

Resolution No. 2009-111

Passed JAN 26 2009, 20

**RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPLY TO THE MARION COUNTY COMMISSIONERS FOR MONIES DERIVED FROM THE AUTOMOBILE LICENSE TAX, AND DECLARING AN EMERGENCY.**

WHEREAS, the Marion County Commissioners passed a resolution on September 10, 1969 in the matter of the policy on distribution of the \$5.00 permissive auto tax monies, to wit: That no later than the first Monday in February of each year shall be a deadline for this Board to receive from the various cities and villages, County Engineer approved requests for their portion of said monies, after which the Board will examine, view and certify amounts available to each qualified applicant, so they may be eligible to draw their portion after they present a signed contract for improvement to be done, and

WHEREAS, Council, on September 23, 1968, passed Resolution No. 68-39 which stated that Council desired to finance certain improvements from funds allocated by the County Commissioners from the annual license tax of \$5.00.

BE IT RESOLVED by the City of Marion, Marion County, Ohio.

**Section 1.** That the Mayor is hereby directed to make the proper application to the Marion County Commissioners for the City's portion of the \$5.00 permissive auto tax monies to apply against the following listed project:

**Resurfacing:**

	<u>STREET</u>	<u>FROM</u>	<u>TO</u>
1.	Fairwood Avenue	Fairlane Avenue	Marion-Williamsport Road
2.	Indiana Avenue	Elm Street	Kensington Place
3.	Gurley Avenue	S. State Street	S. Vine Street
4.	Rodney Drive	Colonial Drive	Amherst Drive
5.	Mark Street	Prospect Street	Jefferson Street
6.	St. Gallen Street	National Drive	Western Drive
7.	Western Drive	Clinton Street	St. Gallen Street
8.	Franklin Street	S. Vine Street	Bradford Street
9.	Silver Street	W. Corporation	Prospect Street
10.	State Street	Patten Street	Washington Street
11.	Prospect Street	N. Corporation	Walnut Street
12.	Leader Street	W. Center Street	W. Fairground Street
13.	Spencer Street	Indiana Avenue	E. Center Street
14.	S. Vine Street	Lafayette Street	E. Walnut Street
15.	McKinley Street	Olney Avenue	Park Boulevard
16.	Dauids Street	Bellefontaine Ave	Barks Road
17.	Brightwood Drive	Mt. Vernon Ave	Virginia Avenue
18.	Seffner Avenue	W. Center Street	North Termini
19.	Adams Street	N. Greenwood St	Jefferson Street
20.	Olney Avenue	Center Street	Bellefontaine Avenue
21.	Merchant Avenue	Mt. Vernon Ave	E. Center Street
22.	Westlawn Drive	Vancouver Drive	Catalina Drive
23.	Delaware Avenue	Hill Street	S. Corporation
24.	George Street	Greenwood Street	Jefferson Street
25.	Kenton Avenue	W. Corporation	Center Street
26.	Mt. Vernon Avenue	Grand Avenue	E. Corporation
27.	Central Drive	Littleton Street	Roberts Avenue
28.	Bennett Street	Latourette Street	W. Corp. Line

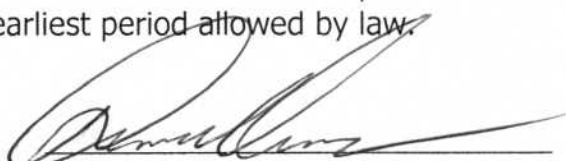
Resolution No. 2009-1Passed JAN 26 2009, 20

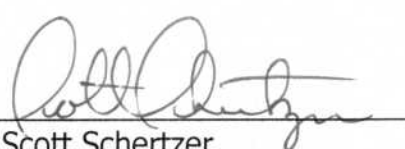
- |                      |                  |                  |
|----------------------|------------------|------------------|
| 29. Van Buren Street | Grant Street     | Jefferson Street |
| 30. Burgundy Drive   | Normandy Drive   | Marseille Drive  |
| 31. Shadyside Drive  | Brightwood Drive | Forest Street    |
| 32. Curve Street     | Center Street    | Bennett Street   |

**Section 2.** That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary to make application to the Marion County Commissioners by the first Monday in February, 2008 and as such shall take effect and be enforced immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

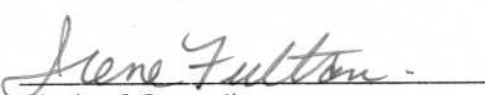
Approved:

JAN 27 2009

  
Dave Edwards  
President of Council

  
Mayor Scott Schertzer

Attest:

  
Clerk of Council

Resolution No. 2009-10

Passed

**APR 27 2009**

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RESOLUTION WHEREBY THE CITY OF MARION AGREES TO PROVIDE FIRE PROTECTION, POLICE PROTECTION, STREET MAINTENANCE AND ALL OTHER ORDINARY CITY SERVICES PROVIDED WITHIN THE BOUNDARIES OF THE CITY OF MARION, TO THE PROPOSED TERRITORY FOR ANNEXATION TO THE CITY, LOCATED SOUTH OF THE CITY OF MARION, CONTAINING 0.706 ACRES, AND DECLARING AN EMERGENCY.

WHEREAS, on the 9<sup>th</sup> day of April, 2009, Mr. Steve Chaffin filed the application, as the agent, to annex the following described property to the City of Marion, Ohio:

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

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

Beginning at a monument box found at the centerline intersection of Barks Road, County Road 138 (right-of-way varies) and Delaware Avenue – State Route 423 (right of way varies); thence north 16 deg. 15'14" west, a distance of 240.24 feet with the centerline of said Delaware avenue to a mag spike set in the existing city of Marion Ohio corporation line; thence south 89 deg 48'04" East, a distance of 31.28 feet with said existing city of Marion corporation line to a mag spike set; thence South 16 deg. 15'14" East, a distance of 208.87 feet with said existing City of Marion Corporation line to a mag spike set; thence North 89 deg 59'29" East, a distance of 788.93 feet with said existing City of Marion Corporation line to a mag spike set; thence South 00 deg 38'08" West, a distance of 30.00 feet with said existing City of Marion Corporation line, over and across said Barks Road (passing a 6" concrete monument set at a distance of 10.00 feet) to a mag spike set in the centerline of said Barks Road and the East-West half section line of said section 34; thence south 89 deg 59'29 West, a distance of 811.10 feet, with the said East-West half section line, and the centerline of said Barks Road to the point of beginning, containing 0.706 acres of land, more or less.

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

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

WHEREAS, the territory is adjacent and contiguous with the City of Marion, Ohio; and

WHEREAS, a Notice of Filing of Petition for Annexation was provided to the Clerk of the Marion City Council on April 9, 2009, as required pursuant to Ohio Revised Code Section 709.03; and

WHEREAS, a Notice of Petition for Annexation by Owners of Real Estate, and Time and Place of Hearing was provided to the Clerk of the Marion City Council on April 9, 2009, as required pursuant to Ohio Revised Code Section 709.031; and

WHEREAS, the provisions of Ohio Revised Code Section 709.031(B) require that the Municipal legislative authority shall, by Ordinance or Resolution, adopt a statement indicating what services, if any, the Municipal Corporation will provide to the territory

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Passed

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proposed for annexation upon annexation;

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

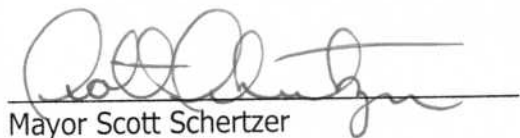
Section 1. That the City of Marion will provide to the above described proposed territory for annexation, fire protection, police protection, street maintenance, emergency services, engineering services, sewer, sanitation, and all other ordinary and necessary city services provided within the boundaries of the City of Marion, and such services will be appropriate and sufficient to serve the territory sought to be annexed.

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



Dave Edwards  
President of Council

APPROVED: APR 28 2009



Mayor Scott Schertzer

ATTEST:



Clerk of Council

Resolution No. 2009-11

Passed APR 27 2009, 20

RESOLUTION TO COOPERATE WITH THE OHIO DEPARTMENT OF  
TRANSPORTATION IN THE MATTER OF THE SR-423; SR-4 AND SR-95  
2009 PROJECTS, AND DECLARING AN EMERGENCY

27

*reparing*

**(Ordinance 2008-9)**

**PID 77176**

**Project No. \_\_\_\_\_**

**(2009)**

The following Final Resolution enacted by the City of Marion, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency, or "LPA", in the matter of the stated described project:

WHEREAS, on the 12<sup>th</sup> day of November, 2008 the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

This project consists of the resurfacing of a total of 0.88 miles of State Route 423, 2.05 miles of State Route 4 and 0.79 miles of State Route 95 for a total of 3.72 miles, lying within the City of Marion; and

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

The City agrees to assume and bear the entire cost and expense of the improvement, less the amount of Federal-aid funds set aside by the Director of Transportation of the State of Ohio for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to bear one hundred percent (100%) of the following items:

1. Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State
2. Right-of-Way.

The share of the cost of the LPA is now estimated in the amount of Two Hundred Ninety Seven Thousand Two Hundred Twenty and .....00/100 Dollars, (\$297,220.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway(s) and has transmitted copies of the same to the legislative authority.

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvements.

NOW, THEREFORE, be it resolved by the City of Marion



APR 27 2009

Resolution No. 2009-11

Passed

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Section 1. That the estimated sum of Two Hundred Ninety Seven Thousand Two Hundred Twenty and .....00/100 Dollars, (\$297,220.00), is hereby appropriated for the improvements described above and the fiscal officer is hereby authorized and directed to issue an order on the Auditor for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal Funds.

Section 2. That the LPA hereby request the Director of Transportation to proceed with the aforesaid highway improvements.

Section 3. That the LPA enter into a contract with the State, and that Service Director be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above the improving the described projects.

Section 4. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

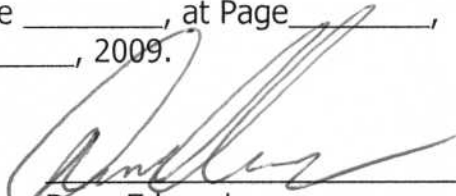
Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulting in such formal action, ere in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. This Resolution is hereby declared to be an emergency measure due to the required time restrictions and as such 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.

This is to certify that we have compared the foregoing copy of the Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume \_\_\_\_\_, at Page \_\_\_\_\_, and under date of \_\_\_\_\_, 2009.

APPROVED: APR 28 2009

  
Dave Edwards  
President of Council

  
Mayor Scott Schertzer

Attest:

  
Clerk of Council

# RECORD OF RESOLUTIONS

0291

Dayton Legal Blank, Inc., Form No. 30045

APR 27 2009

Resolution No. 2009-12

Passed

, 20

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF INDIVIDUALS AS MEMBERS OF THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY.

**WHEREAS**, pursuant to Section 159.02 of the Codified Ordinance of Marion, the Mayor of the City of Marion is authorized to appoint members of the Airport Commission, subject to the approval and consent of Council of said City, and

**WHEREAS**, Mayor Scott Schertzer has asked Council for its approval and consent to the appointment said individuals to the Airport Commission for a term of three (3) years, with said term to begin June 1, 2009, and to end May 31, 2012.

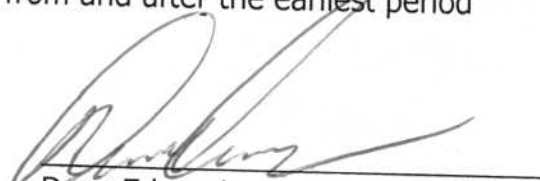
**BE IT RESOLVED** by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the appointment by Mayor Scott Schertzer of the following individuals to the Airport Commission to wit:

<u>MEMBER</u>	<u>TYPE OF MEMBER</u>
Dr. James Behrends	President of Central Ohio Soaring Association at Marion Municipal Airport or designee
Charles Campbell	Person utilizing airport for private or personal business flying

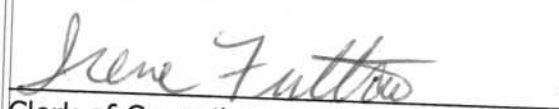
be and the same is hereby approved and confirmed and the consent of Council to such appointment be and the same is hereby granted.

Section 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate protection of welfare and safety related concerns for the citizens of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operations of said City, and as such, shall take effect and be in force upon its passage and approval by the Mayor, provided that it receives the affirmation vote of two thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

  
Dave Edwards  
President of Council

APPROVED: APR 28 2009

  
Mayor Scott Schertzer

  
Clerk of Council

Resolution No. 2009-13

Passed JUL 13 2009, 20\_\_

**RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2010, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the annual tax budget of the City of Marion for the year 2010 has been heretofore prepared, and being identified as "City of Marion, Ohio 2010 Budget" as submitted by the Office of the Safety Director on behalf of the Administration and further delineated as the 06/01/09 version, and

**WHEREAS**, public notice has been given by publication of a notice of public hearing thereon at least ten (10) days prior to the date of such public hearing, and

**WHEREAS**, such public hearing has been properly held on said budget and no objections or exceptions thereto have been made or presented to the officials of the City,

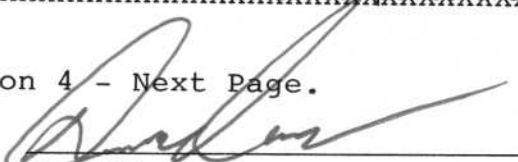
**BE IT RESOLVED** by the Council of the City of Marion, Marion County, Ohio:

**Section 1.** That the annual tax budget of the City of Marion, Ohio for the year 2010 being identified as "City of Marion, Ohio 2010 Budget" as submitted by the Office of the Safety Director on behalf of the Administration and further delineated as the 06/01/09 version is hereby approved and adopted.

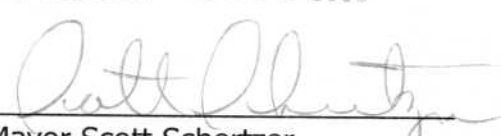
**Section 2.** That the Clerk of Council of the City of Marion be and she is hereby authorized, employed and directed to submit a duly certified copy thereof to the County Auditor of Marion County, Ohio as provided by law.

~~**Section 3.** This resolution is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for further reason that said budget must be filed with the County Auditor by July 14, 2009; and as such emergency shall take effect and be in force immediately upon 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.~~

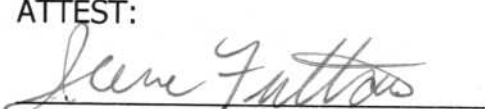
New Section 3 and Section 4 - Next Page.

  
Dave Edwards  
President of Council

APPROVED: JUL 14 2009

  
Mayor Scott Schertzer

ATTEST:

  
Clerk of Council



Resolution No. 311

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

**Section 3.** As the Council and Administration move forward to refine this preliminary Budget, all acknowledged a desire to discuss and consider the following areas identified by Councilpersons Gilsdorf and Ratliff:

Gilsdorf: 1) Dead phone lines believed to be 10-15 in number. He asked about it various times, nothing has been done. 2) Expenses incurred by the Popcorn Festival (ie, Fire, Police, Sanitation, Electricity), shouldn't the City seek reimbursement or just not have it at all. 3) Possibly separating the emergency medical squad and fire department services.

Ratliff: 1) Dead city phone lines, we have 2 specific types of lines PBX and Cinternet. 2) Centralize its purchase and ordering of office supplies, instead of each individual office ordering supplies.

**Section 4.** This resolution is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for further reason that said budget must be filed with the County Auditor by July 14, 2009: and as such emergency, shall take effect and be in force immediately upon 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.

Resolution No. \_\_\_\_\_

2009-14

Passed \_\_\_\_\_

JUN 22 2009

, 20\_\_

RESOLUTION IN SUPPORT OF A CLEAN OHIO REVITALIZATION FUND (CORF) PROJECT LOCATED AT COLUMBIA/PROSPECT STREETS TO HAVE ANY PUBLIC AND/OR PRIVATE NEW CONSTRUCTION OR RENOVATION INCORPORATE MATERIALS AND METHODOLOGIES THAT MAXIMIZE ECONOMIC AND ENVIRONMENTAL PERFORMANCE THROUGH SUSTAINABLE DESIGN PRACTICES AND DECLARING AN EMERGENCY

**WHEREAS,** this Council believes that high-performance buildings are desirable for the City of Marion, Ohio because they protect, conserve, and enhance environmental resources, yield cost savings to the Marion taxpayers through reduced operating costs, and provide healthy work and living environments; and

**WHEREAS,** the City of Marion, Ohio desires to merge sound, environmentally responsible practices into one discipline that looks at the environmental, economic, and social effects of a building or built project as a whole.

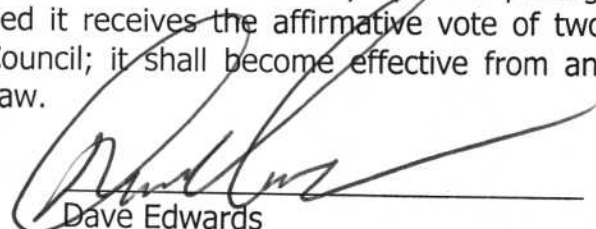
**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Marion, Marion County, Ohio:

**Section 1.** The City of Marion, Ohio will require the use of building materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction and/or renovation at CORF project Columbia/Prospect Streets Property Redevelopment Project located at Columbia and Prospect Streets, Marion, Ohio.


**Section 2.** The City of Marion, Ohio will require establishment of performance goals for both renovation and new construction projects located at Columbia and Prospects Streets, Marion, Ohio and require utilization of Leadership in Energy and Environmental Design (LEED) standards developed by the US Green Building Council.

**Section 3.** This Resolution shall take effect only if the City of Marion, Ohio is a successful CORF Grant recipient.

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

  
Dave Edwards  
President of Council

APPROVED: JUN 23 2009

  
Mayor Scott Schertzer

ATTEST:

  
Clerk of Council

# RECORD OF RESOLUTIONS

0305

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2009-15Passed JUL 13 2009, 20

A RESOLUTION AUTHORIZING MARION CITY BOARD OF HEALTH TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF MARION CITY FOR THE REPAIR AND/OR REPLACEMENT OF HOME SEWAGE TREATMENT SYSTEMS:

Whereas, the City of Marion, Ohio seeks to repair and/or replace existing home sewage treatment systems; and

Whereas, the City of Marion, Ohio intends to apply for assistance from the American Recovery and Reinvestment Act of 2009 through the Water Pollution Control Loan Fund (WPCLF) for the repair and/or replacement of home sewage treatment systems; and

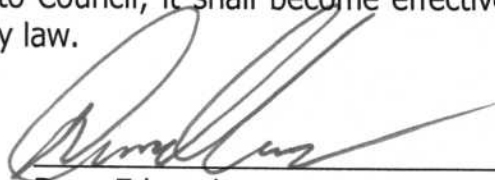
Whereas, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement; now therefore,

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

SECTION 1. That Marion City Board of Health be and is hereby authorized to apply for a WPCLF loan, sign all documents for and enter into a Water Pollution Control Loan Fund with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the repair and/or replacement of home sewage treatment systems on behalf of the County of Marion, Ohio.

SECTION 2. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the Fund application must be filed immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; it shall become effective from and after the earliest period allowed by law.

Approved: JUL 14 2009

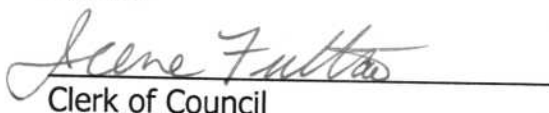


Dave Edwards  
President of Council



Mayor Scott Schertzer

Attest:



Clerk of Council

# RECORD OF RESOLUTIONS

0307

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2009-16

Passed AUG 24 2009

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RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Whereas, this Council, in accordance with the provisions of law, has previously adopted a budget for the next succeeding fiscal year commencing January 1, 2010, and

Whereas, the Budget Commission of Marion County, Ohio has certified its action thereon to this Council, together with an estimate by the County Auditor of the rate of each tax necessary to be levied within the ten mill limitation, and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio that the amount and rate as determined by the Budget Commission on its certification be, and the same are hereby accepted, and

BE IT FURTHER RESOLVED that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within the ten mill limitation and without the ten mil limitation as follows:

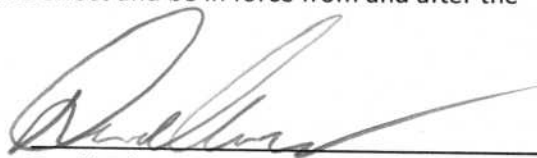
## SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY THE BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES.


NAME OF FUND	AMT. TO BE DERIVED FROM LEVIES OUTSIDE THE 10 MILL. LIMITATIONS	AMT. APPROVED BY THE BUDGET COMMISSION INSIDE THE 10 MILL LIMITATION	COUNTY AUDITORS ESTIMATE OF TAX RATE TO BE LEVIED		
			General	Police	Fire
General		\$1,228,117.00			
Police		\$116,668.00			
Fire		\$116,668.00			
Marion City SD D12			3.60	.30	.30
Marion City D13		\$1,646.00	2.60	.30	.30
Elgin SD					
Marion City D14		\$35,414.00	.90	.30	.30
Pleasant SD					
Marion City D15		\$18,952.00	2.70	.30	.30
River Valley SD					
Marion City D41		\$1,049.00	1.40	.30	.30
Ridgedale SD					

BE IT FURTHER RESOLVED that the Clerk of this Council be and she is hereby directed to certify a copy of this resolution to the County Auditor of said County.

Section 1. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

  
David Edwards, President of Council

APPROVED: AUG 25 2009

  
Mayor Scott Schertzer

  
Clerk of Council

R2009-16



# RECORD OF RESOLUTIONS

0309

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2009-17Passed SEP 15 2009, 20

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$507,332.00 TO THE TRANSIT ARRA CAPITAL/CONTINGENCY FUND FROM THE GENERAL FUND.

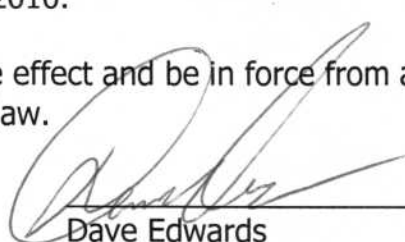
Whereas, the City of Marion has determined a need to advance funds in anticipation of the ARRA Grant Funding for the Marion Area Transit System, and

Whereas, the City of Marion anticipates the reimbursement of any and all advances to be repaid to the General Fund by December 31, 2010, and

Whereas, the project will need to proceed in the 2009 year and said funds are needed to be advanced until such time as the reimbursements are made.

Now therefore, be it resolved by the Council of the City of Marion, Ohio:

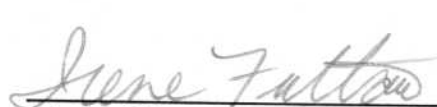
1. The City Auditor is hereby authorized to advance the cost of said project up to the amount of \$507,332.00 to the Transit capital contingency fund.
2. That the City of Marion anticipates said advances being repaid to the General fund by December 31, 2010.
3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

  
Dave Edwards  
President of Council

APPROVED: SEP 16 2009

  
Mayor Scott Schertzer

Attest;

  
Clerk of Council

# RECORD OF RESOLUTIONS

0311

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2009-18Passed SEP 15 2009, 20

**RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH  
ADVANCE OF UP TO \$94,089.00 TO THE POLICE (JAG) ARRA  
GRANTS FUND FROM THE GENERAL FUND.**

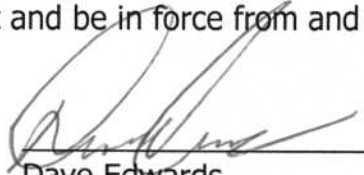
Whereas, the City of Marion has determined a need to advance funds in anticipation of the ARRA Grant Funding for the Marion City Police Department, and

Whereas, the City of Marion anticipates the reimbursement of any and all advances to be repaid to the General Fund by December 31, 2009, and

Whereas, the project will need to proceed in the 2009 year and said funds are needed to be advanced until such time as the reimbursements are made.

Now therefore, be it resolved by the Council of the City of Marion, Ohio:

1. The Auditor is hereby authorized to advance the cost of said project up to the amount of \$94,089.00 to the Police (JAG) ARRA Grants fund.
2. That the City of Marion anticipates said advances being repaid to the General fund by December 31, 2009.
3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

  
Dave Edwards  
President of Council

APPROVED: SEP 16 2009

  
Mayor Scott Schertzer

Attest;

  
Clerk of Council

# RECORD OF RESOLUTIONS

0313

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2009-19Passed SEP 15 2009, 20  

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$20,000.00 TO THE SCHOOL RESOURCE OFFICE (SRO) ARRA GRANT FUND FROM THE GENERAL FUND.

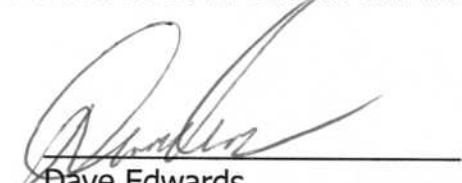
Whereas, the City of Marion has determined a need to advance funds in anticipation of the ARRA Grant Funding for the Marion City Police Department under an additional School Resource Officer (SRO) Grant, and

Whereas, the City of Marion anticipates the reimbursement of any and all advances to be repaid to the General Fund by December 31, 2010, and

Whereas, the project will need to proceed in the 2009 year and said funds are needed to be advanced until such time as the reimbursements are made.

Now therefore, be it resolved by the Council of the City of Marion, Ohio:


1. The City Auditor is hereby authorized to advance the cost of said project up to the amount of \$20,000.00 to the School Resource Officer (SRO) ARRA Grant fund.
2. That the City of Marion anticipates said advances being repaid to the General fund by December 31, 2010.
3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

  
Dave Edwards  
President of Council

APPROVED: SEP 16 2009

  
Mayor Scott Schertzer

Attest;

  
Clerk of Council

# RECORD OF RESOLUTIONS

0315

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2009-20Passed SEP 15 2009, 20  

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$20,000.00 TO THE VAWA ARRA GRANT FUND FROM THE GENERAL FUND.


Whereas, the City of Marion has determined a need to advance funds in anticipation of the ARRA Grant Funding for the Marion City Police Department under an additional VAWA Grant, and

Whereas, the City of Marion anticipates the reimbursement of any and all advances to be repaid to the General Fund by December 31, 2010, and

Whereas, the project will need to proceed in the 2009 year and said funds are needed to be advanced until such time as the reimbursements are made.

Now therefore, be it resolved by the Council of the City of Marion, Ohio:

1. The Auditor is hereby authorized to advance the cost of said project up to the amount of \$20,000.00 to the VAWA ARRA Grants fund.
2. That the City of Marion anticipates said advances being repaid to the General fund by December 31, 2010.
3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

  
Dave Edwards  
President of Council

APPROVED: SEP 16 2009

  
Mayor Scott Schertzer

Attest;

  
Clerk of Council



Resolution No. 2009-3

Passed **FEB 3 2009**, 20  

## RESOLUTION AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, section 5513.01(B) provides the opportunity for municipal corporations and other Governmental entities to participate in purchase contracts which the Ohio Department of Transportation has procured for the purchase of machinery, materials, including but not limited to road salt, supplies or other articles;

BE IT RESOLVED by the City of Marion, Marion County, Ohio,;

Section 1. The Council hereby grants authority in the name of the City of Marion, Ohio to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, including but not limited to road salt, supplies or other articles which the Department has entered into pursuant to O.R.C. 5513.01 (B).

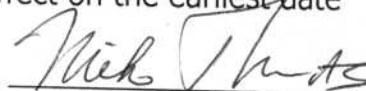
Section 2. The Council agrees in the name of the City of Marion, Ohio to be bound by all terms and conditions contained within the ODOT program rules as the Director of Transportation prescribes.

Section 3. The Council hereby grants all necessary authority to directly pay the vendor, under each contract of the Ohio Department of Transportation in which the Council participates, for each item it receives pursuant to the contract.

Section 4. The City of Marion, Ohio agrees to hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in a contract pursuant to O.R.C. 5513.01 (B).

Section 5. 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 6. That this resolution take affect on the earliest date allowed by law.



APPROVED: **FEB 4 2009**

President Pro Tempore

  
Mayor Scott Schertzer

Attest:

  
Clerk of Council

# RECORD OF RESOLUTIONS

0275

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2009-4Passed FEB 3 2009, 20  

RESOLUTION AUTHORIZING THE SUBMITTAL OF PROPOSAL WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 AND THE FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR THE OTHER THAN URBANIZED AREAS AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY

WHEREAS, the Director of the Ohio Department of Transportation is authorized to make grants for a public transportation program;

WHEREAS, the contract for financial assistance will impose certain obligations upon the grantee, including the provision by it of the local share of the project costs in the program;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of a request for assistance under the American Recovery & Reinvestment Act of 2009 and in compliance with 49 USC Section 5311 the grantee gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Grantee that disadvantaged business enterprise be used to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED BY Council of the City of Marion, Marion County, Ohio:

Section 1. That the Service Director is authorized to execute and submit a request on behalf of City of Marion with the Ohio Department of Transportation to aid in the financing of capital assistance projects which may, but are not limited to those contained in Exhibit A, pursuant to the American Recovery & Reinvestment Act of 2009 and 49 USC Section 5311.

Section 2. The the Service Director is authorized to execute and file with such request and assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

Section 3. That is authorized to furnish such additional information as the Ohio Department of Transportation may require in connection with the American Recovery & Reinvestment Act of 2009 for the program of projects submitted to FTA.

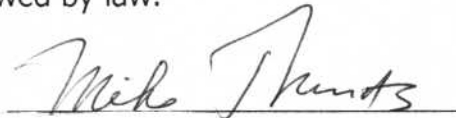
Section 4. That the Service Director is authorized to set forth and execute affirmative disadvantaged business policies in connection to any procurement made as part of the project.

Resolution No. 2009-4Passed FEB 9 2009, 20  

Section 5. That the Service Director is authorized to execute grant agreements on behalf of the City of Marion, Marion County, Ohio with the Ohio Department of Transportation for aid in the financing of capital assistance projects.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio revised Code.

Section 7. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order to be eligible for consideration; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



President Pro Tempore

Approved: **FEB 4 2009**  
Mayor Scott Schertzer

Attest:

  
Clerk of Council

# RECORD OF RESOLUTIONS

0277

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2009-5Passed JAN 12 2009, 20

RESOLUTION STATING THE COUNCILS SUPPORT FOR THE  
MARION JUVENILE CORRECTIONS FACILITY ("MAJCF")  
RECOMMENDING THE STATE OF OHIO RECONSIDER ITS DECISION TO  
CLOSE THE FACILITY

Whereas, in 1999 the Marion Juvenile Correction Facility was built and this facility was and is the newest and most secure facility currently under the Ohio Department of Youth Services ("DYS") control, and

Whereas, this facility houses up to 320 of the States most dangerous juvenile offenders and offers the best security to house these inmates. this facility keeps the public safe and offers opportunities to teach the inmates many useful life skills, hopefully producing enhanced rehabilitation, and

Whereas, this facility is centrally located within the State of Ohio making it easier for the families of the inmates to participate in the rehabilitation of these inmates and

Whereas, this location provides many resources nearby such as a State Highway post, a County Sheriff station, a City Police Department and two additional Department of Rehabilitation facilities; Marion Correctional, and North Central Correctional Institution, thus providing resources in the event of an emergency, and

Whereas, the employees of this institution make a significant contribution to the Marion economy by living and shopping in the community and

Whereas the announced closing of this facility in July of 2009 will produce a significant impact on the local economy resulting in estimated loss to the community of \$197,000 in lost tax revenue.


THEREFORE BE IT RESOLVED, by the Council of the City of Marion, Marion County Ohio that we support the employees and the families of the Marion Juvenile Correction Facility. The Council urges the State of Ohio reconsider the closing of the institution. The Mayor his Administration and the Council have pledged to take every action to bring the relevant facts to light and ensure that those officials responsible for the decision related to the operation of said facility are fully informed.

Section 1. The Clerk for the Council is directed to forward certified copies of this Resolution to Governor Ted Strickland, the Clerk of the Senate for distribution to each and every Senator therein and Representatives Jeff McClain and Dave Burke.

  
Dave Edwards  
President of Council

  
Mayor Scott Schertzer

Attest;

  
Clerk of Council



Resolution No. 2009-6

Passed FEB 3 2009, 2009

**RESOLUTION CONFIRMING THE APPOINTMENTS, BY THE MAYOR, OF INDIVIDUALS TO SERVE AS MEMBERS OF THE MARION COUNTY GENERAL HEALTH DISTRICT AND DECLARING AN EMERGENCY.**

WHEREAS, With a majority vote on November 4, 2008, the citizens of the City of Marion and Marion County, Ohio, voted to combine the Marion City Health Department and the Marion County Health Department to create the Marion County General Health District, and

WHEREAS, It is necessary to identify those members who will be nominated to serve on behalf of the respective appointing authorities in advance of the newly created entities effective date, to wit: January 1, 2010 in order to enable involvement of the interested individuals in the planning and preparatory decisions, and

WHEREAS, With the creation of this new consolidated General Health District entity, the Mayor of the City of Marion is required to appoint three members, with the approval of a majority of the members of Marion City Council. Service will be for three-year terms, except for the initial term in which one member will be appointed to a three-year term, one member will be appointed to a two-year term and one member will be appointed to a one-year term.

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

Section 1. The Council hereby approves the following appointments by Mayor Scott Schertzer to serve as members of the Marion County General Health District, beginning January 1, 2010, for the respective term as indicated below :

<u>Member Name</u>	<u>Initial Term Length</u>	<u>Term End Date</u>
Brenda Wagner	3 years	December 31, 2012
Angie Yazel	2 years	December 31, 2011
Carol Cumber	1 year	December 31, 2010

In addition, the Council hereby states its agreement for Robb Lill to serve as the member appointed by the Health District Advisory Council as has been communicated by said group to be its member it desires to serve as its appointee.

Section 2. That the resolution is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City given the need to allow for the most productive use of the remaining time period prior to the new entities beginning authority; and as such shall take effect and be in force immediately upon its passage and approval by the

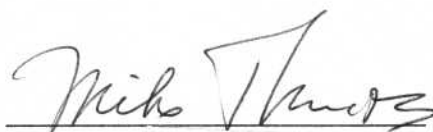
# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 0005 & 017

Passed FEB 3 2009, 20  

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



President Pro Tempore

Approved: FEB 4 2009



Mayor Scott Schertzer

Attest:



Clerk of Council

Resolution No. 2009-7

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

**RESOLUTION CONFIRMING THE APPOINTMENT, BY THE  
MAYOR, OF TED M. MCKINNISS TO SERVE AS A MEMBER OF THE  
BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, Mayor Scott Schertzer has asked Council for its approval of the appointment of Ted M. McKinniss to the Board of Directors for the Marion Port Authority with said term commencing immediately and ending on December 31, 2012.

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

Section 1. That the appointment by Mayor Scott Schertzer of Ted M. McKinniss to fill a four-year term as one of the City's representatives on the Marion Port Authority, for which term expires December 31, 2012, be and is hereby confirmed and approved.

Section 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate protection of economic and health related concerns for the citizens of the City of Marion and the inhabitants thereof and for further reason that it is necessary due to the need to have the Port Authority in place, the resolution shall take effect and be in force immediately upon its passage and approval by the Mayor, provided that it receives the affirmative vote of two thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

\_\_\_\_\_  
Dave Edwards  
President of Council

APPROVED:

\_\_\_\_\_  
Mayor Scott Schertzer

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

Mr. McKinniss withdrew his application 3-10-09  
Deafeated 7-1 3-23-09

Resolution No. 2009-8

Passed APR 13 2009, 20  

## RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS TO THE CITY OF MARION, OHIO, *AND Declaring an emergency.*

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment, and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services, and

WHEREAS, Congress has approved and President Obama has signed into law a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components, and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities, and

WHEREAS, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy, and

WHEREAS, any economic recovery plan spending should – to every extent possible – include a commitment from the City of Marion, Ohio to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

NOW, THEREFORE, BE IT RESOLVED BY Council of the City of Marion, Marion County, Ohio:

Section 1. That the Council of the City of Marion, Ohio will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed.

Section 2. That the Council of the City of Marion, Ohio commit to purchase only products and services that are made or performed in the United States of America whenever and where possible with any economic recovery monies provided to the City of Marion, Ohio by the American taxpayers.

Section 3. That as Council of the City of Marion, Ohio, we commit to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.



Resolution No. 2009-8Passed APR 13 2009, 20  Section 4. See Below.  
Dave Edwards  
President of CouncilApproved: APR 14 2009  
Mayor Scott Schertzer

Attest:

  
Clerk of Council

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; 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.

Resolution No. 2009-9

Passed APR 13 2009, 20  

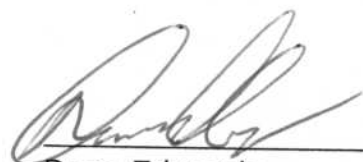
**RESOLUTION CONFIRMING THE APPOINTMENT, BY THE  
MAYOR, OF DR. JAMES S. BARNEY TO SERVE AS A MEMBER OF  
THE BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY  
AND DECLARING AN EMERGENCY.**

**WHEREAS**, Mayor Scott Schertzer has asked Council for its approval of the appointment of Dr. James S. Barney to the Board of Directors for the Marion Port Authority with said term commencing immediately and ending on December 31, 2012.

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

Section 1. That the appointment by Mayor Scott Schertzer of Dr. James S. Barney to fill a four-year term as one of the City's representatives on the Marion Port Authority, for which term expires December 31, 2012, be and is hereby confirmed and approved.


Section 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate protection of economic and health related concerns for the citizens of the City of Marion and the inhabitants thereof and for further reason that it is necessary due to the need to have the Port Authority in place, the resolution shall take effect and be in force immediately upon its passage and approval by the Mayor, provided that it receives the affirmative vote of two thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.



Dave Edwards  
President of Council

APPROVED: APR 14 2009

  
 Mayor Scott Schertzer

  
 Clerk of Council