

ORDINANCE NO. 1994 - 1

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, 1994, AND DECLARING AN EMERGENCY.

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, 1994, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 201,447
Salaries - Uniformed	1,796,499
Benefits	932,161
Accrued Pension	35,461
Quartermaster	30,000
Travel	6,500
Schooling	30,000
Service Contracts	16,340
Equipment Lease	4,000
Equipment Maintenance	34,000
Insurance	45,000
Supplies	23,500
Fuel & Lubricants	33,500
Professional Service	19,000
Operation Buckle Down	2,000
Membership Dues	1,000
Subscriptions/Publications	4,000
Equipment	<u>45,754</u>

Total Police Department. . . . . . \$3,260,162

Jail Facility

Salaries	\$ 66,762
Benefits	33,615
Quartermaster	1,000
Travel	400
Schooling	500
Prisoner Housing	40,000
Prisoner Sustenance	20,000
Equipment Maintenance	1,000
Prisoner Medical Expense	50,000
Supplies	2,500
Subscriptions/Publications	<u>200</u>

Total Jail Facility. . . . . . \$ 238,197

Dispatch Department

Salaries	\$ 205,669
Benefits	79,263
Quartermaster	3,000
Travel	1,800
Schooling	5,000
Service Contracts	18,161
Equipment Maintenance	<u>15,000</u>

Total Dispatch Department. . . . . . \$ 327,893

Fire Department

Salaries - Non-Uniform	\$ 17,846
Salaries - Uniformed	2,213,493
Benefits	1,122,902
Accrued Pension	50,275
Quartermaster	27,950
Travel	7,500
Schooling	20,000
Utilities	45,100
Service Contracts	6,006
Equipment Maintenance	32,550
Building Maintenance	18,900
Insurance	23,000
Supplies	18,000
Fuel & Lubricants	15,000
Professional Service	18,200
Membership Dues	866
Subscriptions/Publications	1,690
Retirement Contingency	61,000
Equipment	59,200
Capital Improvements	<u>29,550</u>

Total Fire Department. . . . . . \$3,789,028

Disaster Services

City Share	\$ 12,000
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Total Disaster Services. . . . . . \$ 12,000

Recreation Department

Salaries	\$ 92,700
Benefits	33,700
Travel	500
Professional Service	58,000
Insurance	2,000
Supplies	27,000
Utilities	5,030
Equipment Maintenance	1,250
Fuel	800
Equipment	2,300
Postage	2,200
Membership Dues	50
Subscriptions/Publications	<u>125</u>

Total Recreation Department. . . . . . \$ 225,655

Senior Citizens Department

Salaries	\$ 50,500
Benefits	32,550
Utilities	17,630
Building Maintenance	2,500
Insurance	4,000
Professional Service	1,500
Equipment Maintenance	<u>500</u>

Total Senior Citizens Dept. . . . . . \$ 109,180

Planning Department

Marion Regional Planning	\$ 37,446
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Total Planning Department. . . . . . \$ 37,446

Economic Development Department

Benefits	\$ 2,500
Land Acquisition	<u>20,000</u>

Total Economic Development. . . . . \$ 22,500

Street Lighting

Utilities	\$ <u>205,000</u>
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Total Street Lighting. . . . . \$ 205,000

Parking Meter Department

Salary	\$ 22,339
Benefits	10,694
Clothing Allowance	350
Travel	180
Taxes	1,400
Supplies	<u>600</u>

Total Parking Meter Dept. . . . . \$ 35,763

Airport

Salaries	\$ 76,032
Benefits	35,355
Travel	1,000
Utilities	20,900
Service Contracts	4,500
Equipment Maintenance	4,500
Land/Bldg. Maintenance	25,972
Insurance	4,000
Taxes	3,100
Supplies	6,040
Fuel & Lubricants	2,300
Membership Dues	375
Professional Services	3,000
Postage	250
Subscriptions/Publications	175
Equipment	41,700
Capital Improvements	<u>46,500</u>

Total Airport Operations. . . . . \$ 275,699

Mayor

Salaries	\$ 65,724
Benefits	19,867
Travel	3,240
Professional Service	1,200
Supplies	1,200
Utilities	500
Service Contracts	2,200
Membership Dues	200
Subscriptions/Publications	250
Equipment	<u>300</u>

Total Mayor's Office. . . . . \$ 94,681

Auditor

Salaries	\$ 150,675
Benefits	61,147
Travel	160
Professional Services	10,000
Service Contracts	16,800
Supplies	7,500
Subscriptions/Publications	1,580
Schooling	200

Total Auditor's Office. . . . . . \$ 248,062

Income Tax

Salaries	\$ 117,085
Benefits	47,533
Travel	650
Professional Services	8,000
Supplies	14,300
Postage	6,000
Service Contracts	2,000
Schooling	400
Membership Dues	25
Subscriptions/Publications	700

Total Income Tax Office. . . . . . \$ 196,693

Treasurer

Salary	\$ 4,607
Benefits	1,121
Professional Services	600
Supplies	300

Total Treasurer's Office. . . . . . \$ 6,628

Law Director

Salaries	\$ 121,984
Benefits	58,273
Travel	1,350
Professional Services	6,000
Supplies	3,279
Schooling	2,000
Membership Dues	500
Subscriptions/Publications	500
Equipment	321

Total Law Director's Office. . . . . . \$ 194,207

Human Resource Director

Salaries	\$ 57,681
Benefits	17,281
Travel	1,200
Professional Services	7,000
Supplies	2,000
Membership Dues	500
Legal Ads	500
Subscriptions/Publications	1,000
Equipment	5,500

Total Human Resource Dir's Office. . . . . . \$ 92,662

Safety/Service Director

Salaries	\$ 89,324
Benefits	37,456
Travel	975
Professional Services	9,000
Supplies	3,800
Demolition	25,000
Burials	5,000
Schooling	1,000
Service Contracts	2,000
Membership Dues	200
Litter Control	4,000
Subscriptions/Publications	600
Fuel	500
Equipment	5,000

Total Safety/Service Dir's Office. . . . . \$ 183,855

Civil Service Commission

Salaries	\$ 4,100
Benefits	997
Professional Services	5,000
Supplies	900

Total Civil Service Commission. . . . . \$ 10,997

City Council

Salaries	\$ 46,251
Benefits	11,254
Travel	450
Membership Dues	3,000
Legal Advertising	2,100
Supplies	450

Total City Council. . . . . \$ 63,505

Clerk of Council

Salary	\$ 24,814
Benefits	6,600
Travel	90
Service Contract	130
Supplies	630
Equipment	550

Total Clerk of Council. . . . . \$ 32,814

Municipal Court

Salaries	\$ 304,851
Benefits	123,812
Travel	1,800
Professional Services	10,000
Service Contracts	10,300
Equipment Maintenance	1,500
Supplies	18,000
Fuel & Lubricants	700
Utilities	1,500
Membership Dues	400
Subscriptions/Publications	8,590
Equipment	17,500

Total Municipal Court. . . . . \$ 498,953

City Hall

Salaries	\$ 34,590
Benefits	12,079
Utilities	142,000
Custodial Service	16,000
Postage Meter	40,000
Building Maintenance	42,000
Insurance	45,000
Taxes	400
Supplies	10,000
Service Contracts	22,000
Professional Service	1,000
Capital Improvements	<u>15,000</u>

Total City Hall. . . . . . \$ 380,069

Engineering Department

Salaries	\$ 177,015
Benefits	63,076
Travel	2,500
Equipment Maintenance	1,000
Supplies	2,000
Fuel & Lubricants	1,000
Membership Dues	10
Subscriptions/Publications	300
Service Contracts	350
Equipment	<u>2,500</u>

Total Engineering Department. . . . . . \$ 249,751

Statutory Accounts

Election Expense	\$ 26,000
Examiner Fees	20,000
City Auditor/Treasurer Fees	30,000
Income Tax Refunds	177,500

Total Statutory Accounts. . . . . . \$ 253,500

Transfers

Bond Retirement	\$ 240,465
Health	242,500
Transit	140,000
Swimming Pool	41,000
SCMR	560,000
Sewer Revenue	55,000
Capital Improvement	237,000
Parks	<u>252,100</u>

Total Transfers. . . . . . \$1,768,065

Total General Fund. . . . . . \$12,812,965

Total SCMR Fund . . . . . \$1,795,165

Total Street Maintenance . . . . . \$1,703,665

Salaries	\$ 679,225
Benefits	285,581
Clothing Allowance	5,500
Travel	250
Professional Services	12,000
Service Contracts	3,500
Equipment Maintenance	35,000
Permissive Auto Tax	155,000
Insurance	30,000
Supplies	140,000
Fuel & Lubricants	35,000
Equipment	262,500
Streetscape	5,000
Schooling	5,109
Utilities	20,000
Land & Building Maintenance	10,000
Capital Improvements	20,000

Street Maintenance

Total Traffic Maintenance . . . . . \$ 91,500

Utilities	\$ 35,000
Equipment Maintenance	16,000
Supplies	35,000
Equipment	3,500

Traffic Maintenance

STREET CONSTRUCTION MAINTENANCE & REPAIR FUND

Total Sr. Citizens III-F Grant Fund . . . . . \$ 1,220

Professional Services	\$ 870
Supplies	200
Postage	150

SENIOR CITIZENS III-F GRANT FUND

Total State Block Grant Fund . . . . . \$ 5,706

Postage	\$ 1,000
Fuel	4,706

STATE BLOCK GRANT FUND

Total Sr. Citizens III-D Grant Fund . . . . . \$ 1,633

Salaries	\$ 1,467
Travel	166

SENIOR CITIZENS III-D GRANT FUND

Total Sr. Citizens III-B Grant Fund . . . . . \$ 66,400

Salaries	\$ 55,211
Travel	1,900
Utilities	1,800
Equipment Maintenance	800
Vehicle Leases	6,000
Supplies	1,595
Fuel & Lubricants	1,094

SENIOR CITIZENS III-B GRANT FUND

STATE HIGHWAY IMPROVEMENT FUND

Street Maintenance	\$ 40,000	
Reimbursements	<u>15,000</u>	
<u>Total State Highway Improvement.</u>		\$ 55,000

COURT COMPUTERIZATION FUND

Professional Services	\$ 8,000	
Service Contracts	12,000	
Equipment	<u>30,000</u>	
<u>Total Court Computerization Fund.</u>		\$ 50,000

HEALTH FUNDAdministration

Salaries	\$ 207,905	
Benefits	79,373	
Travel	1,000	
Professional Services	8,000	
Service Contracts	2,000	
Equipment Maintenance	500	
Supplies	3,500	
Fuel & Lubricants	300	
State Reimbursements	14,500	
Insurance	4,000	
Schooling	<u>1,000</u>	
<u>Total Health Administration.</u>		\$ 322,076

Inspection

Salaries	\$ 66,066	
Benefits	22,616	
Travel	1,000	
Professional Services	4,800	
Weed Control	14,000	
Blight Control	10,000	
Mosquito Control	2,500	
Supplies	2,000	
Fuel & Lubricants	750	
Insurance	500	
Schooling	<u>500</u>	
<u>Total Health Inspection.</u>		\$ 126,936
<u>TOTAL HEALTH FUND.</u>		\$ 449,014

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 128,740	
Benefits	33,500	
Travel	1,500	
Building Lease	16,000	
Equipment Maintenance	1,000	
Supplies	8,000	
Equipment	1,500	
Utilities	4,000	
Service Contracts	5,000	
Subscriptions/Publications	275	
Postage	200	
Membership Dues	<u>25</u>	
<u>Total WIC Fund.</u>		\$ 201,740



PARKS FUND

Salaries	\$ 124,725
Benefits	62,131
Clothing Allowance	1,000
Travel	100
Utilities	16,800
Service Contracts	2,000
Equipment Maintenance	15,000
Land/Bldg. Maintenance	13,000
Insurance	9,000
Supplies	6,000
Fuel & Lubricants	5,000
Professional Service	5,000
Equipment	8,600

Total Parks Fund. . . . . . \$ 268,356

ENFORCEMENT AND EDUCATION FUND

Professional Services	\$ 10,000
Supplies	2,000
Reimbursements	31,300

Total Enforcement & Education Fund. . . . . . \$ 43,300

HEALTH LICENSE FUND

Trailer Park	\$ 450
Food Service	27,810
Vending Machines	1,463
Swimming Pool	1,530
Infectious Waste	250
Solid Waste	3,175

Total Health License Fund. . . . . . \$ 34,678

HOME HEALTH SERVICE FUND

Reimbursements	\$ 7,500
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Total Home Health Service Fund. . . . . . \$ 7,500

EARLY INTERVENTION GRANT FUND

Salaries	\$ 30,576
Benefits	10,108
Supplies	1,596
Schooling	100
Utilities	1,320
Postage	300
Travel	1,000

Total Early Intervention Grant Fund. . . . . . \$ 45,000

EARLY INTERVENTION INITIATIVE GRANT FUND

Salaries	\$ 4,160
Benefits	1,040
Travel	150
Schooling	200
Supplies	1,550
Postage	400

Total E.I. Initiative Grant Fund. . . . . . \$ 7,500

EARLY INTERVENTION LINKAGE GRANT FUND

Salaries	\$	1,950	
Benefits		480	
Travel		150	
Professional Service		<u>1,920</u>	
<u>Total E.I. Linkage Grant Fund.</u>			\$ 4,500

HOME IMPLEMENTATION GRANT FUND

Salaries	\$	38,000	
Benefits		9,500	
Travel		<u>70</u>	
<u>Total Home Implementation Grant Fund.</u>			\$ 47,570

REVOLVING FUND

Administration	\$	4,000	
Primary Activity		<u>10,900</u>	
<u>Total Revolving Fund.</u>			\$ 14,900

FORMULA GRANT FUND

Administration	\$	17,000	
Building Demolition		31,200	
Emergency Rehab		13,593	
Fair Housing		<u>455</u>	
<u>Total CDBG Fund.</u>			\$ 62,248

UDAG LOAN REPAYMENT FUND

Professional Services	\$	78,000	
Grant		<u>10,000</u>	
<u>Total UDAG Loan Repayment Fund.</u>			\$ 88,000

HOME PROGRAM GRANT FUND

Administration	\$	23,000	
Private Rehab		272,000	
Rental Assistance		<u>82,227</u>	
<u>Total Home Program Grant Fund.</u>			\$ 377,227

G.O. BOND RETIREMENT FUND

Professional Services	\$	4,000	
G.O. Bond Interest		87,465	
G.O. Bond Principal		<u>153,000</u>	
<u>Total G.O. Bond Retirement Fund.</u>			\$ 244,465

CAPITAL IMPROVEMENT FUND

FY 90 Storm Sewer Impr.	\$ 155,985.98
FY 91 Storm Sewer Impr.	198,541.09
FY 92 Storm Sewer Impr.	94,906.07
FY 92 Airport Improve.	44,690.00
FY 92 Contingency	300.00
FY 93 Storm Sewer Impr.	178,549.59
FY 93 Contingency	55,735.41
FY 94 Contingency	<u>237,000.00</u>

Total Capital Improvement Fund. . . . . \$ 965,708.14

SOFTBALL FIELD IMPROVEMENT FUND

Capital Improvements	\$ <u>6,000</u>
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Total Softball Field Improvement Fund. . . . . \$ 6,000

AIRPORT IMPROVEMENT FUND

Fire Hydrant Loop	\$ 30,000
Airport Sewer Line	<u>25,000</u>

TOTAL AIRPORT IMPROVEMENT FUND. . . . . \$ 55,000

STORM SEWER IMPROVEMENT FUND

Capital Improvements CP507	\$ <u>745,000</u>
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Total Storm Sewer Imp. Fund. . . . . \$ 745,000

AIRPORT INDUSTRIAL PARK SANITARY SEWER FUND

Capital Improvements CP522	\$ <u>1,200,000</u>
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Total Air. Ind. Park San. Sewer Fund. . . . . \$1,200,000

TRANSIT FUND

Salaries	\$ 426,306
Benefits	178,900
Travel	210
Utilities	29,093
Professional Services	5,565
Service Contracts	4,011
Land Lease	4,800
Equipment Maintenance	29,500
Land/Bldg. Maintenance	3,500
Insurance	55,000
Supplies	15,750
Fuel & Lubricants	75,000
Schooling	525
Membership Dues	700
Subscriptions/Publications	350
Equipment	115,064
Capital Improvements	<u>13,000</u>

Total Transit Fund. . . . . \$ 957,274

SEWER SYSTEM IMPROVEMENT FUND

G.O. Bond Interest	\$ 30,572
G.O. Bond Principal	35,000
OWDA Loan	<u>306,760</u>

Total Sewer System Imp. Fund. . . . . . \$ 372,332

SEWER REPLACEMENT FUND

Equipment Maintenance	\$ 100,000
Land/Building Maintenance	401,000
Equipment	1,100,000
Capital Improvements	<u>500,000</u>

Total Sewer Replacement Fund. . . . . . \$2,101,000

SEWER REVENUE FUNDSewer Maintenance & Repair

Salaries	\$ 273,584
Benefits	100,537
Clothing Allowance	2,000
Utilities	2,600
Professional Services	8,700
Equipment Maintenance	6,000
Insurance	4,000
Supplies	36,000
Fuel & Lubricants	9,500
Equipment	<u>7,500</u>

Total Sewer Maint. & Repair. . . . . . \$ 450,421

Water Pollution Control

Salaries	\$ 730,787
Benefits	261,595
Clothing Allowance	4,750
Travel	1,000
Utilities	500,000
Professional Services	70,000
Service Contracts	27,700
Equipment Maintenance	42,000
Land/Building Maintenance	20,000
Insurance	32,000
Taxes	1,300
Supplies	270,785
Fuel & Lubricants	12,000
Equipment	22,500
Postage	100
Refunds	2,000
Transfer-Replacement	200,000
Transfer-Utility Billing	127,000
Subscriptions/Publications	1,528
Schooling	<u>2,000</u>

Total Water Pollution Control. . . . . . \$2,329,045

TOTAL SEWER REVENUE FUND. . . . . . \$2,779,466

SANITATION FUND

Refuse Collection

Salaries	\$ 595,181
Benefits	251,695
Clothing Allowance	6,000
Travel	500
Equipment Maintenance	45,000
Insurance	25,000
Supplies	42,000
Fuel & Lubricants	37,000
Equipment	95,000
Refunds	1,000
Transfer-Utility Billing	87,200
Service Contracts	500
Solid Waste Transfer Expense	570,000
Professional Service	<u>15,000</u>

Total Refuse Collection. . . . . . \$1,771,076

Landfill Operations

Utilities	\$ 10,000
Equipment Maintenance	10,000
Insurance	6,000
Taxes	2,366
Supplies	1,000
Fuel & Lubricants	2,000
EPA Corrective Measure	<u>8,609</u>

Total Landfill Operations. . . . . . \$ 41,977

TOTAL SANITATION FUND. . . . . . \$1,813,053

LANDFILL MONITORING FUND

Professional Services	\$ 351,000
Capital Improvements	<u>1,000,154</u>

Total Landfill Monitoring Fund. . . . . . \$1,351,154

RECYCLING FUND

Salaries	\$ 166,098
Benefits	72,662
Equipment Maintenance	12,000
Insurance	3,700
Supplies	15,000
Fuel	5,300
Clothing Allowance	1,500
Transfer Utility Billing	21,600
Refunds	<u>300</u>

Total Recycling Fund. . . . . . \$ 298,360

SWIMMING POOL FUND

Salaries	\$ 29,500	
Benefits	7,700	
Utilities	10,600	
Equipment Maintenance	1,200	
Land/Building Maintenance	3,000	
Insurance	700	
Supplies	19,300	
Equipment	4,000	
Schooling	500	
Professional Service	<u>1,100</u>	
<u>Total Swimming Pool Fund.</u>		\$ 77,600

NW INTERCEPTOR IMPROVEMENT FUND

Trans. to Air Ind Park Sewer	\$ 607,547	
<u>Total NW Interceptor Imp. Fund.</u>		\$ 607,547

UTILITY BILLING FUND

Salaries	\$ 127,731	
Benefits	54,613	
Travel	200	
Professional Services	8,700	
Supplies	6,000	
Service Contracts	4,725	
Equipment	4,750	
Postage	18,650	
Schooling	<u>512</u>	
<u>Total Utility Billing Fund.</u>		\$ 225,881

STATE PATROL FINES AGENCY FUND

State Patrol Fines	\$ 90,000	
<u>Total State Patrol Agency Fund.</u>		\$ 90,000

STREET CUT DEPOSIT TRUST FUND

Street Cut Deposits	\$ 6,000	
<u>Total Street Cut Deposit Trust Fund.</u>		\$ 6,000

YOUTH RECREATION TRUST FUND

Recreation Expense	\$ 1,725	
<u>Total Youth Recreation Trust Fund.</u>		\$ 1,725

SENIOR CITIZENS TRUST FUND

Senior Citizens Program	\$ 18,000	
<u>Total Sr. Citizens Trust Fund.</u>		\$ 18,000

POLICE & FIREMEN PENSION AGENCY FUND

Transfers-General	\$	<u>141,662</u>	
<u>Total Police/Firemen Pens. Ag Fund.</u>			\$ 141,662

SAFETY PATROL TRUST FUND

Safety Patrol Program	\$	<u>4,000</u>	
<u>Total Safety Patrol Trust Fund.</u>			\$ 4,000

LAW ENFORCEMENT TRUST FUND

Law Enforcement	\$	<u>5,258</u>	
<u>Total Law Enforcement Trust Fund.</u>			\$ 5,258

SAFETY CITY TRUST FUND

Safety City	\$	<u>2,000</u>	
<u>Total Safety City Trust Fund.</u>			\$ 2,000

PARKING METER AGENCY FUND

Henney & Cooper	\$	<u>5,000</u>	
Courthouse		<u>5,000</u>	
<u>Total Parking Meter Agency Fund.</u>			\$ 10,000

FIRE DAMAGED STRUCTURE TRUST FUND

Insurance Proceeds	\$	<u>50,000</u>	
<u>Total Fire Dmg Structure Trust Fund.</u>			\$ 50,000

S.A. BOND RETIREMENT FUND

S.A. Bond Interest	\$	<u>31,107</u>	
S.A. Bond Principal		<u>35,000</u>	
<u>Total S.A. Bond Retirement Fund.</u>			\$ 66,107

ROTARY AGENCY FUND

Pass-Thru Payments	\$	<u>50,000</u>	
<u>Total Rotary Agency Fund.</u>			\$ 50,000

<u>GRAND TOTAL.</u>			\$30,686,214.14
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SUMMARY OF FUNDS

<u>FUND</u>	<u>APPROPRIATIONS</u>	<u>REIMBURSEMENTS AND REFUNDS</u>	<u>TRANSFERS</u>	<u>TOTALS</u>
General	\$10,867,400	\$177,500	\$1,768,065	\$12,812,965
Sr. Cit. III-B	68,400			68,400
Sr. Cit. III-D	1,633			1,633
Sr. Cit. Block Grant	5,706			5,706
Sr. Cit. III-F	1,220			1,220
SCMR	1,795,165			1,795,165
State Highway Improvement	40,000	15,000		55,000
Court Computerization	50,000			50,000
Health	434,514	14,500		449,014
WIC	201,740			201,740
Parks	268,356			268,356
Enforcement & Education	43,300			43,300
Health License		34,678		34,678
Home Health Service		7,500		7,500
Early Intervention	45,000			45,000
E.I. Initiative Grant	7,500			7,500
E.I. Linkage Grant	4,500			4,500
Home Implementation	47,570			47,570
Revolving	14,900			14,900
CDBG	62,248			62,248
UDAG Loan Repayment	88,000			88,000
Home Program	377,227			377,227
G.O. Bond Retirement	244,465			244,465
Capital Improvement	965,708.14			965,708.14
Softball Field Improvement	6,000			6,000
Airport Improvement	55,000			55,000
Storm Sewer Improvement	745,000			745,000
Air. Ind. Park Sanitary Sewer	1,200,000			1,200,000
Transit	957,274			957,274
Sewer System Improvement	372,332			372,332
Sewer Replacement	2,101,000			2,101,000
Sewer Revenue	2,450,466	2,000	327,000	2,779,466
Sanitation	1,724,853	1,000	87,200	1,813,053
Landfill Monitoring	1,351,154			1,351,154
Recycling	276,260	300	21,600	298,360
Swimming Pool	77,600			77,600
NW Interceptor Improvement	607,547			607,547
Utility Billing	225,881			225,881
State Patrol Agency	90,000			90,000
Street Deposit Trust	6,000			6,000
Youth Recreation Trust	1,725			1,725
Senior Citizens Trust	18,000			18,000
Police/Fire Pension Agency			141,662	141,662
Safety Patrol Trust	4,000			4,000
Law Enforcement Trust	5,258			5,258
Safety City Trust	2,000			2,000
Parking Meter Agency	10,000			10,000
Insurance Proceeds Trust	50,000			50,000
S.A. Bond Retirement Agency	66,107			66,107
Rotary Agency	50,000			50,000
<b>GRAND TOTAL</b>	<b>\$28,088,009.14</b>	<b>\$252,478</b>	<b>\$2,345,727</b>	<b>\$30,686,214.14</b>



Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides 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.

*J. T. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: January 1, 1994

APPROVED: January 3, 1994

*Jack L. Kellogg*  
MAYOR

ATTEST:

*Jan Steward*  
CLERK

ORDINANCE AMENDING SECTION 111.03 OF THE CODIFIED ORDINANCES OF THE CITY OF MARION BY AMENDING RULE 14-COMMITTEES OF COUNCIL, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 111.03 Committees of Council, as amended and now reading in part as follows:

111.03 COMMITTEES OF COUNCIL

(a) Rule 14. Committees. Not later than thirty days after the organization of Council, Council by a majority vote of all members elected shall select twelve standing committees of three or more members for each of whom the first selected member shall be chairman and the second selected member shall be the vice-chairman. In the absence of the chairman, the vice-chairman shall preside until the chairman appears, and shall discharge all the duties and be clothed with all the powers of the chairman during such absence.

The names of the committees and the subject matters which shall be referred to them shall be as follows:

- (1) Committee on Finance. To which shall be referred all ordinances, resolutions and other matters relating to finances, indebtedness, appropriations, the payment of moneys not provided for by previous legislation, taxation and all matters pertaining to the City Auditor's office, the standardization of salaries and wages and the sale or purchase of real estate.
- (2) Committee on Street, Alley, Sidewalk and Traffic. To which shall be referred all ordinances, resolutions and other matters pertaining to the construction, repair, maintenance, inspection, cleaning, improvement, assessment and vacations of streets, alleys and sidewalks, and matters relating to that area between the curb line and the private property line, and all matters pertaining to traffic regulation.
- (3) Committee on Sewers and Drains. To which shall be referred all ordinances, resolutions and other matters pertaining to the sewage disposal system and to the construction, repair, maintenance, inspection, cleaning, improvement, assessment, vacation and cross-connections of storm and sanitary sewers.
- (4) Committee on Public Utilities. To which shall be referred all ordinances, resolutions and other matters pertaining to rates to be paid by the City to any public utility for street lighting or other utility services, and to existing or proposed franchises with any public utility, including CATV, bus and taxicab operations.
- (5) Committee on Municipal Services. To which shall be referred all ordinances, resolutions and other matters relating to the Public Service Department, Police Division, Fire Division, Health Board, workmen's compensation, employees' relations, civil service and civil defense.
- (6) Committee on Codes and Regulations. To which shall be referred all ordinances, resolutions and other matters relating to curfew, liquor permits, obscenity, air pollution, water pollution, building codes, housing codes, plumbing codes, slum clearance, dangerous buildings and excavations, subdivision regulations, weeds, noise, signs, peddlers, solicitors, junk yards, fortune tellers, advertising, coin-operated devices, entertainment, bingo, lotteries and other matters relating to the regulation of lands, buildings, businesses, professions and persons.
- (7) Committee on Parks and Recreation. To which shall be referred all ordinances, resolutions and other matters relating to parks and recreation.
- (8) Committee on Lands, Buildings and Airport. To which shall be referred all ordinances, resolutions and other matters pertaining to all public buildings and grounds owned, leased or operated by the City, including parking lots, and all ordinances, resolutions and other matters relating to the Marion Municipal Airport.
- (9) Committee on Zoning and Annexation. To which shall be referred all ordinances, resolutions and other matters pertaining to zoning and annexation.

- (10) Committee on Legislation. To which shall be referred all ordinances, resolutions and other matters pertaining to County, State or Federal legislation affecting the City; Council rules apportionment; redistricting; all initiative, referendum and recall petitions; all matters relating to courts; enforcement ordinances imposing fines, penalties, forfeiture or imprisonment; and civil rights.
- (11) Committee on Jobs and Economic Development. To which shall be referred all ordinances, resolutions and all other matters relating to industrial and economic development of the City, present jobs and future employment opportunities.

is hereby amended to read as follows:

111.03 COMMITTEES OF COUNCIL

(a) Rule 14. Committees. Not later than thirty days after the organization of Council, Council by a majority vote of all members elected shall select nine standing committees of three or more members for each of whom the first selected member shall be chairman and the second selected member shall be the vice-chairman. In the absence of the chairman, the vice-chairman shall preside until the chairman appears, and shall discharge all the duties and be clothed with all the powers of the chairman during such absence.

The names of the committees and the subject matters which shall be referred to them shall be as follows:

- (1) Committee on Finance. To which shall be referred all ordinances, resolutions and other matters relating to finances, indebtedness, appropriations, the payment of moneys not provided for by previous legislation, taxation and all matters pertaining to the City Auditor's office, the standardization of salaries and wages and the sale or purchase of real estate.
- (2) Committee on Streets and Sewers. To which shall be referred all ordinances, resolutions and other matters pertaining to the construction, repair, maintenance, inspection, cleaning, improvement, assessment and vacations of streets, alleys and sidewalks, and matters relating to that area between the curb line and the private property line, and all matters pertaining to traffic regulation and to the sewage disposal system and to the construction, repair, maintenance, inspection, cleaning, improvement, assessment, vacation and cross-connections of storm and sanitary sewers.
- (3) Committee on Public Utilities. To which shall be referred all ordinances, resolutions and other matters pertaining to rates to be paid by the City to any public utility for street lighting or other utility services, and to existing or proposed franchises with any public utility, including CATV, bus and taxicab operations.
- (4) Committee on Municipal Services, Parks and Recreation. To which shall be referred all ordinances, resolutions and other matters relating to the Public Service Department, Police Division, Fire Division, Health Board, workmen's compensation, employees' relations, civil service, civil defense and other matters relating to parks and recreation.
- (5) Committee on Legislation and Codes & Regulations. To which shall be referred all ordinances, resolutions and other matters pertaining to County, State or Federal legislation affecting the City; rules apportionment; redistricting; all initiative, referendum and recall petitions; all matter relating to courts; enforcement ordinances imposing fines, penalties, forfeiture or imprisonment; and civil rights and other matters relating to curfew, liquor permits, obscenity, air pollution, water pollution, building codes, housing codes, plumbing codes, slum clearance, dangerous buildings and excavations, subdivision regulations, weeds, noise, signs, peddlers, solicitors, junk yards, fortune tellers, advertising, coin-operated devices, entertainment, bingo, lotteries and other matters relating to the regulation of lands, buildings, businesses, professions and persons.

- (6) Committee on Lands, Buildings and Airport. To which shall be referred all ordinances, resolutions and other matters pertaining to all public buildings and grounds owned, leased or operated by the City, including parking lots, and all ordinances, resolutions and other matters relating to the Marion Municipal Airport.
- (7) Committee on Zoning and Annexation. To which shall be referred all ordinances, resolutions and other matters pertaining to zoning and annexation.
- (8) Committee on Jobs and Economic Development. To which shall be referred all ordinances, resolutions and all other matters relating to industrial and economic development of the City, present jobs and future employment opportunities.
- (9) Committee on Regional Planning.

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

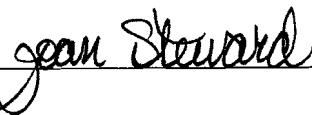
  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: January 1, 1994

APPROVED: January 3, 1994

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1994 - 3

**ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 1158, AND DECLARING AN EMERGENCY.**

WHEREAS, Marion City Council will now ratify and approve the bargaining agreement between the City of Marion and the American Federation of State, County and Municipal Employees, Local Union 1158, effective January 1, 1994, and for the years 1994, 1995 and 1996, and

WHEREAS, Council will hereby appropriate funds necessary to implement said bargaining agreement,

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

Section 1. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the American Federation of State, County, and Municipal Employees, Local Union 1158, for the years 1994, 1995, and 1996, effective January 1, 1994.


Section 2. That Council hereby appropriates the funds necessary to implement said collective bargaining agreement effective 1-1-94, as provided to Council, in writing, by the City Auditor on January 3, 1994.

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

  
PRESIDENT OF COUNCIL

PASSED: January 10, 1994

APPROVED: January 11, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1994 - 4

ORDINANCE TO AMEND THE YARGER REPORT BY CREATING THE POSITION OF PROPERTY ROOM & COMPUTER OPERATIONS TECHNICIAN IN THE CITY OF MARION AND ESTABLISHING SALARY AND BENEFITS FOR SAID POSITION.

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

Section 1. That there is hereby created the position of Property Room and Computer Operations Technician in the City of Marion.

Section 2. That the Pay Grade for the Property Room and Computer Operations Technician shall be Pay Grade 18.

Section 3. In addition to the compensation heretofore provided, the Property Room and Computer Operations Technician shall be entitled to the working conditions and employee benefits for full-time employees as set out in Ordinance No. 68-41, as amended, and Ordinance No. 1969-183, as amended.

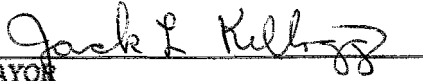
Section 4. That the job description for said position is attached hereto and incorporated herein by reference and shall by reference become a part of the personnel classification schedule heretofore adopted by this Council as fully as if the same were re-written in said personnel classification schedule.

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

  
PRESIDENT OF COUNCIL

PASSED: February 14, 1994

APPROVED: February 15, 1994

  
MAYOR

ATTEST:

  
CLERK

## PROPERTY ROOM &amp; COMPUTER OPERATIONS TECHNICIAN

**GENERAL STATEMENT OF DUTIES:** Manages and maintains the Police Department Computer System and the 9-1-1 Computer System. Has responsibility for the Quartermaster System, operation of the Evidence and Property Room and maintains Photo Equipment and Crime Scene Equipment.

**DISTINGUISHING FEATURES OF THE CLASS:** Is directly responsible to the Staff Services Commander for an efficient, accurate computer system and property room operation. Is expected to perform the duties of the job using independent judgment. Will also perform other clerical and technical support functions as required.

**EXAMPLES OF WORK:** (Illustrative only)

Essential functions include but are not limited to:

Enters data and produces daily, weekly, monthly, semi-annual, and annual reports, such as:

FBI Uniform Crime Report - monthly  
Ohio Domestic Violence Reports - monthly  
AAA Pedestrian/Injury Accident Report

Performs daily computer systems Back-up;

Writes programming and updates for computer Systems;

Orders and distributes uniforms and other items per the Quartermaster System;

Prepares and processes Unclaimed and Abandoned Vehicle Affidavits;

Prepares for public auction all unclaimed property;

Prepares all Evidence & Property Room paperwork - to include Court Orders;

Processes evidence for further examination;

Purchases photo supplies for entire agency;

Prepares I.D. badges as needed for all City Departments;

Follows all Safety and Work Rules and Regulations.

**REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:** Thorough knowledge of ITX and UNIX Computer Systems and EXCELLENT skill in programming and use of computer. Above average knowledge of record keeping systems. Better than average ability to communicate with the public. Readily legible writing in order to prepare paperwork required. Ability to handle evidence and property in the property room where shelves are stacked at least ten feet high. Must have mental capacity to solve complicated problems. Requires ability to interpret and apply laws, rules and regulations related to the job. Must be able to maintain effective working relationships with fellow employees, supervisors and the public.

**MINIMUM ACCEPTABLE QUALIFICATIONS:** Previous experience with ITX and UNIX Computer Systems and a two (2) year degree from a nationally recognized college or university in either business administration, computer operations or related programs preferred. Applicants possessing equivalent combination of training and experience including ITX and UNIX Systems may be accepted. Tests to determine whether applicant has acceptable level of skills may be required.

ORDINANCE NO. 1994- 5

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE MARK STREET IMPROVEMENT PROJECT.

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, advertise for bids and enter into contract for the construction of new pavement, curbs, walks and appurtenances on Mark Street from Patterson Street to Greenwood Street.

Section 2. That the cost of such contract shall be payable from the SCM&R Fund.

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

*Larry A. Stump*  
 \_\_\_\_\_  
 President of Council

passed: February 28, 1994

approved: March 7, 1994

*Joseph L. Kelly*  
 \_\_\_\_\_  
 Mayor

Attest:

*Jean Steward*  
 \_\_\_\_\_  
 Clerk of Council



ORDINANCE NO. 1994- 6

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS  
FOR A COMPUTER SYSTEM REPLACEMENT FOR THE MARION  
CITY POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and is hereby  
authorized and directed to prepare specifications and advertise for bids  
for a computer system replacement system for the Marion City Police  
Department.

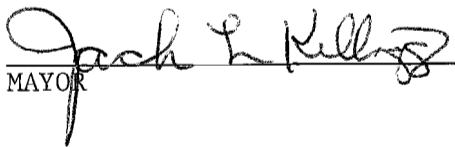
Section 2. That said system shall include conversion of the data from  
current ITX system, which is now full, to UNIX; conversion of the NCR CRIMS  
and IBARS programs to UNIX operating system; and conversion of the NCR CRIMS  
and IBARS programs to permit NIBARS reporting requirements and all other  
modifications as requested, and current modifications to these programs.

Section 3. That this ordinance is hereby declared to be an emergency  
measure necessary for the welfare of the City of Marion and the inhabitants  
thereof and for the further reason that it is necessary to replace the present  
system which is now full; 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; other-  
wise, it shall become effective from and after the earliest period allowed by  
law.

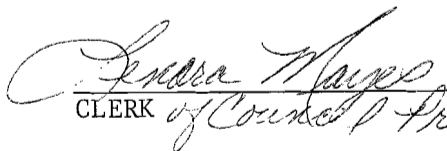
  
PRESIDENT OF COUNCIL

PASSED: January 24, 1994

APPROVED: January 25, 1994

  
MAYOR

ATTEST:

  
CLERK of Council Pro Tempore

ORDINANCE NO. 1994- 7

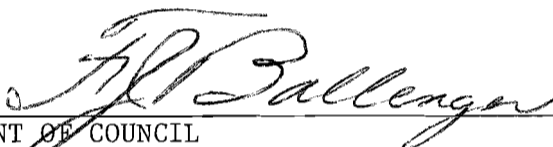
ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF POLYMER FOR USE AT THE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications, advertise for bids and enter into a two-year contract for the purchase of Polymer for use at the Wastewater Treatment Plant.

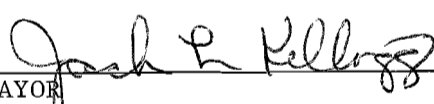
Section 2. That the cost of said contract will be approximately \$45,000 per year and shall be paid from the Supplies and Materials Account 505-05-552-240-000-420.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that the present contract expires February 28, 1994 and a great amount of effort is needed to qualify bidders; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

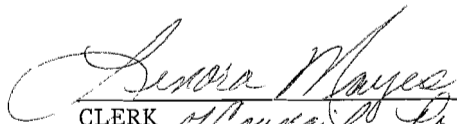
  
PRESIDENT OF COUNCIL

PASSED: **January 24, 1994**

APPROVED: **January 15, 1994**

  
MAYOR

ATTEST:

  
CLERK of Council Pro Tempore

ORDINANCE NO. 1994 - 8

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTACT FOR ANALYTICAL SERVICES FOR QUALITY GROUND WATER ANALYSES AT THE MARION CITY LANDFILL AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1993-89 authorized the preparation of specifications and the advertising for Bids for sampling and analysis of the Monitoring Wells at the Marion City Landfill, and

WHEREAS, There was but one (1) Bidder for Analytical Services for Quality Ground Water Analyses,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with AQUA TECH Environmental Laboratories, Inc., for Analytical Services for Quality Ground Water Analyses for the next four quarters at the Marion City Landfill.


Section 2. That said contract in the amount of \$119,117.20, shall be payable from the Landfill Monitoring Fund Account No. 507-05-563-230-000-320.

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

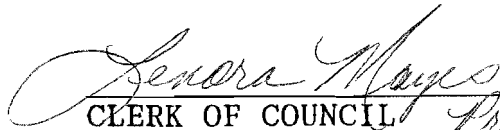
  
PRESIDENT OF COUNCIL

PASSED: January 24, 1994

APPROVED: January 25, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL *Pro Tempore*

ORDINANCE NO. 1994- 9

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1994,  
AND DECLARING AN EMERGENCY.

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

Section 1. That there be an additional appropriation made in the  
General Fund in the amount of \$10,000.00 as follows:

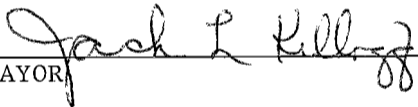
Economic Development Prof. Service 101-04-539-230-000-320 \$10,000.00

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

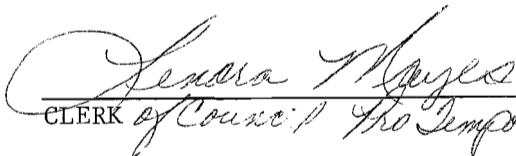
  
PRESIDENT OF COUNCIL

PASSED: January 24, 1994

APPROVED: January 25, 1994

  
MAYOR

ATTEST:

  
CLERK of Council Pro Tempore

ORDINANCE NO. 1994- 10ORDINANCE MAKING APPROPRIATIONS IN THE HOUSING REVOLVING  
LOAN FUND FOR THE YEAR ENDING DECEMBER 31, 1994.BE IT ORDAINED by the Council of the City of Marion, Marion County,  
Ohio:Section 1. That there be appropriations made in the Housing Revolving  
Loan Fund in the amount of \$30,000.00 as follows:

Private Rehab	280-04-539-230-000-322	\$28,500.00
Administration	280-04-539-230-000-324	500.00
Implementation	280-04-539-230-000-326	1,000.00

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

*J. H. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: February 14, 1994

APPROVED: February 15, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 11

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO SELL CERTAIN CITY PROPERTY BEING LOT 86 IN THE ORIGINAL PLAT OF THE CITY OF MARION TO THE FAHEY BANK.

WHEREAS, pursuant to Ordinance No. 1993-125, the Safety/Service Director was authorized to prepare specifications and advertise for bids for the sale of certain city-owned property, and

WHEREAS, The Fahey Bank submitted the only bid to purchase said real estate,

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

Section 1. That the Safety/Service Director be and she is hereby authorized to sell the following real estate now owned by the City of Marion:

Located north of the Fahey Bank Building at 127 N. Main St., Marion, Ohio, and being all of Lot Number 86 in the original plat of the Town, now City of Marion, and including the parcels mentioned in Volume 400, page 299; Volume 400, page 288, and Volume 400, page 290 of the Deed Records of Marion County, Ohio,

Section 2. That the sale price for said real estate shall be \$27,500.00.

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

*J. H. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 14, 1994

APPROVED: March 15, 1994

*Jack R. Killgore*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_

*SAJUK J. MAR 15 1994*


ORDINANCE NO. 1994- 12

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO  
PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
JANITORIAL SERVICES AT THE WASTEWATER TREATMENT PLANT.

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

Section 1. That the Safety/Service Director be and she is hereby authorized  
to prepare specifications and advertise for bids for janitorial services at the  
Wastewater Treatment Plant.

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

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

PASSED: March 14, 1994

APPROVED: March 15, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994-13

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE PURCHASE OF CHLORINE AND SODIUM BISULFITE TO BE USED IN THE DIVISION OF WATER POLLUTION CONTROL.

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

Section 1. That the Safety/Service Director be and she is hereby authorized to prepare specifications, advertise for bids and enter into contracts for the purchase of chlorine and sodium bisulfite to be used in the Division of Water Pollution Control.

Section 2. That the cost of said contracts, estimated to be \$12,000.00, shall be payable from the Water Pollution Control Fund 505-05-552-240-000-420, heretofore appropriated for said purpose.

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

*J. H. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 14, 1994

APPROVED: March 15, 1994

*Jack L. Kilbegg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jan Steward*  
\_\_\_\_\_  
CLERK



ORDINANCE NO. 1994- 14

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE HAULING AND LAND APPLICATION OF BIOSOLIDS.

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

Section 1. That the Safety/Service Director be and she is hereby authorized to prepare specifications, advertise for bids and enter into contract for the hauling and land application of Biosolids.

Section 2. That the cost of said contract, estimated to be \$53,500, shall be paid from the Professional Services Account 505-05-552-230-000-320, heretofore appropriated for said purpose.

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

*J. H. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 14, 1994

APPROVED: March 15, 1994

*Josh L. Kilgus*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jan Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994-15

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR LANDFILL CLOSURE ITEMS AS REQUIRED BY THE OHIO EPA AT THE MARION CITY LANDFILL AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for Landfill Closure items, as required by the Ohio EPA at the Marion City Landfill.

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

*J. H. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: February 14, 1994

APPROVED: February 15, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Stenard*  
\_\_\_\_\_  
CLERK OF COUNCIL

ORDINANCE NO. 1994-16

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MILLER BROTHERS CONSTRUCTION, INC. FOR THE RELOCATION OF ROADWAYS AND INSTALLATION OF A BRIDGE AT THE MARION CITY LANDFILL AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1992-117 authorized the advertising and bidding for Landfill Closure Items at Marion City Landfill, and

WHEREAS, Miller Brothers Construction, Inc. submitted the lowest and best bid.

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

Section 1. That the Safety/Service Director be and is hereby authorized and directed to enter into contract with Miller Brothers Construction, Inc. for the Relocation of Roadways and the Installation of a Bridge at the Marion City Landfill.

Section 2. That said contract in the amount of \$112,572.00 shall be payable from the Landfill Monitoring Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof; and 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.

*J. A. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: February 14, 1994

APPROVED: February 15, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK OF COUNCIL

ORDINANCE NO. 1994-17

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES INC. FOR THE INSTALLATION OF A SEWER LINE FROM THE MARION CITY LANDFILL TO WATER POLLUTION CONTROL AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1992-117 authorized the advertising and bidding for Landfill Closure Items at Marion City Landfill, and

WHEREAS, Underground Utilities, Inc. submitted the lowest and best bid.

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

Section 1. That the Safety/Service Director be and is hereby authorized and directed to enter into contract with Underground Utilities, Inc. for the installation of a Sewer Line from the Marion City Landfill to Water Pollution Control.


Section 2. That said contract in the amount of \$81,459.00 shall be payable from the Landfill Monitoring Fund.

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

  
PRESIDENT OF COUNCIL

PASSED: February 14, 1994

APPROVED: February 15, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1994-18

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
THE PURCHASE OF RECYCLING TRUCK AND SCANNING COMPUTER  
EQUIPMENT AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and is  
hereby authorized to prepare specifications and advertise for  
bids for the purchase of Recycling Truck and Scanning  
Computer Equipment.

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

*J. H. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 14, 1994

APPROVED: March 15, 1994

*Jack L. Killgo*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Joan Steward*  
\_\_\_\_\_  
CLERK OF COUNCIL

ORDINANCE NO. 1994- 19

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE RECYCLING FUND FOR THE YEAR ENDING DECEMBER 31, 1994.

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

Section 1. That there be additional appropriations made in the Recycling Fund in the amount of \$93,480.00 as follows:

Supplies	508-05-564-240-544-420	\$ 3,480.00
Equipment	508-05-564-250-544-450	90,000.00

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

*J. H. Ballenger*  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: February 14, 1994

APPROVED: February 15, 1994

*Jack L. Kellogg*  
 \_\_\_\_\_  
 MAYOR

ATTEST:

*Jean Howard*  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1994- 20


ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS  
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO  
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

General Fund	\$558.14
Sanitation Fund	<u>260.00</u>
Total	\$ 818.00

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of said City, and as such, shall become effective immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

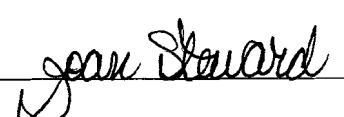
  
PRESIDENT OF COUNCIL

PASSED: February 14, 1994

APPROVED: February 15, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994-21

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH COMPUTER SYSTEM SUPPORT, INC., FOR A COMPUTER SYSTEM REPLACEMENT FOR THE MARION CITY POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract to purchase a Computer System Replacement for the Marion City Police Department from Complete System Support, Inc., due to the emergency arising in connection with the operation and maintenance of the department.

Section 2. That including the trade-in of one (1) NCR Tower 32-650 W/NCR 9-Track SCSI External Tape, the cost of said contract in the amount of \$34,988.00 shall be paid from the Police Department Capital Equipment Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason 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.

*J. H. Ballenger*  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: February 14, 1994

APPROVED: February 15, 1994

*Jack L. Kellogg*  
 \_\_\_\_\_  
 MAYOR

ATTEST:

*Jan Steward*  
 \_\_\_\_\_  
 CLERK OF COUNCIL



ORDINANCE NO. 1994- 22

ORDINANCE TO VACATE A 125 FOOT PORTION OF A 17 FOOT WIDE ALLEY SITUATED PRECISELY BETWEEN LOTS NO. 1705 AND 1706 AND LOT NO. 1765 IN TRUE'S 4th ADDITION, LYING WEST OF JOHNSON STREET IN THE CITY OF MARION, OHIO.

WHEREAS, in the opinion of this Council, there is good cause for vacating a 125 foot portion of a 17 foot wide alley situated precisely between Lots No. 1705 and 1706 and Lot No. 1765 in True s 4th Addition, lying west of Johnson Street in the City of Marion, Ohio, and

WHEREAS, the petition to vacate this portion of the alley was approved by the Marion City Planning Commission at its meeting of December 7, 1993, and

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinance 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 following described property, to-wit:

Situated in the City of Marion, County of Marion and State of Ohio and being the 125 foot portion of an east-west alley between Lots No. 1705 and 1706 and Lot No. 1765, True's 4th Addition, lying west of Johnson Street, to the City of Marion, Ohio, and being more fully described as follows:

Commencing at the northeast corner of Lot No. 1706; thence west 125 feet to the northwest corner of Lot No. 1705; thence north 17 feet to the southwest corner of Lot No. 1765; thence east 125 feet to the southeast corner of Lot No. 1765; thence south 17 feet to the place of beginning,

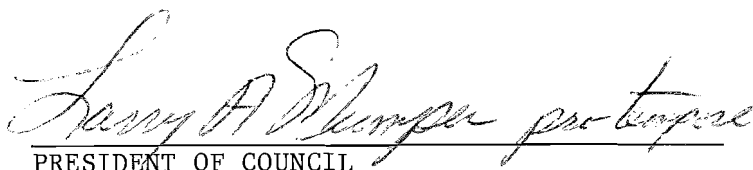
be and is hereby vacated.

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

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

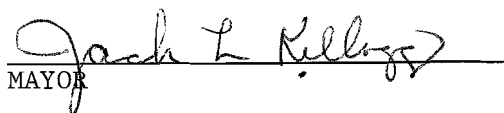
Section 4. That the Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

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

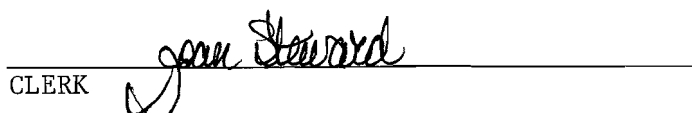
  
PRESIDENT OF COUNCIL

PASSED: February 28, 1994

APPROVED: March 7, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994-23

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS OUTLOT NO. 142 IN THE CITY OF MARION AND BEING TO THE SOUTH OF AND ABUTTING THE PRESENT McDONALD'S RESTAURANT, FROM R-3 (MULTI-FAMILY DISTRICT) TO C-2 (COMMUNITY SHOPPING DISTRICT) AND DECLARING AN EMERGENCY.

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from R-3 ( Multi-Family District) to C-2 (Community Shopping District), and

WHEREAS, the Marion City Planning Commission, on February 1, 1994, had considered and approved the rezoning, 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 Outlot #142 in the City of Marion and more particularly described as follows:

Situated in the State of Ohio, County of Marion, City of Marion, being part of the West Half of the Northwest Quarter of Section 22, Township 5 South, Range 15 East, and being all of Outlot No. 142 in the City of Marion as numbered by the Marion County Auditor, and being all of that Tract I and Tract II conveyed to The Columbia Building Company in Deed Book 324, Page 336 (all references in this description are to the records in the Recorder's Office, Marion County, Ohio) and being more particularly described as follows:

Beginning at a 1/2" rebar found at the southeasterly corner of said Outlot No. 142, on the westerly right-of-way line of North Main Street (S.R. 4 and 423, 82.50 foot wide right-of-way), and being on the northerly right-of-way line of the 16.50 foot wide alley on the north side of Lots No. 542 and 711 of ARONHALT'S ADDITION in Plat Book 1, page 41;

Thence South 88° 54'29" West 346.40 feet, along the southerly line of said Outlot No. 142 and the northerly line of said Alley, to a nail found on the easterly right-of-way line of Prospect Street (66 foot wide right-of-way);

Thence North 03°46'33" West 132.83 feet, along the westerly line of said Outlot No. 142 and the easterly right-of-way of Prospect Street, to a 5/8" rebar set;

Thence North 89°04'15" East 346.54 feet along the northerly line of said Outlot No. 142 and the southerly line of Outlot No. 141, passing a 1/2" pinch top iron pin found at 173.42 feet at the southwesterly corner of that tract conveyed to FRANCHISE REALTY INTERSTATE CORPORATION in Deed Book 376, Page 200, to a point on the westerly right-of-way line of said North Main Street (witness a drill hole found in the sidewalk at North 89°04'15" East 0.20 feet);

Thence South 03°44'10" East 131.84 feet, along the easterly line of said Outlot No. 142 and along the westerly right-of-way line of said North Main Street, to the point of beginning, containing 1.051 acres of land, more or less.

heretofore zoned R-3 (Multi-Family District) is hereby zoned C-2 (Community Shopping District).

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 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 McDonald's would like to begin construction as soon as possible; 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.

*F. T. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 14, 1994

APPROVED: March 15, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Stewart*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994-24

ORDINANCE TO AUTHORIZE THE CITY OF MARION TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT(S) TO DEMOLISH UP TO FIVE (HOUSES) AS A PART OF THE CLEARANCE ACTIVITY IN THE CITY'S FY 92 FORMULA GRANT, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Development, Office of Local Government Services has awarded Community Development Block Grant (GDBG) funds, known as the FY 92 Formula Grant, to the City of Marion, and

WHEREAS, the FY 92 Formula Grant allocated \$31,200 for a clearance activity which would raze and remove five (5) structures declared unsafe and or health hazards by the Marion Safety/Service Director or the Marion Health Board, and

WHEREAS, two (2) of the houses in the original grant application were deemed ineligible, two (2) substitute homes had to be chosen, and

WHEREAS, the following five (5) homes have been identified by the Marion Health Board as unsafe and/or health hazards:

- 356 Chester Street
- 434 Fies Avenue
- 677 Gay Street
- 690 Meadow Street
- 202 Neil Avenue

WHEREAS, all work must be completed by June 30, 1994, and

WHEREAS, legal impediments may arise and prohibit demolition of any of the five (5) homes listed above, and

WHEREAS, in the event that legal impediments disqualify any of the five homes listed above, eligible homes may be substituted.

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

Section 1. That the City of Marion is hereby authorized to advertise for bids and enter into contract(s) to demolish up to five (5) houses.

Section 2. That if legal impediments arise regarding 356 Chester Street, 434 Fies Avenue, 677 Gay Street, 690 Meadow Street, or 202 Neil Avenue, eligible substitutes may be chosen as replacements.

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

*Henry A. Mays*  
President of Council

PASSED: February 28, 1994

APPROVED: February 28, 1994

ACTING MAYOR

*J. T. Ballenger*

ATTEST:

CLERK OF COUNCIL

*Jean Steward*

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 COUNTY REGIONAL PLANNING COMMISSION TO APPLY FOR, ADMINISTER AND TOTAL GRANT, AND TO AUTHORIZE THE MAYOR TO ALSO ENTER INTO CONTRACT WITH THE MARION METROPOLITAN HOUSING AUTHORITY TO ADMINISTER THE TENANT BASED ASSISTANCE COMPONENT, 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 Marion County Regional Planning Commission has a contract to prepare said application and administer said grant, if received, with the Tenant Based Assistance Component to be administered by the Marion Metropolitan Housing Authority.

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 Marion County Regional Planning Commission to make application for a CDBG Small Cities" Grant for moderate and low income housing and rehabilitation in the FY94 Target Areas.

Section 2. That, upon the approval of the City of Marion's grant application, the Mayor is authorized to sign the contract and allow the administration of the grant in accordance with the terms of the contract with the Marion County Regional Planning Commission.

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.

*J. H. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: March 28, 1994

APPROVED: March 29, 1994

*Jack L. Kellogg*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK

ORDINANCE NO. 1994- 26

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/  
SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR THE  
STORM SEWER IMPROVEMENTS PROJECT, PHASE II, 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 advertise for bids for the Storm Sewer Improvements  
Project, Phase II.

Section 2. That the cost of such contract shall be payable from  
the Capital Improvements Fund and an Ohio Public Works Commission  
grant.

Section 3. This ordinance is hereby declared to be an emergency  
measure necessary for the immediate preservation of the public  
health, welfare and safety of the City of Marion and the inhabitants  
thereof and for the further reason that it provides 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, pro-  
vided 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.

*Larry A. Mumpster per pro tempore*  
\_\_\_\_\_  
President of Council

Passed: February 28, 1994

Approved: February 28, 1994

*J. Ballenger*  
\_\_\_\_\_  
Mayor

ACTING

Attest:

*Jean Steward*  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1994- 27

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, AS AMENDED, APPROVING REVISED JOB DESCRIPTIONS IN ACCORDANCE WITH SECTION 3 OF ORDINANCE 1991-80 THAT PROVIDED FOR A JOB CONTENT REPORT IN ORDER TO DETERMINE PAY AND BENEFITS FOR VARIOUS POSITIONS EXEMPT FROM THE BARGAINING UNITS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARION, MARION COUNTY, OHIO:

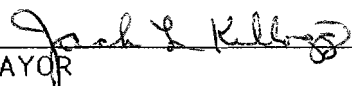
SECTION 1. That, whereas, Council by Ordinance No. 1991-80 desired to amend Ordinance No. 1969-29 (as amended) by updating the Job Descriptions of the various positions exempt from representation in any bargaining unit, such specified revised Job Descriptions are attached hereto and are hereby adopted, and said Ordinance 1969-29 (as amended) is hereby further amended by the inclusion of these revised Job Descriptions.

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

  
PRESIDENT OF COUNCIL

PASSED: March 28, 1994

APPROVED: March 29, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1994- 28

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT), AS AMENDED, BY GRANTING WAGE INCREASES AND ESTABLISHING A PROCEDURE FOR GRANTING AUTOMATIC WAGE RANGE CHANGES IN THE PAY GRADES OF EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) WITHIN THE SERVICE OF THE CITY OF MARION AND APPROPRIATING FUNDS FOR ANY WAGE RATE INCREASES GENERATED THEREFROM.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARION, MARION COUNTY, OHIO:

SECTION 1. That, whereas 4.5% wage range and pay increases were granted effective August 8, 1993, by order of Marion Municipal Court to certain classes of positions listed in Ordinance No. 1969-29 (as amended), as follows:

Position	Grade	Steps		
		A	B	C
Bailiff	21	9.74	11.45	12.98
Deputy Bailiff	18	8.59	10.13	11.45
Deputy Clerk of Court	18	8.59	10.13	11.45

And, that, whereas, no wage range changes or wage increases have been granted to the remainder of the employees in the various non-bargaining positions since December 29, 1991, and the City wishes to maintain nearly equitable wage ranges and pay increases for all employees in the exempt non-bargaining status within the various classes of positions within the service of the City of Marion, Ordinance No. 1969-29, as amended, is hereby further amended granting increases in the amount of 5%, effective JANUARY 9, 1994, as follows:

Position	Grade	Steps		
		A	B	C
Account Clerk I-Transit	16	7.96	9.36	10.61
Asst Dir.-Senior Ctr	16	7.96	9.36	10.61
Airport Technician	18	8.63	10.17	11.51
Secretary- HR,SS,LAW	18	8.63	10.17	11.51
Probation Officer	18	8.63	10.17	11.51
Secretary-Mayor/Council Clk	20	9.40	11.05	12.53
Income Tax Investigator	21	9.79	11.51	13.04
Police Mechanic	22	10.23	11.99	13.63
Wastewater Control Spec I	23	10.65	12.53	14.20
Director-Senior Ctr.	23	10.65	12.53	14.20
Deputy Tax Commissioner	24	11.13	13.04	14.84
Housing Rehab. Spec.	24	11.13	13.04	14.84
Inv. & Int. Auditor	24	11.13	13.04	14.84
Utility Billing Supvr	24	11.13	13.04	14.84
Wastewater Control Spec II	25	11.64	13.63	15.52
Airport Manager	26	12.16	14.20	16.21
Recreation Director	26	12.16	14.20	16.21
Clerk of Court	26	12.16	14.20	16.21
Asst WPC Supt	27	12.71	14.84	16.94
Deputy Auditor	28	13.27	15.52	17.69
Tax Commissioner	28	13.27	15.52	17.69
Service-Sanitation Supt.	30	14.51	16.94	19.34
WPC Supt.		16.68	20.92	22.25
City Engineer		17.38	20.22	23.16

SECTION 2. That Ordinance No. 1969-29, as amended, is hereby further amended by providing for computation of new wage ranges effective January 1 of each year beginning with the year 1995, for all positions listed herein, including the Municipal Court positions that were granted increases in August, 1993; such changes in the wage ranges shall be the average of the percent of general wage changes approved by Council for bargaining unit positions in the preceding twelve (12) months. Any wage increases resulting therefrom shall be effective at the beginning of the first pay period following January 1. Should wage decreases result therefrom the employee's wage rate shall be held at the then current level until further increase is warranted by an additional Step within the range or further adjustment of the wage range.



29 300

SECTION 3. That the funds necessary to implement the wage increases in Section 1 above are hereby appropriated.

SECTION 4. That hereafter the Administration shall include in the Annual Budget each year for Council's approval any wage increases resulting from the new wage ranges; such budgeted appropriations shall then require no further action of or by Council.

SECTION 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

*J. H. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 28, 1994

APPROVED: March 29, 1994

*Jack L. Kelly*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 29

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER REPORT) AS AMENDED, ORDINANCE NO. 68-41 (PERSONNEL POLICIES) AS AMENDED AND CHAPTERS 137 AND 139 OF THE CODIFIED ORDINANCES OF THE CITY OF MARION BY GRANTING WAGE INCREASES AND BENEFITS AND ESTABLISHING A PROCEDURE FOR GRANTING AUTOMATIC CHANGES IN WAGE RATES AND BENEFITS FOR THE POSITIONS OF CHIEF OF POLICE AND FIRE CHIEF IN THE CITY OF MARION AND APPROPRIATING FUNDS FOR ANY INCREASES GENERATED THEREFROM.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARION, MARION COUNTY, OHIO:

SECTION 1. That, in recognition of the inequitable pay and benefits differential that exists or may exist in future between the Chief of Police and subordinates, Paragraph 137.01 of Chapter 137 of the Codified Ordinances of the City of Marion now reading as follows:

## "137.01 COMPOSITION

The Division of Police shall be composed of a Chief of Police and such other officers and personnel as Council shall from time to time determine."

IS HEREBY AMENDED TO READ AS FOLLOWS:

## "137.01 COMPOSITION, PAY AND BENEFITS

The Division of Police shall be composed of a Chief of Police and such other officers and personnel as Council shall from time to time determine.

A newly appointed Chief of Police shall serve a probationary period of six months. During the probationary period the base rate of pay for the Chief of Police shall be maintained at a level 17% above the annualized top base rate of pay of a Captain in the Marion Police Department.

After satisfactory completion of the probationary period, the base rate of pay for the Chief of Police shall be adjusted to and maintained at a level 22% above the annualized top base rate of pay of a Captain in the Marion Police Department.

Except for overtime pay, the Chief of Police shall be eligible for all other benefits for which a Captain of the Marion Police Department is eligible."

SECTION 2. That, in recognition of the inequitable pay and benefits differential that exists or may in future exist between the Fire Chief and subordinates, Paragraph 139.01 of Chapter 139 of the Codified Ordinances of the City of Marion now reading as follows:

## "139.01 COMPOSITION

The Division of Fire shall be composed of a Fire Chief and such other officers and personnel as Council shall from time to time determine."

IS HEREBY AMENDED TO READ AS FOLLOWS:

## "139.01 COMPOSITION, PAY AND BENEFITS

The Division of Fire shall be composed of a Fire Chief and such other officers and personnel as Council shall from time to time determine.

A newly appointed Fire Chief shall serve a probationary period of six months. During the probationary period the base rate of pay for the Fire Chief shall be maintained at a level 5% above the annualized top base rate of pay of the Assistant Fire Chief in the Marion City Fire Department.

After successful completion of the probationary period, the base rate of pay for the Fire Chief shall be adjusted to and maintained at a level 10% above the annualized top base rate of pay of the Assistant Fire Chief in the Marion City Fire Department.

Except for overtime pay, the Fire Chief shall be eligible for all other benefits for which an Assistant Chief of the Marion City Fire Department is eligible."

SECTION 3. That Ordinance No. 1969-29 (Yarger Report), as amended, is further amended by inclusion of the revised Job Descriptions appended hereto.

SECTION 4. That, in accordance with changes in Chapters 137 and 139 of the Codified Ordinances of the City of Marion herein enacted by Sections 1 and 2, references to pay and benefits for the Chief of Police and Fire Chief are hereby removed from Ordinance No. 1969-29, as amended and Ordinance No. 68-41, as amended.

SECTION 5. That the changes in Sections 1 and 2 above are to be effective January 1, 1994, with any necessary wage adjustments to be made effective with the first full pay period following such date and the funds necessary to implement such changes are hereby appropriated.

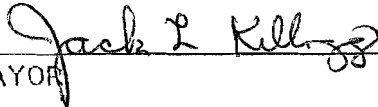
SECTION 6. That hereafter the Administration shall include in the Annual Budget each year for Council's approval any wage and benefit increases resulting from the application of the regulations contained in paragraphs 137.01 and 139.01 of the Codified Ordinances of the City of Marion; such budgeted appropriations shall then require no further action of or by Council.

SECTION 7. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: March 28, 1994

APPROVED: March 28, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994- 30

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER)  
UPGRADING THE POSITION OF ASSISTANT WATER POLLUTION  
CONTROL SUPERINTENDENT FROM GRADE 27 TO GRADE 28

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


SECTION 1. That, in accordance with the job duties and responsibilities of this position as audited pursuant to Ordinance No. 1991-80 and contained in the job description appended hereto, and in recognition of the inequitable pay differential that exists between the Assistant Water Pollution Control Superintendent and his subordinates in the Water Pollution Control Division, Ordinance No. 1969-29, as amended, is hereby further amended by upgrading the position of Assistant Water Pollution Control Superintendent from Grade 27 to Grade 28.

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


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

PASSED: March 28, 1994

APPROVED: March 29, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

## ASSISTANT WATER POLLUTION CONTROL SUPERINTENDENT

GENERAL STATEMENT OF DUTIES: Responsible to the Water Pollution Control Superintendent as assistant in direction of the operations of the Wastewater Treatment Facility and Collection System.

DISTINGUISHING FEATURES OF THE CLASS: Responsible for assisting the Superintendent as directed in planning, organizing and directing all treatment and collection system activities within the Division of Water Pollution Control, maintaining continuous check on operating efficiency. Works independently within a broad policy framework established by the Superintendent.

EXAMPLES OF WORK: (Illustrative only)

Essential duties include but not limited to:

Direct supervision of the operations of the Wastewater Treatment Plant on a 24 hour day, 7 day week basis, including personnel scheduling.

Supervises employees.

Manages the sludge land application program.

Writes various bid specifications to comply with local and state requirements for the procurement of equipment, materials and services.

Oversees industrial pretreatment program; reviews industrial waste discharges and determines their acceptability in conjunction with plant capacities and local, state and federal guidelines.

Works with consultants and engineers in the design, implementation, installation and maintenance of new treatment processes and/or equipment. Develops good rapport with contractors and maintains control of projects.

Assures that monthly EPA operating reports are submitted.

Oversees use of various safety devices such as SCBA respirators, tripods, harnesses, gas monitoring, traffic barricades, etc.

Reviews accident reports and investigates accidents to determine whether dangerous conditions exist that need correction.

Operates and updates computer system as necessary.

Formulates policies, procedures and methods relative to the operation and maintenance of the Plant and the collection system.

Diagnoses and resolves plant operating, maintenance and water pollution control problems.

Helps organize and schedule large maintenance activities to minimize effect on the operations of the Plant.

Carries out other various projects as required by the Superintendent.

Directs the Water Pollution Control Division in the absence of the Superintendent.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Comprehensive knowledge of modern methods and principles of wastewater treatment; thorough knowledge of the theories, practices, equipment and materials utilized in the chemical and biological treatment of waste; thorough knowledge of the mechanical and hydraulic engineering principles utilized in treatment processes; thorough knowledge of the methods and principles of modern management and supervision; considerable knowledge of the safety practices associated with wastewater treatment; considerable knowledge of rules, regulations and laws governing wastewater treatment; ability to plan, lay-out and oversee a wide variety of technical, operational and maintenance programs; ability to drive to field sites and traverse various terrains; ability to inspect all areas of the facilities and work locations which involves climbing stairs and ladders, visual acuity and color vision; ability to establish a friendly atmosphere in the work units and maintain harmonious, effective relationships with city officials and the public.

MINIMUM ACCEPTABLE QUALIFICATIONS: Bachelor's degree from college or university with specialization in physical and biological sciences or an associate degree (two year college level) in a specific technical program of Water Pollution Control with a minimum of three (3) years working experience in the field of wastewater treatment or related waste disposal activities preferred. Any equivalent combination of experience and training which provides the required knowledge, skills and abilities may be accepted.

ADDITIONAL REQUIREMENTS: POSSESSION OF CLASS III WASTEWATER OPERATOR'S CERTIFICATE AS ISSUED BY THE OHIO ENVIRONMENTAL PROTECTION AGENCY. POSSESSION OF VALID OHIO DRIVER'S LICENSE.

ORDINANCE NO. 1994-31

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER)  
ELIMINATING THE POSITION OF AIRPORT TECHNICIAN BY  
CREATING THE POSITION OF AIRPORT OPERATIONS DIRECTOR  
AND ESTABLISHING SALARY AND BENEFITS FOR SAID POSITION

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

Section 1. That there is hereby created the position of  
Airport Operations Director in the City of Marion replacing and  
eliminating the position of Airport Technician.

Section 2. That the Pay Grade for the Airport Operations  
Director shall be Pay Grade 20.

Section 3. That in addition to the compensation provided,  
the Airport Operations Director shall be entitled to the working  
conditions and employee benefits for full time employees as set  
out in Ordinance No. 68-41, as amended and Ordinance No. 1969-  
183, as amended.

Section 4. That the job description for said position is  
attached hereto and incorporated herein by reference and shall by  
reference become part of the personnel classification schedule  
heretofore adopted by Council (Ordinance No. 1969-29, as amended)  
as fully as if the same were rewritten in said personnel  
classification schedule.

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

*J. H. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: March 28, 1994

APPROVED: March 29, 1994

*Jack L. Kellogg*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK OF COUNCIL

AIRPORT OPERATIONS DIRECTOR

GENERAL STATEMENT OF DUTIES: Responsible to the Airport Manager to assist in the operation and administration of the Municipal Airport.

DISTINGUISHING FEATURES OF THE CLASS: Capable of a multitude of functions using good judgment and making operational decisions, guided by knowledge of Federal Aviation Administration (FAA), National Weather Service (NWS) regulations and Airport operation experience.

EXAMPLES OF WORK: (Illustrative only)

Essential functions include but not limited to:

- Follows and enforces current FAA rules and regulations concerning aircraft movements in the air and on the ground at the airport.
- Keeps all unauthorized vehicles, people and animals off the active area of the field.
- Informs FAA of abnormal field conditions by issuing official NOTAMS.
- Makes decisions on timing and scope of snow removal.
- Makes daily inspection of runways, taxiways, lighting navigation systems for safety and proper operation.
- Provides traffic advisories and SAWRS information to aircraft.
- Accepts rental and tie-down fees, issuing proper receipts and routine billing notices.
- Performs office duties relative to aircraft operation, (e.g. typing and filing correspondence and other data, issuing purchase orders and vouchers, keeping ledger of Airport Financial Accounts and monthly reconciliation with City Auditor Records.)
- Manager of Workfare and P.I.C. Programs.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Good knowledge of principles and practices governing airport operations; knowledge of building and grounds maintenance; ability to use good judgment and make decisions; knowledge of office practices, procedures, equipment and record keeping; ability to establish and maintain friendly atmosphere in the workplace.

MINIMUM ACCEPTABLE QUALIFICATIONS: Some experience in operations of automotive-type equipment, high school graduate, and native intelligence for on-the-job training that would provide the required knowledge, skills and abilities. Successful passage of NWS test to become a Certified Weather Observer within nine months. Valid Ohio drivers license required.

ORDINANCE NO. 1994- 32

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER)  
BY CREATING THE POSITION OF AIRPORT MAINTENANCE  
TECHNICIAN IN THE CITY OF MARION AND ESTABLISHING  
SALARY AND BENEFITS FOR SAID POSITION

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

Section 1. That there is hereby created the position of  
Airport Maintenance Technician in the City of Marion.

Section 2. That the Pay Grade for the Airport Maintenance  
Technician shall be Pay Grade 12.

Section 3. In addition to the compensation heretofore  
provided, the Airport Maintenance Technician shall be entitled to  
the working conditions and employee benefits for full time  
employees as set out in Ordinance No. 68-41, as amended, and  
Ordinance No. 1969-183, as amended.


Section 4. That the job description for said position is  
attached hereto and incorporated herein by reference and shall by  
reference become a part of the personnel classification schedule  
heretofore adopted by Council (Ordinance No. 1969-29, as amended)  
as fully as if the same were rewritten in said personnel  
classification schedule.

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

  
PRESIDENT OF COUNCIL

PASSED: March 28, 1994

APPROVED: March 29, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



NEW 2/94

AIRPORT MAINTENANCE TECHNICIAN

GENERAL STATEMENT OF DUTIES; Responsible to Airport Operation Director and Airport Manager to provide maintenance of grounds, buildings and equipment at the Municipal Airport.

DISTINGUISHING FEATURES OF THE CLASS; Capable of maintenance and operation of grounds equipment, routine maintenance and minor repair of airfield lighting, grounds and buildings.

EXAMPLES OF WORK; (illustrative only)

Essential functions include but not limited to:

- Maintain adequate inventory of spare parts.
- Identifies and itemize spare part orders as authorized by Airport Operation Director.
- Perform all preventative maintenance on airport vehicles daily.
- Minor equipment repair as needed.
- Record all fuel usage and perform 48 hour leak test on airport fuel tanks.
- Maintain equipment service records.
- Oversight of Workfare and P.I.C. participants.
- Performs cleaning, painting and related duties for airport administration building as required.
- Services and operates automotive-type and related maintenance equipment.
- Perform tasks assigned by Airport Operation Director to maintain safe airport operations.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Knowledge of building and grounds maintenance; ability to operate and perform minor maintenance on motor equipment; ability to use good judgment and make decisions; equipment record keeping; ability to establish and maintain a friendly atmosphere in the workplace.

MINIMUM ACCEPTABLE QUALIFICATIONS; Some experience in operations of automotive-type equipment, high school graduate, and native intelligence for on-the-job training that would provide the required knowledge, skills and abilities. Successful passage of NWS test to become a Certified Weather Observer within nine months. Must have valid Ohio drivers license.

ORDINANCE NO. 1994- 33

ORDINANCE TO AMEND CHAPTER 912 SEWER USER CHARGE SYSTEM AND CHAPTER 914 SEWER SYSTEM IMPROVEMENT, OR 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 Chapter 912 of the Codified Ordinances, as amended and now reading in part as follows:

"912.10 USER CHARGE AND EXTRA STRENGTH SURCHARGE RATES.

(a) User Charge

- (1) \$4.17 per monthly bill;
- (2) \$7.19 per bimonthly bill;
- (3) \$0.805 per 100 cubic feet for ~~Monday~~ <sup>monthly</sup> bill; (typographical error change noted at 9/26/94 City Council meeting).
- (4) \$0.805 per 100 cubic feet for bimonthly bill;

(b) Extra Strength Surcharge

- (1) \$10.52 per 100 lbs. extra strength BOD;
- (2) \$11.84 per 100 lbs. extra strength Suspended Solids;
- (3) \$38.43 per 100 lbs. extra strength Phosphate;

is hereby amended to read as follows:

(a) User Charge

- (1) \$5.39 per monthly bill;
- (2) \$9.62 per bimonthly bill;
- (3) \$0.768 per 100 cubic feet for monthly bill;
- (4) \$0.768 per 100 cubic feet for bimonthly bill;

(b) Extra Strength Surcharge

- (1) \$11.93 per 100 lbs. extra strength BOD;
- (2) \$12.51 per 100 lbs. extra strength Suspended Solids;
- (3) \$39.57 per 100 lbs. extra strength Phosphate;

Section 2. That Section 914.05 of Chapter 914 of the Codified Ordinances, as amended and now reading in part as follows:

"914.05 SEWER SYSTEM IMPROVEMENT CHARGE; CITY USERS.

The volumetric rate as determined in Section 914.04 and as may be amended from time to time shall be added to the volumetric rate as determined under Section 912.10 (a) (3) to provide the total volumetric rate. For the purposes stated herein; the sewer system improvement charge to be added to the user charge volumetric rate with the effective of this chapter and Chapter 912 is seventeen and one half cents (\$.175) per 100 cubic feet."

is hereby amended to read as follows:

The volumetric rate as determined in Section 914.04 and as may be amended from time to time shall be added to the volumetric rate as determined under Section 912.10 (a) (3) to provide the total volumetric rate. For the purposes stated herein; the sewer system improvement charge to be added to the user charge volumetric rate with the effective of this chapter and Chapter 912 is twenty and eight tenths cents (\$.208) per 100 cubic feet."

Section 3. That Section 914.06 of Chapter 914 of the Codified Ordinances, as amended and now reading in part as follows:

"914.06 SEWER SYSTEM IMPROVEMENT CHARGE; OUTSIDE CITY USERS.

The volumetric rate as determined in Section 914.04 and as may be amended from time to time shall be added to the volumetric rate as determined under Section 912.10 (a) (3) to provide the total volumetric rate. For the purposes stated herein; the sewer system improvement charge to be added to the user charge volumetric rate with the effective of this chapter and Chapter 912 is thirty-five cents (\$.35) per 100 cubic feet."

is hereby amended to read as follows:

The volumetric rate as determined in Section 914.04 and as may be amended from time to time shall be added to the volumetric rate as determined under Section 912.10 (a) (3) to provide the total volumetric rate. For the purposes stated herein; the sewer system improvement charge to be added to the user charge volumetric rate with the effective of this chapter and Chapter 912 is forty-one and six tenths cents (\$.416) per 100 cubic feet."

Section 4. That Section 914.07 of Chapter 914 of the Codified Ordinances, as amended and now reading in part as follows:

**"914.07 AGGREGATE CHARGES FOR SEWER USES.**

The total charges for sewer use to customers within and/or outside the corporate limits of the City shall be the aggregate of the rate determinations in Section 912.10 (a) and Sections 914.05 and 914.06 as set forth below.

	<u>Inside City</u>	<u>Outside City</u>
Per monthly bill	\$4.17	\$4.17
Per bimonthly bill	\$7.19	\$7.19
Per 100 cubic feet for monthly bill	\$0.980	\$1.155
Per 100 cubic feet for bimonthly bill	\$0.980	\$1.155

is hereby amended to read as follows:

The total charges for sewer use to customers within and/or outside the corporate limits of the City shall be the aggregate of the rate determinations in Section 912.10 (a) and Sections 914.05 and 914.06 as set forth below.

	<u>Inside City</u>	<u>Outside City</u>
Per monthly bill	\$5.39	\$5.39
Per bimonthly bill	\$9.62	\$9.62
Per 100 cubic feet	\$0.976	\$1.184

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

*Al Ballenger*  
PRESIDENT OF COUNCIL

Passed: March 28, 1994

Approved: March 29, 1994

*Jack L. Kelly*  
MAYOR

Attest:

*Jean Steward*  
CLERK

ORDINANCE NO. 1994- 34

ORDINANCE TO AMEND ORDINANCE NO. 1992-88 , AS AMENDED,  
WHICH CREATED THE POSITION OF TAX INVESTIGATOR.

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

Section 1. That Section 4 of Ordinance No. 1992-88, now reading as  
follows:

"That said position of Tax Investigator shall be a Temporary  
Position and, as such, shall be terminated on December 31,  
1994."

is hereby deleted.

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

*J. H. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: April 11, 1994

APPROVED: April 12, 1994

*Jack R. Kilbross*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 35

ORDINANCE TO AMEND ORDINANCE NO. 1993-22, AS AMENDED,  
WHICH CREATED THE POSITION OF UTILITY BILLING SUPERVISOR,  
AND DECLARING AN EMERGENCY.

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

Section 1. That Section 1 of Ordinance No. 1993-22, now reading as  
follows:

"That there is hereby created the position of Utility Billing  
Supervisor in the City of Marion for a one (1) year period and  
then to be reevaluated."

is hereby amended as follows:

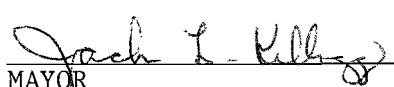
"That there is hereby created the position of Utility Billing  
Supervisor in the City of Marion."

Section 2. That this ordinance is hereby declared to be an emergency  
measure necessary for the welfare of the City of Marion and the inhabitants  
thereof and for the further reason that the one (1) year period expires  
April 11, 1994; and as such, shall take effect and be in force immediately  
upon its passage and approval by the Mayor provided it receives the affirmative  
vote of two-thirds of all members elected to Council; otherwise, it shall  
become effective from and after the earliest period allowed by law.

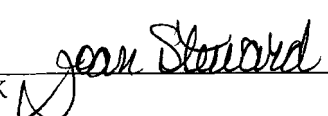
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: **March 14, 1994**

APPROVED: **March 15, 1994**

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994-36

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PIPELINER SYSTEMS, INC., DUBLIN, OHIO, AND TO APPROPRIATE FUNDS FOR THE MARK STREET SANITARY SEWER LINER PROJECT IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1993-145 authorized the preparation of specifications and advertising for bids for the Mark Street Sanitary Sewer Liner Project in the City of Marion, Ohio, and

WHEREAS, Pipeliner Systems, Inc., submitted the lowest and best bid of \$16,840.20,

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

Section 1. That the Safety/Service Director be directed to enter into contract with Pipeliner Systems, Inc. for the Mark Street Sanitary Sewer Liner Project.

Section 2. That said contract shall be payable from the General Fund.

Section 3. That there be additional appropriations made as follows:

General Fund

Capital Improvements, 101-07-743-250-000-520 \$16,840.20

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

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

Passed:

Approved:

\_\_\_\_\_  
Mayor

Attest:

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

*debated - 3/14/94  
& replaced by Ordinance 1994-41*

ORDINANCE NO. 1994- 37

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN  
THE E.I. INITIATIVE GRANT FUND FOR THE YEAR ENDING  
DECEMBER 31, 1994, AND DECLARING AN EMERGENCY.

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 E.I.  
Initiative Grant Fund in the amount of \$1,874.00 as follows:

Salaries	250-02-544-210-000-110	\$1,040.00
Benefits	250-02-544-210-000-120	260.00
Travel	250-02-544-220-000-220	37.00
Utilities	250-02-544-230-000-310	150.00
Supplies	250-02-544-240-000-420	<u>387.00</u>
	TOTAL	\$1,874.00

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

*J. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 14, 1994

APPROVED: March 15, 1994

*Jack L. Kilgus*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 38

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE FORMULA GRANT FUND FOR THE YEAR ENDING DECEMBER 31, 1994, AND DECLARING AN EMERGENCY.

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 Formula Grant Fund in the amount of \$168,100.00 as follows:

Administration	275-04-543-230-000-324	\$25,100.00
Flood & Drainage	275-04-543-230-000-327	81,000.00
Emergency Home Repair	275-04-543-230-000-328	31,000.00
Curbs & Sidewalks	275-04-543-230-000-337	25,000.00
Fair Housing	275-04-543-230-000-339	1,000.00
Public Service-Adult Care	275-04-543-230-000-342	<u>5,000.00</u>
	TOTAL	\$168,100.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of said 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.

*J. H. Bullenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 14, 1994

APPROVED: March 15, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK



ORDINANCE NO. 1994- 39

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
PARKS FUND FOR THE YEAR ENDING DECEMBER 31, 1994,  
AND DECLARING AN EMERGENCY.

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

Section 1. That there be an additional appropriation made in the Parks  
Fund in the amount of \$7,143.95 as follows:

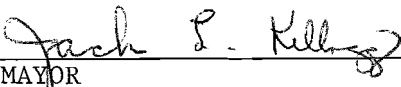
Building Maintenance	221-03-421-230-000-370	\$3,593.95
Equipment	221-03-421-250-000-450	1,050.00
Capital Improvements	221-03-421-250-000-520	<u>2,500.00</u>
	TOTAL	\$7,143.95

Section 2. That this ordinance is hereby declared to be an emergency  
measure necessary for the welfare of the City of Marion and the inhabitants  
thereof and for the further reason that it is necessary for the daily operation  
of said 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 all members elected to Council; otherwise, it shall become effective from  
and after the earliest period allowed by law.

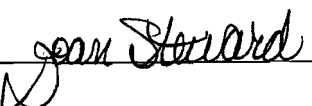
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 14, 1994

APPROVED: March 15, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. <sup>40</sup> ~~1994-340~~

ORDINANCE TO VACATE A CERTAIN 16-FOOT-WIDE ALLEY RUNNING NORTH AND SOUTH WHICH IS WEST OF DAVIDS STREET AT THE INTERSECTION WITH ~~E.~~<sup>W.</sup> CENTER STREET IN THE CITY OF MARION.

WHEREAS, in the opinion of this Council, there is good cause for vacating a certain 16 foot wide alley running north and south which is west of Davids Street at the intersection with ~~E.~~<sup>W.</sup> Center Street in the City of Marion, and

WHEREAS, the petition to vacate this alley was unanimously approved by the Marion City Planning Commission at its meeting of December 7, 1993, and

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinance 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 following described alley, to-wit:

Being part of a 16-foot-wide public alley in T.A. Thompson's Addition to the City of Marion, Marion County, State of Ohio, and being more particularly described as follows:

Beginning at the Northwest corner of Lot 2210 in T.A. Thompson's Addition (also being the East Right-of-Way Line of said 16-foot wide alley); thence along said East Right-of-Way Line S 3°25'40" E for a distance of 83.08 feet to the Southwest Corner of Lot 2210 (also being the Northeast Corner of a 16-foot-wide vacated alley); thence along the North Line of said 16-foot-wide vacated alley S 87°17'40" W for a distance of 16.00 feet to the Southeast Corner of Lot 2207 (also being the West Right-of-Way Line of said 16-foot wide alley); thence along said West Right-of-Way Line N 3°25'40"W for a distance of 83.08 feet to the Northeast Corner of Lot 2207; thence N 87°17'40" E for a distance of 16.00 feet to the Northwest Corner of Lot 2210 and the point of beginning.

Containing 0.031 acre more or less and being subject to legal highways, easements, restrictions and agreements of record,

be and is hereby vacated.

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

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

Section 4. That 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.

325

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

*John Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: April 11, 1994

APPROVED: April 12, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 41

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PIPELINER SYSTEMS, INC., DUBLIN, OHIO, AND TO APPROPRIATE FUNDS FOR THE MARK STREET SANITARY SEWER LINER PROJECT IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1993-145 authorized the preparation of specifications and advertising for bids for the Mark Street Sanitary Sewer Liner Project in the City of Marion, Ohio, and

WHEREAS, Pipeliner Systems, Inc., submitted the only bid of \$16,840.<sup>20\*</sup>~~00~~, but failed to properly submit a bid bond in the required amount, and

WHEREAS, this being a real and present emergency arising in connection with the operation and maintenance of the Department of Safety/Service, and

WHEREAS, it is not anticipated that a re-bid would bring a lower or better bid,

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

Section 1. That the Safety/Service Director be and is hereby directed to enter into contract with Pipeliner Systems, Inc. for the Mark Street Sanitary Sewer Liner Project without formal bidding and advertising.

Section 2. That said contract shall be payable from the General Fund.

Section 3. That there be additional appropriations made as follows:

General Fund

Capital Improvements	101-07-743-250-000-520	\$16,840. <sup>20*</sup> <del>00</del>
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Section 4. 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 it is necessary for the daily operation of said 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.

\*typo amended on Council floor 3/14

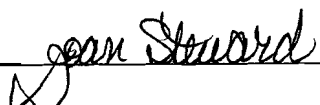
  
PRESIDENT OF COUNCIL

PASSED: March 14, 1994

APPROVED: March 15, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994-42

ORDINANCE APPROVING THE PURCHASE OF A BUS FOR  
MARION AREA TRANSIT AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1991-136 requires Council approval of Capital Expenditures in excess of \$2,500.00, and

WHEREAS, Resolution No. 1990-7 authorized the City to participate in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program,

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

Section 1. That the Safety/Service Director is hereby authorized to enter into contract for the purchase of one (1) 10-2 LVB Vehicle (Bus) through the ODOT Cooperative Purchasing Program for Marion Area Transit.

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

*J.H. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 28, 1994

APPROVED: March 29, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jan Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 43

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

General Fund                      \$918.00

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of said City, and as such, shall become effective 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.

*J. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 28, 1994

APPROVED: March 29, 1994

*Jack L. Killings*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994-44

ORDINANCE AUTHORIZING THE RECREATION BOARD TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF TWO (2) SAND VOLLEYBALL COURTS AT MCKINLEY PARK, AND DECLARING AN EMERGENCY.

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

Section 1. That the Recreation Board be and is hereby authorized to prepare specifications and advertise for bids for the construction of two (2) volleyball courts at McKinley Park.

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

  
PRESIDENT OF COUNCIL

PASSED: April 25, 1994

APPROVED: April 26, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994-45

ORDINANCE TO AMEND CHAPTER 945 PARKS & SWIMMING POOLS -  
BY AMENDING MANNER OF ESTABLISHING FEES, AND DECLARING  
AN EMERGENCY.

WHEREAS, The Marion Recreation Board has authority to supervise and maintain recreation facilities pursuant to Ohio Revised Code §755.13, and

WHEREAS, from time to time the Board deems it appropriate to establish fees for use of such facilities,

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

Section 1. That Section 945.02 of the Codified Ordinances, now reading as follows:

945.02 LINCOLN PARK SWIMMING POOL RATES.

(a) Charges for admission to the Lincoln Park Swimming Pool are hereby established as follows:

GENERAL ADMISSION

\$1.00	Child (6-17)
1.75	Adult (18-up)
1.00	Senior Citizen (60 & over)
1.00	Nonswimming adult
Free with paying adult	Youth (5 & under)

Season Passes

\$25.00	Child (6-17)
40.00	Adult (18-up)
70.00	Family (0-4 children, max.5 people)
7.50	Each additional child
60.00	Couple

(b) For the purpose of determining rates, the following definitions apply:

- (1) "Family" means the parent or parents and all those children of such parent or parents who have not reached their eighteenth birthday as of Memorial Day of the year in which such family ticket is purchased.
- (2) "Child" means any person who has not reached his or her eighteenth birthday as of Memorial Day of the year in which such person's ticket is purchased.
- (3) "Adult" means any person who has reached his or her eighteenth birthday as of Memorial Day of the year in which such person's ticket is purchased.

(c) The Marion Recreation Department is hereby authorized to set group rates for both normal hours of operation and after-normal hours of operation for groups exceeding twenty persons, provided that such group rate may exceed regular prices where conditions warrant but shall not be less than twenty percent (20%) of the regular price. (Ord. 1982-65. Passed 5-14-82)."

is hereby amended to read as follows:

- (A) The Marion Recreation Board is authorized to establish reasonable fees for use of all facilities including but not limited to pools, gymnasiums, and other structures.



Said fee schedules shall be advertised by the Board and posted at each facility where said change is required.

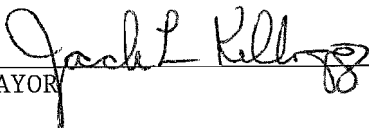
- (B) The Marion Recreation Board shall be authorized to establish reasonable rates and procedures for implementing the above fee schedule.

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

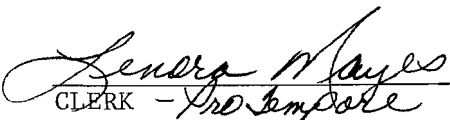
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: *May 9, 1994*

APPROVED: *May 11, 1994*

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK - *Sandra Hayes*

ORDINANCE NO. 1994- 46ORDINANCE APPROVING CAPITAL EXPENDITURES IN EXCESS  
OF \$2,500.00, AND DECLARING AN EMERGENCY.

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

WHEREAS, the Parks Department has demonstrated the need to purchase a used pickup truck, and

WHEREAS, the Board of Park Commissioners concurs with said need,

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

Section 1. That the Parks Department is hereby authorized to purchase a used truck at an estimated cost of \$8,600.00 with the trade-in of a 1984 Dodge pickup truck.

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

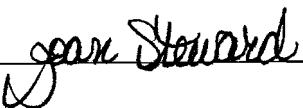
  
PRESIDENT OF COUNCIL

PASSED: April 25, 1994

APPROVED: April 26, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994-47

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE NORTH MAIN STREET SIDEWALK PROJECT.

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 construction of new sidewalks along portions of North Main Street between George Street and ~~XXX~~ <sup>Huber</sup> Street.


Section 2. That the cost of such contract shall be payable from the Formula Grant.

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


  
PRESIDENT OF COUNCIL

PASSED: April 11, 1994

APPROVED: April 12, 1994

  
MAYOR

ATTEST:

  
CLERK

Ordinance No. 1994 - 48ORDINANCE APPROVING THE PURCHASE OF A USED NCR PRINTER,  
AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1991-136 requires Council approval of Capital Expenditures in excess of \$2,500.00, and

WHEREAS, the used NCR Printer being requested by the City Auditor is priced at \$3,900.00 plus an estimated \$300.00 in freight charges,

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


Section 1. That the City Auditor is hereby authorized to purchase a Used NCR Model 6450-0201 Printer for an estimated cost of \$4,200.00 F.O.B. Marion.

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

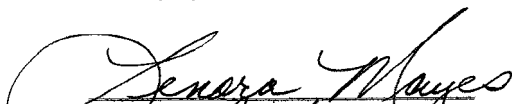
  
PRESIDENT OF COUNCIL

PASSED: May 9, 1994

APPROVED: May 10, 1994

  
MAYOR

ATTEST:

  
CLERK - Pro Tempore

ORDINANCE NO. 1994-49

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR LIGHTING AND ELECTRICAL IMPROVEMENTS AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion has been tentatively allocated \$266,200.00 of a \$348,550.00 FAA Grant, and

WHEREAS, it is in the best interest of the City of Marion to begin the bidding process as soon as possible in order to complete the project prior to the end of the year,

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

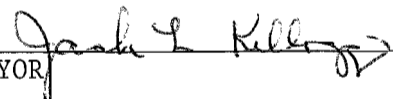
Section 1. That the Safety/Service Director is hereby authorized and directed to prepare specifications and advertise for bids for lighting improvements to Runway 12-30 and associated taxiways and a new electrical vault at the Marion Municipal Airport.

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, further, so that the project can be completed prior to the end of the year; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

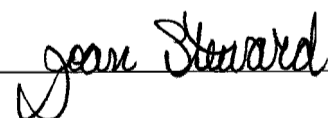
  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: April 11, 1994

APPROVED: April 12, 1994

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AIRPORT IMPROVEMENT FUND FOR THE YEAR ENDING DECEMBER 31, 1994, AND DECLARING AN EMERGENCY.

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 Airport Improvement Fund in the amount of \$2,000.00 as follows:

Professional Services	446-06-448-230-000-320	\$2,000.00
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said 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.

*J. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: April 11, 1994

APPROVED: April 12, 1994

*Jack H. Kellogg*  
MAYOR

ATTEST:

*Joan Steward*  
CLERK

ORDINANCE NO. 1994- 51

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH JOHNSON AND HUGHES EXCAVATING, INC., LIMA, OHIO FOR THE STORM SEWER IMPROVEMENTS, PHASE II, PROJECT IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1994-26 authorized the preparation of specifications and advertising for bids for the Storm Sewer Improvements, Phase II Project in the City of Marion, Ohio, and

WHEREAS, Johnson and Hughes Excavating, Inc., submitted the lowest and best bid of \$677,069.65.

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

Section 1. That the Safety/Service Director be directed to enter into contract with Johnson and Hughes Excavating, Inc., for the Storm Sewer Improvements, Phase II Project.

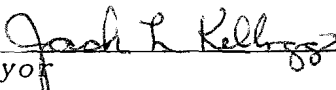
Section 2. That said contract shall be payable from the Storm Sewer Improvement Fund.

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

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

Passed: April 11, 1994

Approved: April 12, 1994

  
 \_\_\_\_\_  
 Mayor

Attest:

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

ORDINANCE NO. 1994 - 52

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE  
STORM SEWER IMPROVEMENT FUND FOR THE YEAR ENDING  
DECEMBER 31, 1994, AND DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the Storm Sewer Improvement Fund in the amount of \$715,815.50 as follows:

Professional Services	460-05-507-230-000-320	\$ 1,231.50
Capital Improvements	460-05-507-250-000-520	275.00
Professional Services	460-05-704-230-000-320	14,309.00
Capital Improvements	460-05-704-250-000-520	<u>700,000.00</u>
	TOTAL	\$715,815.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for 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.

*J. H. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: April 11, 1994

APPROVED: April 12, 1994

*Josh L. Kelly*  
MAYOR

ATTEST:

*Jan Steward*  
CLERK



ORDINANCE NO. 1994 - 53

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1994, AND DECLARING AN EMERGENCY.

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 \$5,528.96 as follows:

Early Intervention Grant Fund

Salaries	249-02-544-210-000-110	\$ 1,959.86
Benefits	249-02-544-210-000-120	1,891.08
Travel	249-02-544-220-000-220	202.18
Schooling	249-02-544-230-000-221	356.08
Utilities	249-02-544-230-000-310	34.41
Supplies	249-02-544-240-000-420	(57.45)
Postage	249-02-544-240-000-423	<u>17.00</u>
	TOTAL	\$ 4,403.16

EI Linkage Grant Fund

Salaries	251-02-544-210-000-110	\$ 481.00
Benefits	251-02-544-210-000-120	169.80
Travel	251-02-544-220-000-220	45.00
Prof. Services	251-02-544-230-000-320	<u>430.00</u>
	TOTAL	\$ 1,125.80
GRAND TOTAL		\$ 5,528.96

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

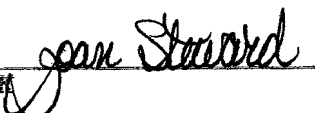
  
PRESIDENT OF COUNCIL

PASSED: April 11, 1994

APPROVED: April 12, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994 - 54ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN THE  
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1994, AND  
DECLARING AN EMERGENCY.

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

Section 1. That there be an increase in the appropriations in the General Fund in the amount of \$5,000.00 as follows:

Auditor

Professional Services	101-07-711-230-000-320	\$(5,000.00)
Equipment	101-07-711-250-000-450	9,000.00

Income Tax

Postage	101-07-712-240-000-423	(2,000.00)
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Council

Legal Advertising	101-07-721-230-000-390	<u>3,000.00</u>
TOTAL		\$ 5,000.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides 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.

*J.H. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: April 11, 1994

APPROVED: April 12, 1994

*Josh L. Kilgus*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK

ORDINANCE NO. 1994-54-A

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE SOLIDS HANDLING IMPROVEMENT PROJECT AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY.

WHEREAS, the current Solids Handling System is not efficient and is in need of major repairs, and

WHEREAS, it has been demonstrated that a new Solids Handling System would be more cost effective, use less energy and be more dependable, and


WHEREAS, the current Water Pollution Control Loan Fund Rate of 4.18% is subject to change on October 1, 1994,

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

Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for the Solids Handling Improvement Project at the Water Pollution Control Plant.

Section 2. That said specifications shall include the Ohio EPA requirements necessary to obtain a loan from the Ohio Water Pollution Control Loan Fund.

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

  
PRESIDENT OF COUNCIL

PASSED: *May 9, 1994*

APPROVED: *May 10, 1994*

  
MAYOR

ATTEST:

  
CLERK - *Pro Tempore*

ORDINANCE NO. 1994-55

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
RENTAL REHABILITATION FUND FOR THE YEAR ENDING  
DECEMBER 31, 1994, AND DECLARING AN EMERGENCY.

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 Rental  
Rehabilitation Fund in the amount of \$3,070.09 as follows:

Emergency Rehab	273-04-539-230-000-328	\$3,070.09
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Section 2. That this ordinance is hereby declared to be an emergency  
measure necessary for the welfare of the City of Marion and the inhabitants  
thereof and for the further reason that it is necessary for the daily operation  
of said 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.

*J. H. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: April 25, 1994

APPROVED: April 26, 1994

*Jack R. Killings*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994 - 56

ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A LEASE AGREEMENT SUBMITTED BY THE MARION CITY BOARD OF HEALTH ON BEHALF OF THE CITY OF MARION, OHIO FOR OFFICE AND CLINIC SPACE AT 685 DELAWARE AVENUE, SUITE 113, MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the Marion City Board of Health has submitted the proposed lease agreement on behalf of the City of Marion, Ohio for office and clinic space at 685 Delaware Avenue, Suite 113, Marion, Ohio.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into the proposed lease agreement submitted by the Marion City Board of Health for office and clinic space at 685 Delaware Avenue, Suite 113, Marion, Ohio, on behalf of the City of Marion, as required pursuant to the Ohio Revised Code, with the property owners Nicholas J. Wall, Jr. and Kevin A. Hensel for a period of five years and conditioned and subject to the continued reimbursement by the State of Ohio or its agencies as is further set forth in the above mentioned written lease agreement.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the well being of 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.

*J. H. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: June 14, 1994

APPROVED: June 15, 1994

*Jack L. Kellogg*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK

ORDINANCE NO. 1994 - 57

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO  
ENTER INTO CONTRACT WITH BAKER MAINTENANCE FOR  
JANITORIAL SERVICES AT THE WASTEWATER TREATMENT PLANT.

WHEREAS, pursuant to Ordinance No. 1994-12, the Safety/Service Director was authorized to prepare specifications and advertise for bids for janitorial services at the Wastewater Treatment Plant, and

WHEREAS, Baker Maintenance has submitted the only bid for said services,

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

Section 1. That the Safety/Service Director be and she is hereby authorized to enter into contract with Baker Maintenance for janitorial services at the Wastewater Treatment Plant.

Section 2. That the cost of said contract, \$7,950.00, shall be payable from the Lands and Building Account 505-05-552-230-000-370.

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


  
PRESIDENT OF COUNCIL

PASSED: May 23, 1994

APPROVED: May 24, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994 - 58

ORDINANCE AUTHORIZING THE PURCHASE OF RECYCLING  
CONTAINERS FOR USE IN THE CITY PARKS AND APPROPRIATING  
THE NECESSARY FUNDS.

WHEREAS, the City of Marion applied for and received an \$8,160.00 Grant from the DKMM Solid Waste District for the purchase of recycling containers for use in the City Parks, and

WHEREAS, the capital equipment purchase amount exceeds \$2,500.00, therefore

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

Section 1. That the Safety/Service Director is hereby authorized to purchase the recycling containers as provided for in said grant.

Section 2. That the Safety/Service Director should search out better pricing so that all city parks may have the recycling container located within their boundaries.

Section 3. That the grant fund are hereby appropriated in the Recycling Fund as follows:

Capital Equipment	508-05-564-250-000-450	\$8,160.00
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Section 4. That this ordinance shall take effect and be and be in force from and after the earliest period allowed by law.

*J. H. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: June 14, 1994

APPROVED: June 15, 1994

*Jack L. Kellogg*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK

ORDINANCE NO. 1994 - 59

## ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1994, AND DECLARING AN EMERGENCY.

WHEREAS, various funds are over-appropriated, and

WHEREAS, the F.Y. 94 Transit Operating Grant is less than originally expected, and

WHEREAS, additional appropriations have been requested in various funds, therefore

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

Section 1. That there be appropriation adjustments made in various funds in the amount of \$(233,673.22) as follows:

General Fund

Police Unclaimed Vehicles	101-01-111-230-000-550	\$ 6,000.00
TOTAL GENERAL FUND		\$ 6,000.00

Home Program Grant Fund

Rehabilitation	277-04-542-230-000-322	\$(15,467.00)
Administration	277-04-542-230-000-324	(3,060.59)
Rental Assistance	277-04-542-230-000-340	<u>3,000.00</u>
TOTAL HOME PROGRAM GRANT FUND		\$(15,527.59)

Capital Improvement Fund

F.Y. 92 Contingency	401-09-542-270-000-624	\$ 563.80
F.Y. 93 Contingency	401-09-543-270-000-624	(11,211.33)
Transfer to Airport Improv.	401-09-542-270-000-707	<u>(29,361.10)</u>
TOTAL CAPITAL IMPROVEMENT FUND		\$(40,008.63)

Transit Fund

Salaries	502-06-512-210-000-110	\$(75,000.00)
Insurance	502-06-512-230-000-380	(5,000.00)
Fuel	502-06-512-240-000-430	<u>(25,000.00)</u>
TOTAL TRANSIT FUND		\$(105,000.00)

Sewer Revenue Fund

Salaries	505-05-552-210-000-110	\$(44,437.00)
Benefits	505-05-552-210-000-120	(10,700.00)
Service Contracts	505-05-552-230-000-321	(27,700.00)
Property Tax	505-05-552-240-000-381	(1,300.00)
Transfer to Ut. Billing	505-05-552-270-000-717	<u>(32,840.00)</u>
TOTAL SEWER REVENUE FUND		\$(116,977.00)



Sanitation Fund

Transfer to Ut. Billing	506-05-561-270-000-717	\$ 19,800.00
TOTAL SANITATION FUND		\$ 19,800.00

Recycling Fund

Transfer to Ut. Billing	508-05-564-270-000-717	\$ (8,960.00)
TOTAL RECYCLING FUND		\$ (8,960.00)

Utility Billing Fund

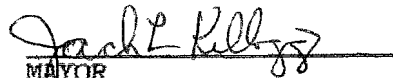
Service Contract	612-05-571-230-000-321	\$ 27,000.00
TOTAL UTILITY BILLING FUND		\$ 27,000.00
GRAND TOTAL		\$(233,673.22)

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

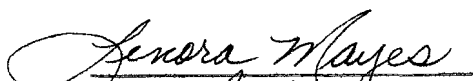
  
PRESIDENT OF COUNCIL

PASSED: May 9, 1994

APPROVED: May 10, 1994

  
MAYOR

ATTEST:

  
CLERK - Pro Tempore

ORDINANCE NO. 1994 - 60

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY  
BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT  
TO OHIO REVISED CODE §5705.41(D), AND DECLARING  
AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same. . . such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

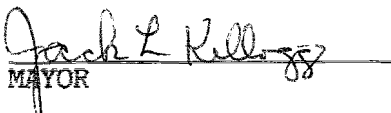
SCMR Fund	\$1,234.72
Sanitation Fund	<u>658.82</u>
TOTAL	\$1,893.54

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

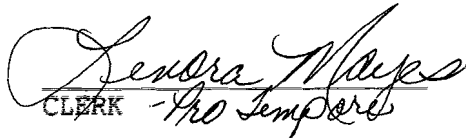
  
PRESIDENT OF COUNCIL

PASSED: May 9, 1994

APPROVED: May 10, 1994

  
MAYOR

ATTEST:

  
CLERK - Pro Tempore

ORDINANCE NO. 1994-61

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING 2/3 OF AN ACRE OF THE FRONTAGE OF 685 DELAWARE AVENUE INCLUDING OUTLOT NUMBERS 586, 589, 590 & PART OF 591 & PART OF LOT NUMBER 3180 IN YOUNG & IREY'S FIRST ADDITION TO THE CITY OF MARION, FROM O-I-A (OFFICE, INSTITUTIONAL, APARTMENT) TO C-2 (COMMUNITY SHOPPING DISTRICT).

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from O-I-A (Office-Institutional-Apartment) to C-2 (Community Shopping District), and

WHEREAS, the Marion City Planning Commission, on March 1, 1994, had considered and disapproved the rezoning, 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 following property, being 2/3 of an acre of the frontage of 685 Delaware Avenue, and more fully described as follows:

Being Outlot Numbers 586, 589, 590, part of Outlot No. 591 and part of Lot Number 3180 in Young & Ireys First Addition (Plat Book 2, Page 179) to the City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing survey nail located at the intersection of the West Right-of-Way Line of Delaware Avenue (60 ft. wide) with the North Right-of-Way Line of Superior Street (50 ft. wide), said point being the Southeast corner of Outlot 591;

Thence along the North Line of Superior Street North 89 deg. 59 min. 30 sec. West for a distance of 16.00 feet to a 5/8 inch dia. iron pin found and the point of beginning of hereinafter described 0.788 acre tract;

Thence along the North Line of Superior Street North 89 deg. 59 min. 30 sec. West for a distance of 177.01 feet to an iron pin set (passing over an iron pin set on the West Line of Outlot 591 and East Line of Lot Number 3180 at a distance of 152.95 feet);

Thence North 00 deg. 20 min. 06 sec. West for a distance of 215.71 feet to an iron pin set on the North Line of Lot No. 3180 and South Line of Outlot No. 588;

Thence along said Line South 89 deg. 41 min. 00 sec. East for a distance of 128.22 feet to a survey nail found on the West Line of Delaware Avenue, said point being the Northeast corner of Outlot 586 (passing over an iron pin set at the Northeast corner of Lot No. 3180 at a distance of 29.10 feet);

Thence along the West Line of Delaware Avenue South 17 deg. 04 min. 40 sec. East for a distance of 192.95 feet to a 5/8 inch dia. iron pin found on the East Line of Outlot No. 591 (passing over the South Line of Outlot No. 586 at a distance of 73.78 feet, the South Line of Outlot No. 589 at a distance of 108.30 feet, and the South Line of Outlot No. 590 at a distance of 142.82 feet);

Thence South 12 deg. 10 min. 52 sec. West for a distance of 31.29 feet to a 5/8 inch dia. iron pin found on the North Line of Superior Street and the place of beginning.

(Kevin Hensel, applicant)

Containing 0.656 acre, more or less in Outlots, and 0.132 acre, more or less in Lot No. 3181, for a total conveyed acreage by this description of 0.788 acre, (34,334.40 sq. ft.) 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 March 18, 1994. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

heretofore zoned O-I-A (Office-Institutional-Apartment) is hereby zoned C-2 (Community Shopping District).

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

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

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

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

DEFEATED - JUNE 14, 1994

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994 - 62

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR SANITATION SERVICES CONSISTING OF REFUSE, RECYCLING AND YARD WASTE COLLECTION AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and is hereby authorized and directed to prepare specifications and advertise for bids for Sanitation Services consisting of Refuse, recycling and yard waste collection.

Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof; and 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.

*J. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: June 14, 1994

APPROVED: June 15, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK OF COUNCIL

ORDINANCE NO. 1994 - 63

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OHIO EDISON TO RELOCATE A 34.5 KV DISTRIBUTION LINE AT THE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY.

WHEREAS, the Northwest Ohio EPA recommended the construction of a solids building which will contain the solids with under drains which will prevent possible ground contamination, and

WHEREAS, an Ohio Edison 34.5 KV Distribution Line will need to be relocated at the Wastewater Treatment Plant,

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

Section 1. That the Safety/Service Director be and she is hereby authorized to enter into contract with Ohio Edison to relocate a 34.5 KV Distribution Line at the Wastewater Treatment Plant.

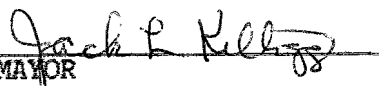
Section 2. That the cost of said contract, \$50,000.00, shall be payable from the Sewer Replacement Fund 504-05-553-230-000-370.

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

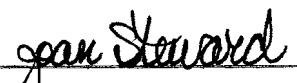
  
PRESIDENT OF COUNCIL

PASSED: May 23, 1994

APPROVED: May 24, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994-64

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO UNDER THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE FORMULA FUNDS AND ADMINISTER THE GRANT, AND DECLARING AN EMERGENCY.

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

WHEREAS, the CDBG Small Cities' Program makes funds available 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 Small Cities' funds, including the following activities:

- 1. Fies Ave. Curb & Sidewalk Improvement. . . . . \$100,000.00
  - 2. Emergency Housing . . . . . 30,875.00
  - 3. Teen Living Center . . . . . 15,000.00
  - 4. Adult Day Care (City Residents) . . . . . 5,000.00
  - 5. Administration, Audit,  
Environmental Review . . . . . 25,625.00
  - 6. Fair Housing . . . . . 1,000.00
- \$177,500.00


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

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order 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.

  
PRESIDENT OF COUNCIL

PASSED: June 14, 1994

APPROVED: June 15, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1994- 65

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1994, AND DECLARING AN EMERGENCY.

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 \$229,811.47 as follows:

GENERAL FUND

3rd Grade Seat Belt	101-01-111-240-000-432	\$ <u>1,300.00</u>
	TOTAL General Fund.....	\$ 1,300.00

SCMR FUND

Permissive Auto Tax	207-06-612-230-000-530	\$ 8,388.56
Resurfacing Program	207-06-612-230-000-531	<u>145,550.00</u>
	TOTAL SCMR Fund.....	\$153,938.56

HOME IMPLEMENTATION FUND

Salaries	272-04-542-210-326-110	\$ 36.80
Benefits	272-04-542-210-326-120	108.91
Travel	272-04-542-220-326-220	<u>24.46</u>
	TOTAL Home Implementation Fund	\$ 170.17

FORMULA GRANT FUND

Administration	275-04-542-230-000-324	\$ <u>402.74</u>
	TOTAL Formula Grant Fund..	\$ 402.74

INDIGENT DRIVERS ALCOHOL TREATMENT FUND

Professional Service	228-07-731-230-000-320	\$ <u>74,000.00</u>
	TOTAL Indigent Drivers	\$ 74,000.00

GRAND TOTAL.....\$229,811.47

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

*J. A. Ballenger*  
 PRESIDENT OF COUNCIL

PASSED: May 23, 1994

APPROVED: May 24, 1994

*Jack L. Kellogg*  
 MAYOR

ATTEST:  
*Jean Steward*  
 CLERK



ORDINANCE NO. 1994-66

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE RESURFACING AND IMPROVING OF CERTAIN STREETS IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications, advertise for bids and enter into contract for the resurfacing and improving of the following described streets in the City of Marion, Ohio:

	<u>FROM</u>	<u>TO</u>
1. Jefferson Street	Center Street	Conrail tracks
2. Mark Street	State Street	Jefferson Street
3. Summit Street	Entire	
4. Uhler Road	Vernon Hts. Blvd.	Mt. Vernon Avenue

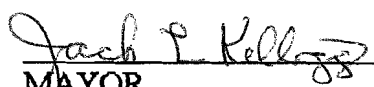
Section 2. That the cost of such contract shall be payable from the SCM&R Fund (Permissive Auto Tax) and the Ohio Public Works Commission's Local Transportation Improvement Program (LTIP) Fund.

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

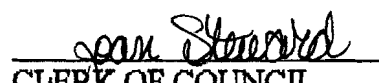
  
PRESIDENT OF COUNCIL

PASSED: May 23, 1994

APPROVED: May 24, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

AN ORDINANCE COOPERATING WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF DELAWARE AVENUE, STATE STREET, PATTON STREET, AND MAIN STREET (SR-4), AND DECLARING AN EMERGENCY.

Delaware Ave., State St.,  
NAME OF STREET Patton St., Main St. ORDINANCE NO. 1994-67  
ROUTE NO. SR-4 DATE May 23, 1994

An emergency ordinance enacted by the City of Marion,  
Marion County, Ohio, in the matter of the hereinafter described improvement and to request cooperation by the Director of Transportation.

WHEREAS, the City has identified the need for and proposes the improvement of a portion of the public highway which is described as follows:

Starting on Delaware Ave. at Walnut St. (SLM 11.00) and ending on Main St. at Marion North Corporation Line (SLM 13.06).

Remove the existing pavement surface and replace with asphaltic concrete.

said portion of highway within the municipal corporation limits being hereinafter referred to as the improvement, and

WHEREAS, the City further desires cooperation from the Director of Transportation in the planning, design and construction of said improvement.

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

SECTION I (Cooperation)

That said City hereby requests the cooperation of the Director of Transportation in the cost of the above described improvement as follows:

The Ohio Department of Transportation will assume and bear one-hundred percent (100%) of the cost of the project. For those items not necessary for the improvement, as decided upon by the State, the City will take responsibility for payment of these items.

SECTION II (Consent)

That it is declared to be in the public interest that the consent of said City be and such consent is hereby given to the Director of Transportation to construct the above described improvement, in accordance with plans, specifications and estimates as approved by the Director.

SECTION III (Authority to Sign)

That the Safety/Service Director of said City, is hereby empowered and directed on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

SECTION IV (Traffic Control Signals and Devices)

That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

SECTION V (Maintenance and Parking)

That upon completion of said improvement, said City, will thereafter keep said highway open to traffic at all times, and

- (a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance; and
- (b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
- (c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.
- (d) Regulate parking in the following manner:

No Parking Restrictions

SECTION VI (Right-of-Way, Utility Rearrangement and Damage and Liability Responsibilities)

- (a) That all existing street and public way right-of-way within the City which is necessary for the aforesaid improvement, shall be made available therefor.
- (b) That the State/City will acquire any additional right-of-way required for the construction of the aforesaid improvement.
- (c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by said City or the Department of Transportation.
- (d) That it is hereby agreed that the City shall at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provisions of Directive DH-P-411 inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- (e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.
- (f) That the installation of all utility facilities on the right of way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4 "Utility Relocations and Adjustments" and the Department of Transportation's rules on Utility Accommodation.
- (g) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove. Likewise, The State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove.

\*\*\*\*\*  
 \* SPECIAL NOTE: \*  
 \* \*  
 \* Please make sure all spaces are filled out and signed, including the signature \*  
 \* for the Contractual Officer and Witness near the bottom of this sheet. If the \*  
 \* clerk does not have a seal, please enclose a signed note stating this. Please \*  
 \* return two (2) signed and certified copies of the legislation to: \*  
 \* \*  
 \* Ned W. Kerstetter, P. E. \*  
 \* Ohio Department of Transportation \*  
 \* District Six \*  
 \* 400 E. William Street \*  
 \* Delaware, Ohio 43015 \*  
 \*\*\*\*\*

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 23rd, 1994.

Attest: Joan Steward  
 Clerk

Jack P. Kelly  
 Mayor

Attest: Joan Steward

J. Ballenger  
 President of Council

\*\*\*\*\*

CERTIFICATE OF COPY

STATE OF OHIO

City of Marion SS

County Marion

I, Joan Steward, as Clerk of the City of Marion, Ohio, do hereby certify that the foregoing is a true and correct copy of ordinance adopted by the legislative Authority of the said City on the 23rd day of May, 1994, that the publications of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in Ordinance Record No. 37, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 24th day of May, 1994.

(SEAL) Joan Steward  
 Clerk

City of Marion, Ohio.

\*\*\*\*\*

The foregoing is accepted as a basis for proceeding with the improvement herein described.

For the City of Marion, Ohio.

Attest: \_\_\_\_\_

\_\_\_\_\_, Date \_\_\_\_\_  
 Contractual Officer

For the State of Ohio

Attest: \_\_\_\_\_

\_\_\_\_\_, Date \_\_\_\_\_  
 Director, Ohio Department of Transportation

ORDINANCE NO. 1994 - 68

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO EXECUTE A GRANT OF EASEMENT FOR AND ON BEHALF OF THE CITY OF MARION, GRANTING TO OHIO EDISON CO. THE RIGHT TO USE CERTAIN CITY-OWNED PROPERTY SITUATED IN THE TOWNSHIP OF MARION, COUNTY OF MARION, STATE OF OHIO, AND BEING A PART OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 15 EAST.

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

Section 1. That the Safety/Service Director be and hereby is authorized to sign, on behalf of the City of Marion, a grant of an electric line easement granting to Ohio Edison Company, an Ohio Corporation, its successors and assigns, certain rights as more fully set forth in Section 2 hereof.

Section 2. The grant of an electric line easement referred to in Section 1 hereof shall be in the following form and shall contain the following terms and conditions:

"KNOW ALL MEN BY THESE PRESENTS, That the CITY OF MARION, an Ohio municipality, the GRANTOR, by virtue of Ordinance No. 1994-68, and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant unto OHIO EDISON COMPANY, an Ohio corporation, the GRANTEE, its successors and assigns, an easement and right of way with the rights and privileges hereinafter set forth, for lines for the transmission and distribution of electric current, including communication facilities, upon, over, under and across the following described premises:

"Situated in the Township of Marion, County of Marion, State of Ohio, and being a part of Section 19, Township 5 South, Range 15 East.

The right of way above referred to is described as follows:

A strip of land 50 feet wide, 25 feet on each side of a center line, which center line of right of way is described as follows.

The center line of said right of way begins at a point on Grantee's existing transmission line, extending across Grantor's premises by virtue of an easement recorded in Volume 533, Page 935 of the Marion County Records, said point being the 90-degree angle point described in said easement; thence from this point in a general westerly direction across Grantor's premises, approximately 180 feet to an angle point where said center line angles to the left approximately 90 degrees; thence from this point in a general southerly direction, approximately 411 feet to an angle point where said center line angles to the left approximately 49 degrees; thence from this point in a general southeasterly direction, approximately 243 feet to a point on Grantee's existing transmission line, said point being located approximately 574 feet southerly as measured along the center line of Grantee's existing transmission line to be relocated from the above described 90-degree angle point.

Together with the right to install guy wires and anchors within or adjacent to the right of way herein wherever necessary.

"The easement and rights herein granted shall include the right to erect, inspect, operate, replace, relocate, repair, patrol and permanently maintain upon, over, under and along the above-described right of way across said premises all necessary structures, wires, cables and other usual fixtures and

appurtenances used for or in connection with the transmission and distribution of electric current, including communication facilities, and the right of reasonable ingress and egress upon, over and across said premises for access to and from said right of way, and the right to trim, cut, remove or control by any other means at any and all times such trees, limbs and underbrush within or adjacent to said right of way as may interfere with or endanger said structures, wires or appurtenances or their operation.

"The Grantor reserves the right to use the ground between said structures and beneath said wires, provided that such use does not interfere with or obstruct the rights herein granted; and the Grantor agrees that no building, obstruction or impediment of any kind shall be placed within said right of way or between said structures or beneath said wires without prior written approval of the Grantee.

"The Grantee will repair or replace all fences, gates, lanes, driveways, drains and ditches damaged or destroyed by it on said premises or pay Grantor for all damages to fences, gates, lanes, driveways, drains and ditches on said premises caused by the construction or maintenance of said lines.

"TO HAVE AND TO HOLD the said easement, rights and right of way and its appurtenances to said Grantee, and to its successors and assigns, forever, and the Grantor represents that it is the owner of the above-mentioned premises herein described.


"IT WITNESS WHEREOF, the City of Marion has hereunto set its hand this 23rd day of May, 1994."

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

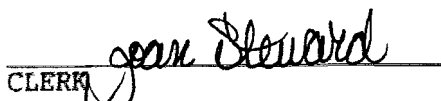
  
PRESIDENT OF COUNCIL

PASSED: May 23, 1994

APPROVED: May 24, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994- 69 \*AMENDED

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF THE BUILDING AT 981 WEST CENTER STREET (MACHI-BORRE, INTERNATIONAL) **(AND DECLARING AN EMERGENCY).**

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

Section 1. That the Safety/Service Director be and she is hereby authorized and directed to prepare specifications and advertise for bids for the demolition of the building at 981 West Center Street (formerly Machi-Borre, International).

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

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operations of said 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. \* AMENDED AT CITY COUNCIL MEETING. 6/14/94

*J. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: June 14, 1994

APPROVED: June 15, 1994

*Jack L. Kelly*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994-70

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH SMITH PAVING COMPANY  
FOR THE NORTH MAIN STREET SIDEWALK PROJECT, AND  
DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1994-47, the City of Marion received bids for the North Main Street Sidewalk Project, and

WHEREAS, Smith Paving Company, Norwalk, Ohio submitted the lowest and best bid for said Project,

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

Section 1. That the Safety/Service Director be authorized and she is hereby directed to enter into contract with Smith Paving Company for the North Main Street Sidewalk Project.

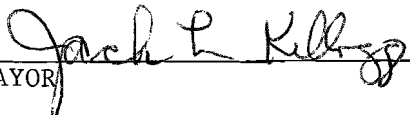
Section 2. That said contract shall not exceed \$27,000.00 and shall be payable from the FY93 Formula Grant.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that the completion date for said contract is June 30, 1994; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


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

PASSED: June 14, 1994

APPROVED: June 15, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK



ORDINANCE NO. 1994- 71

ORDINANCE TO AMEND ORDINANCE NO. 1989-23 AND ORDINANCE NO. 1979-3, AS AMENDED, TO GRANT WAGE INCREASES FOR THE POSITIONS OF FIRST, SECOND AND THIRD ASSISTANT LAW DIRECTORS.

WHEREAS, wage increases have been granted most city employees in the past year and the city wishes to create equitable wage ranges and pay increases for all employees,

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

Section 1. That Ordinance No. 1989-23, reading in part as follows:

"That commencing on the first day of January, 1989, the salary of the Assistant Law Director in charge of prosecution in the Municipal Court, shall be the sum of \$19,000 annually, payable bi-weekly, and the salary of the Second Assistant Law Director shall be the sum of \$17,000 annually, payable bi-weekly."

is hereby amended to read as follows:

That effective the 9th day of January, 1994, the salary of the First Assistant Law Director shall be the sum of \$19,950 annually, payable bi-weekly, and the salary of the Second Assistant Law Director shall be the sum of \$17,850 annually, payable bi-weekly.

Section 2. That Ordinance 1979-3, as amended and now reading in part as follows:

"That the salary for said Position (Assistant Law Director for Prosecution in Municipal Court-Third Assistant) shall be \$15,700 per year, payable bi-weekly, and shall be in effect as of January 1, 1989."

is hereby amended to read as follows:

That effective the 9th day of January, 1994, the salary of the Third Assistant Law Director shall be \$16,485 annually, payable bi-weekly.

Section 3. That the funds necessary to implement the above increases are being appropriated.

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

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

PASSED:

APPROVED:

DEFEATED - JUNE 14, 1994

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994-72

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
LANDFILL MONITORING FUND FOR THE YEAR ENDING DECEMBER 31,  
1994, AND DECLARING AN EMERGENCY.

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 Landfill  
Monitoring Fund in the amount of \$134,500.00 as follows:

Professional Services	507-05-563-230-000-320	\$134,500.00
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Section 2. That this ordinance is hereby declared to be an emergency measure  
necessary for the welfare of the City of Marion and the inhabitants thereof and for  
the further reason that it is necessary for the daily operation of said 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.

*J. T. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: June 14, 1994

APPROVED: June 15, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 73

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS  
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO  
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

General Fund	\$ 367.91
	<u>1,347.00</u>
	\$1,714.91

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of said City, and as such, shall become effective 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.

*J. T. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: June 14, 1994

APPROVED: June 15, 1994

*Jack L. Kelley*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994 - 74

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT AND APPROPRIATING THE NECESSARY FUNDS FOR LIGHTING AND ELECTRICAL IMPROVEMENTS AT THE MARION MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY.

WHEREAS, Pursuant to Ordinance No. 1994-49, the City of Marion advertised and received bids for lighting and electrical improvements at the Marion Municipal Airport, and

WHEREAS, Jess Howard Electric of Blacklick, Ohio submitted the lowest and best bid for said project.

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

Section 1. That the Safety/Service Director be authorized and she is hereby directed to enter into contract with Jess Howard Electric for lighting and electrical improvements at the Marion Municipal Airport.

Section 2. That the additional necessary funds for said project are hereby appropriated in the Airport Improvement Fund as follows:

Professional Services	446-06-448-230-000-320	\$ 52,700.00
Capital Improvements	446-06-448-250-000-520	<u>188,300.00</u>
TOTAL		\$241,000.00

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for 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.

*J. H. Ballenger*  
 PRESIDENT OF COUNCIL

PASSED: June 27, 1994

APPROVED: June 28, 1994

*Jack L. Kilb*  
 MAYOR

ATTEST:

*Jean Steward*  
 CLERK

ORDINANCE NO. 1994-75

ORDINANCE TO VACATE A CERTAIN 14-FOOT WIDE UNIMPROVED NORTH-SOUTH ALLEY IN FAIRFAX ADDITION TO THE CITY OF MARION, BETWEEN AND RUNNING PARALLEL TO GRANT STREET AND TYLER STREET, BOUNDED TO THE SOUTH BY ADAMS STREET AND TO THE NORTH BY VAN BUREN STREET IN THE CITY OF MARION, (PETITIONER - JUNIOR BANKS)

WHEREAS, in the opinion of this Council, there is good cause for vacating a certain 14-foot wide unimproved north-south alley in Fairfax Addition to the City of Marion, located between and running parallel to Grant Street and Tyler Street, bounded to the south by Adams Street and to the north by Van Buren Street, beginning with lots #6039-6056 and running south to include lots #6051 and #6068 for a distance of 540.8 feet, and

WHEREAS, the petition by Junior Banks to vacate this alley was unanimously approved by the Marion City Planning Commission at its meeting of May 3, 1994, and

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinance 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 following described alley, to-wit:

Situated in the City of Marion, County of Marion, State of Ohio and further described as follows:

Being part of a 14-foot wide unimproved north-south alley in the Fairfax Addition to the City of Marion, located between and running parallel to Grant Street and Tyler Street, bounded to the south by Adams Street and to the north by Van Buren Street, beginning with lots #6039-6056 and running south to include lots #6051 and #6068 for a distance of 540.8 feet, and being subject to legal highways, easements, restrictions and agreements of record,

be and is hereby vacated.

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

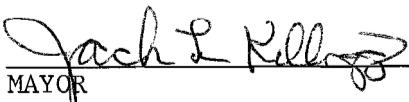
Section 3. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned property for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation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

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

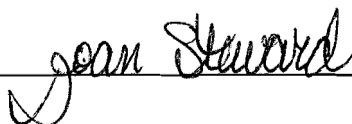
  
PRESIDENT OF COUNCIL

PASSED: June 27, 1994  
APPROVED: June 28, 1994

  
MAYOR

ATTEST:

CLERK



ORDINANCE NO. 1994- 76

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,  
1994, AND DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in various  
funds in the amount of \$3,507,800.00, as follows:

GENERAL FUND

Transfer to UST Fund	101-09-745-270-000-716	\$ 55,000.00
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UST FUND

Professional Services	290-09-744-230-000-320	\$ 55,000.00
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AIR INDUSTRIAL PARK SANITARY SEWER FUND

Professional Services	462-05-522-230-000-320	\$ 25,000.00
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SANITATION FUND

Transfer Expense	506-05-561-230-000-319	\$ 100,000.00
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LANDFILL MONITORING FUND

Note Principal	507-05-563-260-000-610	\$3,200,000.00
Note Interest	507-05-563-260-000-609	<u>72,000.00</u>

Total Landfill Monitoring Fund \$3,272,000.00

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

*J. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: June 27, 1994

APPROVED: June 28, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994-77

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING  
THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND  
THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 379,  
AFL-CIO, AND DECLARING AN EMERGENCY.

WHEREAS, Council will, pursuant to the factfinder's report delivered June 23, 1994, now ratify and approve the bargaining agreement between the City of Marion and the IAFF for the Firefighters' Bargaining Unit effective April 1, 1994, for the next three years ending March 31, 1997, and

WHEREAS, Council will hereby appropriate funds necessary to implement said bargaining agreement,

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

Section 1. That Council, pursuant to the factfinder's report delivered June 23, 1994, hereby ratifies and approves the bargaining agreement between the City of Marion and the IAFF, effective April 1, 1994 and expiring March 31, 1997.

Section 2. That Council hereby appropriates the funds necessary to implement said collective bargaining agreement, effective April 1, 1994, as provided to Council, in writing, by the City Auditor.

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

---

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

DEFEATED: June 27, 1994

---

MAYOR

ATTEST:

---

CLERK

ORDINANCE NO. 1994-78

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 379, AFL-CIO, ~~AND~~ ~~DECLARING AN EMERGENCY.~~

WHEREAS, Marion City Council will now ratify and approve the bargaining agreement between the City of Marion and the IAFF, Local 379, AFL-CIO, effective April 1, 1994 for three (3) years ending March 31, 1997, and

WHEREAS, Council will hereby appropriate funds necessary to implement said bargaining agreement,

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

Section 1. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the International Association of Firefighters (IAFF), Local 379, AFL-CIO, for three (3) years, April 1, 1994 through March 31, 1997.


Section 2. That Council hereby appropriates the funds necessary to implement said collective bargaining agreement, effective April 1, 1994, as provided to Council, in writing, by the City Auditor on June 28, 1994.

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

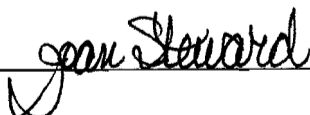
  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: June 28, 1994

APPROVED: June 29, 1994

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK



ORDINANCE NO. 1994-79

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,200,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF PROVIDING FOR THE CLOSURE OF THE CITY'S LANDFILL BY CONSTRUCTING AND PROVIDING ALL NECESSARY FACILITIES AND APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1993-130 passed October 11, 1993, notes in anticipation of bonds in the amount of \$3,200,000, dated October 27, 1993 (the Outstanding Notes), were issued for the purpose stated in Section 1, to mature on July 27, 1994; and

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

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

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$3,200,000 (the Bonds) for the purpose of paying costs of providing for the closure of the City's landfill by installing a clay covering with a vegetative soil overlay, constructing a leachate collection system and related necessary sanitary sewers, installing fences, and making necessary and incidental road repairs and site improvements, together with all necessary appurtenances.

Section 2. The Bonds shall be dated approximately April 1, 1995, shall bear interest at the now estimated rate of 5-3/4% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 principal installments that are substantially equal.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$3,200,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Notes dated October 27, 1993. The Notes shall bear interest at a rate or rates not to exceed 6-1/2% per year (computed on a 360-day per year basis), payable at maturity and until the principal amount is paid or payment is provided for. If requested by the original purchaser, the Notes may provide that, in the event the City does not pay or make provision for payment at maturity of the debt charges on the Notes, the principal amount of the Notes shall bear interest at a different rate or rates not to exceed 9-1/2% per year from the maturity date until the City pays or makes provision to pay that principal amount. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes in accordance with Section 6 of this ordinance.

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 if so requested by the original purchaser, and shall be payable, without deduction for services of the City's paying agent, at the principal office of National City Bank, Columbus, Columbus, Ohio, or at the principal office of a bank or trust company requested by the original purchaser of the Notes, provided that such request shall be approved by the Auditor 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 Notes shall be dated the date of issuance and shall mature nine months 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 seven days less than nine months from date of issuance by setting forth that maturity date in the certificate of award.

Section 5. The Notes shall be signed by the Mayor and Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, provided that the entire principal amount may be represented by a single note. In addition, the Notes may be issued (i) in the denominations of \$100,000 each or (ii) in any denomination that is the sum of \$100,000 and \$5,000 or any whole multiple thereof, and are not exchangeable for other notes in denominations less than \$100,000. 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.

Section 6. The Notes shall be sold at not less than par at private sale by the Auditor in accordance with law and the provisions of this ordinance. The Auditor shall sign the certificate of award referred to in Section 3 evidencing the sale, 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 purchaser price. The Mayor, the Auditor 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.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

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

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year to the extent the income from the City's solid waste disposal fund is available for the payment of debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the income so available and appropriated. To the extent not provided for by use of the solid waste disposal fund, the debt charges on the Notes and Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7), Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and revenues of the City to the prompt payment of the debt charges on the Notes and Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as a preference item 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 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 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 represents that the Outstanding Notes are treated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Outstanding Notes from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating the Notes as "qualified tax-exempt obligations" and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. 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.

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.

The Auditor, as the fiscal officer, 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, 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 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. The Auditor is directed to deliver a certified copy of this ordinance to the County Auditor.

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

Section 13. This Council finds and determines that all formal actions of this Council 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 14. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare 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 Notes and thereby preserve its credit; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: July 11, 1994

*J. H. Ballenger*  
President of Council

Approved: July 12, 1994

*Jack L. Kellogg*  
Mayor

Attest: *Jean Steward*  
Clerk of Council

*Published in summary -  
July 19, 26, 1994  
The Marion Star  
Jean Steward  
Clerk of Council*

ORDINANCE NO. 1994- 80ORDINANCE APPROVING THE INSTALLATION OF AN  
EXHAUST PIPE FOR THE CITY HALL DIESEL GENERATOR  
AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1991-136 requires Council approval of capital expenditures in excess of \$2,500.00, and

WHEREAS, the proposed exhaust pipe project cost is \$5,463.00,

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

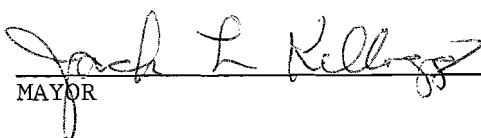
Section 1. That the Safety/Service Director is hereby authorized to install an exhaust pipe for the City Hall diesel generator.

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


  
PRESIDENT OF COUNCIL

PASSED: July 11, 1994

APPROVED: July 12, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994- 81

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION  
BY REZONING THE PROPERTY KNOWN AS 209 NORTH GRAND AVENUE  
IN THE CITY OF MARION, FROM R-2 (GENERAL DWELLING DISTRICT)  
TO C-1A (NEIGHBORHOOD SHOPPING DISTRICT). (PETITIONER:  
JOHN PFEIFFER.)

WHEREAS, John Pfeiffer is seeking to rezone a property owned by him and known as 209 North Grand Avenue, and

WHEREAS, Council finds that said real property described in Section 1 below should be rezoned from R-2 (General Dwelling District) to C-1A (Neighborhood Shopping District), and

WHEREAS, the Marion City Planning Commission on June 7, 1994 had considered and approved the rezoning, 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 209 North Grand Avenue in the City of Marion, and more particularly described as follows:

Situated in the City of Marion, County of Marion and State of Ohio: Being Lot Number 1373 in Henry True's First Addition in Marion, Ohio, as shown on recorded plat thereof filed in the Recorder's Office of Marion County, Ohio. Also, the following:

Being part of Section 22, Township 5, Range 15, beginning at the southwest corner of said Lot No. 1373; thence westward on the south line of said lot continued 129 feet to a stake; thence northward parallel to the west line of said lot, 50 feet to a stake; thence east 129 feet to the northwest corner of said lot; thence southward with said west line of said Lot 1373, 50 feet to the place of beginning.

Subject to any and all easements, rights of way, conditions and restrictions of record, all legal highways, zoning ordinances, rules and regulations.

heretofore zoned R-2 (General Dwelling District) is hereby zoned C-1A (Neighborhood Shopping District).

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.

*Larry A. Mumpser*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL *pro tempore*

PASSED: July 25, 1994

APPROVED: July 26, 1994

*Jack L. Killip*  
\_\_\_\_\_  
MAYOR

ATTEST:  
*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 82

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1994, AND DECLARING AN EMERGENCY.

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 \$142,192.00 as follows:

Senior Citizens III-B Fund

Salaries	203-03-544-210-000-110	\$ 1,563.00
Utilities	203-03-544-230-000-310	100.00
Postage	203-03-544-240-000-423	300.00
Equipment	203-03-544-250-000-450	<u>1,104.00</u>
	TOTAL Sr.Citizens III-B Fund	\$3,067.00

Senior Citizens State Block Grant Fund

Salaries	205-03-544-210-000-110	\$ 500.00
Insurance	205-03-544-230-000-380	625.00
Postage	205-03-544-240-000-423	300.00
Equipment	205-03-544-250-000-450	<u>200.00</u>
	TOTAL Sr.Citizens St.Block Grant	\$1,625.00

SCMR Fund

Traffic Maintenance	207-06-121-230-000-360	\$ 8,000.00
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Health Fund

Inspection Prof. Service	214-02-222-230-000-320	\$ 3,500.00
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Street Improvement Fund

LTIP Resurfacing	461-06-614-230-000-531	\$126,000.00
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Sectopm 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said 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 atter the earliest period allowed by law.

PASSED: July 25, 1994

APPROVED: July 26, 1994

*Larry A. Stump*  
 PRESIDENT OF COUNCIL *pro. for tempore*

*Jack L. Kellogg*  
 MAYOR

ATTEST:

*Jean Steward*  
 CLERK

ORDINANCE NO. 1994-83ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY  
IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF  
OF THE CITY OF MARION TO SELL A CERTAIN PARCEL  
OF REAL PROPERTY TO THE WILSON BOHANNAN COMPANY.

WHEREAS, The Wilson-Bohannan Co. wishes to buy a certain parcel of land adjacent to their property, and

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

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

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

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

Section 2. That CIC is hereby authorized to enter into a purchase agreement with The Wilson-Bohannan Co. , on behalf of the City of Marion, for a certain parcel of real property adjacent to said company, and described as follows:

Situated in the City of Marion, County of Marion and State of Ohio and being part of the northeast one-quarter of the northeast one-quarter of the southwest one-quarter of Section Twenty-eight (28), T.5 S., R. 15 E., and more particularly described as follows:

Beginning at the intersection of the south line of Buckeye Street with the east line of Mound Street. Said point being Thirty-five (35) feet south of the east and west half section line of Section 28.

Thence east, parallel with the east and west half section line of Section 28, and on the south line of Buckeye Street produced eastward One Hundred Sixty-Three and Five Tenths (163.5) feet to the west Right of Way Line of the Hocking Valley Railway.

Thence northeasterly on a One Degree Curve to the left and on the west Right of Way Line of the Hocking Valley Railway Thirty-Five and Seven Hundredths (35.07) feet to a point on the east and west half section line of Section 28.

Thence west along the east and west half section line of Section 28 and the south line of a 15 foot alley One Hundred Sixty-five and Ten Hundredths (165.10) feet to the east line of Mound Street.

Thence south along the east line of Mound Street Thirty-five (35) feet to the place of beginning.

The above described parcel of land contains .155 acre.

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



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

*Larry A. Mumper*  
PRESIDENT OF COUNCIL *pro tempore*

PASSED: July 25, 1994

APPROVED: July 26, 1994

*Jack L. Kilgus*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK

ORDINANCE NO. 1994-83

CLERICAL CORRECTION

IT HAS BEEN DETERMINED, AFTER CONSULTING WITH THE CITY ENGINEER AND THE SURVEYOR FOR WILSON BOHANNAN Co., THAT THE ACTUAL ACREAGE TO BE SOLD IS LESS THAN THAT INDICATED IN ORDINANCE No. 1994-83, BUT IS INCLUDED WITHIN THAT LEGAL DESCRIPTION, AND IS MORE ACCURATELY DESCRIBED AS FOLLOWS:

Being part of the Southwest Quarter of Section 28, Township 5 South, Range 15 East, City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing iron pin located at the intersection of the South right-of-way line of Buckeye Street (now 50.00 feet wide) with the East right-of-way line of Mound Street (now 60.00 feet wide); thence along the East right-of-way line of Mound Street North 01 degree 14 minutes 09 seconds West for a distance of 15.00 feet to an existing 5/8" dia. iron pin and the point of beginning; thence continuing along the East right-of-way line of Mound Street North 01 degree 14 minutes 09 seconds West for a distance of 20.00 feet to a railroad spike set on the South right-of-way line of an existing 15 feet wide alley in Shovelton's Addition as Recorded in Plat Book 2, Page 297 in the Marion County Recorder's Office; thence along the South right-of-way line of said 15 feet wide alley North 89 degrees 38 minutes 27 seconds East for a distance of 166.78 feet a railroad spike set on the West right-of-way line of the CSX Railroad; thence along the West right-of-way line of the CSX Railroad on a curve to the right having a radius of 5679.65 feet for an arc distance of 20.01 feet to an existing 5/8" dia. iron pin; thence South 89 degrees 38 minutes 27 seconds West for a distance of 165.84 feet to an existing 5/8" dia. iron pin on the East right-of-way line of Mound Street and the point of beginning.

Containing 0.076 acres (3,326.00 sq. ft.) more or less and subject to legal highways, easements restrictions and agreements of record.

Grantor acquired title by instrument recorded in Deed Volume 172, Page 369 of the Deed Records of Marion County, Ohio

This description was prepared from a survey made by Stults and Associates, Incorporated and dated September 16, 1993.

The bearing North 01 degree 14 minutes 09 seconds West for the East right-of-way line of Mound Street is the same used on a previous survey made by John J. (Jack) Norris dated July 5, 1989. All other bearings were then calculated from field observations.

All 5/8" dia. iron pins set are 30" long # 5 rein. rods having yellow colored plastic caps stamped "Stults & Assoc."

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND CONTRACT TO SELL THREE (3) BUSES USED BY THE MARION AREA TRANSIT SYSTEM, 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 to advertise for bids and contract to sell the following three buses used by the Marion Area Transit System which have exceeded their useful life for public service.

1. (1) 1987 Ford Turtle Top bus with a 460 CID engine, Serial No. 1FDKE30L5HHB37045 Certificate of Title No. 510801201, Mileage 234,912.5, 19-2 lift equipped
2. (1) 1987 Ford Turtle Top bus with a 460 CID engine, Serial No. 1FDKE30L1HHB37043 Certificate of Title No. 510801197, Mileage 191,116.9,
3. (1) 1987 Ford Turtle Top bus with a 460 CID engine, Serial No. 1FDKE30L3HHB37044 Certificate of Title No. 510801202, Mileage 192,709.7.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said 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.

PASSED: August 8, 1994

*J. H. Ballenger*  
PRESIDENT OF COUNCIL

APPROVED: August 9, 1994

*Jack L. Kelley*  
MAYOR

ATTEST:

*Leona Hayes*  
CLERK OF COUNCIL - Pro Tempore

**ORDINANCE NO. 1994- 85**

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
ELECTRONIC WARNING WEATHER SIRENS FOR THE CITY OF  
MARION, AND DECLARING AN EMERGENCY.**

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

Section 1. That the Safety/Service Director be and she is hereby authorized and directed to prepare specifications and advertise for bids for placing electronic warning weather sirens at various locations throughout the City of Marion in order to warn residents of possible or approaching dangerous conditions which could impede the welfare of city residents.

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

*J. T. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: AUGUST 8, 1994

APPROVED: AUGUST 9, 1994

*Jack R. Kelley*  
MAYOR

ATTEST:

*Leandra Maise*  
CLERK OF COUNCIL - *Pro Tempore*

ORDINANCE NO. 1994-86 \*AMENDED

AN ORDINANCE OF THE CITY OF MARION, OHIO, APPROVING THE TRANSFER OF CONTROL OF TIMES MIRROR CABLE TELEVISION OF DELAWARE COUNTY, INC. ("FRANCHISEE") FROM THE TIMES MIRROR COMPANY TO COX CABLE COMMUNICATIONS, INC., AND DECLARING AN EMERGENCY.

The City Council of the City of Marion does hereby ordain as follows:

WHEREAS, the City has entered into a franchise agreement with the Franchisee for the provision of cable television services in the City; and

WHEREAS, the franchise agreement provides that Franchisee must obtain the prior consent of the City Council prior to the transfer of control of the Franchisee; and

WHEREAS, Franchisee's ultimate controlling entity, The Times Mirror Company, has announced its plan pursuant to an Agreement and Plan of Merger by and among The Times Mirror Company ("Times Mirror"), New TMC Inc., Cox Cable Communications, Inc. ("Cox Cable") and Cox Enterprises, Inc. dated June 5, 1994 to transfer its non-cable related assets to New TMC Inc., following which Times Mirror (then holding only its remaining cable assets) will merge into Cox Cable, a public company, which will become the owner of the stock of Franchisee; and

WHEREAS, on the closing date of the above-described merger transaction, approximately twenty percent (20%) of the shares of Cox Cable will be transferred to Times Mirror's public stockholders and the remaining shares of Cox Cable will be owned by Cox Enterprises, Inc. or one of its wholly owned subsidiaries; and

WHEREAS, the Franchisee will remain the same entity following the merger, but will be controlled, directly or through a subsidiary, by Cox Cable and will be ultimately controlled by Cox Cable's controlling entity, Cox Enterprises, Inc.; and

WHEREAS, after evaluating the proposed transaction described above, the City has determined that it is in the best interest of the City and the residents thereof to approve the transfer of control of the Franchisee from Times Mirror to Cox Cable.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marion as follows;

1. That the transfer of control of the Franchisee from Times Mirror to Cox Cable be approved.
2. That the City hereby affirms that, as of the date of this Ordinance, its franchise agreement with the Franchisee is valid and remains in full force and effect.
3. *That this ordinance is hereby declared to be an emergency ( See back page)*

Duly and lawfully PASSED, ADOPTED AND APPROVED at a regular meeting of the City Council for the City of Marion on this 8 day of August, 1994.

PASSED: August 8, 1994

APPROVED: August 9, 1994

ATTEST:

*Lenora Mayes*  
Joan Steward Lenora Mayes  
City Clerk - *Pro Tempore*

*J. Ballenger*  
PRESIDENT

*Jack L. Kelby*  
MAYOR

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I, the undersigned, being the duly appointed, qualified and acting City Clerk of the City of Marion, Ohio, hereby certify that the foregoing Ordinance No. 1994-86 duly and lawfully passed and adopted by the Mayor and City Council on the 8 day of August, 1994.

*Lenora Mayes*  
Joan Steward Lenora Mayes  
City Clerk - *Pro Tempore*

ORDINANCE NO. 1994 - 87

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO REPLACE THE ELECTRICAL SYSTEM AT THE NO. 1 FIRE STATION, 186 S. PROSPECT STREET, AND DECLARING AN EMERGENCY.

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

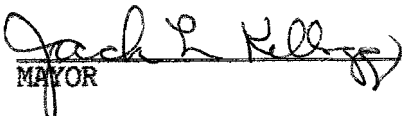
Section 1. That the Safety/Service Director be and she is hereby authorized and directed to prepare specifications and advertise for bids to replace the electrical system at the No. 1 Fire Station, 186 S. Prospect Street.

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

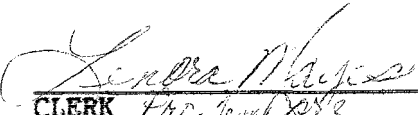
  
PRESIDENT OF COUNCIL

PASSED: August 8, 1994

APPROVED: August 9, 1994

  
MAYOR

ATTEST:

  
CLERK - *Pro Tempore*

ORDINANCE NO. 1994 - 88

ORDINANCE APPROVING CAPITAL EXPENDITURES IN EXCESS OF \$2,500.00, AND DECLARING AN EMERGENCY.

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

WHEREAS, the Fire Department has demonstrated the need to purchase an air bottle fill station and (10) air cylinders.

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

Section 1. That the Fire Department is hereby authorized to purchase an air bottle fill station and (10) air cylinders at an estimated cost of \$8,440.00.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides 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.

*J. H. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: August 8, 1994

APPROVED: August 9, 1994

*Jack L. Kelly*  
MAYOR

ATTEST:

*Landra Mays*  
CLERK - Pro Tempore

ORDINANCE NO. 1994 - 89

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY  
BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT  
TO OHIO REVISED CODE §5705.41(D), AND DECLARING  
AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same. . . such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

General Fund	\$103.83
SCMR Fund	187.02
Sewer Revenue Fund	<u>554.00</u>
TOTAL	\$844.85

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides 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.

*J. Ballenger*  
PRESIDENT OF COUNCIL

PASSED: August 8, 1994

APPROVED: August 9, 1994

*Jack L. Kelly*  
MAYOR

ATTEST:

*Senora Hayes*  
CLERK Pro Tempore



3

ORDINANCE NO. 1994- 90

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING 2/3 OF AN ACRE (0.788 ACRE) OF THE FRONTAGE OF 685 DELAWARE AVENUE, INCLUDING OUTLOT NUMBERS 586, 589, 590 & PART OF 591 & PART OF LOT NUMBER 3180 IN YOUNG & IREY'S FIRST ADDITION TO THE CITY OF MARION, FROM O-1-A (OFFICE -INSTITUTIONAL - APARTMENT) TO C-2 (COMMUNITY SHOPPING DISTRICT), AND REZONING A 0.4659 ACRE PARCEL AT THE REAR OF SAID PROPERTY FROM O-1-A TO R-1C (SINGLE FAMILY HIGH DENSITY). (Kevin Hensel, Applicant).

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from O-1-A (Office-Institutional-Apartment) to C-1 (Community Shopping District), and

WHEREAS, the Marion City Planning Commission, on July 5, 1994, had re-considered and approved the rezoning, and

WHEREAS, Council finds that the real property described in Section 2 below should be rezoned from O-1-A (Office-Institutional-Apartment) to R-1C (Single Family High Density), and

WHEREAS, the Marion City Planning commission, on July 5, 1994, had considered and approved the rezoning,

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

Section 1. That the following property, being 2/3 of an acre of the frontage of 685 Delaware Avenue, and more fully described as follows:

Being Outlot Numbers 586, 589, 590, part of Outlot No. 591 and part of Lot Number 3180 in Young & Ireys First Addition (Plat Book 2, Page 179) to the City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing survey nail located at the intersection of the West Right-of-Way Line of Delaware Avenue (60 ft. wide) with the North Right-of-Way Line of Superior Street (50 ft. wide), said point being the Southeast corner of Outlot 591;

Thence along the North Line of Superior Street North 89 deg. 59 min. 30 sec. West for a distance of 16.00 feet to a 5/8 inch dia. iron pin found and the point of beginning of hereinafter described 0.788 acre tract;

Thence along the North Line of Superior Street North 89 deg. 59 min. 30 sec. West for a distance of 177.01 feet to an iron pin set (passing over an iron pin set on the West Line of Outlot 591 and East Line of Lot Number 3180 at a distance of 152.95 feet);

Thence North 00 deg. 20 min. 06 sec. West for a distance of 215.71 feet to an iron pin set on the North Line of Lot No. 3180 and South Line of Outlot No. 588;

Thence along said Line South 89 deg. 41 min. 00 sec. East for a distance of 128.22 feet to a survey nail found on the West Line of Delaware Avenue, said point being the Northeast corner of Outlot 586 (passing over an iron pin set at the Northeast corner of Lot No. 3180 at a distance of 29.10 feet);

Thence along the West Line of Delaware Avenue South 17 deg. 04 min. 40 sec. East for a distance of 192.95 feet to a 5/8 inch dia. iron pin found on the East Line of Outlot No. 591 (passing over the South Line of Outlot No. 586 at a distance of 73.78 feet, the South Line of Outlot No. 589 at a distance of 108.30 feet, and the South Line of Outlot No. 590 at a distance of 142.82 feet);

Thence South 12 deg. 10 min. 52 sec. West for a distance of 31.29 feet to a 5/8 inch dia. iron pin found on the North Line of Superior Street and the place of beginning.

Containing 0.656 acre, more or less in Outlots, and 0.132 acre, more or less in Lot No. 3181, for a total conveyed acreage by this description of 0.788 acre, (34,334.40 sq. ft.) 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 March 18, 1994. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

heretofore zoned O-I-A (Office-Institutional-Apartment) is hereby zoned C-2 (Community Shopping District)

Section 2. That the following property, being a 0.4659 acre parcel of land at the rear of 685 Delaware Avenue, and more fully described as follows:

Being Part of Lot Numbers 3152, 3153, 3154, and 3155 in Young and Ireys First Addition (Plat Book 2, page 179), to the City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an existing cross-cut located at the Southwest corner of aforesaid Lot No. 3155, said point being located at intersection of the North Right-of-Way Line of Superior Street (50 ft. wide) with the East Right-of-Way Line of Cleveland Avenue (50 ft. wide), said point being the Southwest corner of hereinafter described 0.4659 acre tract;

Thence along the East Line of Cleveland Avenue North 01 deg. 00 min. 00 sec. East for a distance of 203.00 feet to a 3/4 inch dia. iron pipe found at the Northwest corner of Lot No. 3152 (passing over the North Line of Lot 3155 at a distance of 50.75 feet, the North Line of Lot No. 3154 at a distance of 101.50 feet, the North Line of Lot No. 3153 at a distance of 152.25 feet);

Thence along the North Line of Lot No. 3152 South 89 deg. 59 min. 30 sec. East for a distance of 100.00 feet to an iron pin set;

Thence South 01 deg. 00 min. 00 sec. West for a distance of 203.00 feet to an iron pin set on the South Line of Lot No. 3155, said point being on the North Line of Superior Street (passing over the South Line of Lot No. 3152 at a distance of 50.75 feet, the South Line of Lot No. 3153 at a distance of 101.50 feet, the South Line of Lot No. 3154 at a distance of 152.25 feet);

Thence along the South Line of Lot No. 3155 and North Line of Superior Street North 89 deg. 59 min. 30 sec. West for a distance of 100.00 feet to a cross-cut found and the place of beginning.

Containing 0.4659 acre, (20296.96 sq. ft.) 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 March 18, 1994. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

Prior Deed Vol. 548, page 988, Land Contract O.R. 239, page 490 Basis of bearings, Survey by Steven Fox, dated 5/16/92, North R/W Superior St. North 89 deg. 59 min. 30 sec. West

heretofore zoned O-1-A (Office-Institutional-Apartment ) is hereby zoned R-1C (Single Family High Density).

Section 3. That the Clerk of Council is hereby authorized and directed to make said changes 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 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

*F. J. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: August 8, 1994

APPROVED: August 9, 1994

*Jack L. Kelley*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Denora Mayes*  
\_\_\_\_\_  
CLERK - Pro Tempore

ORDINANCE NO. 1994- 91

ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE IDENTIFICATION OF PROPERTY OWNERS WITHIN THE QU QUA DITCH WATERSHED.

WHEREAS, the City of Marion, Ohio desires to petition the Marion County Commissioners for the cleaning of the Qu Qua ditch from its beginning point (the intersection of Laura Drive and Virginia Avenue) to Waldo, Ohio, and

WHEREAS, the City of Marion, Ohio, as petitioner, is required to identify all the property owners within the Qu Qua Ditch Watershed, and

WHEREAS, T. L. Boblenz and Associates, Inc., Marion, Ohio, submitted the lowest and best proposal to provide the engineering services,

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

Section 1. That the Safety/Service Director is hereby directed to enter into contract with T.L. Boblenz and Associates, Inc., for their proposal of \$5,500 to provide services for the project.

Section 2. That the \$5,500 cost to provide services for the project shall be payable from the Streets Department - Professional Services.

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

*J. Ballenger*  
\_\_\_\_\_  
President of Council

Passed: August 22, 1994

Approved: August 23, 1994

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

Attest:

*Jean Stenard*  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1994- 92

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1994, AND DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in various funds in the amount of \$23,232.00 as follows:

<u>GENERAL FUND</u>		
<u>Fire Department</u>		
EMS Grant	101-01-131-230-145-223	\$8,500.00
<u>Police Department</u>		
Salaries	101-01-111-210-000-111	1,780.00
Benefits	101-01-111-210-000-120	535.00
		<u>\$2,315.00</u>
<u>WIC</u>		
Salaries	215-02-544-210-000-110	\$5,329.00
Benefits	215-02-544-210-000-120	6,056.00
Supplies	215-02-544-240-000-420	32.00
Postage	215-02-544-240-000-423	1,000.00
		<u>\$12,417.00</u>

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

*J. T. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: August 22, 1994

APPROVED: August 23, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 93

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

General Fund	\$262.50
SCMR Fund	460.46
	<hr/>
TOTAL	\$722.96

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of said City, and as such, shall become effective 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.

*J. Ballenger*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: August 22, 1994

APPROVED: August 23, 1994

*Jack L. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Jean Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994 - 94 \* AS AMENDED

ORDINANCE AUTHORIZING THE MAYOR AND SAFETY/SERVICE DIRECTOR TO SELL AND TRANSFER THE HARDING FRESHMAN PROPERTY TO THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC).

WHEREAS, the real property commonly known as the Marion Harding Freshman Building was acquired by the City of Marion from the Marion City Board of Education on or about the 11th day of January, 1990 for various municipal purposes and for potential economic development.

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

WHEREAS, this action is taken to promote the welfare of the people of the political subdivision, stabilize the economy, provide employment, and assist in the development of industrial, commercial, distribution, and research activities to the benefit of the people of the political subdivision and will provide additional opportunities for their gainful employment.

WHEREAS, ~~as~~ consideration for the sale of said property shall be \$ 68,000.00 ~~and assumption of the debt now due and owing to the City Schools from the City of Marion for the building of said property in the amount of \$18,329.26. \*~~

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

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

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

Section 2. That CIC is hereby authorized to enter into a purchase agreement with any appropriate party, on behalf of the City of Marion, for a certain parcel of real property, and described as follows:

Being Lots 240, 241 and 242 in Bain, Butler and Powell's Addition, and Lot 819 in Wallace and True's Addition and Part of Section 21, Township 5 South, Range 15 East, in the City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Beginning at a 5/8" dia. iron pin set at the intersection of the West Right-of-Way Line of Union Street (now 25 feet wide) with the North Right-of-Way Line of West Church Street (now 66 feet wide) (also being the Southeast Corner of Lot 242); thence along said North Right-of-Way Line N 89° 52' 50" W for a distance of 380.85 feet to the East Right-of-Way Line of Orchard Street (now 60 feet wide) (also being the Southwest Corner of Lot 819) (passing over the West Line of Lot 240 at 182.00 feet, the East Line of Lot 819 at 305.85 feet and a 5/8" dia. iron pin set at 379.85 feet); thence along said East Right-of-Way Line N 0° 35' 05" W for a distance of 191.94 feet to the South Right-of-Way Line of Holmes Place (now 44 feet wide) (also being the Northwest Corner of Lot 819) (passing over a 5/8" dia. iron pin set at 190.94 feet); thence along said South Right-of-Way Line S 89° 48' 15" E for a distance of 382.81 feet to the West Right-of-Way Line of Union Street (also being the Northeast Corner of Lot 242) (said point being referenced by an existing railroad spike 0.35 feet South and 0.27 feet West) (passing over the East Line of Lot 819 at 75.00 feet and the West Line of Lot 240 at 200.81 feet); thence along said West Right-of-Way Line S 0° 00' 00" E for a distance of 191.42 feet to a 5/8" dia. iron pin set on the North Right-of-Way Line of West Church Street and the point of beginning.

\*and the following terms and conditions:

- 1- City retains parking on the east side of the building.
- 2- Should Hotel Harding be developed, space shall be allotted for parking on the west side of the Harding Freshman property per prior agreement with developers. (RE: Ordinance 1993-110)
- 3- City shall retain its present storage area at the east end of the gymnasium building under a

- lease agreement.
- 4- CIC shall not transfer title until proof of financial arrangements for completion of the project are provided by the buyer.
  - 5- City will provide financing for initial \$68,000 investment.

Containing 1.680 acres more or less (of which 0.550 acre more or less is in Section 21) 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 December 12, 1989. All 5/8" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates".

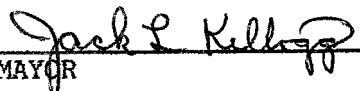
Section 3. That the proceeds of said sale, after any expenses, shall be deposited in the General Fund.

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


  
PRESIDENT OF COUNCIL- PRO TEMPORE

PASSED: August 30, 1994

APPROVED: August 31, 1994

  
MAYOR

ATTEST:

  
CLERK

**\*\* AMENDED ON COUNCIL FLOOR 8/30/94**



ORDINANCE NO. 1994 - 95

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARKER HANNIFIN CORP. FOR FURNISHING FIRE PROTECTION TO ITS PLANT AT GREEN CAMP TOWNSHIP, MARION COUNTY, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, in the usual daily operation of the Safety Department and for the preservation of public property adn safety, it is necessary to enter into a contract for fire protection with Parker Hannifin Corp., Cleveland, Ohio, for its plant at Green Camp Township, Marion County, Ohio.

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

Section 1. That the Safety/Service Director of the City of Marion be and she is hereby authorized and directed to contract on behalf of the City of Marion, Ohio, with Parker Hannifin Corp. for furnishing fire protection to its plant at Green Camp Township, Marion County, Ohio, for a period of three (3) years beginning September 1, 1994 and ending August 31, 1997.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that the present contract expired December 31, 1993; 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.

*Larry A. Stumper*  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 12, 1994

APPROVED: September 13, 1994

*Jack L. Kelly*  
MAYOR

ATTEST:

*Jan Steward*  
CLERK

ORDINANCE NO. 1994- 96

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE BARNHART STREET/GEBHARDT STREET STORM SEWER PROJECT 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 Barnhart/Gebhardt Street Storm Sewer Project.

SECTION 2. That the cost of such contract shall be payable from the CDBG Formula Grant.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the immediate preservation of the inhabitants thereof and for the further reason that the construction season for this project is limited, 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.

*Larry A. Stumper*  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 12, 1994

APPROVED: September 13, 1994

*Jack P. Kellogg*  
 \_\_\_\_\_  
 MAYOR

ATTEST:

*Jan Steward*  
 \_\_\_\_\_  
 CLERK OF COUNCIL

ORDINANCE NO. 1994 - 97ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1994, AND DECLARING AN EMERGENCY.

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 \$540,000.00 as follows:CHIP Grant Fund

Salaries	272-04-544-210-000-110	\$44,000.00
Benefits	272-04-544-210-000-120	11,000.00
Travel	272-04-544-220-000-220	1,000.00
Administration	272-04-544-230-000-324	7,000.00
Rental Rehab	272-04-544-230-000-329	<u>70,000.00</u>

TOTAL CHIP GRANT FUND \$133,000.00

Home Program Grant Fund

Private Rehab	277-04-544-230-000-322	\$258,000.00
Administration	277-04-544-230-000-324	19,000.00
Rental Assistance	277-04-544-230-000-340	<u>90,000.00</u>

TOTAL HOME PROGRAM GRANT FUND \$367,000.00

Sanitation Fund

Reimbursement	506-05-561-270-000-720	<u>\$ 40,000.00</u>
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TOTAL SANITATION FUND \$ 40,000.00

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for 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.

*Larry A. Stumper*  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 12, 1994

APPROVED: September 13, 1994

*Jack L. Kellogg*  
 \_\_\_\_\_  
 MAYOR

ATTEST:

*Jean Steward*  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1994 -98

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF A STEEL ARCH PRE-ENGINEERED MAINTENANCE BUILDING AT THE MARION MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be and she is hereby authorized and directed to prepare specifications and advertise for bids for the construction of a steel arch pre-engineered maintenance building at the Marion Municipal Airport.

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

*Larry A. Stumper*  
 PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 12, 1994

APPROVED: September 13, 1994

*Jack L. Killip*  
 MAYOR

ATTEST:

*Jean Steward*  
 CLERK

ORDINANCE NO. 1994 - 99

~~ORDINANCE APPROVING CAPITAL EXPENDITURES IN EXCESS OF  
\$2,500.00, AND DECLARING AN EMERGENCY.~~

**ORDINANCE APPROVING THE PURCHASE OF (1) UTILITY TRACTOR  
AND RELATED EQUIPMENT THROUGH THE OHIO COOPERATIVE  
PURCHASING PROGRAM AND DECLARING AN EMERGENCY.\***

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

WHEREAS, the Marion Municipal Airport has demonstrated the need to purchase (1) utility tractor and related equipment through the Ohio Cooperative Purchasing Program.

1 - 24-27HP Diesel Utility Tractor	1 - Front End Loader
1 - 72" Mower	1 - 60" Blade
1 - Heat House	

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

Section 1. That the Marion Municipal Airport is hereby authorized to purchase (1) utility tractor and related equipment through the Ohio Cooperative Purchasing Program at an estimated cost of \$22,000.00.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides 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.

*Larry A. Stumper*  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 12, 1994

APPROVED: September 13, 1994

*Jack L. Kellogg*  
MAYOR

ATTEST:

*Jean Stouckel*  
CLERK

\* Amended on Council floor 9/12/94

ORDINANCE NO. 1994 - 100

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY  
BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT  
TO OHIO REVISED CODE §5705.41(D), AND DECLARING  
AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same. . . such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."


Transit Fund	<u>\$315.88</u>
TOTAL	\$315.88

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

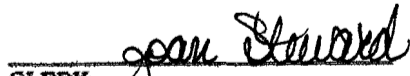
  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 12, 1994

APPROVED: September 13, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994 - 101

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A VAC-ALL/SWEEPER COMBINATION FOR USE ON THE CITY STREETS AND DECLARING AN EMERGENCY.

WHEREAS, the current sweeper is in a state of disrepair and is not economically feasible to repair,

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


Section 1. That the Safety/Service Director is hereby authorized to prepare specifications and advertise for bids for the purchase of a Vac-All/Sweeper Combination for use on the city streets.

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

  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 12, 1994

APPROVED: September 13, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1994-102

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO UNDER THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE COMPETITIVE ECONOMIC DEVELOPMENT GRANT AND ADMINISTER THE GRANT, AND DECLARING AN EMERGENCY.

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

WHEREAS, the CDBG Small Cities' Competitive Economic Program makes funds available for projects which address these problems, such as the Harding Centre Project, and

WHEREAS, the Mayor must submit an application to the State of Ohio, Department of Development, to attempt to obtain grant funds for the City of Marion to be used for a loan to the Harding Centre Project for renovation of the first and second floor of the former Harding Hotel.

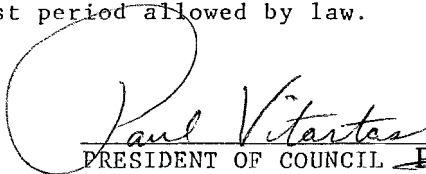
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That this Council hereby authorizes the Mayor to submit an application for CDBG Small Cities' funds:

1. Loans for Harding Centre Project	\$400,000.00
2. Administration, Environmental Review (if permitted by the State of Ohio)	4,000.00
TOTAL: Up to	<u>\$404,000.00</u>


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

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order 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.

  
PRESIDENT OF COUNCIL ~~PRO TEMPORE~~ P.V.

PASSED: October 24, 1994

APPROVED: October 25, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



ORDINANCE NO. 1994-103

ORDINANCE TO VACATE A PORTION OF A 15 FOOT WIDE ALLEY LYING BETWEEN LOTS NO. 1818 & 1765 IN HENRY TRUE'S FOURTH ADDITION TO THE CITY OF MARION, OHIO. (PETITIONER: LOWELL SHERER ET AL)

WHEREAS, in the opinion of this Council, there is good cause for vacating a portion of a 15 foot wide north-south alley lying between Lots No. 1818 & 1765 in Henry True's Fourth Addition to the City of Marion, and

WHEREAS, the petition by Lowell Sherer and others to vacate this portion of alley was unanimously approved by the Marion City Planning Commission at its meeting of August 2, 1994, and

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinance 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 following described alley, to-wit:

Situated in the City of Marion, County of Marion and State of Ohio, and being that portion of a 15 foot wide north-south alley lying between Lots No. 1818 & 1765, in Henry True's Fourth Addition to the City fo Marion, Ohio,

be and is hereby vacated.

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

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

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

*Larry A. Stumpfer*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 26, 1994

APPROVED: September 27, 1994

*Jack R. Killip*  
\_\_\_\_\_  
MAYOR

ATTEST:

*Joan Steward*  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994 - 104

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1994,  
AND DECLARING AN EMERGENCY.

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

Section 1. That there be an additional appropriation made in the General Fund in the amount of \$7,000.00 as follows:

Engineering

Professional Services	101-07-743-230-000-320	<u>\$7,000.00</u>
TOTAL GENERAL FUND		\$7,000.00

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

  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 26, 1994

APPROVED: September 27, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994 - 105

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MCDANIEL'S CONSTRUCTION CORPORATION FOR THE SEEDING PROJECT AT THE MARION CITY LANDFILL, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1994-15 authorized the bidding for the seeding project, and

WHEREAS, McDaniel's Construction Corporation submitted the lowest and best bid of the four (4) bids received, and

WHEREAS, funding has been provided by the sale of landfill closure notes deposited in the landfill monitoring fund, therefore,

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

Section 1. That the Safety/Service Director be authorized and she is hereby directed to enter into contract with McDaniel's Construction Corporation for the seeding project of the Marion City Landfill.

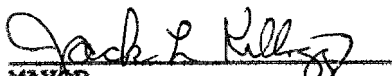
Section 2. That said contract, in the amount of \$104,900.00 shall be payable from the Landfill Monitoring Fund.

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


  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 26, 1994

APPROVED: September 27, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994 - 106

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
 VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
 31, 1994, AND DECLARING AN EMERGENCY.

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 \$121,095.00 as follows:

General Fund


Police Salaries	101-01-111-210-000-111	\$ 1,095.00
Income Tax Refunds	101-07-744-270-712-720	<u>20,000.00</u>
TOTAL GENERAL FUND		\$ 21,095.00

UDAG Loan Repayment Fund

Professional Service	276-04-539-230-000-320	<u>\$100,000.00</u>
TOTAL UDAG LOAN REPAYMENT FUND		<u>\$100,000.00</u>

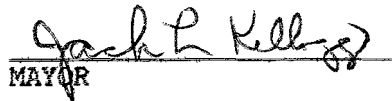
GRAND TOTAL	\$121,095.00
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

  
 PRESIDENT OF COUNCIL

PASSED: October 10, 1994

APPROVED: October 11, 1994

  
 MAYOR

ATTEST:

  
 CLERK

ORDINANCE NO. 1994- 107

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE AIRPORT SANITARY SEWER PROJECT, 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 Airport Sanitary Sewer Project.

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

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

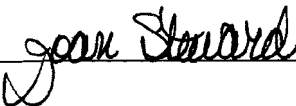
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: October 24, 1994

APPROVED: October 25, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 108

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO UPGRADE THE COMBINED DISPATCH CENTER COMMUNICATIONS NETWORK, APPROPRIATE THE NECESSARY ADDITIONAL FUNDS AND DECLARING AN EMERGENCY.

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

WHEREAS, the upgrade to the Communications Network will cost an estimated \$6,667.00, and

WHEREAS, there are insufficient funds available in the combined Dispatch appropriations,

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

Section 1. That the Safety/Service Director is hereby authorized to upgrade the Combined Dispatch Center Communications Network.

Section 2. That there be an additional appropriation in the General Fund as follows:

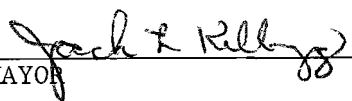
DISPATCH Capital Equipment    101-01-113-250-000-450        \$3,526.00

Section 3. 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 it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

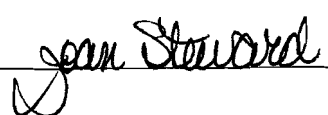
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: October 24, 1994

APPROVED: October 25, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 109

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1994,  
AND DECLARING AN EMERGENCY.

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

Section 1. That there be an additional appropriation made in the  
General Fund in the amount of \$4,000.00 as follows:

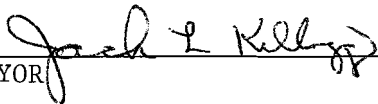
CIVIL SERVICE    Prof. Services    101-07-717-230-000-320        \$4,000.00

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

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

PASSED:    October 24, 1994

APPROVED:    October 25, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 110

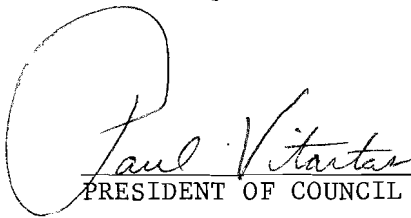
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

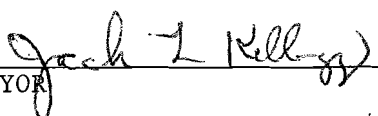
SCMR Fund                    \$251.96

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of said City, and as such, shall become effective immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

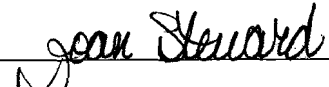
  
PRESIDENT OF COUNCIL

PASSED: October 24, 1994

APPROVED: October 25, 1994

  
MAYOR

ATTEST:

  
CLERK



ORDINANCE NO. 1994- 111

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE  
E.I. LINKAGE FUND FOR THE YEAR ENDING DECEMBER 31,  
1994, AND DECLARING AN EMERGENCY.

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

Section 1. That there be additional appropriations made in the E.I.  
Linkage Fund in the amount of \$6,000.00 as follows:

Salaries	251-02-545-210-000-110	\$2,712.00
Benefits	251-02-545-210-000-120	678.00
Travel	251-02-545-220-000-220	110.00
Prof. Services	251-02-545-230-000-320	<u>2,500.00</u>
TOTAL E.I. Linkage Fund .....		\$6,000.00

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


  
PRESIDENT OF COUNCIL

PASSED: October 24, 1994

APPROVED: October 25, 1994

  
MAYOR

ATTEST:

  
CLERK

1994 - 112

**ORDINANCE NO.** \_\_\_\_\_

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LAIDLAW WASTE SYSTEMS INC. FOR RESIDENTIAL REFUSE, RECYCLING AND YARD WASTE COLLECTION FOR THE ALTERNATE DISPOSAL SITE RATE OF \$7.93.

**WHEREAS**, pursuant to Ordinance No. 1994-62, the City of Marion received bids for Residential Refuse, Recycling and Yard Waste collection, and

**WHEREAS**, Laidlaw Waste Systems, Inc., 1515 Harmon Avenue, Columbus, Ohio, submitted the lowest and best bid for said project,

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

**Section 1.** That the Safety/Service Director be authorized and she is hereby directed to enter into contract with Laidlaw Waste Systems, Inc., for the Residential Refuse, Recycling and Yard Waste Collection for a rate of \$7.93 for the Alternate Disposal site.

**Section 2.** That said contract shall be payable from the Sanitation Fund.

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

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

PASSED:

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

**DECEMBER 12, 1994 COUNCIL MEETING VOTED 8-1 TO LAY ON THE TABLE**

Council Rule 40 states: "The motion to lay on the table shall dispose finally of the legislation against which it is invoked."

ORDINANCE NO. 1994-113

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLEMING CONSTRUCTION COMPANY, PROSPECT, OHIO, FOR THE GEBHARDT STREET STORM SEWER PROJECT IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, ordinance No. 1994-96 authorized the preparation of specifications and advertising for bids for the Gebhardt Street Storm Sewer Project in the City of Marion, Ohio, and

WHEREAS, Fleming Construction Company submitted the lowest and best bid of \$57,740.30,

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

Section 1. That the Safety/Service Director be directed to enter into contract with Fleming Construction Company for the Gebhardt Street Storm Sewer Project.

Section 2. That said contract shall be payable from the Community Development Block Grant (CDBG) Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the habitants 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.

*Larry A. Simpson*

\_\_\_\_\_  
President of Council  
PRO TEMPORE

Passed: November 14, 1994

Approved: November 15, 1994

*Jack L. Kelly*  
\_\_\_\_\_  
Mayor

Attest:

*Jan Stouder*  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1994- 114

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS  
FOR THE YEAR ENDING DECEMBER 31, 1994, AND DECLARING AN  
EMERGENCY.

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 \$202,500.00 as follows:

## STORM SEWER IMPROVEMENT FUND

Capital Improvements	460-05-704-250-000-520	\$ 25,000.00
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## FORMULA GRANT FUND

Private Rehab	275-04-544-230-000-322	\$ 15,000.00
Administration	275-04-544-230-000-324	25,600.00
Street Improvements	275-04-544-230-000-325	33,000.00
Flood & Drainage	275-04-544-230-000-327	13,500.00
Emergency Rehab	275-04-544-230-000-328	30,900.00
Curbs & Sidewalks	275-04-544-230-000-337	53,500.00
Fair Housing	275-04-544-230-000-339	1,000.00
Public Service-DayCare	275-04-544-230-000-342	5,000.00
	TOTAL	<u>\$177,500.00</u>

Section 2. That this ordinance is hereby declared to be an emergency  
measure necessary for the welfare of the City of Marion and the inhabitants  
thereof and for the further reason it is necessary for the daily operation of  
said 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.

*Larry A. Mumper*

PRESIDENT OF COUNCIL  
PRO TEMPORE

PASSED: November 14, 1994

APPROVED: November 15, 1994

*Jack L. Kellogg*

MAYOR

ATTEST:

*Jean Stouckel*

CLERK

ORDINANCE NO. 1994- 115

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS  
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO REVISED  
CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

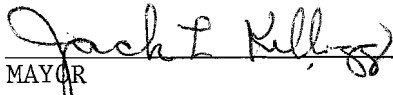
SCMR Fund	\$1,121.87
Sanitation Fund	<u>637.66</u>
Total	\$1,759.53

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

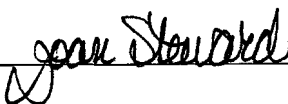
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: November 14, 1994

APPROVED: November 15, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 117

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE COUNTY COMMISSIONERS TO PROVIDE FOR REIMBURSEMENT FROM THE STATE OF OHIO FOR ATTORNEYS APPOINTED FOR INDIGENT PERSONS CHARGED IN THE MARION MUNICIPAL COURT.

WHEREAS, the County and the City of Marion have adopted a court-appointed counsel system for indigent persons, and

WHEREAS, R.C. §120.33 requires that the Board of County Commissioners by resolution include a provision for contracting with municipal corporations to reimburse the County for counsel appointed to represent indigent persons charged with violations of the ordinances of the municipal corporation, and

WHEREAS, Marion County currently does not have a contract with the City of Marion which provides for the reimbursement of the County for counsel appointed to represent persons charged with violations of ordinances of the municipal corporation, and

WHEREAS, it is necessary for the County and the City to enter into contract allowing the reimbursement to be made from the State of Ohio through the County Commissioners, payable to the City for the City's share of said fees,

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

Section 1. That the Safety/Service Director of the City of Marion is hereby authorized to enter into a contract with the County Commissioners to reimburse the county for counsel appointed to represent indigent persons charged with violations of the ordinances of the municipal corporation.

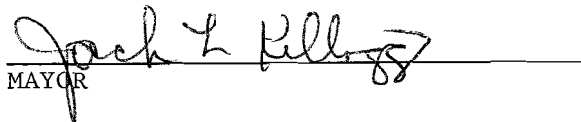
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



\_\_\_\_\_  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: November 14, 1994

APPROVED: November 15, 1994



\_\_\_\_\_  
MAYOR

ATTEST:



\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994- 118

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE REPLACEMENT OF SUPPORT POLES AND THE INSTALLATION OF THE TRAFFIC CONTROLLERS AND SIGNAL HEADS AT THE INTERSECTION OF ~~MAIN STREET~~, STATE STREET, WASHINGTON STREET AND DELAWARE AVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, the traffic control equipment at the intersection of ~~Main Street~~,\* State Street, Washington Street and Delaware Avenue is in need of being replaced,

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

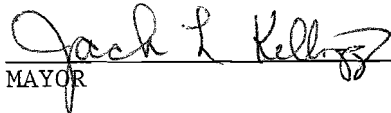
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the replacement of the support poles and installation of the Traffic Controller and Signal Heads at the intersection of Main street, State Street, Washington Street and Delaware Avenue.

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

  
PRESIDENT OF COUNCIL

PASSED: November 28, 1994

APPROVED: November 29, 1994

  
MAYOR

ATTEST:

  
CLERK

\*amended on Council floor 11/18/94

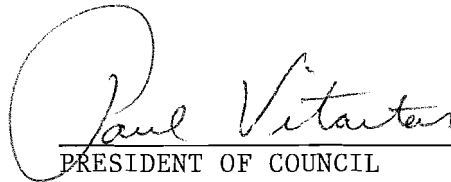
ORDINANCE NO. 1994- 119

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
THE PURCHASE OF ELEVEN (11) TRAFFIC CONTROLLERS, AND  
DECLARING AN EMERGENCY.

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

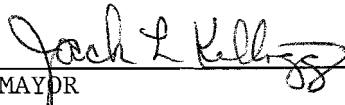
Section 1. That the Safety/Service Director be and is hereby authorized  
and directed to prepare specifications and advertise for bids for eleven (11)  
Traffic Controllers.

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


  
PRESIDENT OF COUNCIL

PASSED: November 28, 1994

APPROVED: November 29, 1994

  
MAYOR

ATTEST:

  
CLERK



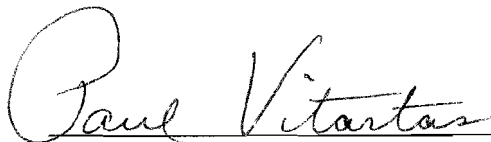
ORDINANCE NO. 1994- 120

ORDINANCE APPROVING THE PURCHASE OF EIGHTY (80) SIGNAL HEADS THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY.

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

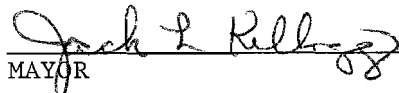
Section 1. That the Safety/Service Director is hereby authorized to purchase eighty (80) signal heads through the Ohio Cooperative Purchasing Program.

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

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

PASSED: November 28, 1994

APPROVED: November 29, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1994-121ORDINANCE APPROVING THE PURCHASE OF A NOTEBOOK COMPUTER  
AND DECLARING AN EMERGENCY.

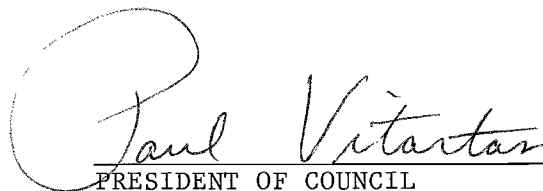
WHEREAS, this Council by passage of Ordinance No. 1991-136 requires Council approval of all Capitol expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio, and

WHEREAS, it is necessary to purchase a Notebook Computer to program the new Traffic Controllers,

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

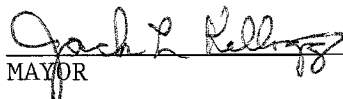
Section 1. That the Safety/Service Director is hereby granted approval to purchase a Notebook Computer for the programming of the new Traffic Controllers at an estimated cost of \$3,613.00.

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

  
PRESIDENT OF COUNCIL

PASSED: November 28, 1994

APPROVED: November 29, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994- 122

ORDINANCE AUTHORIZING THE PARKS BOARD TO ENTER INTO CONTRACT WITH KELLY ENTERPRISES FOR THE PURCHASE AND INSTALLATION OF FIELD LIGHTS AT GARFIELD PARK.

WHEREAS, proposals have been received and Kelly Enterprises submitted the best proposal for field lights at Garfield Park,

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

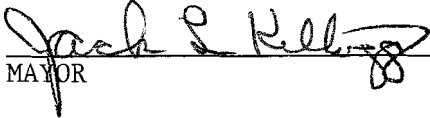
Section 1. That the Board of Park Commissioners is hereby authorized to enter into contract with Kelly Enterprises for the purchase and installation of field lights at Garfield Park at an estimated cost of \$9,300.00.

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

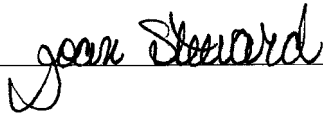
  
PRESIDENT OF COUNCIL

PASSED: December 12, 1994

APPROVED: December 13, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994 - 116

ORDINANCE TO AMEND ORDINANCE 68-41 (PERSONNEL POLICIES)  
AS AMENDED, BY GRANTING AN EDUCATIONAL ASSISTANCE  
POLICY (TUITION REIMBURSEMENT) BENEFIT FOR FULL TIME  
EMPLOYEES OF THE CITY OF MARION.

WHEREAS, it has been shown that there is a educational assistance benefit being enjoyed by certain bargaining unit members that is not available to other City employees, and

WHEREAS, the City wishes to encourage all permanent full time employees to pursue further education and training for the purposes of improved job performance and future potential,

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

Section 1. That a new section be added to the Personnel Policies (ORD. 68-41, as amended) reading as follows:

"SECTION 22 EDUCATIONAL LEAVE POLICY

22.1 Eligible employees will be those who are on full time status and have at least one year of full time service with the City when applying for approval for the courses or programs.

22.2 Eligible employees may receive tuition reimbursement only for satisfactory completion of courses or programs which the City determines to be directly related to the employee's present job or which will enhance the employee's potential for advancement to a position to which the individual has a reasonable expectation of advancing.

22.3 Courses or programs to be eligible for tuition reimbursement must be offered by accredited institutions of learning. Tuition for the course(s) or program(s) is the only aspect which is eligible for reimbursement; no reimbursement will be granted for books, papers, supplies of whatever nature, transportation, meals or any other expense connected with any course or program except the cost of tuition.

22.4 Eligible employees who seek tuition reimbursement must obtain approval from the Personnel Committee in advance of enrollment for the desired course(s) or program(s); therefore, applications must be received by the Human Resources Department no later than thirty (30) days prior to the start date. All participation in such courses or programs must be during non-working hours. The Application for Educational Assistance must be completed by the employee and a positive recommendation made by the supervisor in order to be considered. Before approval can be granted it must be demonstrated that funds are in the budget sufficient for the anticipated department expense.

22.5 Any financial assistance received by the employee from other sources shall be deducted from the tuition reimbursement for which the employee is eligible hereunder. Upon satisfactory completion of approved courses of instruction the employee must submit a certified transcript of the grades and receipts for payment of tuition incurred, including any payment from other sources. Reimbursement of tuition, except 'pass/fail' courses, will be based on grades received as follows:

- A) For a grade of 'A', 100% of tuition costs;
- B) For a grade of 'B', 75% of tuition costs;
- C) For a grade of 'C', 50% of tuition costs;
- D) For a grade below 'C', NO REIMBURSEMENT.

For 'pass/fail' courses 'passing' grades will be reimbursed at 75% of tuition costs.

22.6 Employees who, while participating in approved courses, are terminated because of force reduction or job elimination will be reimbursed for the full amount of the tuition costs incurred up to the date of termination. Employees who, prior to completing approved course(s), voluntarily leave the employment of the City or are terminated for reasons other than those listed above will not be reimbursed for any tuition costs associated with the course(s).

22.7 Employees who receive tuition reimbursement will be expected to repay the City in full if they leave the City's employment voluntarily within one year from the date of reimbursement.

22.8 Wherever these regulations may conflict with terms and conditions of applicable labor agreements the labor agreement terms will supersede.

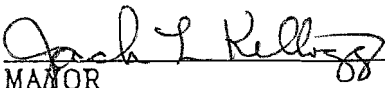
22.9 These regulations do not apply to training which is taken at the specific direction of management and for which the City pays the full cost of tuition and other expenses."

Section 2. That this Ordinance shall become effective on January 1, 1995.

  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: November 14, 1994

APPROVED: November 15, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1994 - 123

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1994, AND DECLARING AN EMERGENCY.

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 \$148,459.65 as follows:

State Highway Improvement Fund

Equipment 208-06-613-250-000-450 \$ 70,000.00

WIC Fund

Salaries 215-02-545-210-000-110 \$ 18,000.00

Benefits 215-02-545-210-000-120 10,000.00

TOTAL \$ 28,000.00

Softball Field Improvement Fund

Capital Improvement 420-03-421-250-000-520 \$675.00

Sewer Revenue Fund

Maintenance & Repair Debt

Salaries 505-05-551-210-000-110 \$4,000.00

Benefits 505-05-551-210-000-120 500.00

Supplies & Materials 505-05-551-240-000-420 815.65

Equipment 505-05-551-250-000-450 2,900.00

WPC Department

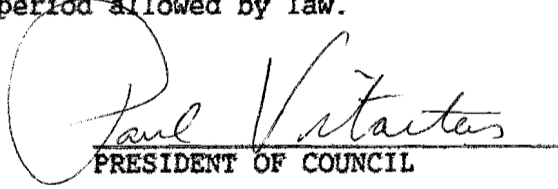
Benefits 505-05-552-210-000-120 7,300.00

Utilities 505-05-552-230-000-310 34,269.00

TOTAL \$49,784.65

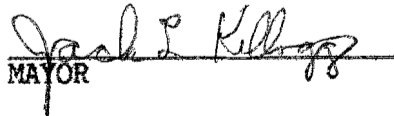
GRAND TOTAL \$148,459.65

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

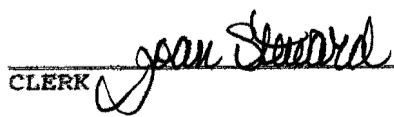
  
PRESIDENT OF COUNCIL

PASSED: November 28, 1994

APPROVED: November 29, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994- 124

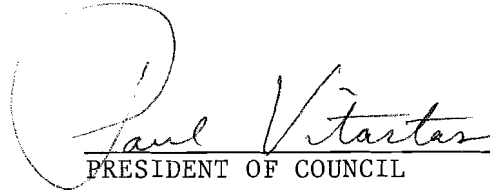
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS  
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO  
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

Section 1. That the City Auditor is hereby authorized to pay bills from various city departments pursuant to O.R.C. §5705.41(D) which reads in part as follows: "No subdivision or taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the same... such taxing authority may authorize the issuance of a warrant in payment of such amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate."

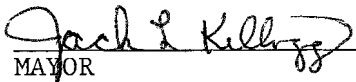
SCMR Fund	\$270.27
TOTAL	\$270.27

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it provides for the daily operation of said City, and as such, shall become effective immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

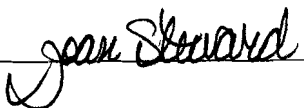
  
PRESIDENT OF COUNCIL

PASSED: November 28, 1994

APPROVED: November 29, 1994

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1994 - 125

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ISSUE A PERMIT TO A CHARITABLE ORGANIZATION TO SOLICIT ON A PUBLIC HIGHWAY, AND AMENDING CODIFIED ORDINANCE 371.06, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 4511.51 states that Municipal Corporations may authorize, by ordinance, the issuance of a permit for charitable organizations to solicit on the public highway, and

WHEREAS, the City of Marion finds that it would be in the public interest to allow for the issuance of said permit,

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

Section 1. That Chapter 371.06(b) of the Codified Ordinances, now reading in part as follows:

"(b) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle."

is hereby amended to read as follows:

"(b) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle EXCEPT AS PROVIDED FOR IN THIS CHAPTER."

"(e) (1) "Charitable organization" means an organization that has received from the Internal Revenue Service a current valid ruling or determination letter recognizing the tax exempt status of the organization pursuant to Section 501(C)(3) of the "Internal Revenue Code".

(2) Any charitable organization desiring to solicit for contributions on the public streets or highways within the municipality, shall prior to soliciting, make written application to the Director of Public Safety/Service on a form to be provided by the municipality. Said form shall contain the following information:

- (a) The name and address of the organization.
- (b) The contact person for the organization.
- (c) The location where the solicitation shall occur.
- (d) The date and time that the solicitation shall occur.
- (e) Proof of tax-exempt status.

(3) Each charitable organization making an application shall carry liability insurance of One Million dollars covering any and all actions or failure to act by the organization, agents or volunteers. Proof of said insurance shall be provided to the Director of Public Safety/Service.

(4) The Director of Public Safety/Service shall, upon submission of the above mentioned form, issue a permit to the applicant allowing solicitation on public streets or highways unless good cause is shown for its denial.

Appeal of the denial of said permit may be made to City Council, and upon vote of a majority of Council, the decision of the Director of Public Safety/Service shall be reversed and said permit shall be deemed valid for the period of time applied for.



The Director of Public Safety/Service shall specify the locations where contributions may be solicited. Further, the Director of Public Safety/Service shall promulgate regulations governing the manner in which the solicitation upon the public roadway may be made. A copy of these regulations may be provided to each applicant.

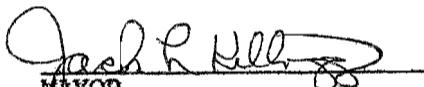
(5) No volunteer or agent of said organization having authority under this ordinance shall impede the flow of traffic nor shall said volunteer or agent annoy or harass the public during the course of the solicitation."

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

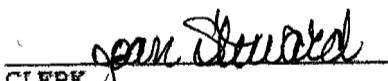
  
PRESIDENT OF COUNCIL

PASSED: December 8, 1994

APPROVED: December 8, 1994

  
MAYOR

ATTEST:

  
CLERK

1994 - 126

## ORDINANCE NO. \_\_\_\_\_

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER IN TO CONTRACT TO PURCHASE REPLACEMENT TELEPHONES FOR CITY HALL FROM MACKAY TELEPHONE SYSTEMS, INC., AND DECLARING AN EMERGENCY.

**WHEREAS**, the Safety/Service Director did receive proposals for Replacement Telephones for City Hall, and

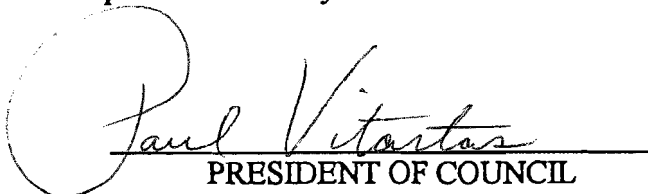
**WHEREAS**, Mackay Telephone Systems, Inc., submitted the lowest and best proposal.

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

**Section 1.** That the Safety/Service Director be and is hereby authorized and directed to purchase Replacement Telephones for City Hall from Mackay Telephone Systems, Inc.

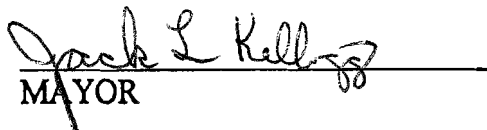
**Section 2.** That said contract shall be payable from the General Fund in the amount of \$3,445.00.

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

  
PRESIDENT OF COUNCIL

PASSED: December 12, 1994

APPROVED: December 13, 1994

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1994-127

ORDINANCE TO AMEND ORDINANCE 68-41 (PERSONNEL POLICIES) AS AMENDED, BY CHANGING THE EMPLOYEE BENEFITS APPLICABLE TO VARIOUS CLASSES OF POSITIONS WITHIN THE SERVICE OF THE CITY THAT ARE NOT COVERED BY COLLECTIVE BARGAINING, AND DECLARING AN EMERGENCY

WHEREAS, it has been shown that certain benefits for employees in positions not included in bargaining units have not been improved for several years and the City wishes to provide for such improvements;

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

SECTION 1. That Section 23.17 of the Personnel Policies now reading:

"23.17 All full time permanent employees shall, at time of retirement from active service with ten or more years of service with the department shall be paid in cash for one-fourth of the value of his accrued but unused sick leave credit. Such payment shall be based on the employee's rate of pay at the time of retirement. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be paid only once to any employee. The maximum payment which may be made shall be one-fourth of one hundred twenty days.

In the event an employee is forced to retire because of sickness or accident prior to ten years service, he shall be entitled to cash payment or, in the event of death, his administrator or executor of his estate shall be entitled to a maximum payment of not to exceed one-fourth of one hundred twenty days."

is hereby amended to read as follows:

"23.17 Any full time permanent employee at the time of retirement with ten (10) or more years of service with the City shall be paid for one-third of the value of his accrued, unused sick leave credit up to a maximum payout of three hundred and sixty (360) hours. Such payment shall be based on the employee's rate of pay at the time of retirement, shall be paid only once to any employee and shall eliminate all sick leave credit accrued by the employee.

In the event an employee is forced to retire because of sickness or accident or dies prior to ten years of service with the City, he or, in the event of his death, the administrator or executor of his estate shall be entitled to receive payment in accordance with the above, waiving the ten year requirement."

SECTION 2. That Section 24 BEREAVEMENT LEAVE be added to the Personnel Policies as follows:

"SECTION 24 BEREAVEMENT LEAVE POLICY

24.1 Full-Time Permanent Employees may be granted up to three (3) days of paid Bereavement Leave for absence required due to the death of an immediate family member. Immediate family is as defined in Section 23.4 herein. If time off in excess of three (3) days is requested the extra time may be granted under terms of Section 23.3 herein."

SECTION 3. That Sections 25.8 and 25.10 of the Personnel Policies now reading:

"25.8 Annual vacation leave shall be approved in advance by the department head who shall give first consideration to the interests of the department and second to the desire of the Full-Time Permanent Employee. Although Full-Time Permanent Employees are encouraged to generally take a vacation each year for rest and rehabilitation, a Full-Time Permanent Employee may accumulate in his individual vacation leave account maximum annual leave as follows:

<u>Years of Service</u>	<u>Maximum Annual that may be accumulated</u>
0 through 8 years	20 days or 160 hours
9	25 days or 200 hours
10 through 19 years	30 days or 240 hours
19	35 days or 280 hours
20 and over	40 days or 320 hours"

"25.10 The Auditor and Treasurer are authorized to pay any Full-Time Permanent Employee with six (6) months service who leaves the employment of the City for any reason, or to pay to the surviving spouse, guardian of minor child or children or to the personal representative of the estate of a deceased Full-Time Permanent Employee with six (6) months service, the accrued vacation leave pay of such Full-Time Permanent Employee, being the vacation leave pay to which said Full-Time Permanent Employee would have been entitled had said Full-Time Permanent Employee remained an employee of the City or survived."

are hereby amended to read as follows:

"25.8 Annual vacation leave shall be approved in advance by the department head who shall give first consideration to the interests of the department and second to the desire of the eligible employee. Although employees are encouraged to take a vacation each year for rest and rehabilitation, vacation time may be 'banked' in the employee's individual vacation leave account up to a limit of three times the annual accrual."

"25.10 The Auditor and Treasurer are authorized to pay full accrued vacation leave pay to any eligible employee who leaves the employment of the City for any reason or, in the event of death of the employee, to the surviving spouse, guardian of minor children or personal representative of the estate."

SECTION 4. That Section 29 - HEALTH INSURANCE - of the Personnel Policies is hereby repealed in its entirety.

SECTION 5. That Section 29 - HEALTH INSURANCE - be added to the Personnel Policies as follows:

"SECTION 29 HEALTH INSURANCE

29.1 The City offers Group Health Insurance coverage for eligible employees, as defined below, and their eligible dependents, as defined by the insurance plans. Said insurance includes: hospital/surgical/medical, prescription and dental coverage, except that dental insurance is not available for Part-Time employees working less than 30 hours per week.

29.2 Eligible employees shall include:

- A. Full-Time Employees hired for regular positions that are not included in any collective bargaining agreement and who have been employed for more than thirty (30) days;
- B. Part-Time employees hired for regular positions that are not included in any collective bargaining agreement, who have been employed for more than thirty (30) days and are employed for less than forty (40) hours but at least twenty-four (24) hours or more per week;
- C. Employees in positions covered by collective bargaining agreements as set out in their respective agreements;
- D. Elected employees designated by Council;

42

29.3 Employees as set forth in paragraphs A. and D. above shall contribute to the cost of this insurance by payroll deduction each pay period as follows:

<u>Effective dates</u>	<u>Single</u>	<u>Family</u>
Calendar Year 1994	\$ 7.00	\$ 9.00
Calendar Year 1995	10.00	15.00
Calendar Year 1996*	15.00	25.00

\* To continue thereafter until changed by Ordinance.

29.4 The City and the Employees as set forth in paragraph B. above shall contribute to the cost of this insurance pro-rata percentage amounts of the total premium in accordance with the following schedule. The employee portion shall be by payroll deduction each pay period.

REGULARLY SCHEDULED HOURS WORKED PER WEEK

	<u>24 - 30</u>	<u>31 - 35</u>	<u>36 - 40</u>
	*		
PAID BY CITY	60%	75%	90%
PAID BY EMPLOYEE	40%	25%	10%

\*Dental not available to this category

29.5 Eligible employees, as defined, may apply for but shall not be entitled to participate in or under said insurance plans until the completion of thirty (30) calendar days of employment.

29.6 Temporary Employees, Part-Time Employees hired for less than 24 hours per week and Elected Officials not designated by Council for premium payment by the City, may enroll in the health insurance plans offered, subject to insurance company acceptance, and the City agrees to deduct from such employee's wages the full cost of the monthly premium in advance of the due date."

SECTION 6. That Section 47.4 of the Personnel Policies now reading:

"HOURLY EMPLOYEES"

"47.4 Subject to 47.2 above, Hourly Employees shall be paid one and one-half (1 1/2) times their regular hourly rate for any work performed in excess of eight (8) hours in any one day or in excess of forty (40) hours in any one week."

is hereby amended to read as follows:

"HOURLY EMPLOYEES"

"47.4 Full-time Hourly employees, including Full Time Temporary and Probationary Employees, shall be paid at one and one-half (1 1/2) times their regular hourly rate for any work performed in excess of eight (8) hours in any one day (except for those whose work hours may have been modified per Section 47.2 herein) or in excess of forty (40) hours in any one week.

In lieu of overtime pay, the Full Time Permanent employee only, may, upon request, receive and accrue compensatory time at the rate of time and one half (1 1/2) for the hours of overtime worked, up to a maximum accrual of eighty (80) hours. Overtime pay will be paid automatically when maximum accrual is exceeded.

Compensatory time off must be scheduled and approved in advance and will be granted in increments of not less than one (1) hour.

Upon termination of employment for any reason, the employee or in the event of death, the surviving spouse, guardian of minor children or the estate, shall be paid at the current rate of pay for all compensatory time accumulated."

SECTION 7. That Section 47.8 of the Personnel Policies now reading:

"SALARIED EMPLOYEES"

"47.8 Except the Fire Department, the normal work day shall be eight (8) hours per day and the normal work week shall be forty (40) hours per week."

is hereby amended to read as follows:

"SALARIED EMPLOYEES"

"47.8 For Salaried Employees the normal work day shall be eight (8) hours and the normal work week shall be forty (40) hours."

SECTION 8. That Section 47.16 of the Personnel Policies now reading:

"SALARIED EMPLOYEES"

"47.16 No Employee shall accumulate compensatory time off for any reason in excess of thirty-two (32) hours."

is hereby amended to read as follows:

**"SALARIED EMPLOYEES"**

"47.16 No Salaried Employee shall accumulate compensatory time in excess of eighty (80) hours. Compensatory time is earned at straight time per Section 47.13 herein. Authorized overtime worked in excess of the maximum compensatory time accrual will automatically be paid at the straight time rate.

Compensatory time off is to be used at the discretion of the salaried employee with proper notification to the appropriate administrative authority.

Upon termination of employment for any reason, the employee or in the event of death, the surviving spouse, guardian of minor children or the estate, shall be paid at the current rate of pay for all accrued compensatory time."

SECTION 9. That Sections 47.18 and 47.19 of the Personnel Policies now reading:

**"TEMPORARY, PART-TIME, PROBATIONARY, AND ELECTED EMPLOYEES:"**

"47.18 Temporary Employees, Part-Time Employees and Probationary Employees shall not be entitled to overtime pay and these regulations for overtime shall not apply to Temporary Employees, Part-Time Employees and Probationary Employees.

47.19 The provisions herein pertaining to overtime shall not apply to Elected Employees."

are hereby amended to read:

**"PART-TIME EMPLOYEES"**

"47.18 Part-Time Employees, including Part-Time Temporary and Probationary Employees, shall be entitled to overtime pay for hours worked in excess of forty (40) hours in any one week."

**"ELECTED OFFICIALS"**

"47.19 Overtime provisions do not apply to Elected Officials."

SECTION 10. That Sections 47.3, 47.9, 47.14, 47.15 and 47.17 of SECTION 47 HOURS OF WORK AND OVERTIME of the Personnel Policies are hereby repealed in their entirety.

SECTION 11. 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, also to provide some improved benefits accruals to employees in this calendar year and in order to implement the changes in insurance premium payments by the first pay period of 1995; 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.

*Paul Vitartas*  
PRESIDENT OF COUNCIL

PASSED: December 12, 1994  
APPROVED: December 13, 1994  
*Jack R. Kelly*  
MAYOR

ATTEST:  
*Jean Steward*  
CLERK OF COUNCIL

ORDINANCE NO. 1994- 128

ORDINANCE CHANGING THE ADVANCES AUTHORIZED BY  
RESOLUTON NO. 1994-14 TO A PERMANENT TRANSFER,  
AND DECLARING AN EMERGENCY.

WHEREAS, this Council authorized advances up to \$231,000.00 to the  
WWTP Chlorination System Fund from the Sewer Replacement Fund while certain  
questions concerning the State Issue 2 Funding were resolved, and

WHEREAS, it has been determined that the project is no longer eligible  
for the State Issue 2 Funds,

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

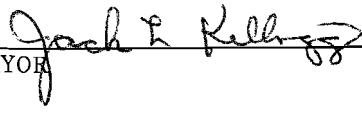
Section 1. That this Council has determined that the advance(s) authorized  
by Resolution No. 1994-14 is now to be a permanent transfer.

Section 2. That this ordinance is hereby declared to be an emergency  
measure necessary for the welfare of the City of Marion and the inhabitants  
thereof and for the further reason that it is necessary for the daily operation  
of said 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 of Council; otherwise, it shall become effective  
from and after the earliest period allowed by law.

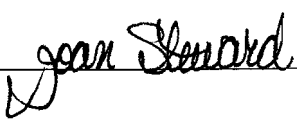
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: December 27, 1994

APPROVED: December 28, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK




ORDINANCE NO. 1994- 129

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

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

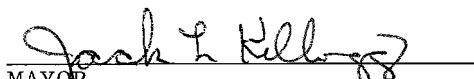
Section 1. That the Safety/Service Director is hereby authorized and directed to prepare specifications and advertise for bids for five (5) police vehicles.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that the manufacturer's Build-Out-Date may be as soon as January 18, 1995; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

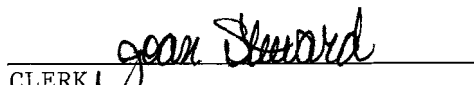
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: December 27, 1994

APPROVED: December 28, 1994

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK