and ending the 15th day of September inclusive, the position of Bookkeeper and Ticket Manager. The salary of the Bookkeeper and Ticket Manager shall be \$1.00 per hour.

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

PASSED: November 10, 1958
APPROVED: November 19, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:

Alta F. Sheehe
CLERK

ORDINANCE NO. 6425

**ORDINANCE AUTHORIZING THE PAYMENT OF A CLAIM TO PAUL E. KUNKLE, 655 VERNON
HEIGHTS BOULEVARD, MARION, OHIO, IN THE AMOUNT OF \$15.00.**

WHEREAS, Paul E. Kunkle, of 655 Vernon Heights Boulevard, Marion, Ohio, was heretofore granted a building permit to erect a building on lot No. 12511 located at the corner of Vernon Heights Boulevard and Bexley, and

WHEREAS, said Paul E. Kunkle paid a fee of \$15.00 to the City Clerk for said building permit, and

WHEREAS, it was later learned that said property was located outside the corporate limits of the City of Marion, and said building permit was not necessary, and

WHEREAS, said Paul E. Kunkle has made claim against the City of Marion in the amount of Fifteen Dollars (\$15.00), for the refund of said building permit fee, and

WHEREAS, Council deems that said claim should be paid.

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

Section 1. That the City Solicitor be and he is hereby authorized to settle and pay said claim of Paul E. Kunkle and to pay unto Paul E. Kunkle the sum of Fifteen Dollars (\$15.00).

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund to the Claim Payment Fund the sum of Fifteen Dollars (\$15.00); that the amount is to be used for the purpose of paying said claim;

Section 3. That the City Auditor and City Treasurer are hereby authorized to draw and prepare vouchers and warrants in payment of said claim upon the approval by the City Solicitor of the property vouchers thereof.

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

PASSED: November 24, 1958
APPROVED: November 24, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehe
CLERK

ORDINANCE NO. 6-126

ORDINANCE DESIGNATING THE EAST SIDE OF LEADER STREET FROM THE UNDERPASS NORTH TO SILVER STREET AS "FIRE LANE" AND PROVIDING A PENALTY FOR THE VIOLATION OF SAID PROVISION.

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

Section 1. That the east side of Leader Street from the underpass north to Silver Street shall be designated as "Fire Lane" and vehicles shall be prohibited from parking in said "Fire Lane".

Section 2. Any person violating the foregoing provision shall be amenable to Section 19.121 of the Marion City Code.

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

PASSED: November 24, 1958
APPROVED: November 24, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6-127

ORDINANCE REGULATING THE PARKING OF VEHICLES ON CERTAIN STREETS IN THE CITY OF MARION, OHIO, AND PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

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

Section 1. That vehicles shall be prohibited from parking on both sides of Pearl Street from Church Street to Columbia Street for more than a two hour period between the hours of 8:00 A. M. to 5:00 P. M., daily, except Sundays and Holidays.

Section 2. Any person violating the foregoing provisions shall be amenable to Section 19.121 of the Marion City Code.

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

PASSED: December 8, 1958
APPROVED: December 9, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6-128

ORDINANCE TRANSFERRING FUNDS ALREADY APPROPRIATED AND MAKING ADDITIONAL APPROPRIATION FOR THE YEAR OF 1959.

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

Section 1. That there be transferred the sum of \$3,723.00 from the General Fund as follows:

From	2 C 7	Towing Charges	1,998.00	
	2 D 20	Lands and Buildings	900.00	
	3 A 8	Medical Supplies	100.00	
	3 C 8	Medical Supplies	50.00	
	3 C 9	Food and Coal	75.00	
	4 H 1	Engineer's Salary	600.00	
		Total General Fund Transfer		\$3,723.00
To	1 A 5	Incidentals	398.00	
	2 C 6	Gas and Oil	600.00	
	2 C 10	Subsistence of Prisoners	1,000.00	
	2 D 8	Maintenance	900.00	
	3 A 5	Incidentals	125.00	
	3 D 9	Laboratory Supplies	100.00	
	4 H 3	Assistants	600.00	
		Total General Fund Transfers		\$3,723.00

Section 2. That there be additional appropriations in the Airport Fund in the amount of \$1,107.57 as follows:

To A P 2 Fuel and Light 1,000.00

Section 4. That there be additional appropriations in the Hospital Fund in the amount of \$177,500.00, as follows:

To	3 A 4	Office Supplies	2,000.00	
	3 A 6	Employees' Salaries	150,000.00	
	3 A 7	Utilities	8,000.00	
	5 A 8	Food	15,000.00	
	5 A 10	Pharmacy Drugs	15,000.00	
	5 A 12	Laundry Supplies	2,000.00	
	5 A 13	Repair Equipment	2,500.00	
	5 A 14	Incidentals	1,500.00	
	5 A 20	Lands and Buildings	1,500.00	
Total Hospital Fund				\$177,500.00

Section 5. That there be additional appropriations in the Sewer Revenue Fund in the amount of \$1,040.00, as follows:

To	S R 3	Operators	40.00	
	S R 6	Power	1,000.00	
Total Sewer Revenue Fund				\$1,040.00

Section 6. That there be additional appropriations in the Garbage Fund in the amount of \$1,000.00 as follows:

To	G D 6	Truck Supplies	\$1,000.00	
Total Garbage Fund				\$1,000.00

Section 7. That there be additional appropriations in the Street Construction Maintenance and Repair Fund the sum of \$2,000.00, as follows:

To	15 A 10	Miscellaneous	\$2,000.00	
Total Street Construction Maintenance and Repair Fund				\$2,000.00

Section 8. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: December 8, 1958
APPROVED: December 9, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6429

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO CONTRACTS FOR THE PURCHASE OF THREE NEW POLICE CRUISERS FOR THE CITY OF MARION, OHIO.

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

Section 1. That the Safety-Service Director is hereby authorized and directed to enter into a contract for the purchase of three Police Cruisers for the Police Department of the City of Marion, Ohio.

Section 2. That this contract shall be pursuant to bids received under Ordinance No. 6419, in the amount of \$5,935.23.

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

PASSED: December 8, 1958
APPROVED: December 9, 1958

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheeha
CLERK

ORDINANCE NO. 6430

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO LEASE THREE POLICE CRUISERS FOR DECEMBER 1, 1958, TO AND UNTIL THE NEWLY PURCHASED CRUISERS ARE READY FOR OPERATION, AND APPROPRIATE FUNDS THEREFOR.

WHEREAS, The City has been leasing three police cruisers from the McDaniel Motor Company, and

WHEREAS, said Lease expired December first, 1958, and

WHEREAS, the new cruisers purchased by the City are not ready for delivery, and

WHEREAS, Council deems that they shall lease the cruisers of the McDaniel Motor Company for such period as is necessary until the new cruisers are delivered,

NOW, THEREFORE, be it ordained by the Council of the City of Marion, State of Ohio:

Section 1. That the Safety-Service Director is hereby authorized and directed to enter into an extension of the present Lease with the McDaniel Motor Company for three police cruisers at the rate of \$295.00 per month per cruiser.

Section 2. That to provide sufficient funds for the contract authorized in Section # 1 hereof, there is hereby appropriated the sum of \$438.00 to 2C22 Cruiser Rental.

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

PASSED: December 8, 1958
APPROVED: December 9, 1958

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehy
CLERK

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE NO. 6-31

ORDINANCE ESTABLISHING POSITION OF EXTRA CLERK IN MUNICIPAL COURT
EFFECTIVE JANUARY 1, 1959, AND ESTABLISHING THE SALARY THEREOF, AND
REPEALING ORDINANCE NO. 6014.

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

Section 1. There is hereby created the position of Extra Clerk in the Municipal Court effective January 1, 1959.

Section 2. The salary of the extra clerk of the Municipal Court established in Section 1 hereof shall be \$200.00 per month.

Section 3. That Ordinance No. 6014 passed February 27, 1956, is hereby repealed.

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

PASSED: December 8, 1958
APPROVED: December 9, 1958

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehy
CLERK

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE NO. 6-32

ORDINANCE AUTHORIZING MEMBERSHIP IN THE OHIO MUNICIPAL LEAGUE FOR THE
CITY OF MARION, OHIO.

WHEREAS, the cities and village of Ohio have organized themselves into an Ohio Municipal League for the improvement of Municipal Government and administration and promotion of the general welfare of the cities and village of this State according to law, and

WHEREAS, in order to make such organization effective and to derive the maximum benefits therefrom it is necessary and desirable that the City of Marion secure and pay for membership in the said Ohio Municipal League.

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

Section 1. That the Mayor is hereby authorized and directed to apply for and secure membership for the City of Marion, Ohio, in the Ohio Municipal League for the year of 1959.

Section 2. That the cost of securing such membership for the City of Marion, Ohio, in the amount of Three Hundred Ninety Eight Dollars (\$398.00) shall be paid from funds already appropriated to I & S Council Incidentals.

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

PASSED: December 8, 1958
APPROVED: December 9, 1958

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Sheehy
CLERK

Fred C. Baldauf
PRESIDENT OF COUNCIL

ORDINANCE RE-ESTABLISHING SALARIES OF CERTAIN EMPLOYEES OF THE CITY OF MARION, OHIO, EFFECTIVE JANUARY 1st, 1959, AND DECLARED AN EMERGENCY.

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

Section 1. That Section 12 of Ordinance No. 6165, passed January 28th, 1957, which reads as follows:

"That the salary of the Janitor of City Hall shall be Two Hundred and Eighty Dollars (\$280.00) per month."

shall be amended to read as follows:

"That the Salary of the Janitor of City Hall shall be Three Hundred and Ten Dollars (\$310.00 per month."

Section 2. That Section 13 of Ordinance No. 6165, passed January 28th, 1957, which reads as follows:

"That the Salary of the Assistant Janitor shall be one dollar and Seven Cents (\$1.07 per hour."

shall be amended to read as follows:

"That the Salary of the Assistant Janitor shall be One Dollar and Forty-Seven Cents (\$1.47 per hour."

Section 3. That this Ordinance be and it is hereby declared to be an emergency measure in that it is necessary to re-establish the salaries herein provided, and for the further reason it provides for the safety, health and welfare of the citizens of the City of Marion, and as such it shall become effective immediately upon its adoption and approval, provided it receives a two-thirds majority vote of the members elected to Council, otherwise it shall become effective at and after the earliest period allowed by law.

PASSED: January 13, 1959
APPROVED: January 13, 1959

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
MAYOR

ATTEST:

Alta F. Shaebe
CLERK

ORDINANCE NO. 6-14

ORDINANCE CHANGING THE ZONING MAP ATTACHED AND MADE A PART OF CHAPTER 21, SECTION 21.1 AND FOLLOWING SECTION, OF THE CODE OF THE CITY OF MARION, OHIO.

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

Section 1. That the "Use Map" designated and provided for in Section 21.4 of the Code of the City of Marion, Ohio, is hereby revised as to the following described property:

Situated in the County of Marion, in the State of Ohio, and in the City of Marion, and bounded and described as follows: Lots 2279, 2280, 2281, 2282, and 2286 in Mechanic's Addition to the City of Marion, Ohio

The said property is hereby transferred from the "A" Residential District to the "C" Industrial District and the "Use Map" displayed on the wall of the Mayor's office shall be and is hereby changed accordingly.

The Clerk of the City of Marion, Ohio, is hereby authorized and directed to make the said change on the said "Use Map" displayed on the wall of the Mayor's office.

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

PASSED: January 13, 1959
APPROVED: January 13, 1959

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong
Mayor

ATTEST:

Alta F. Shaebe
CLERK

ORDINANCE NO. 6-15

ORDINANCE CHANGING THE ZONING MAP ATTACHED AND MADE A PART OF CHAPTER 21, SECTION 21.1 AND FOLLOWING SECTION, OF THE CODE OF THE CITY OF MARION, OHIO.

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

Section 1. That the "Use Map" designated and provided for in Section 21.4 of the Code of the City of Marion, Ohio, is hereby revised as to the following described property:

Situated in the County of Marion, in the State of Ohio, and in the City of Marion, and bounded and described as follows: Lots 2283, 2284, and 2285 in Mechanic's Addition to the City of Marion, Ohio.

The said property is hereby transferred from the "A" Residential District to the "C" Industrial District and the "Use Map" displayed on the wall of the Mayor's office shall be and is hereby changed accordingly.

The Clerk of the City of Marion, Ohio, is hereby authorized and directed to make the said change on the said "Use Map" displayed on the wall of the Mayor's office.

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

PASSED: January 13, 1959
APPROVED: January 13, 1959

Fred C. Baldauf
PRESIDENT OF COUNCIL

Wendell L. Strong, MAYOR

ATTEST: Alta F. Shaebe, CLERK

See 11/13/59

Ordinance No. 2010-119 Passed JAN 10 2011, 20

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,100,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 30 years, and the maximum maturity of the Notes described in Section 3 is 20 years;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,100,000 (the "Bonds") to pay costs of constructing, equipping and furnishing an aquatic center, together with all necessary appurtenances thereto.

Section 2. The Bonds shall be dated August 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2011.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,100,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated their date of issuance and shall mature July 21, 2011. The Notes shall bear interest at a rate or rates not to exceed six percent (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 a final terms certificate (the "Final Terms Certificate").

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

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

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

Ordinance No. 2010-119Passed JAN 10 2011 20

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 assignee 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 Final Terms Certificate referred to in Sections 3 and 4. The note purchase agreement by and between the City and the Original Purchaser (the "Note Purchase Agreement") now on file with the Clerk of this Council is now approved, and the Auditor shall sign and deliver, on behalf of the City, the Note Purchase Agreement with such changes that are not inconsistent with the provisions of this ordinance, are not materially adverse to the interests of the City and are approved by the Auditor. That any such changes to the Note Purchase Agreement are not materially adverse to the interests of the City and approved by the Auditor shall be evidenced conclusively by the signing of the Note Purchase Agreement by the Auditor. The Auditor shall sign the Note Purchase Agreement referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes.

RECORD OF ORDINANCES

0477

Davison Legal Blank, Inc.

Form No. 3035

Ordinance No. 2010-119

Passed

JAN 10 2011

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The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. 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 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 obligations" for purposes of Section 265(b)(3) of the Code. In connection with that designation, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate principal amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than "qualified 501(c)(3) bonds" as defined in Section 145 of the Code, that are "private activity bonds" as defined in Section 141 of the Code, and excluding refunding obligations that are not "advance refunding obligations" as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as "qualified tax-exempt obligations". 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 covenants that it 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 composition 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

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Passed JAN 10 2011, 2011

gross income and the intended tax status of the Notes, and (c) to give 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.

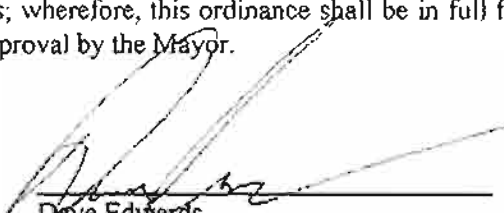
Section 11. If, in the judgment of the Auditor, the filing of an application for (i) a rating on the Notes by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to this City, the Auditor is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Note Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Auditor has taken such actions, those actions are hereby ratified and confirmed.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance and the Final Terms Certificate to the County Auditor.

Section 13. 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 14. 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 15. 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 potentially combine the Notes with one or more other note issues of the City into a consolidated note issue and achieve savings in costs of issuance and a lower interest rate for the Notes; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.


Dave Edwards
President of Council

Approved:

Mayor Scott Schertzer

Attest:



Clerk of Council

Received from Mayor Schertzer
unsigned on January 24, 2011.