

ORDINANCE NO. 1995 - 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, 1995, 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, 1995, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 203,394
Salaries - Uniformed	1,943,892
Benefits	876,976
Accrued Pension	35,461
Quartermaster	44,400
Travel	6,500
Schooling	34,718
Service Contracts	16,340
Equipment Lease	4,000
Equipment Maintenance	34,000
Insurance	50,000
Supplies	23,500
Fuel & Lubricants	36,000
Professional Service	17,800
Special Training	2,000
Membership Dues	1,000
Subscriptions/Publications	4,000
Equipment	117,610
Third Grade Seat Belt Program	1,300
Operation Buckle Down	2,000
Legal Ads	1,000
Unclaimed Vehicles	<u>6,000</u>

Total Police Department. . . . . . \$3,461,891

Jail Facility

Salaries	\$ 103,214
Benefits	36,039
Quartermaster	1,000
Travel	400
Schooling	500
Prisoner Housing	20,000
Prisoner Sustenance	20,000
Equipment Maintenance	1,000
Prisoner Medical Expense	40,000
Supplies	2,500
Subscriptions/Publications	<u>200</u>

Total Jail Facility. . . . . . \$ 224,853

Dispatch Department

Salaries	\$ 224,470
Benefits	79,674
Quartermaster	2,500
Travel	1,000
Schooling	3,000
Service Contracts	19,000
Equipment Maintenance	10,000
Equipment	<u>2,000</u>

Total Dispatch Department. . . . . . \$ 341,644

Fire Department

Salaries - Uniformed	2,339,134	
Benefits	1,119,943	
Accrued Pension	50,275	
Quartermaster	23,320	
Travel	7,500	
Schooling	13,000	
Utilities	46,900	
Service Contracts	4,356	
Equipment Maintenance	34,178	
Building Maintenance	18,900	
Insurance	25,000	
Supplies	18,900	
Fuel & Lubricants	15,000	
Professional Service	14,300	
Membership Dues	900	
Subscriptions/Publications	2,000	
Equipment	37,000	
Capital Improvements	20,000	
EMS (ODPS) Grant	<u>8,404</u>	
<u>Total Fire Department.</u>		<u>\$3,790,606</u> <u>\$3,799,010</u>

Disaster Services

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

Recreation Department

Salaries	\$ 89,000	
Benefits	34,800	
Travel	650	
Professional Service	55,000	
Insurance	2,500	
Supplies	28,500	
Utilities	4,500	
Equipment Maintenance	1,500	
Fuel	900	
Equipment	4,000	
Postage	2,200	
Membership Dues	100	
Subscriptions/Publications	165	
Capital Improvements	<u>11,000</u>	
<u>Total Recreation Department.</u>		<u>\$ 234,815</u>

Senior Citizens Department

Salaries	\$ 58,255	
Benefits	34,840	
Utilities	23,175	
Building Maintenance	2,500	
Insurance	4,000	
Professional Service	1,500	
Equipment Maintenance	500	
Equipment	20,000	
Capital Improvement	<u>7,000</u>	
<u>Total Senior Citizens Dept.</u>		<u>\$ 151,770</u>

Planning Department

Marion Regional Planning	\$	37,446	
<u>Total Planning Department.</u>			\$ 37,446

Economic Development Department

Benefits	\$	9,600	
Land Acquisition		12,000	
<u>Total Economic Development.</u>			\$ 21,600

Street Lighting

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

Parking Meter Department

Salary	\$	23,226	
Benefits		10,375	
Clothing Allowance		350	
Travel		180	
Taxes		1,400	
Supplies		800	
<u>Total Parking Meter Dept.</u>			\$ 36,331

Airport

Salaries	\$	89,946	
Benefits		39,262	
Travel		1,000	
Utilities		21,000	
Service Contracts		5,936	
Equipment Maintenance		4,500	
Land/Bldg. Maintenance		27,472	
Insurance		6,000	
Taxes		3,100	
Supplies		6,040	
Fuel & Lubricants		2,000	
Membership Dues		375	
Professional Services		9,000	
Postage		250	
Subscriptions/Publications		300	
Equipment		15,000	
Schooling		1,000	
<u>Total Airport Operations.</u>			\$ 232,181

Mayor

Salaries	\$	54,213	
Benefits		16,637	
Travel		3,240	
Professional Service		1,200	
Supplies		1,200	
Utilities		500	
Service Contracts		2,200	
Membership Dues		200	
Subscriptions/Publications		250	
<u>Total Mayor's Office.</u>			\$ 79,640

Auditor

Salaries	\$ 158,250
Benefits	62,539
Travel	200
Professional Services	10,000
Service Contracts	17,000
Supplies	7,500
Subscriptions/Publications	1,600
Schooling	<u>300</u>

Total Auditor's Office. . . . . . \$ 257,389

Income Tax

Salaries	\$ 125,424
Benefits	48,785
Travel	650
Professional Services	8,000
Supplies	14,300
Postage	4,300
Service Contracts	2,000
Schooling	4,700
Membership Dues	50
Subscriptions/Publications	800
Equipment	<u>3,500</u>

Total Income Tax Office. . . . . . \$ 212,509

Treasurer

Salary	\$ 4,608
Benefits	1,124
Professional Services	600
Supplies	<u>300</u>

Total Treasurer's Office. . . . . . \$ 6,632

Law Director

Salaries	\$ 127,926
Benefits	57,167
Travel	1,350
Professional Services	4,600
Supplies	3,279
Schooling	2,000
Membership Dues	500
Subscriptions/Publications	<u>500</u>

Total Law Director's Office. . . . . . \$ 197,322

Human Resource Director

Salaries	\$ 59,532
Benefits	18,090
Travel	500
Professional Services	7,000
Supplies	1,500
Membership Dues	500
Legal Ads	500
Subscriptions/Publications	2,500
Schooling	<u>1,000</u>

Total Human Resource Dir's Office. . . . . . \$ 91,122

Safety/Service Director

Salaries	\$ 69,324
Benefits	29,206
Travel	975
Professional Services	5,500
Supplies	4,000
Demolition	5,000
Burials	5,000
Schooling	1,500
Service Contracts	2,000
Membership Dues	300
Litter Control	4,000
Subscriptions/Publications	<u>1,500</u>

Total Safety/Service Dir's Office. . . . . \$ 128,305

Civil Service Commission

Salaries	\$ 4,100
Benefits	1,001
Professional Services	5,000
Supplies	<u>1,000</u>

Total Civil Service Commission. . . . . \$ 11,101

City Council

Salaries	\$ 60,241
Benefits	14,837
Travel	550
Membership Dues	3,000
Legal Advertising	4,000
Supplies	1,430
Schooling	400
Contract Services	<u>400</u>

Total City Council. . . . . \$ 84,858

Municipal Court

Salaries	\$ 326,741
Benefits	124,387
Travel	1,800
Professional Services	11,000
Service Contracts	600
Equipment Maintenance	1,750
Supplies	19,000
Fuel & Lubricants	700
Utilities	1,700
Membership Dues	420
Subscriptions/Publications	<u>2,600</u>

Total Municipal Court. . . . . \$ 490,698

City Hall

Salaries	\$ 36,006
Benefits	11,946
Utilities	146,000
Custodial Service	16,000
Postage Meter	42,000
Building Maintenance	24,000
Insurance	34,000
Taxes	400
Supplies	10,000
Service Contracts	16,000
Professional Service	1,000
Capital Improvements	36,891
Equipment Lease	<u>6,000</u>

Total City Hall. . . . . . \$ 380,243

Engineering Department

Salaries	\$ 147,549
Benefits	50,601
Travel	700
Equipment Maintenance	1,000
Supplies	2,000
Fuel & Lubricants	1,000
Membership Dues	20
Subscriptions/Publications	300
Service Contracts	350
Equipment	2,500
Schooling	<u>1,800</u>

Total Engineering Department. . . . . . \$ 207,820

Statutory Accounts

Election Expense	\$ 20,000
Examiner Fees	21,000
City Auditor/Treasurer Fees	25,000
Income Tax Refunds	177,500

Total Statutory Accounts. . . . . . \$ 243,500

Transfers

Bond Retirement	\$ 213,400
Health	264,794
Transit	100,000
Swimming Pool	29,885
SCMR	563,225
Sewer Revenue	55,000
Capital Improvement	240,000
Parks	<u>293,909</u>

Total Transfers. . . . . . \$1,760,213

Total General Fund. . . . . . \$12,901,489

SENIOR CITIZENS III-B GRANT FUND

Salaries	\$ 55,061
Travel	2,100
Utilities	2,400
Equipment Maintenance	800
Vehicle Leases	6,000
Supplies	1,400
Fuel & Lubricants	5,800
Schooling	145
Postage	2,031
Insurance	600
Equipment	<u>1,605</u>

Total Sr. Citizens III-B Grant Fund. . . . . \$ 77,942

SENIOR CITIZENS III-D GRANT FUND

Salaries	\$ 1,270
Travel	176
Postage	<u>300</u>

Total Sr. Citizens III-D Grant Fund. . . . . \$ 1,746

STATE BLOCK GRANT FUND

Salaries	\$ <u>8,418</u>
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Total State Block Grant Fund. . . . . \$ 8,418

SENIOR CITIZENS III-F GRANT FUND

Equipment	\$ <u>1,120</u>
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Total Sr. Citizens III-F Grant Fund. . . . . \$ 1,120

STREET CONSTRUCTION MAINTENANCE & REPAIR FUNDTraffic Maintenance

Utilities	\$ 37,500
Equipment Maintenance	25,000
Supplies	40,000
Equipment	<u>4,000</u>

Total Traffic Maintenance. . . . . \$ 106,500

Street Maintenance

Salaries	\$ 728,557
Benefits	272,377
Clothing Allowance	7,150
Travel	500
Professional Services	12,000
Service Contracts	3,500
Equipment Maintenance	45,000
Permissive Auto Tax	164,000
Insurance	30,000
Supplies	150,000
Fuel & Lubricants	35,000
Equipment	200,000
Streetscape	5,000
Schooling	11,000
Utilities	20,000
Land & Building Maintenance	10,000
Capital Improvements	20,000
Resurfacing Projects	<u>145,000</u>
<u>Total Street Maintenance.</u>	..... \$1,859,084
<u>Total SCMR Fund.</u>	..... \$1,965,584

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	17,000
Equipment	<u>8,000</u>
<u>Total Court Computerization Fund.</u>	..... \$ 33,000

HEALTH FUND

Administration

Salaries	\$ 195,950
Benefits	66,296
Travel	2,000
Professional Services	8,000
Service Contracts	2,000
Equipment Maintenance	500
Supplies	3,400
Fuel & Lubricants	300
State Reimbursements	15,000
Insurance	4,000
Books/Publications	150
Dues & Memberships	<u>250</u>
<u>Total Health Administration.</u>	..... \$ 297,846



Inspection

Salaries	\$ 74,196
Benefits	22,348
Travel	1,300
Professional Services	4,800
Weed Control	9,000
Blight Control	13,000
Mosquito Control	2,500
Supplies	2,000
Fuel & Lubricants	750
Insurance	500
Schooling	500
Dues	200

Total Health Inspection. . . . . . \$ 131,094

TOTAL HEALTH FUND. . . . . . \$ 428,940

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 164,239
Benefits	51,487
Travel	1,000
Building Lease	18,900
Equipment Maintenance	1,500
Supplies	7,700
Equipment	5,000
Utilities	1,550
Janitorial Services	2,440
Subscriptions/Publications	275
Postage	2,400
Membership Dues	25
Professional Services	1,800

Total WIC Fund. . . . . . \$ 258,316

PARKS FUND

Salaries	\$ 146,287
Benefits	61,936
Clothing Allowance	1,200
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	4,500
Professional Service	5,000
Equipment	23,900
Capital Improvements	15,000

Total Parks Fund. . . . . . \$ 319,723

ENFORCEMENT AND EDUCATION FUND

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

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

INDIGENT ALCOHOL DRIVER FUND

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

HEALTH LICENSE FUND

Trailer Park	\$ 450	
Food Service	26,810	
Vending Machines	1,463	
Swimming Pool	2,530	
Infectious Waste	250	
Solid Waste	<u>3,175</u>	
<u>Total Health License Fund.</u>		\$ 34,678

HOME HEALTH SERVICE FUND

Reimbursements	\$ 7,500	
<u>Total Home Health Service Fund.</u>		\$ 7,500

EARLY INTERVENTION GRANT FUND

Salaries	\$ 30,818	
Benefits	8,158	
Supplies	3,273	
Schooling	3,393	
Utilities	1,500	
Postage	750	
Travel	1,202	
Service Contracts	<u>300</u>	
<u>Total Early Intervention Grant Fund.</u>		\$ 49,394

EARLY INTERVENTION INITIATIVE GRANT FUND

Salaries	\$ 4,270	
Benefits	956	
Travel	150	
Schooling	250	
Supplies	1,787	
Postage	<u>500</u>	
<u>Total E.I. Initiative Grant Fund.</u>		\$ 7,913

EARLY INTERVENTION LINKAGE GRANT FUND

Salaries	\$ 2,328	
Benefits	534	
Travel	110	
Professional Service	<u>2,500</u>	
<u>Total E.I. Linkage Grant Fund.</u>		\$ 5,472

CHIP GRANT FUND

Salaries	\$ 39,351	
Benefits	9,563	
Travel	800	
Administration	7,000	
Rental Rehab	<u>70,000</u>	
<u>Total CHIP Fund.</u>		\$ 126,714

RENTAL REHABILITATION FUND

Emergency Rehab	\$	889	
<u>Total Rental Rehabilitation Fund.</u>			\$ 889

REVOLVING FUND

Administration	\$	1,900	
Revolving Loans		43,000	
<u>Total Revolving Fund.</u>			\$ 44,900

FORMULA GRANT FUND

Administration	\$	35,204	
Daycare		6,715	
Emergency Rehab		27,400	
Fair Housing		1,635	
Private Rehab		15,000	
Flood & Drainage		34,760	
Street Improvements		33,000	
Curbs & Sidewalks		54,535	
<u>Total CDBG Fund.</u>			\$ 208,249

UDAG LOAN REPAYMENT FUND

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

HOME PROGRAM GRANT FUND

Administration	\$	17,048	
Private Rehab		165,998	
Rental Assistance		98,394	
<u>Total Home Program Grant Fund.</u>			\$ 281,440

HOUSING REVOLVING LOAN FUND

Administration	\$	500	
Implementation		150	
<u>Total Housing Revolving Loan Fund.</u>			\$ 650

UNDERGROUND STORAGE TANK FUND

Professional Services	\$	55,000	
<u>Total UST Fund.</u>			\$ 55,000

G.O. BOND RETIREMENT FUND

Professional Services	\$	4,000	
G.O. Bond Interest		71,400	
G.O. Bond Principal		138,000	
<u>Total G.O. Bond Retirement Fund.</u>			\$ 213,400

CAPITAL IMPROVEMENT FUND

FY 94 Storm Sewer Impr.	\$	25,000.00	
FY 92 Airport Improve.		15,115.20	
FY 95 Contingency		240,000.00	
FY 93 Storm Sewer Impr.		<del>8,752.98</del>	8,709.98
FY 93 Airport Improvements		44,524.08	
FY 94 Contingency		210,716.78	
FY 94 Airport Improvements		<u>1,283.22</u>	

Total Capital Improvement Fund. . . . . . \$ ~~545,392.26~~  
545,349.26

SOFTBALL FIELD IMPROVEMENT FUND

Capital Improvements	\$	<u>12,675</u>
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Total Softball Field Improvement Fund. . . . . . \$ 12,675

STORM SEWER IMPROVEMENT FUND

Professional Service CP507	\$	1,231.50
Capital Improvements CP507		603.70
Capital Improvements CP704		19,480.85
Professional Service CP704		<u>26.42</u>

Total Storm Sewer Imp. Fund. . . . . . \$ 21,342.47

AIRPORT INDUSTRIAL PARK SANITARY SEWER FUND

Capital Improvements CP522	\$	<u>1,874</u>
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Total Air. Ind. Park San. Sewer Fund. . . . . . \$ 1,874

TRANSIT FUND

Salaries	\$	311,662
Benefits		142,335
Travel		210
Utilities		29,093
Professional Services		20,000
Service Contracts		10,000
Land Lease		4,800
Equipment Maintenance		29,500
Land/Bldg. Maintenance		3,500
Insurance		47,000
Supplies		15,750
Fuel & Lubricants		75,000
Schooling		6,000
Membership Dues		200
Subscriptions/Publications		600
Equipment		162,200
Capital Improvements		6,000
Legal Advertising		<u>10,000</u>

Total Transit Fund. . . . . . \$ 873,850

SEWER SYSTEM IMPROVEMENT FUND

G.O. Bond Interest	\$	20,475
G.O. Bond Principal		35,000
OWDA Loan		<u>306,760</u>

Total Sewer System Imp. Fund. . . . . . \$ 362,235

SEWER REPLACEMENT FUND

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

Total Sewer Replacement Fund. . . . . \$1,501,000

SEWER REVENUE FUNDSewer Maintenance & Repair

Salaries	\$ 285,255
Benefits	110,336
Clothing Allowance	2,600
Utilities	2,600
Professional Services	9,500
Equipment Maintenance	5,100
Insurance	4,000
Supplies	37,000
Fuel & Lubricants	7,600
Equipment	<u>7,500</u>

Total Sewer Maint. & Repair. . . . . \$ 471,491

Water Pollution Control

Salaries	\$ 763,810
Benefits	259,754
Clothing Allowance	6,175
Travel	1,100
Utilities	545,350
Professional Services	81,100
Equipment Maintenance	42,000
Land/Building Maintenance	20,000
Insurance	32,000
Supplies	277,298
Fuel & Lubricants	12,000
Equipment	17,735
Postage	245
Refunds	2,800
Transfer-Replacement	200,000
Transfer-Utility Billing	99,731
Subscriptions/Publications	1,528
Schooling	2,700
Dues	<u>500</u>

Total Water Pollution Control. . . . . \$2,365,826

TOTAL SEWER REVENUE FUND. . . . . \$2,837,317

SANITATION FUND

Refuse Collection

Salaries	\$ 604,709
Benefits	231,203
Clothing Allowance	7,150
Equipment Maintenance	45,000
Insurance	27,000
Supplies	45,000
Fuel & Lubricants	37,000
Equipment	100,000
Refunds	1,500
Transfer-Utility Billing	113,331
Service Contracts	1,000
Solid Waste Transfer Expense	653,250
Professional Service	10,000
Capital Improvements	<u>3,000</u>

Total Refuse Collection. . . . . . \$1,879,143

Landfill Operations

Utilities	\$ 12,000
Equipment Maintenance	10,000
Insurance	1,000
Professional Services	12,000
Supplies	2,500
Fuel & Lubricants	2,000
EPA Corrective Measure	<u>3,387</u>

Total Landfill Operations. . . . . . \$ 42,887

TOTAL SANITATION FUND. . . . . . \$1,922,030

LANDFILL MONITORING FUND

Supplies	\$ 15,000
Professional Services	336,000
Capital Improvements	530,000- 505,812
Bond & Note Interest	198,320
Note Principal	<u>3,200,000</u>

Total Landfill Monitoring Fund. . . . . . ~~\$4,279,320-~~  
\$4,255,132

RECYCLING FUND

Salaries	\$ 117,538
Benefits	47,964
Equipment Maintenance	12,000
Insurance	3,700
Supplies	15,000
Fuel	6,000
Clothing Allowance	1,300
Transfer Utility Billing	13,600
Refunds	300
Schooling	3,000
Professional Services	5,500
Comingling Expense	10,000
Recycle Ohio Grant	93,480
Equipment	<u>15,734</u>

Total Recycling Fund. . . . . . \$ 345,116

SWIMMING POOL FUND

Salaries	\$ 28,800
Benefits	7,600
Utilities	12,000
Equipment Maintenance	1,000
Land/Building Maintenance	2,500
Insurance	700
Supplies	18,000
Equipment	5,000
Schooling	900
Professional Services	1,500

Total Swimming Pool Fund. . . . . \$ 78,000

NW INTERCEPTOR IMPROVEMENT FUND

Trans. to Air Ind Park Sewer	\$ 95,332
OPWC Loan No. CP522	35,000

Total NW Interceptor Imp. Fund. . . . . \$ 130,332

UTILITY BILLING FUND

Salaries	\$ 108,000
Benefits	38,842
Travel	250
Professional Services	12,000
Supplies	8,500
Service Contracts	33,000
Equipment	3,000
Postage	18,650
Schooling	4,300
Publications	120

Total Utility Billing Fund. . . . . \$ 226,662

EVELYN E. WALTER TRUST FUND

Recreation Expense	\$ 2,600
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Total Evelyn E. Walter Trust Fund. . . . . \$ 2,600

STATE PATROL FINES AGENCY FUND

State Patrol Fines	\$ 105,000
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Total State Patrol Agency Fund. . . . . \$ 105,000

STREET CUT DEPOSIT TRUST FUND

Street Cut Deposits	\$ 8,000
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Total Street Cut Deposit Trust Fund. . . . . \$ 8,000

YOUTH RECREATION TRUST FUND

Recreation Expense	\$ 5,000
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Total Youth Recreation Trust Fund. . . . . \$ 5,000

SENIOR CITIZENS TRUST FUND

Senior Citizens Program           \$ 18,000  
Total Sr. Citizens Trust Fund. . . . . \$ 18,000

POLICE & FIREMEN PENSION AGENCY FUND

Transfers-General               \$ 147,472  
Total Police/Firemen Pens. Ag Fund. . . . . \$ 147,472

SAFETY PATROL TRUST FUND

Safety Patrol Program           \$ 4,000  
Total Safety Patrol Trust Fund. . . . . \$ 4,000

LAW ENFORCEMENT TRUST FUND

Law Enforcement               \$ 2,837  
Total Law Enforcement Trust Fund. . . . . \$ 2,837

SAFETY CITY TRUST FUND

Safety City                   \$ 2,000  
Total Safety City Trust Fund. . . . . \$ 2,000

PARKING METER AGENCY FUND

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

FIRE DAMAGED STRUCTURE TRUST FUND

Insurance Proceeds           \$ 50,000  
Total Fire Dmg Structure Trust Fund. . . . . \$ 50,000

S.A. BOND RETIREMENT FUND

S.A. Bond Interest           \$ 27,650  
S.A. Bond Principal           35,000  
Total S.A. Bond Retirement Fund. . . . . \$ 62,650

ROTARY AGENCY FUND

Pass-Thru Payments           \$ 50,000  
Total Rotary Agency Fund. . . . . \$ 50,000

GRAND TOTAL. . . . . ~~\$30,888,481.73~~  
\$30,872,654.73



## SUMMARY OF FUNDS

FUND		APPROPRIATIONS	REIMBURSEMENTS AND REFUNDS	TRANSFERS	TOTALS
General	\$10,972,180	\$10,963,776-	\$177,500	\$1,760,213	\$12,909,693
Sr. Cit. III-B		77,942			\$12,901,489-
Sr. Cit. III-D		1,746			77,942
Sr. Cit. Block Grant		8,418			1,746
Sr. Cit. III-F		1,120			8,418
SCMR		1,965,584			1,120
State Highway Improvement		40,000	15,000		1,965,584
Court Computerization		33,000			55,000
Health		413,940	15,000		33,000
WIC		258,316			428,940
Parks		319,723			258,316
Enforcement & Education		12,000	31,300		319,723
Indigent Alcohol Driver		75,000			43,300
Health License			34,678		75,000
Home Health Service			7,500		34,678
Early Intervention		49,394			7,500
E.I. Initiative Grant		7,913			49,394
E.I. Linkage Grant		5,472			7,913
CHIP Grant		126,714			5,472
Rental Rehab		889			126,714
Revolving Loan		44,900			889
Formula Grant		208,249			44,900
UDAG Loan Repayment		78,000			208,249
Home Program Grant		281,440			78,000
Housing Revolving Loan		650			281,440
Underground Storage Tank		55,000			650
G.O. Bond Retirement		213,400			55,000
Capital Improvement		511,639.28		33,709.98	213,400
Softball Field Improvement		12,675		33,752.98-	545,392.26
Storm Sewer Improvement		21,342.47			12,675
Air. Ind. Park Sanitary Sewer		1,874			21,342.47
Transit		873,850			1,874
Sewer System Improvement		362,235			873,850
Sewer Replacement		1,501,000			362,235
Sewer Revenue		2,534,786	2,800	299,731	1,501,000
Sanitation		1,807,199	1,500	113,331	2,837,317
Landfill Monitoring	4,255,132	-4,279,320-		4,255,132	1,922,030
Recycling		331,216	300	13,600	-4,279,320-
Swimming Pool		78,000			345,116
NW Interceptor Improvement		35,000			78,000
Utility Billing		226,662			35,000
Evelyn E. Walter Trust		2,600			226,662
State Patrol Agency		105,000			2,600
Street Deposit Trust		8,000			105,000
Youth Recreation Trust		5,000			8,000
Senior Citizens Trust		18,000			5,000
Police/Fire Pension Agency				147,472	18,000
Safety Patrol Trust		4,000			147,472
Law Enforcement Trust		2,837			4,000
Safety City Trust		2,000			2,837
Parking Meter Agency		10,000			2,000
Insurance Proceeds Trust		50,000			10,000
S.A. Bond Retirement Agency		62,650			50,000
Rotary Agency		50,000			62,650
					50,000
GRAND TOTAL		\$28,139,471.75-	\$285,578	\$2,463,431.98	\$30,888,481.73-
		\$28,123,687.75		\$2,463,388.98	\$30,872,654.73

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.

*Mark C. Meginness*  
PRESIDENT OF COUNCIL  
Presiding Officer

PASSED: January 4, 1995

APPROVED: January 5, 1995

*Jack L. Kelly*  
MAYOR

*Published: The Marion Star  
Jan. 25, 1995, in summary  
Joan Steward  
Clerk of Council*

ATTEST:

*Lynora Hayes*  
CLERK  
Pro-Tempore

ORDINANCE NO. 1995 - 2

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR GROUND WATER SAMPLING TO BE DONE AT THE MARION CITY SANITARY 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 she is hereby authorized and directed to prepare specifications and advertise for bids to have water quality samples collected from the ground water monitoring wells at the Marion City Sanitary 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.

*Mark C. McGuinness*  
 PRESIDENT OF COUNCIL  
 Presiding Officer

PASSED: January 4, 1995

APPROVED: January 5, 1995

*Jack L. Kilby*  
 MAYOR

ATTEST:

*Senora Mays*  
 CLERK  
 Pro-Tempore

ORDINANCE NO. 1995- 3

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING LOT #10185 AND Lot #10186 IN OAK GROVE ADDITION TO THE CITY OF MARION FROM R-1C (SINGLE FAMILY, HIGH DENSITY) TO C-4 (CENTRAL FRAME BUSINESS DISTRICT). (PETITIONER - STEVEN SCHULZ)

WHEREAS, Steven Schulz is seeking to rezone a property presently owned by Hughes Brothers Investments known as Lot #10185 and Lot #10186, and

WHEREAS, Council finds that said real property described in Section 1 below should be rezoned from R-1C (Single Family-High Density) to C-4 (Central FrameBusiness District), and

WHEREAS, the Marion City Planning Commission on December 6, 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 property known as Lot #10185 and Lot #10186 in the City of Marion, and more particularly described as follows:

Situated in the City of Marion, County of Marion, State of Ohio, and being Lot Number 10185 and Lot Number 10186 in Oak Grove Addition to the City of Marion, Ohio. Subject to easements, covenants, restrictions and conditions of record, together with grantors interest in vacated alley next to west lot lines,

heretofore zoned R-1C (Single Family-High Density) is hereby zoned C-4 (Central Frame Business 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:

DEFEATED - FEBRUARY 16, 1995

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

ORDINANCE NO. 1995-4

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO FILE A PETITION AND SUBMIT THE REQUIRED BOND TO THE MARION COUNTY COMMISSIONERS FOR THE CLEANING OF THE QU QUA DITCH FROM ITS BEGINNING AT LAURA DRIVE TO ITS TERMINUS AT THE OLENTANGY RIVER NEAR WALDO, OHIO.


WHEREAS, the Ohio Revised Code section 6131 establishes procedures for filing a petition and posting a bond for the cleaning of a county ditch, and

WHEREAS, the City of Marion desires to petition the Marion County Commissioners, on behalf of City of Marion residents within the Qu Qua ditch watershed, for the cleaning of said ditch from its beginning at Laura Drive to its terminus at the Olentangy River near Waldo, Ohio.


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

Section 1: That the Mayor is hereby directed to file a petition and submit the required bond to the Marion County Commissioners for the cleaning of the Qu Qua ditch from its beginning at Laura Drive to its terminus at the Olentangy River near Waldo, Ohio.

Section 2: That the cost of the required bond shall be payable from the Streets Fund - Professional Services.

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

Passed: January 23, 1995  
Approved: January 24, 1995

  
\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1995- 5

ORDINANCE AUTHORIZING THE MAYOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR JANITORIAL SERVICES FOR THE MUNICIPAL BUILDING, 233 WEST CENTER STREET, MARION, OHIO AND DECLARING AN EMERGENCY.

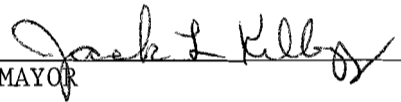
Section 1. That the Mayor be and he is hereby authorized and directed to prepare specifications and advertise for bids for janitorial services for the Municipal Building, 233 West Center street, Marion, Ohio, for a one-year period with the option to renew for an additional one-year period.

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 has expired; 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.

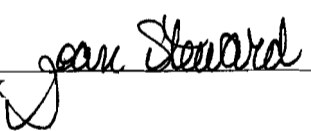
  
PRESIDENT OF COUNCIL

PASSED: January 23, 1995

APPROVE: January 24, 1995

  
MAYOR

ATTEST:

  
CLERK

1995 - 6

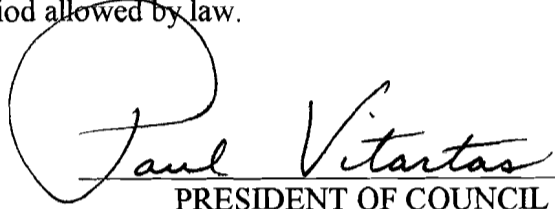
ORDINANCE NO. \_\_\_\_\_

ORDINANCE AUTHORIZING THE MAYOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR ANALYTICAL SERVICES FOR MARION CITY LANDFILL AS REQUIRED BY EPA FOR A PERIOD OF (1) ONE YEAR WITH AN OPTION YEAR AND DECLARING AN EMERGENCY.

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

**Section 1.** That the Mayor be and is hereby authorized and directed to prepare specifications and advertise for bids for the Analytical Services for Marion City Landfill as required by EPA for a period of (1) one year with an option year.

**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: January 23, 1995

APPROVED: January 24, 1995

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

ORDINANCE NO. 1995 - 7

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE VAN FOR THE SENIOR CITIZENS CENTER, AND DECLARING AN EMERGENCY.

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

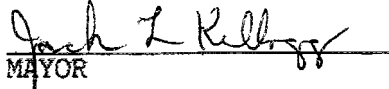
Section 1. That the Safety/Service Director be and she is hereby authorized and directed to prepare specifications and advertise for bids for the purchase of one van for the Senior Citizens Center.

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 build-out date for 1995 vehicles is February 28 and must be ordered before that date; 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.

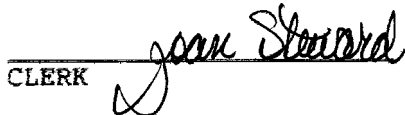
  
PRESIDENT OF COUNCIL

PASSED: January 23, 1995

APPROVED: January 24, 1995

  
MAYOR

ATTEST:

  
CLERK



ORDINANCE NO. 1995- 8ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) VIDEO  
CAMERA FOR USE BY THE MARION CITY POLICE DEPARTMENT.

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 the City of Marion, Marion County, Ohio,

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

Section 1. That the Mayor is hereby granted approval to purchase one (1) video camera and the necessary accessories for use by the Marion City Police Department at an estimated cost of \$3,950.00.

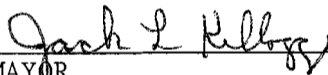
Section 2. That to cover the cost of said purchase, a transfer of appropriations in the amount of \$3,950.00 shall be taken from the Law Director Professional Service Account 101-07-714-230-000-320 and be placed in the Police Department Capital Equipment Account 101-01-111-250-000-450.

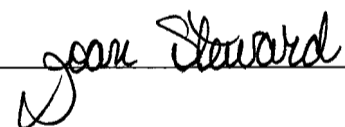
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: January 23, 1995

APPROVED: January 24, 1995

  
MAYOR

  
CLERK

ORDINANCE NO. 1995- 9

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE HEALTH FUND FOR THE YEAR ENDING DECEMBER 31, 1995, 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 Health Fund in the amount of \$3,000.00 as follows:

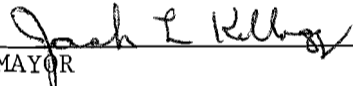
Admin. Schooling                      214-02-221-230-000-221                      \$3,000.00

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 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.

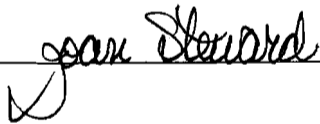
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: January 23, 1995

APPROVED: January 24, 1995

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1995- 10

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."

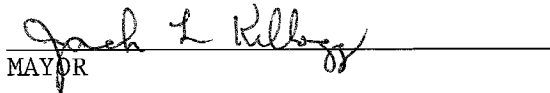
General Fund	\$818.82
Transit Fund	<u>612.50</u>
TOTAL	\$1,431.32

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.

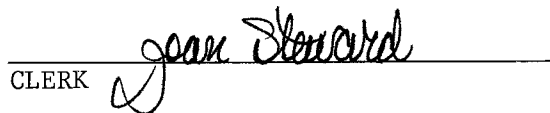
  
PRESIDENT OF COUNCIL

PASSED: January 23, 1995

APPROVED: January 24, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-11

ORDINANCE TO AMEND PERSONNEL POLICIES OF THE CITY OF MARION (ORDINANCE 68-41 AS AMENDED) TO INCLUDE THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993 AND MILITARY LEAVE REGULATIONS AND IMPROVE PROVISIONS FOR PERSONAL LEAVES OF ABSENCE

WHEREAS, the City wishes to bring the Personnel Policies into compliance with certain Federal and State laws pertaining to Leaves of Absence, and

WHEREAS, it has been shown that there are certain benefits enjoyed by bargaining unit employees during Leaves of Absence that are not currently available to other City employees and the City wishes to provide for such benefits;

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

SECTION 1. THAT SECTION 39 OF THE PERSONNEL POLICIES OF THE CITY OF MARION NOW READING AS FOLLOWS:

"SECTION 39. LEAVES

39.1 Permanent Employees who desire to attend conventions, conferences and similar gatherings, not pertaining to the operation of the City, upon request, shall be granted leaves of absence, not exceeding two (2) working weeks, without pay or other benefits.

39.2 Permanent Employees shall be granted an approved leave of absence, not to exceed five (5) years, for absence due to service in the United States Armed Services, without pay or other benefits.

39.3 For other types of leaves which may occur infrequently, the Mayor may, at his discretion, authorize leaves as required, without pay or other benefits."

IS HEREBY AMENDED TO READ AS FOLLOWS:

"SECTION 39. LEAVES OF ABSENCE

39.1 Miscellaneous Leaves

At the discretion of the Mayor, with first consideration to the demands of service to the public, permanent employees who have insufficient available vacation or compensatory time to use and desire to attend conventions, conferences or similar gatherings, not pertaining to the operation of the City, may, upon advance written request, be granted leaves of absence, not exceeding two (2) working weeks, without pay or other benefits, EXCEPT THAT THE EMPLOYEE MAY CONTINUE ALL INSURANCE COVERAGES IN EFFECT BY PAYING THE EMPLOYEE CO-PAY AMOUNT FOR THE HEALTH INSURANCE PREMIUM;

For other types of leave not specified by sub-sections 39.2 or 39.3 below, permanent employees may request and the Mayor may, at his or her discretion, authorize leaves as requested, up to one year, without pay or other benefits, EXCEPT THAT THE EMPLOYEE MAY CONTINUE ALL INSURANCE COVERAGES IN EFFECT FOR UP TO THIRTY (30) DAYS BY PAYING THE EMPLOYEE CO-PAY AMOUNT, AFTER THIRTY (30) DAYS CONTINUATION OF INSURANCE COVERAGES WILL REQUIRE FULL PAYMENT OF ALL PREMIUMS BY THE EMPLOYEE.

39.2 Military Leaves

Leaves of absence, benefits and restoration to employment shall be granted in accordance with the regulations contained in ORC 124.29 and 5903.02 through 5903.04, and the federal "Uniformed Services Employment and Reemployment Rights Act of 1994", 38 USC, and any future amendments thereto which by this reference are incorporated herein.

In accordance with ORC 5923.05 employees who are members of the Ohio National Guard, the Ohio Military Reserve, the Ohio Naval Militia, or members of other reserve components of the armed forces of the United States are entitled to leave of absence with pay, less whatever amount employee may receive as military base pay, for such time as they are in the military service on field training or active duty for periods not to exceed thirty-one (31) days (maximum 176 hours) in any one calendar year. As used herein "calendar year" means January 1 through December 31, inclusive.

The legislative authority, City Council, may authorize payment in excess of the thirty-one day period in any one calendar year for any such employee who may be called to active duty for a period in excess of thirty-one (31) days in any one calendar year because of an Executive Order issued by the Governor, the President or an Act of Congress.

### 39.3 Family and Medical Leave

Effective August 5, 1993, any employee not represented by a collective bargaining agreement, who has been employed for at least one year and has worked at least 1250 hours during the twelve (12) months immediately preceding the start of leave, is eligible for leave of absence under the terms of the Family and Medical Leave Act of 1993 (FMLA).

The Act (FMLA) becomes effective for employees covered by a collective bargaining agreement the earlier of the date the agreement expires or February 5, 1994.

Unless otherwise specified in a collective bargaining agreement, eligible employees may be granted up to a total of 12 weeks leave during any 12 month period, the anniversary of which is established by the date the employee's first leave begins, for:

- BIRTH, ADOPTION or FOSTER PLACEMENT of a child; with entitlement to leave expiring 12 months after the event; spouses who both work for the City are limited to a combined total of 12 weeks.
- OR care of seriously ill parent, child or spouse.
- OR employee's serious health condition.

For purposes of this Section 39.3: parent is defined as the biological parent of the employee or an individual who stood 'in loco parentis' to an employee; child is defined as the biological, adopted, foster child, stepchild, legal ward, or a child of a person standing 'in loco parentis', who is under 18 years of age or is 18 years of age or older but is incapable of self care because of disability; health care provider is defined as a doctor of medicine or osteopathy, or any other person determined by the Secretary of Labor to be capable of providing health care services; a serious health condition is defined as illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility OR continuing treatment by a health care provider.

CERTIFICATION by the health care provider is required to qualify for family or medical leave which will include date condition(s) began, the probable duration, appropriate medical facts, and a statement that the employee is needed to provide the care or is unable to perform the functions of the position from which the leave is requested. For the employee medical leave the City may request a second health care provider opinion and, if it disagrees with the employee's health care provider opinion, then a third opinion may be requested and it shall be binding; such second and third opinions shall be at the City's expense.

NOTICE REQUIREMENTS: When leave for birth, foster care placement or adoption is foreseeable then thirty (30) days notice is required; if the birth, placement or adoption requires leave to begin in less than thirty (30) days (written verification received) then notice is required as soon as practicable. When leave is for family care or personal medical leave thirty (30) days notice is required unless the certification indicates treatment is to begin in less than thirty (30) days, in which case such notice as is practicable is required; if it is foreseeable, however, the employee must make a reasonable effort not to unduly disrupt the operations of the department. During any Leave the employee will be required to keep the supervisor informed as to the status of the situation requiring the leave and whether or not the intention is to return to work; such notices shall be at intervals no longer than two weeks in duration.

If the circumstances warrant and the supervisor and the employee can work out an arrangement agreeable to both, the leave for birth, placement or adoption may be taken at reduced hours or non-continuous increments (e.g., partial days, partial weeks, partial months). Medical leave may be scheduled on such non-continuous arrangement as is medically necessary when treatment schedule is certified by the health care provider.

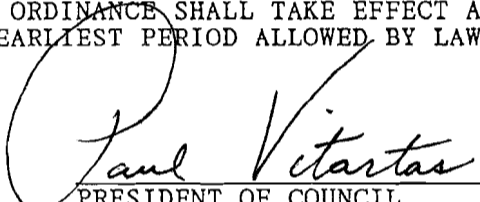
The employee will be required to apply any accrued unused sick leave, vacation, holiday or compensatory time to the period of leave followed by unpaid leave, if necessary.

The employee is eligible to continue health insurance during the leave by paying the appropriate employee co-pay amount; if the employee chooses not to continue the health plan it will be restored upon return to work without any qualifying periods or examinations. If the employee continues the insurance and then chooses not to return to work for reasons other than continuing serious health condition or other circumstances beyond the employee's control the City will recover the City paid portion of the health care premiums.

Reinstatement upon return for work will be to the same or equivalent position, provided the employee was not terminated due to a reduction in force which took place during the period of leave, and such reinstatement may be denied to salaried personnel in the highest paid 10% of the work force; if such denial is to be made to prevent substantial and grievous economic injury then adequate, written notice must be given and the employee has the option to abandon the leave and return to work immediately after getting such notice.


All unused accrued benefits shall be restored upon return to work; NO BENEFITS shall accrue during any unpaid portion of the leave."

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: January 23, 1995

APPROVED: January 24, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

1995 -12

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY, INC. , FOR THE PURCHASE OF FIVE (5) POLICE VEHICLES AND DECLARING AN EMERGENCY.

*WHEREAS*, pursuant to Ordinance 1994-129, the Safety/Service Director was authorized to advertise for bids for the purchase of five (5) Police Vehicles, and

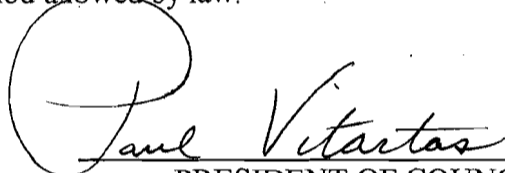
*WHEREAS*, Mathews Kennedy Ford Lincoln Mercury, Inc., submitted the only bid,

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

**Section 1.** That the Mayor be and is hereby authorized to enter into contract with Mathews Kennedy Ford Lincoln Mercury, Inc., for the purchase of five (5) Police Vehicles.

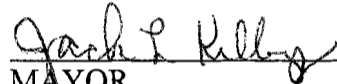
**Section 2.** That the cost of said contract in the amount of \$86,297.50 shall be payable from the Police Department Capital Equipment Fund 101-01-111-250-000-450.

**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: January 23, 1995

APPROVED: January 24, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995- 13

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH JESS HOWARD ELECTRIC CO., McDANIELS CONSTRUCTION CORP., ANDRITE-RUTHNER, INC., ASDOR, INC., AND MOSSER CONSTRUCTION, INC., FOR THE SOLIDS HANDLING IMPROVEMENT PROJECT AT THE WATER POLLUTION CONTROL PLANT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1994-54 authorized the Safety/Service Director to prepare specifications and advertise for bids for the Solids Handling Improvement Project at the Water Pollution Control Plant, and

WHEREAS, the companies listed below submitted the lowest and best bids,

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

Section 1. That the Mayor be and he is hereby authorized to enter into contracts with the following:

- (A) Jess Howard Electric Co. for WPCP Solids Handling Replacement Project WPCP 94-1 Electrical Work - Contract No. 94-1E.

Cost of said contract shall be \$298,500, with funding available through the Ohio EPA Water Pollution Control Loan Fund.

- (B) McDaniels Construction Corporation for WPCP Solids Handling REplacement WPCP-94-1. Sludge Storage Building. Contract No. 94-94-1M.

Cost of said contract shall be \$671,534, with funding available through the Ohio EPA Water Pollution Control Loan Fund and OPWC Issue II Grant.

- (C) Andrite-Ruthner, Inc. for WPCP Solids Handling Replacement Project WPCP 94-1. New Equipment-Direct Purchase Two Belt Presses.

Cost of said Contract shall be \$371,245 with funding available through the Ohio EPA Water Pollution Control Loan Fund.

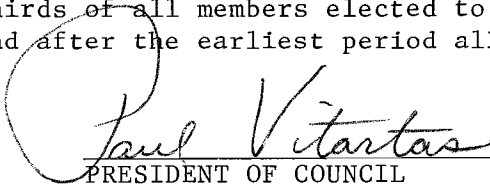
- (D) ASDOR, Inc. for WPCP Solids Handling Replacement, Project WPCP 94-1, New Equipment-Direct Purchase Sludge Cake Pump.

Cost said contract shall be \$186,535 with funding available through the Ohio EPA Water Pollution Control Loan Fund.

- (E) Mosser Construction, Inc. for WPCP Solids Handling Replacement Proejct WPCP 94-1, Contract No. 94-1G.

Cost of said contract shall be \$775,000 with funding available through the Ohio EPA Water Pollution Control Loan Fund.

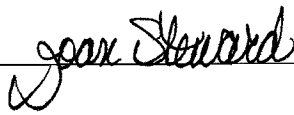
Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and and the inhabitants thereof and for the further reason that, due to the condition of the current system, construction should begin as soon as possible; and as such, shall take 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: February 15, 1995

APPROVED: February 16, 1995

  
MAYOR

ATTEST:  
  
CLERK



ORDINANCE NO. 1995 - 14

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH COGBURN ELECTRIC FOR THE RELOCATION AND BURIAL OF AN ELECTRIC DISTRIBUTION LINE AT THE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY.

WHEREAS, in order to do the Solids Handling Replacement Projects, an existing overhead 12,470 volt City owned electric distribution line will need to be relocated and buried, and

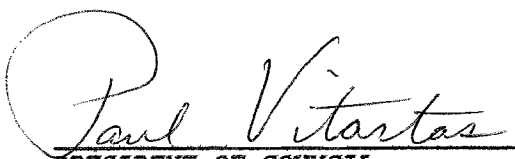
WHEREAS, Cogburn Electric will relocate and bury the electric distribution line.

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

Section 1. That the Mayor is hereby authorized to enter into contract with Cogburn Electric for the relocation and burial of the existing overhead electric distribution line at the Wastewater Treatment Plant.


Section 2. That the cost of said contract, \$22,250.00, shall be payable from the Capital Improvements Fund 504-05-553-250-000-520.

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 do to proceed with the Solids Handling Replacement Projects; 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 15, 1995

APPROVED: February 16, 1995

  
MAYOR

ATTEST:

  
CLERK


ORDINANCE NO. 1995- 15

ORDINANCE AUTHORIZING THE MAYOR TO PREPARE SPECIFICATONS AND ADVERTISE FOR BIDS FOR THE REPLACEMENT OF THE CHILLER BARREL ON THE MAIN CITY HALL AIR CONDITIONER, AND DECLARING AN EMERGENCY.

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

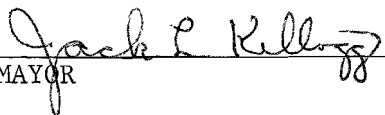
Section 1. That the Mayor be and he is hereby authorized to prepare specifications and advertize for bids for the replacement of the chiller barrel on the main City Hall air conditioner.

Section 1. 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 will take 8 to 10 weeks after a contract is entered into to obtain the necessary parts; 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 15, 1995

APPROVED: February 16, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995 - 16

ORDINANCE AUTHORIZING THE PURCHASE OF A USED PICK-UP TRUCK FOR THE MARION MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that the 1985 Dodge Mini-Ram Van is beyond economical repair and is not dependable, and

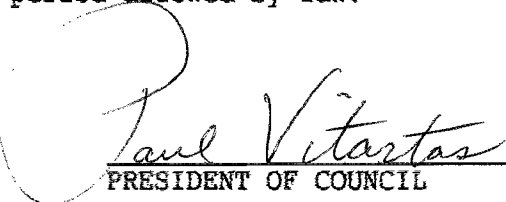
WHEREAS, this Council, by passage of Ordinance 1991-136, requires Council's approval of all capital expenditures exceeding \$2,500.00 except for those expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio, therefore

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

Section 1. That the Mayor is hereby granted approval to purchase one (1) used pick-up truck for use at the Marion Municipal Airport at a cost not to exceed \$8,000.00.


Section 2. That the Mayor is hereby authorized to trade in the 1985 Dodge Mini-Ram Van, Serial No. 2B7FK13C8FR372541, now owned by the City of Marion.

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.

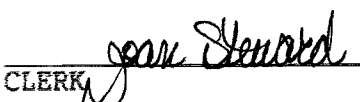
  
PRESIDENT OF COUNCIL

PASSED: February 15, 1995

APPROVED: February 16, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995- 17

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1995, 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 \$49,336.00 as follows:

GENERAL FUND

Jail Capital Equipment 101-01-112-250-000-450 \$1,000.00

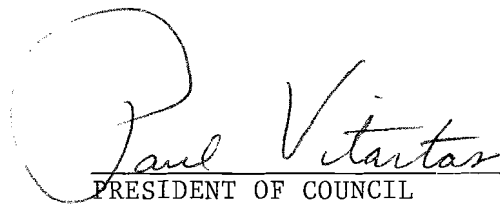
SCMR FUND

Streets Pro. Services 207-66-612-230-000-320 \$8,000.00

AIRPORT IMPROVEMENT FUND


Project 8 - Pro.Services	446-06-448-230-000-320	\$ 2,300.00
Project 8 - Capital		
Improvements	446-06-448-250-000-520	<u>38,036.00</u>
TOTAL Airport Improvement Fund	.....	\$40,336.00

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.

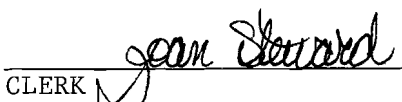
  
PRESIDENT OF COUNCIL

PASSED: February 15, 1995

APPROVED: February 16, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995- 18

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	\$3,334.15
Sanitation Fund	1,947.44
Landfill Monitoring Fund	1,820.00
	<hr/>
GRAND TOTAL	\$7,101.59

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.

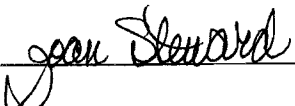
  
PRESIDENT OF COUNCIL

PASSED: February 15, 1995

APPROVED: February 16, 1995

  
MAYOR

ATTEST:

  
CLERK

**ORDINANCE NO. 1995 - 19**

**ORDINANCE TO AMEND CHAPTER 912 SEWER USER CHARGE SYSTEM AND CHAPTER 914 SEWER SYSTEM IMPROVEMENT, OF THE CODIFIED ORDINANCES OF THE CITY OF MARION.**

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

Section 1. That Section 912.10 of Chapter 912 of the Codified Ordinances, as amended and now reading in part at 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 monthly bill;
- (4) \$0.805 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;

is hereby amended to read as follows:

(a) User Charge

- (1) \$4.15 per monthly bill;
- (2) \$7.01 per bimonthly bill;
- (3) \$0.824 per 100 cubic feet for monthly bill;
- (4) \$0.824 per 100 cubic feet for bimonthly bill;

(b) Extra Strength Surcharge

- (1) \$11.93 per 100 lbs. extra strength BOD;
- (2) \$11.18 per 100 lbs extra strength suspended solids;
- (3) \$37.47 per 100 lbs. extra strength Phosphate;

Section 2. 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 with and/or outside the corporate limits of the City shall be the aggregate of the rate determinations in Section 912.10(a) and Sections 914.06 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 914.06 as

set forth below:

	<u>Inside City</u>	<u>Outside City</u>
Per monthly bill	\$4.15	\$4.15
Per bimonthly bill	\$7.01	\$7.01
Per 100 cubic feet	\$1.032	\$1.24

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:

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

ORDINANCE NO. 1995 - 20

ORDINANCE APPROVING THE PURCHASE OF EQUIPMENT NECESSARY TO "OUTFIT" VARIOUS POLICE VEHICLES, AND DECLARING AN EMERGENCY.

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

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

Section 1. That the Mayor is hereby granted approval to purchase various pieces of equipment which includes:

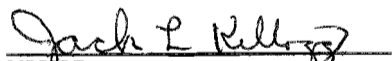
- (1) - traffic laser speed measuring and ranging device,
- (2) - Motorola Spectra Mobile with siren and light bar package,
- (1) - 99 channel Maratrac radio and antenna, and miscellaneous K9 equipment.

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 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: February 27, 1995

APPROVED: February 28, 1995

  
MAYOR

ATTEST:

  
CLERK



ORDINANCE NO. 1995 - 21

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY, INC. , FOR THE PURCHASE OF ONE (1) VAN FOR THE MARION SENIOR CITIZENS CENTER AND DECLARING AN EMERGENCY.

*WHEREAS*, pursuant to Ordinance 1995-7, the Safety/Service Director was authorized to advertise for bids for the purchase of one (1) Senior Citizen Van, and

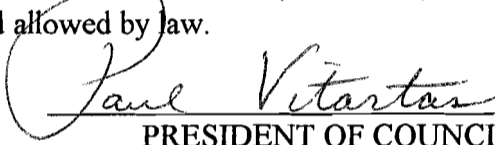
*WHEREAS*, Mathews Kennedy Ford Lincoln Mercury, Inc., submitted the only bid,

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

**Section 1.** That the Mayor be and is hereby authorized to enter into contract with Mathews Kennedy Ford Lincoln Mercury, Inc., for the purchase of one (1) Van for the Marion Senior Citizen Center.

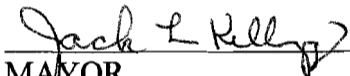
**Section 2.** That the cost of said contract in the amount of \$18,797.00 shall be payable from the Senior Citizen Capital Equipment Account 101-03-424-250-000-450.

**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 27, 1995

APPROVED: February 28, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

**ORDINANCE NO. 1995 - 22**

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH NEFF ELECTRICAL CONSTRUCTION COMPANY, FOR THE REPLACEMENT OF THE ELECTRICAL SYSTEM AT THE NO. 1. FIRE STATION AND APPROPRIATING NECESSARY FUNDS AND DECLARING AN EMERGENCY.

**WHEREAS**, pursuant to Ordinance 1994-87, the Safety/Service Director was authorized to prepare specifications and advertise for bids for the Replacement of the Electrical System at the No. 1 Fire Station and

**WHEREAS**, Neff Electrical Construction Company, submitted the lowest and best bid,

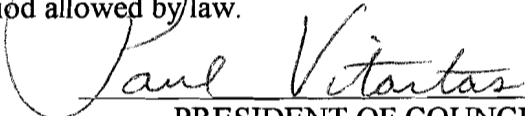
**BE IT ORDAINED** by the Council of the City of Marion, Marion County, Ohio:

**Section 1.** That the Mayor be and is hereby authorized to enter into contract with Neff Electrical Construction Company, to Replace Electrical System at the No.1 Fire Station..

**Section 2.** That the cost of said contract in the amount of \$73,595.00 shall be payable from the Fire Department Capital Improvements Account 101-01-131-250-000-520.

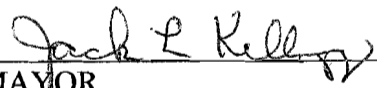
**Section 3.** That there be an additional appropriation in the amount of \$54,000.00 made in the General Fund Account No. 101-01-131-250-000-520.

**Section 4.** 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 27, 1995

APPROVED: February 28, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995 - 23

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH ABEL CONTRACTING GROUP, INC., TO CONSTRUCT CHAIN LINK FENCES AND GATES AT THE MARION CITY SANITARY LANDFILL AND DECLARING AN EMERGENCY.

**WHEREAS**, pursuant to Ordinance 1994-15, the Safety/Service Director was authorized to prepare specifications and advertise for bids for Landfill Closure Items and

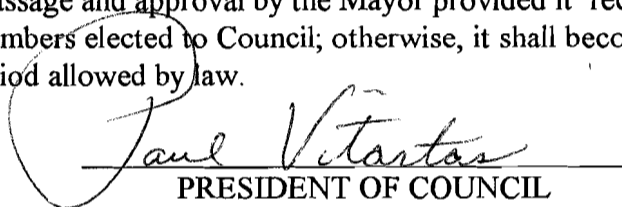
**WHEREAS**, Abel Contracting Group, Inc., submitted the lowest and best bid,

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

**Section 1.** That the Mayor be and is hereby authorized to enter into contract with Abel Contracting Group, Inc., to construct Chain Link Fences and Gates at the Marion City Sanitary Landfill.

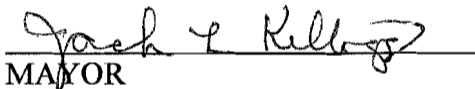
**Section 2.** That the cost of said contract in the amount of \$57,680.00 shall be payable from the Landfill Monitoring Fund Account 507-05-563-250-000-520.

**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 27, 1995

APPROVED: February 28, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995 - 24

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH AQUA TECH ENVIRONMENTAL LABORATORIES, INC., FOR ANALYTICAL SERVICES AT MARION CITY SANITARY LANDFILL AS REQUIRED BY EPA FOR A PERIOD OF ONE (1) YEAR WITH AN OPTION YEAR AND DECLARING AN EMERGENCY.

**WHEREAS**, pursuant to Ordinance 1995-6, the Mayor was authorized to prepare specifications and advertise for bids for Analytical Services at Marion City Sanitary Landfill as required by EPA for a period of one (1) year with an option year, and

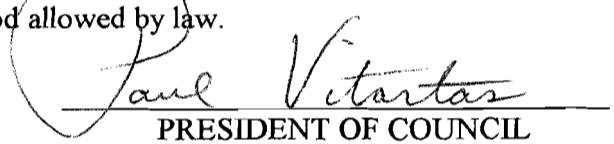
**WHEREAS**, Aqua Tech Environmental Laboratories, Inc., submitted the only bid,

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

**Section 1.** That the Mayor be and is hereby authorized to enter into contract with Aqua Tech Environmental Laboratories, Inc., for Analytical Services at the Marion City Sanitary Landfill.

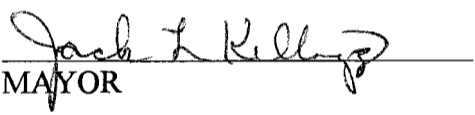
**Section 2.** That the cost of said contract in the amount of \$49,912.00 shall be payable from the Landfill Monitoring Fund Account 507-05-563-230-000-320.

**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 27, 1995

APPROVED: February 28, 1995

  
MAYOR

ATTEST:  
  
CLERK OF COUNCIL

ORDINANCE NO. 1995 - 25

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH RIEMAR-KLINGEL TRUCKING & EXCAVATING, FOR TWO (2) SAND VOLLEYBALL COURTS AT MCKINLEY PARK AND APPROPRIATING NECESSARY FUNDS AND DECLARING AN EMERGENCY.

*WHEREAS*, pursuant to Ordinance 1994-44, the Recreation Board was authorized to prepare specifications and advertise for bids for the Construction of Two (2) Sand VolleyBall Courts at McKinley Park, and

*WHEREAS*, Riemar-Klingel Trucking & Excavating, submitted the lowest and best bid,

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

**Section 1.** That the Mayor be and is hereby authorized to enter into contract with Riemar-Klingel Trucking & Excavating, for the construction of two (2) Sand VolleyBall Courts at McKinley Park.

**Section 2.** That the cost of said contract in the amount of \$14,300.00 shall be payable from the Recreation Department Capital Improvements Account 101-03-422-250-000-520.

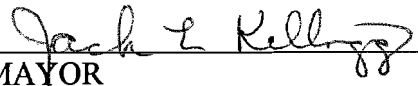
**Section 3.** That there be an additional appropriation in the amount of \$3,300.00 made in the General Fund Account No. 101-03-422-250-000-520.

**Section 4.** 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 27, 1995

APPROVED: February 28, 1995

  
MAYOR

ATTEST:  
  
CLERK OF COUNCIL

ORDINANCE NO. 1995-26

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC., MONROEVILLE, OHIO, FOR THE AIRPORT SANITARY SEWER PROJECT IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1994-107 authorized the preparation of specifications and advertising for bids for the Airport Sanitary Sewer Project in the City of Marion, Ohio, and

WHEREAS, Underground Utilities, Inc., submitted the lowest and best bid of \$88,816.40.

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

Section 1. That the Mayor be directed to enter into contract with Underground Utilities, Inc., for the Airport Sanitary Sewer Project.

Section 2. That 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 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 27, 1995

Approved: February 28, 1995

  
\_\_\_\_\_  
Mayor

Attest:

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

ORDINANCE NO. 1995- 27

ORDINANCE AUTHORIZING THE MAYOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR (5) REFUSE PACKERS, (2) RECYCLING TRUCKS AND (2) LEAF MACHINES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion and AFSCME Local 1158 have agreed to implement certain changes contained in a Memorandum of Agreement dated February 21, 1995, and

WHEREAS, said changes include the acquisition of (5) refuse packers, (2) recycling trucks and (2) leaf machines,

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

Section 1. That the Mayor be authorized and he is hereby directed to prepare specifications and advertise for bids for (4) side-loading refuse packers, (1) small rear-loading refuse packer, (2) recycling trucks and (2) leaf machines.

Section 2. That the specifications shall include the following terms of acquisition:

- 1. Cash payment
- 2. Lease with Option to Purchase at any time without penalty
- 3. Lease/Rent

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.

Paul Vitartas  
PRESIDENT OF COUNCIL

PASSED: March 27, 1995

APPROVED: March 28, 1995

Jack L. Kelly  
MAYOR

ATTEST:

Jean Steward  
clerk

ORDINANCE NO. 1995 - 28


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."

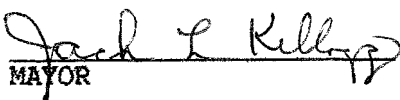
SCMR Fund	\$210.50
Sewer Revenue Fund	<u>\$475.53</u>
TOTAL	\$686.03

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: February 27, 1995

APPROVED: February 28, 1995

  
MAYOR

ATTEST:

  
CLERK



ORDINANCE NO. 1995- 29

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1995, 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 \$3,152,095.00 as follows:

WWTP Chlorination System Fund

Capital Improvements                    463-05-609-250-609-520                    \$    671,534.00

Sewer Replacement Fund

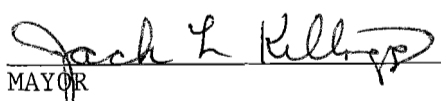
Capital Equipment	504-05-553-250-000-450	\$    723,780.00
Capital Improvements	504-05-553-250-000-520	1,218,272.00
Loan Interest	504-05-553-260-000-640	97,875.00
Transfer to WWTP Chlor.Sys.	504-05-553-270-000-702	<u>440,534.00</u>
TOTAL Sewer Replacement Fund.....		\$2,480,561.00

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 so that the Solids Handling Improvement Project may proceed; 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.

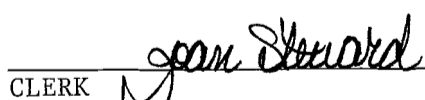
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: February 27, 1995

APPROVED: February 28, 1995

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1995-30

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE INSTALLATION OF THE ROADWAYS AND SEWERS AT THE AIR INDUSTRIAL PARK, 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 directed to prepare specifications and advertise for bids for the installation of the Roadways and Sewers at the Air Industrial Park.

**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 earliest period allowed by law.

*Thomas J. Handgave*  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL  
 PRO-TEMPORE

PASSED: March 13, 1995

APPROVED: March 13, 1995

*Paul Vitartas*  
 \_\_\_\_\_  
 ACTING MAYOR

ATTEST:

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

**ORDINANCE NO. 1995-31**

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RHODES HEATING & AIR CONDITIONING, INC., FOR THE REPLACEMENT OF THE CHILLER BARREL ON THE MAIN CITY HALL AIR CONDITIONER, AND DECLARING AN EMERGENCY.

*WHEREAS*, Ordinance 1995-15 authorized the Mayor to advertise for bids for replacement of the Chiller Barrel on the main City Hall Air Conditioner, and

*WHEREAS*, Rhodes Heating & Air Conditioning, 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 authorized and is hereby directed to enter into contract with Rhodes Heating & Air Conditioning Inc., for the replacement of the Chiller Barrel on the main City Hall air conditioner.

**Section 2.** That the \$14,547.00 cost of said contract shall be payable from the General Fund Account No. 101-07-741-230-000-370.

**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 earliest period allowed by law.

*Thomas L. Handgane*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL  
PRO-TEMPORE

PASSED: March 13, 1995

APPROVED: March 13, 1995

*Paul Vitartas*  
\_\_\_\_\_  
ACTING MAYOR

ATTEST:

*John Steward*  
\_\_\_\_\_  
CLERK OF COUNCIL

ORDINANCE NO. 1995-32

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BAKER MAINTENANCE FOR JANITORIAL SERVICES FOR THE MUNICIPAL BUILDING, 233 W. CENTER STREET, MARION, OHIO, AND DECLARING AN EMERGENCY.

**WHEREAS**, Ordinance 1995-5 authorized the Mayor to advertise for bids for Janitorial Services for the Municipal Building, and

**WHEREAS**, Baker Maintenance submitted the only bid,

**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 Baker Maintenance for Janitorial Services for the Municipal Building, 233 W. Center Street, Marion, Ohio, for a one- year period with the option to renew for an additional one-year period.

**Section 2.** That the \$9,800.00 cost of said contract shall be payable from the General Fund Account No. 101-07-741-230-000-424.

**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 earliest period allowed by law.

PRESIDENT OF COUNCIL  
PRO-TEMPORE

PASSED: March 13, 1995

APPROVED: March 13, 1995

ACTING MAYOR

ATTEST:

CLERK OF COUNCIL

ORDINANCE NO. 1995 - 33

ORDINANCE APPROVING CAPITAL EXPENDITURES IN EXCESS OF \$2,500.00 BY THE PARKS BOARD, AND DECLARING AN EMERGENCY.

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

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

Section 1. That the Board of Park Commissioners is hereby granted approval to purchase one (1) aeration fountain for McKinley Lake and one (1) used pick-up truck.

Section 2. That the Board of Park Commissioners is hereby authorized to dispose of or trade-in one (1) 1986 pick-up truck.

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 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.

*Thomas J. Hurler*  
PRESIDENT OF COUNCIL - PRO TEMPORE

PASSED: March 13, 1995

APPROVED: March 13, 1995

ACTING *Paul Vitartas*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK

ORDINANCE NO. 1995 - 34

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE  
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1995,  
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  
General Fund in the amount of \$36,000.00 as follows:

Engineering

Salaries	101-07-743-210-000-110	\$ 26,000.00
Benefits	101-07-743-210-000-120	<u>10,000.00</u>
TOTAL GENERAL FUND		\$ 36,000.00

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.

*Thomas P. Hulme*  
PRESIDENT OF COUNCIL - PRO TEMPORE

PASSED: March 13, 1995

APPROVED: March 13, 1995

ACTING *Paul Vitartas*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK

ORDINANCE NO. 1995 - 35

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BALDWIN & SOURS TO PURCHASE ELEVEN (11) TRAFFIC CONTROLLERS, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 1994-119, the City of Marion received bids for the purchase of eleven (11) traffic controllers, and

WHEREAS, of the two (2) bids received, Baldwin & Sours submitted the only responsive bid.

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 Baldwin & Sours for the purchase of eleven (11) traffic controllers. Said contract shall be in the amount of \$53,607.00.

Section 2. That one (1) of the traffic controllers shall be charged to the SCMR Fund; the remaining ten (10) traffic controllers to the State Highway Improvement Fund.

Section 3. That there be an additional appropriation made in the State Highway Improvement Fund, as follows:

Capital Improvements	208-06-613-250-000-520	\$19,168.00
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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 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.

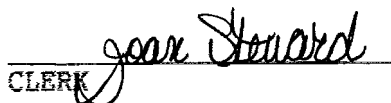
  
PRESIDENT OF COUNCIL

PASSED: March 27, 1995

APPROVED: March 28, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-36

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH M. P. DORY COMPANY COLUMBUS, OHIO, AND TO APPROPRIATE FUNDS FOR THE DELAWARE STATE-WASHINGTON SIGNAL IMPROVEMENTS PROJECT IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1994-118 authorized the preparation of specifications and advertising for bids for the Delaware State-Washington Signal Improvements Project in the City of Marion, Ohio, and

WHEREAS, M.P. Dory Company, submitted the lowest and best bid of \$18,245.50,

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 M. P. Dory Company for the Delaware State-Washington Signal Improvements Project.

Section 2. That said contract shall be payable from the State Highway Improvement Fund.

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

State Highway Improvement Fund

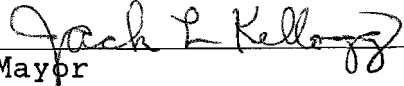
Capital Improvements, 208-06-613-250-000-520 \$18,245.50

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: March 27, 1995

Approved: March 28, 1995

  
\_\_\_\_\_  
Mayor

Attest:

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



**ORDINANCE NO. 1995-37**

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH B & C COMMUNICATIONS FOR THE PURCHASE AND INSTALLATION OF FOUR (4) ELECTRONIC WARNING SIRENS AND ONE (1) DTMF ENCODER AND APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

**WHEREAS**, Ordinance 1994-85 authorized the Safety/Service Director to advertise for bids for Electronic Warning Sirens, and

**WHEREAS**, B & C Communications submitted the only bid,

**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 B & C Communications for the purchase and installation of four (4) Electronic Warning Sirens and one (1) DTMF Encoder.

**Section 2.** That the \$69,815.00 cost of said contract shall be payable from the General Fund.

**Section 3.** That there be an appropriation in the amount of \$69,815.00 made in the General Fund Account No. 101-01-141-250-000-520.

**Section 4.** 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 earliest period allowed by law.


  
PRESIDENT OF COUNCIL

PASSED: March 27, 1995

APPROVED: March 28, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

**ORDINANCE NO. 1995-38**

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TURNER EQUIPMENT FOR THE PURCHASE OF A VACUUM TYPE STREET SWEEPER FOR USE ON THE CITY STREETS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance 1994-101 authorized the Safety/Service Director to advertise for bids for purchase of a Vacuum Type Street Sweeper, and

**WHEREAS**, Turner Equipment Company submitted the lowest and most responsive bid,

**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 Turner Equipment Company for the purchase of a Vacuum Type Street Sweeper for use on City Streets.

**Section 2.** That the \$124,460.00 cost of said contract shall be payable from the SCMR Fund Account No. 207-06-612-250-000-450.

**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 earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: March 27, 1995

APPROVED: March 28, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995- 39

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,  
1995, 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 \$95,454.55 as follows:

General Fund

Police Salaries	101-01-111-210-000-111	\$59,000.00
Benefits	101-01-111-210-000-120	15,000.00
Auditor Benefits	101-07-711-210-000-120	7,300.00
Law Dr. Prof.Service	101-07-714-230-000-320	<u>1,500.00</u>
TOTAL General Fund .....		\$82,800.00

Health Fund

Admin. Salaries	214-02-221-210-000-110	\$ 9,000.00
Benefits	214-02-221-210-000-120	<u>(1,000.00)</u>
TOTAL Health Fund.....		\$ 8,000.00

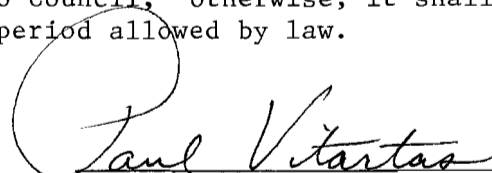
EI Initiative Fund

Salaries	250-02-545-210-000-110	\$ 115.00
Benefits	250-02-545-210-000-120	32.55
Travel	250-02-545-220-000-220	15.00
Schooling	250-02-545-230-000-221	(50.00)
Utilities	250-02-545-230-000-310	75.00
Supplies	250-02-545-240-000-420	217.00
Postage	250-02-545-240-000-423	<u>(250.00)</u>
TOTAL EI Initiative Fund.....		\$ 154.55

Sanitation Fund


Landfill Prof.Services	506-05-562-230-000-320	\$ 4,500.00
TOTAL Sanitation Fund .....		\$ 4,500.00
GRAND TOTAL.....		<u>\$95,454.55</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.


  
PRESIDENT OF COUNCIL

PASSED: March 27, 1995

APPROVED: March 28, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-40

ORDINANCE TO VACATE A CERTAIN 16.5-FEET LONG NORTH-SOUTH ALLEY LOCATED BETWEEN OAK STREET & NORTH PROSPECT STREET, BOUNDED TO THE SOUTH BY THE NORTHERNMOST CONRAIL RAILWAY AND PROCEEDING 132.48 FEET NORTH, IN THE CITY OF MARION. (PETITIONER-RAIMO TOWING, INC.)

WHEREAS, in the opinion of this Council, there is good cause for vacating a certain 16.5 feet long north-south alley located between Oak Street & North Prospect Street, bounded to the south by the northermost Conrail Railway and proceeding 132.48 feet north, and

WHEREAS, the petition by Raimo Towing, Inc. to vacate this alley was unanimously approved by the Marion City Planning Commission at its meeting of January 30, 1995, provided service easements are granted the City and Utility Companies, 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 16.5 feet wide alley as shown on the Original Plat of the City of Marion and being West of and adjacent to Lot 139 and Lot 140 of the Original Plat of the City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Beginning at a 5/8" dia. iron pin at the Southwest corner of Lot 139 of the Original Plat of the City of Marion as recorded in Plat Book 1, Page 3, also being the intersection of the East right-of-way line of said alley with the North right-of-way line of the Conrail Railroad (now 33 feet wide);

Thence along the North right-of-way line of the Conrail Railroad South 89 degrees 58 minutes 39 seconds West for a distance of 16.50 feet to a 5/8" dia. iron pin set on the West right-of-way line of said alley;

Thence along the West right-of-way line of said alley -East line of Out Lot 339 and Out Lot 340 North 00 degrees 00 minutes 27 seconds West for a distance of 133.72 feet to a 5/8" dia.iron pin (passing over a 5/8" dia.iron pin at 10.97 feet);

Thence South 85 degrees 43 minutes 29 seconds East for a distance of 16.55 feet to a 5/8" dia.iron pin located on the Northwest corner of Lot 140 of said Original Plat of the City of Marion - West right-of-way line of said alley;

Thence along the West line of Lot 140 and Lot 139 also being the West right-of-way line of said alley South 00 degrees 00 minutes 27 seconds East for a distance of 132.48 feet to a 5/8" dia.iron pin on the North right-of-way line of the said Conrail Railroad and the point of beginning.

Containing 2.196.15 sq.ft. (0.050 acres) more or less and subject to legal highways, easements, restrictions and agreements of record.

Grantor acquired title by instrument recorded in Official Record Vol. 268, Page 802 of the Deed Records of Marion County, Ohio.

Description was prepared from a survey made by Stults & Associates, Inc. and dated December 22, 1994 and revised to show proposed Vacated Alley on March 23, 1995.

The bearing North 00 degrees 00 minutes 27 seconds West used for the East right-of-way line of said 16.5 feet wide alley was assumed. 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.",

be and is hereby vacated, provided that service easements are granted the City for its sanitary sewer & to Utility Companies for their poles.

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.

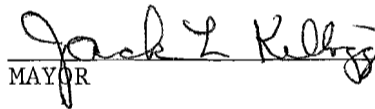
Section 4. That the Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

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

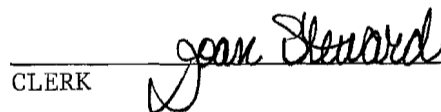
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: March 27, 1995

APPROVED: March 28, 1995

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1995- 41

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."

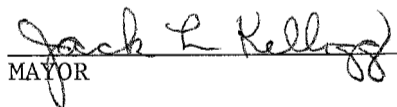
SCMR Fund	\$5,000.00
 TOTAL	 \$5,000.00

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.

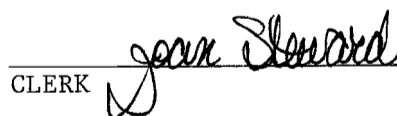
  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: March 27, 1995

APPROVED: March 28, 1995

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1995-42

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. 1994-79 passed July 11, 1994, notes in anticipation of bonds in the amount of \$3,200,000, dated July 27, 1994 (the Outstanding Notes), were issued for the purpose stated in Section 1, to mature on April 27, 1995; 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, 1996, shall bear interest at the now estimated rate of 6-1/4% 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 July 27, 1994. The Notes shall bear interest at a rate or rates not to exceed 7% 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 (the Certificate of Award).

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America 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 April 27, 1995 and shall mature April 25, 1996.

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 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: March 27, , 1995

Paul Vitartas  
President of Council

Approved: March 28 , 1995

Jack L. Kelly  
Mayor

Attest: Jean Steward  
Clerk of Council

Legal Advertisement:  
The Marion Star  
April 10, 1995  
Jean Steward  
Clerk of Council

ORDINANCE NO. 1995 - 43

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE SENIOR CITIZENS CONSTRUCTION FUND FOR THE YEAR ENDING DECEMBER 31, 1995, 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 Senior Citizens Construction Fund in the amount of \$8,000.00 as follows:

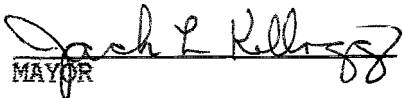
Building Maintenance	445-03-424-230-000-370	<u>\$8,000.00</u>
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that the contract must be signed by April 15, 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: April 10, 1995

APPROVED: April 11, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995 - 44

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE ANALYSIS AND DISPOSAL OF SUSPECTED HAZARDOUS MATERIALS WITHOUT FORMAL BIDDING, AND DECLARING AN EMERGENCY.

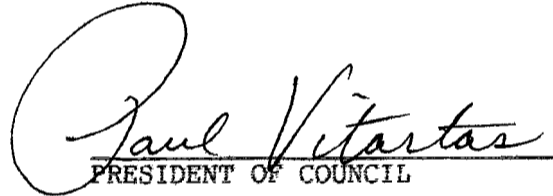
WHEREAS, there are certain materials, some of which are suspected to be hazardous, stored under the Lincoln Field stadium bleachers, and

WHEREAS, this Council has determined that a real and present emergency may exist due to the presence of these materials.

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

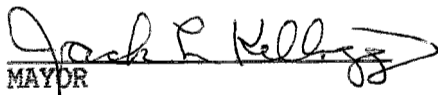
Section 1. That, as per section 735.051 of the Ohio Revised Code, the Safety/Service Director is hereby authorized to enter into contract for the analysis and disposal of suspected hazardous materials stored at the Lincoln Field Stadium.

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 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: April 24, 1995

APPROVED: April 25, 1995

  
MAYOR

ATTEST:

  
CLERK Pro-Tempore

ORDINANCE NO. 1995 - 45

ORDINANCE MAKING APPROPRIATION MODIFICATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31,  
1995, AND DECLARING AN EMERGENCY.

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

Section 1. That there be appropriation modifications made in various funds in the amount of \$42,390.09 as follows:

General Fund

Fire Department

EMS Training 101-01-131-230-145-223 \$ 8,151.00

Safety/Service Director

Professional Service 101-07-716-230-000-320 40,125.00

TOTAL GENERAL FUND \$ 48,276.00

Rental Rehab Fund

Emergency Rehab 273-04-539-230-000-328 \$ .09

Airport Improvement Fund

Project 8 Cap. Impr. 446-06-448-250-000-520 \$ 4,114.00

Transit Fund

Motor Fuel 502-02-512-240-000-430 \$(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 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 24, 1995

APPROVED: April 25, 1995

  
MAYOR

ATTEST:

  
CLERK Pro-Tempore

AN EMERGENCY ORDINANCE ENACTED BY THE COUNCIL OF THE CITY OF MARION, MARION COUNTY, OHIO IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO.

WHEREAS, the public interest demands the improvement hereinafter described.

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

SECTION I

The public interest demands the improvement of the at-grade crossing of State Route 309 (Section 15.71), Kenton Avenue (AAR 261 540 P) and the track of the Consolidated Rail Corporation by the reconstruction of the at-grade crossing pavement and approach work necessary, and being hereinafter referred to as the Project.

SECTION II

The CITY does hereby give its consent to the Project and its administration by the Director of the Department of Transportation.

SECTION III

The CITY agrees to perpetuate and maintain all advance warning signs and pavement markings on the approaches to the at-grade crossing in conformance with the Ohio Manual of Uniform Traffic Control Devices, as adopted under section 4511.11 of the Ohio Revised Code. The CITY further agrees to provide for the maintenance of the highway traffic during the construction of the improvement by either closing the road with no signed detour or by designating a temporary detour with all necessary incidentals and assuming and bearing the cost of erecting, maintaining and removing signs and barricades required to close the crossing and detour traffic.

SECTION IV

The CITY hereby agrees that the Department of Transportation of the State of Ohio shall be and is saved harmless from any and all damages or claims thereof arising from or growing out of the certification or obligation made or agreed to hereinabove.

SECTION V

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting the planning and construction of the aforesaid improvement, 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, and upon its acceptance and approval by the Director of Transportation it shall become a binding agreement on the City of Marion and the Director.

Attest

Joan Steward  
Clerk of Council

Paul Vitartas  
President of Council

Approved

Jack L. Kellogg  
Mayor

I hereby certify that the forgoing is a true and correct copy of the Ordinance No. 1995-46 passed May 8, \_\_\_\_\_, 1995.

Joan Steward  
Clerk of Council

Accepted and approved

Attest

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

ORDINANCE NO. 1995-47

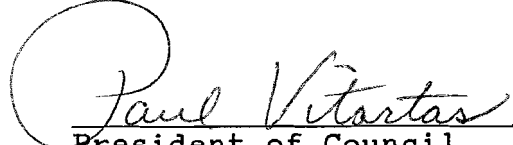
ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE FIES AVENUE STREET IMPROVEMENT PROJECT.

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, and advertise for bids for the Fies Avenue Street Improvement Project.

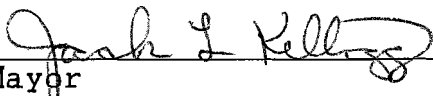
Section 2. That the cost of such contract shall be payable from the S.C.M.&R. Fund and the C.D.B.G. Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the 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 8, 1995

Approved: May 9, 1995

  
 \_\_\_\_\_  
 Mayor

Attest:

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

ORDINANCE NO. 1995-48

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. Cheney Avenue	Entire	
2. Hecker Avenue	Entire	
3. King Avenue	Entire	
4. Patten street	State Street	Greenwood Street
5. Richmond Avenue	Entire	
6. Washington Street	Entire	


Section 2. That the cost of such contract shall be payable from the SCM&R Fund 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 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 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 8, 1995

Approved: May 9, 1995

  
\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
Clerk of Council



ORDINANCE NO. 1995 - 49ORDINANCE APPROVING THE PURCHASE OF ONE (1)  
DEFIBRILLATOR, AND DECLARING AN EMERGENCY.

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

WHEREAS, one of the defibrillators now used by the Fire Department is becoming obsolete and unfit for public use.

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

Section 1. That the Safety/Service Director is hereby given approval to purchase one (1) Life Pak 10c Defibrillator.

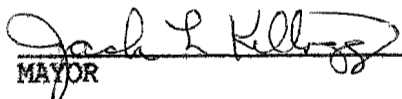
Section 2. That the Safety/Service Director is hereby authorized to trade-in one (1) Life Pak 5 Defibrillator.

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.

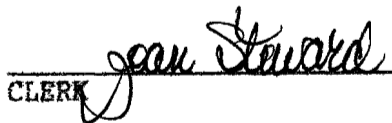
  
PRESIDENT OF COUNCIL

PASSED: May 8, 1995

APPROVED: May 9, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995 - 50

## ORDINANCE AMENDING MARION CODIFIED ORDINANCE 129.01 RELATING TO PHOTOCOPIES, AND DECLARING AN EMERGENCY.

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

Section 1. That Chapter 129.01 of the Codified Ordinances, now reading in part as follows:

"129.01 Photocopies

(a) There is hereby established a fee of seventy-five cents (75¢) per copy for all persons other than City employed personnel using the copy machine.

(b) The Machine Room Clerk shall have charge of such copy machine and all persons desiring to use such machine shall do so only upon the prior approval and authorization of the Machine Room Clerk.

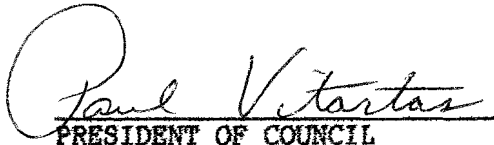
(c) The use or attempted use of such copy machine in violation of this section shall be a misdemeanor punishable as provided in Section 101.99."

is hereby amended to read as follows:

"129.01 Photocopies


(a) There is hereby established a fee of twenty-five cents (25¢), tax included, per copy for both sides, for copies of public records maintained by 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 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: June 26, 1995

APPROVED: June 27, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995 - 51

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."

Formula Grant Fund	\$169.50
Transit Fund	<u>\$133.55</u>
TOTAL	\$303.05

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.

*Thomas J. Harbison*  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: June 13, 1995

APPROVED: June 14, 1995

*Jack L. Kellogg*  
MAYOR

ATTEST:

*Jean Stewart*  
CLERK

ORDINANCE NO. 1995 - 52

## ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1995, AND DECLARING AN EMERGENCY.

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 ~~\$(771,348,770)~~ as follows:  
\$(77,557.90)

Chip Grant Fund

Salaries	272-04-544-210-000-110	\$ (99.80)	
		(9.05)	
Benefits	272-04-544-210-000-120	<del>175</del>	
Travel	272-04-544-220-000-220	<u>16.64</u>	
	TOTAL CHIP GRANT FUND		\$ (92.21)* <del>(87,971)</del>

Formula Grant Fund

Administration	275-04-543-230-000-324	\$ 309.62	
Flood & Drainage	275-04-543-230-000-327	(.30)	
Curbs & Sidewalks	275-04-543-230-000-337	.49	
Fair Housing	275-04-543-230-000-339	.30	
Administration	275-04-544-230-000-324	<u>(927.61)</u>	
	TOTAL FORMULA GRANT FUND		\$ (617.50)

Home Program Grant Fund

Private Rehab	277-04-542-230-000-322	\$ 1,274.30	
Private Rehab	277-04-544-230-000-322	(2,240.00)	
Administration	277-04-544-230-000-324	<u>(2,536.19)</u>	
	TOTAL HOME PROGRAM GRANT FUND		\$(3,501.89)

Housing Revolving Loan Fund

Private Rehab	280-04-539-230-000-322	\$ <u>187.48</u>	
	TOTAL HOUSING REVOLVING LOAN FUND		\$ 187.48

Capital Improvement Fund

F.Y. '94 Contingency	401-09-544-270-000-624	<u>\$(4,068.53)</u>	
	TOTAL CAPITAL IMPROVEMENT FUND		\$(4,068.53)

Transit Fund

Legal Ads	502-06-512-230-000-390	\$(2,500.00)	
Fuel	502-06-512-240-000-430	<u>(2,500.00)</u>	
	TOTAL TRANSIT FUND		\$(5,000.00)

\*AMENDED ON COUNCIL FLOOR 6/13/95

Landfill Monitoring Fund

G.O. Bond Interest	507-05-563-260-000-619	<u>\$(98,000.00)</u>
TOTAL LANDFILL MONITORING FUND		\$(98,000.00)

Youth Recreation Trust Fund

Trust Expense	732-03-422-270-000-731	\$ (476.29)
TOTAL YOUTH RECREATION TRUST FUND		\$ (476.29)

WIC Fund


Salaries	215-02-545-210-000-110	\$ 27,570.69
Benefits	215-02-545-210-000-120	14,516.92
Travel	215-02-545-220-000-220	(502.26)
Utilities	215-02-545-230-000-310	(165.27)
Professional Services	215-02-545-230-000-320	(1,250.00)
Equipment Maintenance	215-02-545-230-000-360	(1,025.00)
Janitorial Services	215-02-545-230-000-424	(470.00)
Subscriptions	215-02-545-240-000-226	(125.00)
Supplies & Materials	215-02-545-240-000-420	(115.26)
Postage	215-02-545-240-000-423	(800.00)
Capital Equipment	215-02-545-250-000-450	<u>(3,623.78)</u>
TOTAL WIC FUND		\$34,011.04

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.

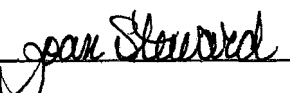
  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: June 13, 1995

APPROVED: June 14, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-53

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.

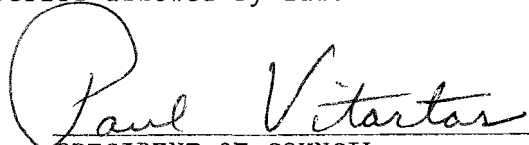
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That this Council hereby authorizes the Mayor to submit an application for CDBG Small Cities' funds, including the following activities:

Senior Citizen - Community Center	\$60,000
Emergency Home Repair	\$28,000
Implementation of Emergency Home Repair	\$ 2,800
Garfield Park Playground	\$50,000
Removal of Architectural Barriers in the Union Station	\$32,200
Fair Housing	\$ 1,500
Environmental Review/Audit/Administration	\$28,500
TOTAL	\$203,000

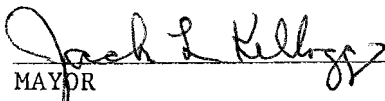
Section 2. That, upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grant and administer the CDBG Small Cities' Program in the City of Marion.

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 26, 1995

APPROVED: June 27, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-54

**ORDINANCE AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION, DIVISION OF AVIATION, AIRPORT IMPROVEMENT MATCHING GRANT PROGRAM (ODOT-AIMGP) FOR THE PURPOSE OF ACQUIRING GRANT FUNDS FOR AIRPORT IMPROVEMENTS, AND DECLARING AN EMERGENCY.**

WHEREAS, City Council recognizes the need for an Instrument Landing System (ILS) at the Marion Municipal Airport, and

WHEREAS, 50% matching grant funds may be available through ODOT and the City Council supports the application for any such grant funds that may be available to assist in said airport improvements;

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

Section 1. That the Council of the City of Marion hereby endorses and supports the ODOT, Division of Aviation, Airport Improvement Matching Grant Program for the City and authorizes the necessary funds to implement said program, if approved, as indicated in its application.

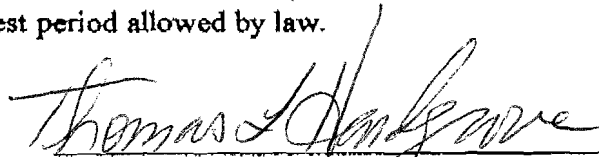
Section 2. That the Mayor is hereby authorized to apply for and, if awarded, enter into agreement with ODOT-AIMGP to administer grants to implement said program for the City of Marion.

Section 3. That the City of Marion hereby requests the ODOT-AIMGP to consider and fund its application project.

Section 4. This application process is to be prepared by Yager and Associates of Toledo, Ohio in conjunction with Marion Municipal Airport personnel and the application preparation fee is to be deferred until grant award.

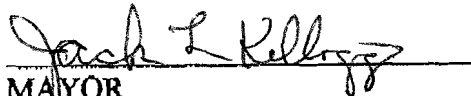
Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were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

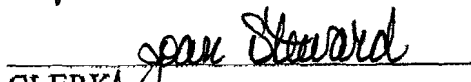
Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

  
 PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: June 13, 1995

APPROVED: June 14, 1995

  
 MAYOR

  
 CLERK

ORDINANCE NO. 1995 - 55

ORDINANCE AUTHORIZING THE PURCHASE OF A HANGAR AT THE MARION MUNICIPAL AIRPORT, MAKING IMPROVEMENTS TO SAID HANGAR, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Marion Municipal Airport is in need of a maintenance building, and

WHEREAS, a hangar now owned by William Hatch has become available to the City, and

WHEREAS, said hangar will require some rehabilitation.

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 purchase and rehab a hangar located at the Marion Municipal Airport and owned by William Hatch.

Section 2. That the funds needed for the purchase and rehab of said hangar are hereby appropriated in the general fund as follows:

Capital Improvements	101-06-621-250-000-520	\$8,000.00
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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.

*Thomas J. Dunlap*  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: June 13, 1995

APPROVED: June 14, 1995

*Jack L. Kelly*  
MAYOR

ATTEST:

*Jean Stenard*  
CLERK



ORDINANCE NO. 1995-56

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH INCORPORATED DOOR SYSTEMS FOR THE INSTALLATION OF AUTOMATIC DOOR EQUIPMENT AT REAR ENTRANCE OF CITY HALL AND APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

*WHEREAS*, Ordinance 1992-67 authorized the Safety/Service Director to advertise for bids for installation of Automatic Door Equipment, and

*WHEREAS*, Incorporated Door Systems submitted the only bid,

*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 Incorporated Door Systems for the installation of Automatic Door Equipment at the rear of City Hall.

**Section 2.** That the \$9,650.00 cost of said contract shall be payable from the General Fund.

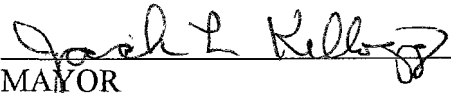
**Section 3.** That there be an appropriation in the amount of \$9,650.00 made in the City Hall Account No. 101-07-741-250-000-520.

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

  
 PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: June 13, 1995

APPROVED: June 14, 1995

  
 MAYOR

ATTEST:

  
 CLERK OF COUNCIL

ORDINANCE NO. 1995-57

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TACKETT'S FENCE SERVICE FOR THE INSTALLATION OF A FENCE AT 981 W. CENTER STREET, AND DECLARING AN EMERGENCY.

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

*WHEREAS*, Tackett Fence Service submitted the lowest proposal,

*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 Tackett Fence Service for the installation of a fence at 981 W. Center Street as per their proposal.

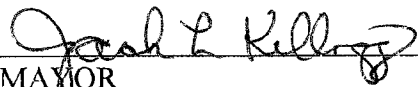
**Section 2.** That the \$4,995.00 cost of said contract shall be payable from the SCMR Fund Account No. 207-06-612-250-000-520.

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

  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: June 13, 1995

APPROVED: June 14, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-58

ORDINANCE MAKING APPROPRIATION CHANGES IN VARIOUS FUNDS  
FOR THE YEAR ENDING DECEMBER 31, 1995, AND DECLARING AN  
EMERGENCY.

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

Section 1. That there be appropriation changes made in various funds  
in the amount of \$107,603.00, as follows:

GENERAL FUND

Safety/Service Dr.		
Professional Services	101-07-716-230-000-320	(\$40,125.00)

HOME PROGRAM GRANT FUND

Private Rehab	277-04-544-230-000-322	\$ 1,728.00
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AIRPORT IMPROVEMENT FUND

Professional Services	446-06-216-230-000-320	\$ 6,000.00
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STREETS IMPROVEMENT FUND

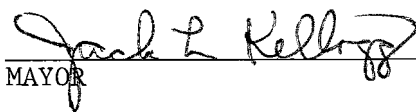
Resurfacing	461-06-614-230-000-531	\$140,000.00
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Section 2. That this ordinance is hereby declared to be an emergency  
measure necessary for the welfare of the City of Marion and the inhabitants  
thereof and for the further reason that it is necessary 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.

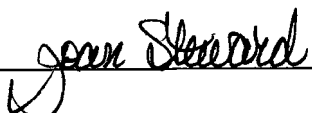
  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: June 13, 1995

APPROVED: June 14, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995 - 59

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
UDAG LOAN REPAYMENT FUND FOR THE YEAR ENDING  
DECEMBER 31, 1995, 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 UDAG Loan  
Repayment Fund in the amount of \$10,100.00 as follows:


Professional Services	276-04-539-230-000-320	<u>\$10,100.00</u>
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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 PRO TEMPORE

PASSED: June 13, 1995

APPROVED: June 14, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-110

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE TWELVE (12) SETS OF TURNOUT GEAR WITHOUT FORMAL BIDDING AND ADVERTISING AS PER ORC.735.051, AND DECLARING AN EMERGENCY.

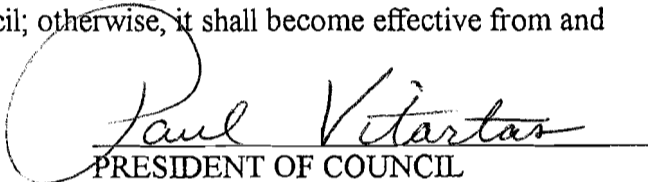
*WHEREAS*, the Fire Chief has demonstrated to the satisfaction of this Council that a real and present emergency exists due to the condition of gear currently used by the firefighters.

*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 purchase twelve (12) sets of Turnout Gear for use in the Marion City Fire Department without formal bidding and advertising as per ORC. 735.051.

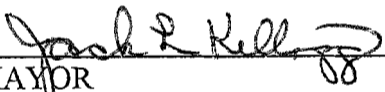
**Section 2.** That the estimated \$11,000.00 cost of said contract shall be payable from the Fire General Fund Account No. 101-01-131-210-000-140.

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

  
PRESIDENT OF COUNCIL

PASSED: September 25, 1995

APPROVED: September 26, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-111

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
VARIOUS REPAIRS TO LINCOLN POOL.

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

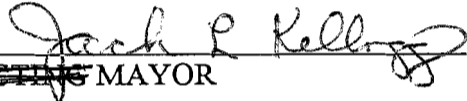
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for various repairs to Lincoln Pool.

**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: September 25, 1995

APPROVED: September 26, 1995

  
~~ACTING~~ MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995 - 112

## ORDINANCE AMENDING ORDINANCE NO. 1995-95 (OML JOINT SELF-INSURANCE POOL PARTICIPATION AGREEMENT) BY AMENDING SECTION 4, AND DECLARING AN EMERGENCY.

WHEREAS, an error was made in summing the premium due to the Ohio Municipal League Joint Self-Insurance Pool.

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

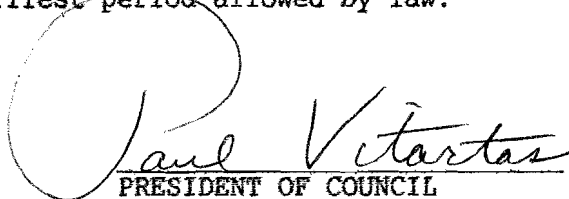
Section 1. That Section 4 of Ordinance No. 1995-95 now reading:

"Section 4. Appropriation. The sum of \$210,799.00 is hereby appropriated from the Various Fund to pay the Basic Contribution and the Additional Contribution, if any."

is hereby amended to read:

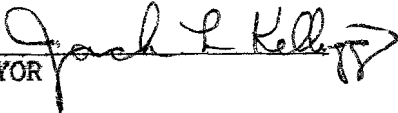
"Section 4. Appropriation. The sum of \$211,299.00 is hereby appropriated from the Various Fund to pay the Basic Contribution and the Additional Contribution, if any."

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.

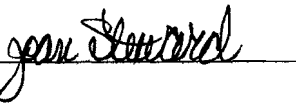
  
PRESIDENT OF COUNCIL

PASSED: September 25, 1995

APPROVED: September 26, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995 - 113

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1995, AND DECLARING AN EMERGENCY.

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 \$27,600.00 as follows:

General Fund

Transfer to COPS Fast Fund      101-09-745-270-000-701                      \$ 14,800.00

COPS Fast Fund

Salaries                              211-01-111-210-000-111              \$12,500.00  
Benefits                              211-01-111-210-000-120              2,300.00

TOTAL COPS FAST FUND    \$ 14,800.00

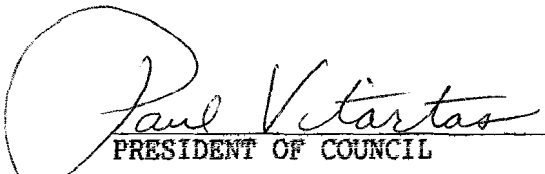
Health Fund

Professional Services              214-02-222-230-000-320              \$ 7,000.00

Revolving Loan Fund

Revolving Loans                      274-04-539-230-000-333              \$ (9,000.00)

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.

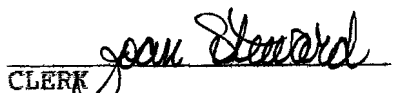
  
PRESIDENT OF COUNCIL

PASSED: September 25, 1995

APPROVED: September 26, 1995

  
MAYOR

ATTEST:

  
CLERK



ORDINANCE NO. 1995 - 114

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF OF THE CITY OF MARION TO EXECUTE A LEASE OF REAL PROPERTY TO THE MARION-CRAWFORD COMMUNITY ACTION COMMISSION, AND DECLARING AN EMERGENCY.

WHEREAS, the Marion-Crawford Community Action Commission wishes to Lease a parcel of land in the City of Marion, and

WHEREAS, said real property is not otherwise required for the City's purposes; and such use thereof would benefit and promote the humane and economic welfare of the City, and provide opportunities for its citizens, and

WHEREAS, The Marion Area Community Improvement Corporation (CIC) has previously been designated an agency of the City (see Resolution No. 1965-41) and the City now wishes to authorize CIC to enter into a lease option 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 lease agreement with the Marion-Crawford Community Action Commission on behalf of the City of Marion, for a certain parcel of real property, and described as follows:

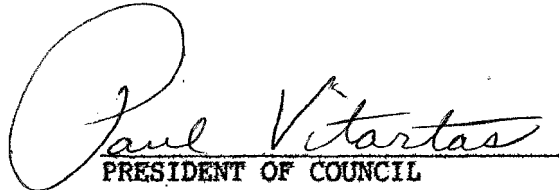
Situated in Part of the Northeast Quarter of Section 32, Township 5 South, Range 15 East, City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Beginning at a large survey nail set over an existing railroad spike located at the intersection of the centerline of State Route 739 with the East line of Section 32; thence along said East line S 0° 36' 30" W (for basis of bearing, see Official Record 134 pg. 810, Marion County Recorder's Office) for a distance of 702.76 feet to a 5/8" dia. iron pin set; thence N 89° 23' 30" W for a distance of 341.25 feet to a 5/8" dia. iron pin set on Grantor's West line; thence along Grantor's West line N 0° 36' 30" E for a distance of 425.00 feet to a large survey nail set over an existing railroad spike on the centerline of State Route 739 (passing over a 5/8" dia. iron pin set at 386.32 feet); thence along said centerline N 51° 27' 52" E for a distance of 440.00 feet to a large survey nail set over an existing railroad spike on the East Line of Section 32 and the point of beginning.

Containing 4.417 acres more or less and being subject to legal highways, easements, restrictions, and agreements of record. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated August 14, 1995. All 5/8" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates".

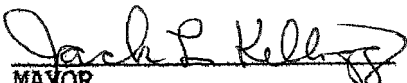
Section 3. That the proceeds of said lease, after any expenses, shall be deposited in the General Fund.

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 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.

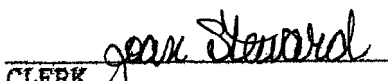
  
PRESIDENT OF COUNCIL

PASSED: September 25, 1995

APPROVED: September 26, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995 - 115

ENACTING AS AN ORDINANCE, A CODE OF ORDINANCES FOR THE CITY OF MARION REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY DEALING WITH SUBJECTS EMBRACED IN SAID CODE.

WHEREAS, the present general ordinances of the City of Marion are incomplete and inadequate and the manner of arrangement, classification and indexing thereof is insufficient to meet the immediate needs of the public; and

WHEREAS, the Acts of the State legislature of the State of Ohio empower and authorize the Legislative body of every City to revise, amend, restate, codify and to compile any existing ordinance or ordinances and all new ordinances not heretofore adopted or published and to incorporate said ordinances into one ordinance in book form; and

WHEREAS, the City Council of the City of Marion has authorized a general compilation, revision and codification of the ordinances of the municipality of a general and permanent nature and publication of such ordinances in book form.

NOW, THEREFORE, BE IT ORDAINED by the Legislative Body of the City of Marion, that:

Section 1. The general ordinances of the City of Marion, as herein revised, amended, restated, codified and compiled in book form and as amended by Exhibit "A" (attached hereto), are adopted as and shall constitute the "Code of Ordinances of the City of Marion".

Section 2. Said Code as adopted in Section 1 shall consist of the following titles to-wit:

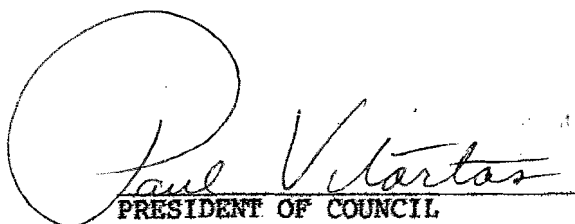
Part Eleven Planning and Zoning Code

Section 3. All prior ordinances pertaining to the subjects treated in said code shall be deemed repealed from and after the effective date of said Code except as they are included and reordained in whole or in part in said Code; provided such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of said Code, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plats or dedication of land to public use, naming or vacating or setting the boundaries of streets, alleys, or other public places, nor to any other ordinance of a temporary or special nature or pertaining to subjects not contained therein.

Section 4. Said Code shall be deemed published as of the day of its adoption and approval by the Legislative body of the City of Marion is hereby authorized and ordered to file a copy of said Code in the Office of the Council Clerk.

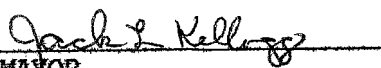
Section 5. Said Code shall be in full force and effect thirty days from the date of its publication and filing thereof in the Office of the Clerk of Council, and said Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded and approved and that any public hearings and notices thereof as required by law have been given.

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

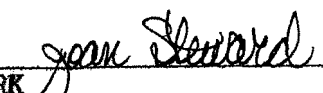
  
PRESIDENT OF COUNCIL

PASSED: Nov. 13, 1995

APPROVED: Nov. 14, 1995

  
MAYOR

ATTEST:

  
CLERK

Advertised in  
The Marion Star  
~~Oct.~~ Sept. 24, 1995  
Joan Steward  
Clerk of Council

ORDINANCE NO. 1995 - 116

ORDINANCE AMENDING MARION CODIFIED ORDINANCE CHAPTER 943 (DOMESTIC REFUSE AND RUBBISH COLLECTION), AND DECLARING AN EMERGENCY.

WHEREAS, the present Chapter 943 of the codified ordinances of the City of Marion is incomplete and inadequate and the manner of arrangement, classification and indexing thereof is insufficient to meet the immediate needs of the public; and

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

Section 1. That Chapter 943 of the Codified Ordinances be revised, amended and restated as follows:

"CHAPTER 943: DOMESTIC REFUSE AND RUBBISH COLLECTION

EDITOR'S NOTE: Ordinance 1978-76, passed July 11, 1978, authorized the municipality to join and participate in the Marion County Garbage and Refuse Disposal District No. 1 created by the Board of County Commissioners.

Section

- 943.01 Definitions
- 943.02 Rules and regulations
- 943.03 Municipality sole and exclusive collector of domestic refuse customer and/or household
- 943.04 Regular pickups
- 943.05 Special pickups
- 943.06 Container requirements; location
- 943.07 Use by other persons prohibited
- 943.08 Unlawful disposal of domestic refuse, rubbish or waste material
- 943.09 Burning of rubbish, waste material and domestic refuse
- 943.10 Disposal restricted to municipality's designated landfill
- 943.11 Ownership of domestic refuse, rubbish and waste material
- 943.12 Incinerators and food disposal systems
- 943.13 License required; issuance; fees; conditions; revocation
- 943.14 Resident subscriber charges
- 943.15 Late and delinquent payments
- 943.16 Commercial establishment subscriber charges
- 943.17 RESERVED
- 943.18 Disposition of funds; records and accounting
- 943.19 Exemption of senior citizens and disabled persons from payment of charges
- 943.99 Penalty

DISEASE-CAUSING AGENTS; USED DISPOSAL SHARPS, HUMAN BLOOD, AND HUMAN BLOOD PRODUCTS AND BODY FLUIDS; AND OTHER MATERIALS WHICH IN THE OPINION OF THE DEPARTMENT OF HEALTH REPRESENT A SIGNIFICANT RISK OF INFECTION TO PERSONS OUTSIDE THE GENERATING FACILITY.

BIOLOGICAL WASTE. SHALL MEAN SOLID WASTE THAT CAUSES OR HAS THE CAPABILITY OF CAUSING DISEASE OR INFECTION AND INCLUDES, BUT IS NOT LIMITED TO, BIOHAZARDOUS WASTE, DISEASED OR DEAD ANIMALS, AND OTHER WASTES CAPABLE OF TRANSMITTING PATHOGENS TO HUMANS OR ANIMALS.

BULK YARD TRASH. SHALL MEAN LARGE CUTTINGS OF VEGETATIVE AND WOOD MATTER WHICH ARE PART OF NORMAL YARD MAINTENANCE WHICH CANNOT BE CUT FOR PLACEMENT IN A CONTAINER, BAG OR BUNDLE DUE TO THE MATERIAL EXCEEDING THE WEIGHT AND SIZE RESTRICTION FOR REGULAR YARD TRASH. BULK YARD TRASH SHALL BE OF A TYPE AS TO BE READILY HANDLED BY THE MECHANICAL EQUIPMENT OF THE CITY AND SHALL NOT EXCEED FIVE (5) FEET IN LENGTH. BULK YARD TRASH DOES NOT INCLUDE ANY FORM OR MATTER OR DEBRIS RESULTING FROM TREE REMOVAL, LAND CLEARING, LAND DEVELOPMENT, BUILDING DEMOLITION, HOME IMPROVEMENT, OR WASTE GENERATED BY TREE SURGEONS, LANDSCAPERS OR LAWN MAINTENANCE SERVICES.

CITY. SHALL MEANS THE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARION, OHIO.

COLLECTOR. The municipality and each and all of its duly authorized agents and/or employees connected with the collection and disposal of domestic refuse, rubbish or waste materials.

COMMERCIAL ESTABLISHMENT. Every natural person, association of persons, partnership or corporation, engaged in any type of business or other activity, whether public or private, charitable or noncharitable, profit or nonprofit, occupying any premises in the municipality creating domestic refuse, rubbish or waste material and, where the context requires it, designates and includes the owner, manager or other person having responsibility for the operation of such business or activity, but does not include a resident.

§ 943.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

BIOHAZARDOUS WASTE. SHALL MEAN ANY SOLID WASTE OR LIQUID WASTE WHICH MAY PRESENT A THREAT OF INFECTION TO HUMANS. THE TERM INCLUDES, BUT IS NOT LIMITED TO, NON-LIQUID HUMAN TISSUE AND BODY PARTS; LABORATORY AND VETERINARY WASTE WHICH CONTAIN HUMAN-

**CONTAINER.** SHALL MEAN A RIGID RECEPTACLE WITH HANDLES CONSTRUCTED OF VERMIN AND WATER PROOF MATERIAL WITH A SECURABLE TOP OR LID OR A 3 PLY PLASTIC BAG WITH A SECURABLE TOP.

**CURBSIDE.** SHALL HEREIN REFER TO THE DESIGNATED PHYSICAL LOCATION FOR THE PLACEMENT OF REFUSE ACCUMULATIONS AND CONTAINERS INTENDED FOR RESIDENTIAL SERVICE COLLECTION AND DISPOSAL. THIS DESIGNATED LOCATION SHALL BE AS NEAR AS POSSIBLE BUT NO MORE THAN SIX (6) FEET FROM THE TRAVELED STREETS OR ALLEY. THE INTENTION OF A CURBSIDE DESIGNATION IS TO ALLOW COLLECTION BY THE COLLECTION PERSONNEL IN A RAPID MANNER WITH WALKING OR REACHING MINIMALIZED.

**DESIGNATED DISPOSAL FACILITY.** SHALL MEAN A DISPOSAL, PROCESSING, RECOVERY, RECYCLING OR TRANSFER FACILITY MEETING ALL APPLICABLE LOCAL, STATE AND FEDERAL LICENSING AND PERMITTING REGULATIONS AND AN APPROVED FACILITY AS DESIGNATED BY THE DKMM SOLID WASTE DISTRICT.

**DOMESTIC PREMISES or HOUSEHOLD.** Any person, firm or corporation for which there is domestic refuse, rubbish or waste material collection service. **HOUSEHOLD** includes owners, tenants and occupants of all premises upon which domestic refuse is created.

**DOMESTIC REFUSE.** SHALL MEAN BOTH RUBBISH AND GARBAGE OR A COMBINATION OR MIXTURE OF RUBBISH AND GARBAGE, INCLUDING PAPER, GLASS, METAL AND OTHER DISCARDED MATTER, EXCLUDING RECYCLABLE MATERIALS.

**DWELLING UNIT.** SHALL MEAN ANY TYPE OF STRUCTURE OR BUILDING UNIT INTENDED FOR OR CAPABLE OF BEING UTILIZED FOR RESIDENTIAL LIVING OTHER THAN A HOTEL OR MOTEL UNIT. A DWELLING UNIT WILL INCLUDE STRUCTURE OR BUILDING WITH NO MORE THAN TWO (2) HOUSEHOLDS.

**GARBAGE.** SHALL MEAN ALL KITCHEN AND TABLE FOOD WASTE AND/OR ANIMAL OR VEGETATIVE WASTE THAT IS ATTENDANT WITH OR RESULTS FROM THE STORAGE, PREPARATION, COOKING, OR HANDLING OF FOOD MATERIALS; AND ANY BOTTLES, CANS, OR OTHER CONTAINERS, EXCLUDING RECYCLABLE CONTAINERS, UTILIZED IN NORMAL HOUSEHOLD USE, WHICH DUE TO THEIR ABILITY TO RETAIN WATER, MAY SERVE AS BREEDING PLACE FOR MOSQUITOS AND OTHER INSECTS.

**GARDEN AND YARD TRASH.** SHALL MEAN VEGETATIVE MATTER RESULTING FROM YARD AND LANDSCAPING MAINTENANCE AND SHALL INCLUDE MATERIALS SUCH AS TREE AND SHRUB TRIMMINGS, OR SMALL TREE BRANCHES WHICH SHALL NOT EXCEED FIVE (5) FEET IN LENGTH AND SIX (6) INCHES IN DIAMETER. SUCH TRASH SHALL BE BUNDLED OR PLACED IN CONTAINERS WHICH ARE SUSCEPTIBLE TO NORMAL LOADING AND COLLECTION AS OTHER RESIDENTIAL SOLID WASTE. NO BUNDLE OR FILLED CONTAINER SHALL EXCEED FIFTY (50) POUNDS IN WEIGHT. WASTE GENERATED BY TREE SURGEONS, LANDSCAPERS OR LAWN MAINTENANCE SERVICES IS NOT GARDEN AND YARD WASTE.

**HAZARDOUS WASTE.** SHALL MEAN ANY SOLID WASTE, (EVEN THOUGH IT MAY BE PART OF A DELIVERED LOAD OF WASTE) WHICH:

- a) IS REQUIRED TO BE ACCOMPANIED BY A WRITTEN MANIFEST OR SHIPPING DOCUMENT DESCRIBING THE WASTE AS "HAZARDOUS WASTE", PURSUANT TO ANY STATE OR FEDERAL LAW;
- b) CONTAINS POLYCHLORINATED BIPHENYLS OR ANY OTHER SUBSTANCE THE STORAGE, TREATMENT OR DISPOSAL OF WHICH IS SUBJECT TO REGULATION UNDER THE TOXIC

SUBSTANCES CONTROL ACT;

- c) CONTAINS A "REPORTABLE QUANTITY" OF ONE OR MORE "HAZARDOUS SUBSTANCES" AS DEFINED IN THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT.

**HOUSEHOLD TRASH.** SHALL HEREIN REFER TO ACCUMULATIONS OF PAPER, MAGAZINES, PACKAGING, CONTAINERS, SWEEPINGS AND ALL OTHER ACCUMULATIONS OF A NATURE OTHER THAN GARBAGE OR GARDEN AND YARD TRASH, WHICH ARE USUAL TO HOUSEKEEPING AND TO THE OPERATION OF RESIDENCES. **HOUSEHOLD TRASH** SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL SMALL APPLIANCES, SMALL FURNITURE, YARD TOYS, AND BUILDING MATERIAL WASTE FOR THE RESIDENTIAL DO-IT-YOURSELF PROJECTS. **SPECIAL WASTE, BIOLOGICAL WASTE AND WASTE GENERATED BY BUILDING CONTRACTORS OR SUBCONTRACTORS IS NOT HOUSEHOLD TRASH.**

**INCINERATOR.** A structure or apparatus within which domestic refuse, rubbish and waste material can be consumed by combustion.

**INFECTIOUS WASTE.** SHALL MEAN THOSE WASTES WHICH MAY CAUSE DISEASE OR MAY REASONABLY BE SUSPECTED OF HARBORING PATHOGENIC ORGANISMS. INCLUDED ARE WASTES RESULTING FROM THE OPERATION OF MEDICAL CLINICS, HOSPITALS, AND OTHER FACILITIES PRODUCING WASTES WHICH MAY CONSIST OF, BUT NOT LIMITED TO, DISEASED HUMAN AND ANIMAL PARTS, CONTAMINATED BANDAGES, PATHOLOGICAL SPECIMENS, HYPODERMIC NEEDLES, CONTAMINATED CLOTHING, AND SURGICAL GLOVES.

**LANDFILL.** SHALL MEAN ANY SOLID WASTE LAND DISPOSAL AREA OR WASTE-TO-ENERGY FACILITY FOR WHICH A PERMIT, OTHER THAN A GENERAL PERMIT, IS REQUIRED BY 3745-27, OF THE ADMINISTRATIVE CODE OF THE STATE OF OHIO, THAT RECEIVES SOLID WASTE FOR DISPOSAL IN OR UPON LAND OTHER THAN A LAND-SPREADING SITE, INJECTION WELL, OR A SURFACE IMPOUNDMENT.

**MECHANICAL CONTAINER.** SHALL MEAN AND INCLUDE ANY DETACHABLE METAL CONTAINER DESIGNED OR INTENDED TO BE MECHANICALLY DUMPED INTO A LOADER/PACKER TYPE OF GARBAGE TRUCK.

**PERSON.** Every natural person, association of persons, partnership or corporation.

**PREMISES.** Land or buildings or both, or parts of either or both, whether occupied by a resident or a commercial establishment.

**RECYCLABLE MATERIALS.** SHALL MEAN NEWSPAPERS, EXTRA MATERIALS (INCLUDING INSERTS), ALUMINUM, PLASTIC CONTAINERS, GLASS BOTTLES AND JARS, CORRUGATED CARDBOARD, BROWN PAPER BAGS, MIXED PAPER, TIN AND FERROUS CANS, HOUSEHOLD DRY-CELL BATTERIES (NO WET-CELL BATTERIES), AND OTHER SOLID WASTE MATERIALS ADDED UPON AGREEMENT WHEN SUCH MATERIALS HAVE BEEN EITHER DIVERTED FROM THE REMAINING SOLID WASTE STREAM OR REMOVED PRIOR TO THEIR ENTRY INTO THE REMAINING SOLID WASTE STREAM.

**RECYCLING.** SHALL MEAN ANY PROCESS BY WHICH SOLID WASTE, OR MATERIALS WHICH OTHERWISE BECOME SOLID WASTES, ARE COLLECTED, SEPARATED, OR PROCESSED AND REUSED OR RETURNED TO USE IN THE FORM OF RAW MATERIALS OR PRODUCTS.

**RESIDENT.** The head of a family or one maintaining his/her separate living room or residential quarters on premises and includes owners,

tenants and occupants of all residential premises upon which domestic refuse, rubbish or waste material is accumulated.

**RUBBISH.** SHALL MEAN WASTE MATERIAL OTHER THAN GARBAGE, WHICH IS USUALLY ATTENDANT TO DOMESTIC HOUSEHOLDS OR HOUSEKEEPING, AND TO THE OPERATION OF STORES, OFFICES AND OTHER BUSINESS PLACES. THIS SHALL INCLUDE, BUT IS NOT LIMITED TO, PAPER, MAGAZINES, PACKAGING, CONTAINERS, RAGS, EXCELSIOR AND OTHER PACKING MATERIAL, BOTTLES AND CANS, EXCLUDING RECYCLABLE MATERIALS. BIOLOGICAL WASTE OR BIOHAZARDOUS WASTE IS NOT RUBBISH.

**SERVICES.** An implied contract exists where by conduct each party acts as if an express agreement had been reached. An implied contract exists when the municipality offers sewer, sanitation or recycling service to a domestic residence or household and the service is accepted by use of the service at the domestic residence or household.

**SOLID WASTE.** INCLUDES REFUSE, YARD TRASH, CLEAN DEBRIS, WHITE GOODS, SPECIAL WASTE, ASHES, SLUDGE, OR OTHER DISCARDED MATERIAL, INCLUDING SOLID LIQUID, SEMISOLID, OR CONTAINED GASEOUS MATERIAL RESULTING FROM DOMESTIC, INDUSTRIAL, COMMERCIAL, MINING, AGRICULTURAL, OR GOVERNMENTAL OPERATIONS.

**SPECIAL WASTE.** SHALL MEAN SOLID WASTES THAN CAN REQUIRE SPECIAL HANDLING AND MANAGEMENT, WHICH ARE NOT ACCEPTED AT A LANDFILL OR OTHER DISPOSAL FACILITY OR WHICH ARE ACCEPTED AT A LANDFILL OR OTHER DISPOSAL FACILITY AT HIGHER RATES THAN IS CHARGED FOR REFUSE, INCLUDING, BUT NOT LIMITED TO ASBESTOS, WHITE GOODS, WHOLE TIRE, USED OIL, MATTRESSES, FURNITURE, LEAD-ACID BATTERIES.

**SERVICE AREA.** TERRITORIAL LIMIT OF THE MUNICIPALITY.

**SUBSCRIBER.** SHALL MEAN ANY OWNER, TENANT OR OCCUPANT LISTED ON CITY RECORDS AS THE PARTY BILLED BY THE CITY FOR THE SERVICES PROVIDED TO A RESIDENTIAL UNIT BY THE CONTRACT.

**VEGETATIVE MATTER.** SHALL MEAN ANY PLANT MATERIAL.

**WASTE MATERIAL.** Includes recognizable industrial by-products, dead trees, tree limbs, trunks or stumps, accumulations of bricks, concrete, plaster, wood, metal spouting, sand, gravel, earth, stones or other refuse from construction, remodeling or repairing of buildings, appliances and worn out furniture and other disposable items and materials that are not domestic refuse or rubbish.

**WHITE GOODS.** INCLUDES DISCARDED WASTERS, DRYERS, REFRIGERATORS, RANGES, WATER HEATERS, FREEZERS, SMALL AIR CONDITIONING UNITS, AND OTHER SIMILAR DOMESTIC LARGE APPLIANCES.

**WORDS.** Words in the singular shall include the plural.

**YARD TRASH.** SHALL MEAN VEGETATIVE MATTER RESULTING FROM LANDSCAPING MAINTENANCE (OTHER THAN WASTES GENERATED BY TREE SURGEONS, LANDSCAPERS OR LAWN MAINTENANCE SERVICES), INCLUDING ACCUMULATION OF LAWN, GRASS, SHRUBBERY CUTTINGS OR CLIPPINGS AND DRY LEAF RAKING, SMALL TREE BRANCHES (WHICH SHALL NOT EXCEED FIVE (5) FEET IN LENGTH AND SIX (6) INCHES IN

DIAMETER), BUSHES OR SHRUBS, GREEN LEAF CUTTINGS, FRUITS, OR OTHER MATTER USUALLY CREATED AS REFUSE IN THE CARE OF LAWNS AND YARDS, EXCEPT LARGE BRANCHES, TREES, OR BULKY OR NON-CONTAINERIZED MATERIAL NOT SUSCEPTIBLE TO NORMAL LOADING AND COLLECTION IN LOADER PACKER TYPE SANITATION EQUIPMENT USED FOR REGULAR COLLECTIONS FROM DOMESTIC HOUSEHOLDS.

('70 Code, § 943.01) (Ord. 1970-14, passed 2-9-70; Am. Ord. 1971-33, passed 3-22-71; Am. Ord. 1985-93, passed 12-9-85; Am. Ord. 1990-83, passed 10-8-90)

**§ 943.02 RULES AND REGULATIONS.**

(A) The Safety/Service Director is authorized and directed to make such rules, regulations and changes with reference to the handling, collection and disposal of domestic refuse, rubbish, HOUSEHOLD TRASH AND OTHER SOLID WASTE as may be necessary, proper or convenient to facilitate their collection and disposal. Such rules and regulations shall DETAIL THE SERVICES PROVIDED AND prescribe the size, type and location of containers.

(B) All domestic premises or households should be liable for implied services provided by the municipality. Unless otherwise notified, the municipality will bill the property owner for services provided. ('70 Code, § 943.02) (Ord. 1985-93, passed 12-9-85)

**§ 943.03 MUNICIPALITY SOLE AND EXCLUSIVE COLLECTOR OF RESIDENTIAL DOMESTIC REFUSE; EXEMPTIONS FOR COMMERCIAL COLLECTIONS; LICENSING.**

No person other than the municipality or its agents or employees (i.e. the collector) shall collect, transport or haul over or through any alley or street, or dispose of, any domestic refuse within the municipality except as follows:

(A) Commercial establishments or public institutions that have qualified for an exception by installing on their premises the stationary hydraulic refuse compactor with a ram face size of at least 29 inches by 53 inches and a rated capacity of at least 1.9 cubic yards. The Safety/Service Director shall give prior written approval to use such equipment provided such equipment conforms to specifications on file with the office of the Safety/Service Director and open to public inspection. Commercial establishments or public institutions that install approved equipment may then contract with a private hauler provided the private hauler has suitable equipment to haul compacted domestic refuse over or through any alley or street and is licensed in accordance with § 943.13 of this chapter. Equipment must be completely enclosed and leak proof and must have the prior written approval of the Safety/Service Director.

(B) Any commercial establishment or public institution which has an existing contract with a private hauler duly licensed and qualified under § 943.13 of this chapter.

(C) Any commercial establishment or public institution, presently receiving removal and disposal services from the municipality may, at its option, upon 30 days notice to the municipality elect to qualify for private hauling under the provisions of this section and § 943.13.

(D) All commercial establishments or public institutions shall be required to apply for a waiver of the requirements of this chapter. Said application shall be made to the Safety/Service Director.

('70 Code, § 943.03) (Ord. 1973-175, passed 12-10-73; Am. Ord. 1985-93, passed 12-9-85; Am. Ord. 1991-109, passed 9-9-91) Penalty, see § 943.99

#### § 943.04 REGULAR PICKUPS.

(A) THE SAFETY/SERVICE DIRECTOR SHALL PROVIDE FOR THE COLLECTION AND DISPOSAL OF ALL DOMESTIC REFUSE, RUBBISH AND HOUSEHOLD TRASH FROM ALL DWELLING UNITS WITHIN THE SERVICE AREA WHOSE WASTE MATERIALS ARE NOT COLLECTED BY MECHANICAL CONTAINER. COLLECTIONS SHALL BE ON A REGULARLY SCHEDULED BASIS AS ESTABLISHED BY THE SAFETY/SERVICE DIRECTOR.

(B) THE SAFETY/SERVICE DIRECTOR SHALL PROVIDE FOR THE COLLECTION OF ALL NEWSPAPERS, GLASS BOTTLES AND JARS, ALUMINUM, PLASTIC CONTAINERS, TIN AND FERROUS CANS, CORRUGATED CARDBOARD, AND BROWN PAPERS BAGS SET OUT FOR THE PURPOSE OF RECYCLING FROM ALL DWELLING UNITS WITHIN THE SERVICE AREA WHOSE WASTE MATERIALS ARE NOT COLLECTED BY MECHANICAL CONTAINER. COLLECTION SHALL BE ON A REGULARLY SCHEDULED BASIS AS ESTABLISHED BY THE SAFETY/SERVICE DIRECTOR.

AS IT BECOMES APPROPRIATE OR BENEFICIAL, THE SAFETY/SERVICE DIRECTOR MAY ADD OR DELETE ITEMS FROM THE LIST.

(C) THE SAFETY/SERVICE DIRECTOR SHALL PROVIDE FOR THE COLLECTION OF BULK YARD TRASH AND YARD TRASH AS DEFINED IN SECTION 5, FROM ALL DWELLING UNITS WITHIN THE SERVICE AREA WHOSE WASTE MATERIALS ARE NOT COLLECTED BY MECHANICAL CONTAINER. COLLECTION SHALL BE ON A REGULARLY SCHEDULED BASIS AS ESTABLISHED BY THE SAFETY/SERVICE DIRECTOR.

(D) NO OWNER, TENANT OR OCCUPANT OF ANY DWELLING SHALL ALLOW DOMESTIC REFUSE, RUBBISH OR HOUSEHOLD TRASH TO ACCUMULATE IN OR ON THE OCCUPIED PREMISES FOR A PERIOD OF TIME IN EXCESS OF TWO CONSECUTIVE COLLECTION DATES.

('70 Code, § 943.04) (Ord. 1970-14, passed 2-9-70; Am. Ord. 1985-93, passed 12-9-85)

#### § 943.05 SPECIAL PICKUPS.

(A) The Safety/Service Director is authorized, upon request of any person, to determine the conditions under which the municipality will collect and dispose of SPECIAL WASTE, INFECTIOUS WASTE, HAZARDOUS WASTE, BIOHAZARDOUS WASTE, AND BIOLOGICAL WASTE and to fix the charges to be made therefor, taking into consideration the availability of equipment, personnel, disposal facilities and the cost to the municipality of such service.

(B) The Safety/Service Director is authorized, upon request of a collector or any other person, to determine the necessity of a special WASTE collection, to determine the conditions under which the municipality will make special WASTE collections and to fix the charges to be made therefor, taking into consideration the availability of equipment, personnel, disposal facilities and the cost to the municipality of such services.

(C) The Safety/Service Director is authorized to order SPECIAL WASTE, INFECTIOUS WASTE, HAZARDOUS WASTE, BIOHAZARDOUS WASTE OR BIOLOGICAL WASTE collections when it is necessary for the proper and convenient handling and collection of domestic refuse and rubbish.

('70 Code, § 943.05) (Ord. 1970-14, passed 2-9-70; Am. Ord. 1985-93, passed 12-9-85)

#### § 943.06 CONTAINER REQUIREMENTS; LOCATION.

(A) It shall be the duty of each resident or commercial establishment to maintain a suitable container or containers to hold all the domestic refuse and rubbish accumulated during the period between collections and pending removal by the collector. All domestic refuse and rubbish accumulated upon a resident's premises or a commercial establishment's premises must be placed in such containers.

(B) CONTAINERS SHALL BE CONSTRUCTED OF WATER AND VERMIN PROOF MATERIAL AND SHALL HAVE A CAPACITY BETWEEN 20 AND 32 GALLONS.

(C) Articles which cannot be conveniently placed in containers shall be crushed and/or bundled in lengths not to exceed five (5) feet and not to exceed 50 pounds in weight and shall be placed at the same collection point as the domestic refuse and rubbish containers for the premises.

(D) All containers shall be located CURBSIDE as prescribed in the rules and regulations of the Safety/Service Director.

('70 Code, § 943.06) (Ord. 1970-14, passed 2-9-70; Ord. 1985-93, passed 12-9-85) Penalty, see § 943.99

#### § 943.07 USE BY OTHER PERSONS PROHIBITED.

(A) No person using the services set out in this chapter shall permit the use of his/her domestic refuse or rubbish containers by any other person to this service.

(B) No person shall use the services provided by the collector without paying the lawful charges therefor.

('70 Code, § 943.07) (Ord. 1970-14, passed 2-9-70; Am. Ord. 1985-93, passed 12-9-85) Penalty, see § 943.99

#### § 943.08 UNLAWFUL DISPOSAL OF DOMESTIC REFUSE, RUBBISH OR WASTE MATERIAL.

(A) No person shall keep, place or deposit domestic refuse on any grounds or premises whatsoever except in the manner designated in § 943.06.

(B) No person shall throw or deposit any domestic refuse, rubbish or waste material, or cause the same to be thrown or deposited, in any street, way, lane, river, stream, ditch or other public place, or upon any vacant lot, or where rats, mice, dogs, cats, birds, fowl or other living things can feed thereon.

(C) No person shall remove any domestic refuse from any premises of a resident or commercial establishment except the collector.



('70 Code, § 943.08) (Ord. 1970-14, passed 2-9-70; Am. Ord. 1985-93, passed 12-9-85) Penalty, see § 943.99

**Cross-reference:**

Littering and deposit of garbage and waste material, see § 660.03  
Noxious accumulations; polluting, see § 660.04

**§ 943.09 BURNING OF RUBBISH, WASTE MATERIAL AND DOMESTIC REFUSE.**

(A) No person shall burn domestic refuse, rubbish or waste material within the territorial limits of the municipality.

(B) Nothing in this section shall prohibit burning in an approved incinerator as set forth in § 943.12.

(C) Nothing in this section shall prohibit a proper fire for domestic purposes or recreation if the fire is properly attended.

(D) Upon application, the City Fire Inspector may issue temporary permission for burning, contrary to this section.

('70 Code, § 943.09) (Ord. 1971-33, passed 3-22-71; Ord. 1985-93, passed 12-9-85) Penalty, see § 943.99

**Cross-reference:**

Open burning, see § 660.08

**§ 943.10 DISPOSAL RESTRICTED TO MUNICIPALITY'S DESIGNATED DISPOSAL FACILITY.**

In accordance with the rules and regulations adopted by the Safety/Service Director under § 943.02, no person shall dispose of, bury or dump within the municipality any domestic refuse, rubbish or waste material accumulated within or without the municipality. All domestic refuse, rubbish and waste material shall be conveyed to the areas designated disposal facilities.

('70 Code, § 943.10) (Ord. 1985-93, passed 12-9-85; Am. Ord. 1990-83, passed 10-8-90) Penalty, see § 943.99

**§ 943.11 OWNERSHIP OF DOMESTIC REFUSE, RUBBISH, RECYCLABLES AND WASTE MATERIAL.**

All domestic refuse, rubbish, recyclables and waste material COLLECTED OR in the process of being collected are NO LONGER the property of the RESIDENT and no person shall be allowed to separate, collect, carry off or dispose of the same except under the authority of the Safety/Service Director.

('70 Code, § 943.11) (Ord. 1970-14, passed 2-9-70; Ord. 1985-93, passed 12-9-85; Am. Ord. 1990-124, passed 12-10-90) Penalty, see § 943.99

**§ 943.12 INCINERATORS AND FOOD DISPOSAL SYSTEMS.**

(A) Incinerator requirements. An incinerator shall:

(1) Be of a type approved by, and be installed in accordance with the regulations promulgated by, the City Fire Prevention Bureau.

Such regulations shall be prepared in accordance with the standards of the National Building Code and the Standards of the National Fire Protection Association or the American Insurance Association, as the same apply to incinerators. If activated electrically, an incinerator shall bear evidence of approval of Underwriters' Laboratories, Inc.

(2) Operate so as to consume completely wet or dry domestic refuse, waste material and rubbish by burning it to ash without causing noisome, offensive or noxious odors, vapors, gases or smoke and without the discharge or emission into the atmosphere of sparks, ash or the powdered residue of the substance which has been burned.

(E) Mechanical food disposal systems. This chapter is not intended to control, prohibit or regulate in any manner the use of mechanical food disposal systems and the sections of this chapter shall not be construed or interpreted to prevent the use of a mechanical food disposal system.

('70 Code, § 943.12) (Ord. 1971-33, passed 3-22-71; Am. Ord. 1985-93, passed 12-9-85) Penalty, see § 943.99

**§ 943.13 LICENSE REQUIRED; ISSUANCE; FEES; CONDITIONS; REVOCATION.**

(A) License required. No person shall remove or haul any rubbish or waste material over or through any of the streets or alleys of the municipality without first obtaining a license from the Safety/Service Director to do so. This section shall not apply to the following:

(1) Any governmental agency;

(2) Any person, personally or by an employee, hauling, transporting and disposing of rubbish and waste material produced on the premises of such person, provided, however, that any person using an employee for such hauling, transporting and disposal from the employer's premises shall first obtain from the Safety/Service Director an exemption from the requirements of this section. The application shall certify that the employee is, in law, an employee, taking into account, among others, the fact that his/her wages are subject to the withholding provisions of the Internal Revenue Code of the United States and Ch. 193 of this code, and that he/she is within the provisions of the Workmen's Compensation Law of the State and the Social Security Law of the United States, plus other factors which indicate an employee rather than independent contractor relationship. In addition, such employer shall provide his/her employee a truck either owned by the employer or leased by the employer from someone other than the employee; and

(3) Any person who hauls rubbish, produced as an incidental result of his/her occupation, from the premises of one with whom he/she has contracted to provide his/her occupational services. However, any truck used for hauling rubbish or waste material shall have an enclosed body or shall be equipped with sideboards and tarpaulins to prevent the spilling of materials therefrom.

(B) License; issuance; fees; conditions; revocation.

(1) The Safety/Service Director shall issue a license to any person desiring to engage in the removal and handling of rubbish and waste material for hire within the municipality.

(2) The fee for such license shall be \$24 per year payable in advance. Such license shall not be issued for a longer period than 12 months beginning January 1 of each year and shall expire December 31 next following the date of issue. Licenses issued subsequent to January 1 shall be prorated as follows: April 1 - \$18; July 1 - \$12; October 1 - \$6.

(3) The license shall be prominently displayed on the vehicle.

(4) A separate license shall be required for each truck owned by the licensee.

(5) Any truck to be used by such licensee for hauling rubbish or waste material shall have an enclosed body or shall be equipped with sideboards and tarpaulins to prevent the spilling of materials therefrom.

(6) The Safety/Service Director may revoke the license of any licensee after hearing for good cause shown and shall revoke after hearing the license of any licensee who violates any section of this chapter or any rule or regulation of the City Board of Health. ('70 Code, § 943.13) (Ord. 1973-175, passed 12-10-73) Penalty, see § 943.99

#### § 943.14 RESIDENT SUBSCRIBER CHARGES.

To provide necessary funds for equipment, personnel and other expenses in connection with the collection and disposal of residential domestic refuse and rubbish in the municipality, the necessary charges for same shall be as directed by the rules and regulations adopted by the City Safety/Service Director.

('70 Code, § 943.14) (Ord. 1984-82, passed 10-22-84; Am. Ord. 1987-83, passed 10-12-87; Am. Ord. 1990-83, passed 10-8-90)

#### § 943.15 LATE AND DELINQUENT PAYMENTS.

(A) The charges herein shall constitute the net charges for sanitation service if paid within a period of 14 days next following the date of billing. If paid after the 14-day period has elapsed, the applicable charges shall be at the gross rate, which shall be \$3 greater than the net charge.

(B) It shall be understood that the U.S. Government postmark shall govern the due date and that when any payments are mailed within the 14-day period or paid at an authorized collection agency within the 14-day period, they shall be considered as paid within the prescribed time limit and exempt from penalty. In the collection of such payments by mail, the U.S. Government postmark on the envelope containing the payment shall be identified and retained for a period of four months after which it will be destroyed and the gross amount of such bill shall not be disputed.

(C) Any charges for sanitation service that remain unpaid for 60 days, shall be delinquent and

may be assigned for collection.

('70 Code, § 943.15) (Ord. 1985-4, passed 1-7-85; Am. Ord. 1988-81, passed 10-10-88)

#### § 943.16 COMMERCIAL ESTABLISHMENT SUBSCRIBER CHARGES.

Service charges to commercial establishments for the collection and disposal of domestic refuse, rubbish and waste materials by the collector shall be determined, charged and collected by the Safety/Service Director and in no instance shall the rate be in an amount less than the actual cost of collection and disposal.

('70 Code, § 943.16) (Ord. 1970-14, passed 2-9-70; Am. Ord. 1985-93, passed 12-9-85)

#### § 943.17 RESERVED.

#### § 943.18 DISPOSITION OF FUNDS; RECORDS AND ACCOUNTING.

(A) All moneys received by the collector in any manner for the collection disposal of domestic refuse, rubbish or waste material shall be deposited in the Sanitation Fund and applied to the retirement and interest on notes or bonds issued for the purchase of equipment or for the acquisition or construction of any permanent improvements to be rendered for or in connection with the collection and disposal of domestic refuse, rubbish or waste material or to the expenses of conduct and operation of the Division of Sanitation.

(B) The Safety/Service Director shall maintain and keep such records, accounts and other supporting data to provide for a cost accounting system that separates the cost of the collection of domestic refuse, rubbish and waste material from the cost of the disposal of domestic refuse, rubbish and waste material.

('70 Code, § 943.18) (Ord. 1970-14, passed 2-9-70; Am. Ord. 1985-83, passed 12-9-85)

#### § 943.19 EXEMPTION OF SENIOR CITIZENS AND DISABLED PERSONS FROM PAYMENT OF CHARGES.

(A) Citizens of the municipality meeting the following qualifications shall be charged a reduced rate of \$16 bimonthly.

(B) The subscriber shall meet either the following age and retirement criteria or the following disability criteria:

(1) Age and retirement criteria. The subscriber shall be 62 years of age or more and shall be a retired individual receiving public welfare assistance or disability benefits, or shall be receiving a retirement income from social security, public employees retirement system, military retirement, railroad retirement, privately endowed retirement system or from another similar retirement system. The gross income of a household shall not exceed \$15,000.

(2) Disability criteria. The subscriber may be of any age provided such subscriber is rendered unemployable due to and as a direct result of a permanent physical or mental disability. The

gross income of a household shall not exceed \$15,000.

(C) The subscriber shall reside at the location of the exemption applied for but need not own the residence. The applicant shall not be entitled to the exemption if he or she is residing with a subscriber who is not entitled to the exemption as defined herein.

(D) Subscribers desiring the reduced rate of \$16 bimonthly for the sanitation charge shall apply for same at the office of the Sanitation Division. Subscribers shall make application and shall reapply annually by displaying proof of identity and age or disability and by signing an application in the form of an affidavit, swearing to the factual existence of the minimum qualifications as set forth in this section. The affidavit shall be in the presence of a notary public. Subscribers making application for the reduced rate shall make their application at the time of their subscription. Annual applications for subscribers shall be filed not later than December 1 of each year.

(E) The Safety/Service Director, after hearing, shall be the final authority for any disputed application.

(F) Effective January 2, 1991, the special rates for senior citizens and disabled persons shall be in effect.  
(\*70 Code, § 943.19) (Ord. 1984-82, passed 10-22-84; Am. Ord. 1987-83, passed 10-12-87; Am. Ord. 1990-125, passed 10-10-90)

§ 943.99 PENALTY.

Whoever violates any of the provisions of this chapter or any rule or regulation of the Safety/Service Director made pursuant to this chapter shall be guilty of a misdemeanor of the third degree and shall be fined not more than \$100 or imprisoned not more than 60 days or both. Any such violation shall constitute a separate offense on each successive day continued.  
(\*70 Code, § 943.99) (Ord. 1970-14, passed 2-9-70; Am. Ord. 1991-23, passed 2-25-91; Am. Ord. 1992-6, passed 1-27-92)"

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for 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 approved 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 Vitaras*  
PRESIDENT OF COUNCIL

PASSED: Nov. 13, 1995  
APPROVED: Nov. 14, 1995

*Jack R. Kellogg*  
MAYOR

ATTEST:  
*Jean Steward*  
CLERK

Advertised in:  
*The Marion Star*  
400:284 Dec. 5, 1995  
*Jean Steward*  
Clerk of Council

ORDINANCE NO. 1995-117

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLEMING CONSTRUCTION COMPANY, INC., MARION, OHIO, FOR THE BRIGHTWOOD DRIVE FORCE MAIN SEWER PROJECT IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1995-90 authorized the preparation of specifications and advertising for bids for the Brightwood Drive Force Main Sewer Project in the City of Marion, Ohio, and

WHEREAS, Fleming Construction Company, Inc., submitted the lowest and best bid of \$155,052.10,

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, Inc., for the Brightwood Drive Force Main Sewer Project.

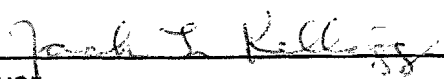
Section 2. That said contract shall be payable from the Sewer Replacement Fund.

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.

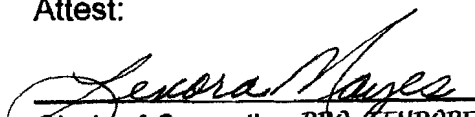
  
 \_\_\_\_\_  
 President of Council

Passed: *October 9, 1995*

Approved: *October 10, 1995*

  
 \_\_\_\_\_  
 Mayor

Attest:

  
 \_\_\_\_\_  
 Clerk of Council - PRO-TEMPORE

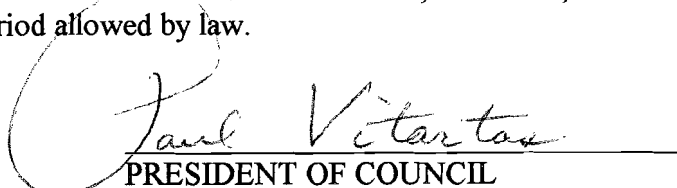
ORDINANCE NO. 1995-118

**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 be authorized and is hereby 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 for the welfare and safety 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 December 15, 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 earliest period allowed by law.

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

PASSED:            *October 9, 1995*

APPROVED:        *October 10, 1995*

  
 \_\_\_\_\_  
~~ACTING~~ MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK OF COUNCIL - PRO-TEMPORE

ORDINANCE NO. 1995-119

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PURCHASE A TRUCK CHASSIS THRU THE STATE  
COOPERATIVE PURCHASING PROGRAM FOR USE IN THE MARION  
CITY STREETS 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 purchase a Truck Chassis thru the State Cooperative Purchasing Program for use in the Marion City Streets Department.


**Section 2.** That the cost of said contract shall be payable from the SCMR Fund Account.

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

  
PRESIDENT OF COUNCIL

PASSED:            *October 9, 1995*

APPROVED:        *October 10, 1995*

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL PRO-TEMPORE

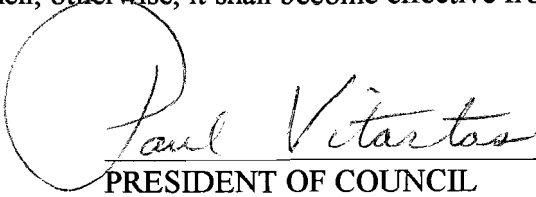
ORDINANCE NO. 1995-120

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A DUMP BODY AND SNOW PLOW ALONG WITH THE NECESSARY HYDRAULICS AND LIGHTS INSTALLED ON A CITY PROVIDED TRUCK CHASSIS FOR USE IN THE MARION CITY STREETS 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 prepare specifications and advertise for bids for a Dump Body and Snow Plow along with the necessary Hydraulics and Lights installed on a City provided Truck Chassis.

**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 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 earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: *October 9, 1995*

APPROVED: *October 10, 1995*

  
~~ACTING~~ MAYOR

ATTEST:

  
CLERK OF COUNCIL *PRO-TEMPORE*

ORDINANCE NO. 1995-121

**ORDINANCE AUTHORIZING THE CITY OF MARION TO MAKE PAYMENT  
TO BIG ISLAND TOWNSHIP FOR NECESSARY IMPROVEMENTS AND  
REPAIRS TO HERR ROAD AND DECLARING AN EMERGENCY.**

*WHEREAS*, the City of Marion did cause damage to this Township roadway during the Closure of the City of Marion Landfill.

*WHEREAS*, Big Island Township will be making application for State Issue II funding to extend Herr Road to the South and make it a through road from State Route 309 to State Route 95.

*WHEREAS*, the amount of payment will act as the City of Marion's portion committed in the application.

*WHEREAS*, the said amount would be equal to 10% of the contract cost but not to exceed \$31,000.00.

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

**Section 1.** That the City of Marion commits 10% of the contract cost to Big Island Township for necessary improvements and repairs to Herr Road in Big Island Township.

**Section 2.** That the amount shall not exceed \$31,000.00 for said improvements and repairs, and shall be made payable from the Landfill Monitoring Fund Account No. 507-05-563-270-000-332.

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

  
PRESIDENT OF COUNCIL

PASSED: *October 9, 1995*

APPROVED: *October 10, 1995*

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL - PRO-TEMPORE



ORDINANCE NO. 1995 -122

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF OF THE CITY OF MARION TO EXECUTE A LEASE OF REAL PROPERTY TO THE DELAWARE, KNOX, MARION, MORROW SOLID WASTE DISTRICT (DKMM) FOR USE AS A COMPOST SITE, AND DECLARING AN EMERGENCY.

WHEREAS, the Delaware, Knox, Marion, Morrow (DKMM) Solid Waste District wishes to Lease a parcel of land in the City of Marion for use as a compost site, and

WHEREAS, said real property is not otherwise required for the City's purposes; and such use thereof would benefit and promote the humane and economic welfare of the City, and provide opportunities for its citizens, and

WHEREAS, The Marion Area Community Improvement Corporation (CIC) has previously been designated an agency of the City (see Resolution No. 1965-41) and the City now wishes to authorize CIC to enter into a lease option 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 DKMM as provided in Section 1724.10(B) of the Ohio Revised Code.

Section 2. That CIC is hereby authorized to enter into a lease agreement with the Delaware, Knox, Marion, Morrow Solid Waste District (DKMM) on behalf of the City of Marion, for a certain parcel of real property, and described as follows:

Situated in the Township of Big Island, County of Marion and State of Ohio, being more particularly described as follows:

Being a part of the 53.6 acre parcel upon which the closed City Landfill is situated, being an approximately six (six) acre parcel, which is bounded on the north by Conrail Railroad Line, on the south by the lake created from the borrow pit from the closed City Landfill and east of Herr Road. It is the parties' intention to secure a more accurate legal description of the premises within the next forty-five (45) days, sufficient for a separate tax parcel to be created satisfactory to the County Auditor's Office and the State Department of Taxation. When such legal description is secured, an Addendum to this Ground Lease shall be executed by the parties.

Section 3. That the proceeds of said lease, after any expenses, shall be deposited in the General Fund.

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 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 9, 1995*

APPROVED: *October 10, 1995*

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL - PRO-TEMPORE

ORDINANCE NO. 1995- 123

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS A 13.526 ACRE PARCEL WEST OF CHATEAU RIDGE AND NORTH OF BARKS ROAD, FROM R-1A LOW-DENSITY, ONE & TWO-FAMILY RESIDENCE DISTRICT, TO R-2 GENERAL DWELLING DISTRICT, AND DECLARING AN EMERGENCY. (PETITIONERS - ROGER HENSEL & ROGER THOMAS)

WHEREAS, Roger Hensel and Roger Thomas are seeking to rezone property owned by them, being a 13.526 acre parcel west of Chateau Ridge and north of Barks Road, and

WHEREAS, Council finds that said real property described in Section 1 below should be rezoned from R-1A -Low-Density, One & Two-Family Residence District, to R-2 - General Dwelling District, and

WHEREAS, the Marion City Planning Commission at its meeting on September 5, 1995 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 a 13.526 acre parcel west of Chateau Ridge and north of Barks Road, and more particularly described as follows:

Being part of the Northwest Quarter of Section 35, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing railroad spike located on the centerline of County Road 138 (Barks Road) at the center of said Section 35;

Thence along the centerline of County Road 138 (Barks Road) also being the East-West half section line of Section 35 North 89 degrees 02 minutes 15 seconds West for a distance of 240.00 feet to a railroad spike set and the point of beginning (passing over an existing P.K. Nail at 239.86 feet);

Thence continuing along the centerline of County Road 138 (Barks Road) and the East-West half section line of Section 35 North 89 degrees 02 minutes 15 seconds West for a distance of 650.00 feet to a railroad spike set;

Thence North 01 degrees 09 minutes 30 seconds East for a distance of 715.94 feet to a 5/8" dia. iron pin set (passing over a 5/8" dia. iron pin set for reference at 30.00 feet);

Thence South 89 degrees 02 minutes 15 seconds East for distance of 890.00 feet to a 5/8" dia. iron pin set on the Southwest corner of Lot 16996 of Chateau Ridge 9th Addition to the City of Marion as recorded in Plat Book 8, Pages 39-40, also being the North-South half section line of Section 35;

Thence along the North-South half section line of Section 35 South 01 degree 09 minutes 30 seconds West for a distance of 515.94 feet to a 5/8" dia. iron pin set;

Thence North 89 degrees 02 minutes 15 seconds West for a distance of 240.00 feet to an existing survey marker set in concrete;

Thence South 01 degree 09 minutes 30 seconds West for a distance of 200.00 feet to a railroad spike set on the centerline of County Road 138 (Barks Road), also being the East-West half section line of Section 35 and the point of beginning (passing over an existing 1" dia. iron pin at 170.00 feet).

Containing 13.526 acres more or less and subject to legal high-ways, easements, restrictions and agreements of record.

Grantor acquired title by instrument recorded in Deed Volume 539, Page 371 of the Deed Records of Marion County, Ohio.

This description was prepared from a survey made by Stults and Associates, Inc., and dated February 28, 1995 and revised August 25, 1995.

The bearing North 89 degrees 02 minutes 15 seconds West is the same used and recorded for the centerline of County Road 138 (Barks Road) and the East-West half section line of Section 35 in said Deed Book 539, Page 371. 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."

now zoned R-1A - Low-Density, One & Two-Family Residence District, is hereby zoned R-2 - General Dwelling District.

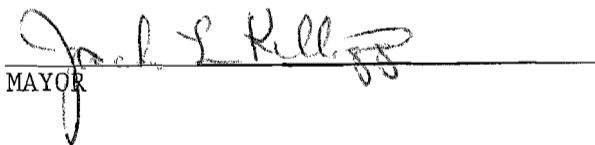
Section 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion, on file in the office of the Clerk of City Council, and on the copy thereof on file in the office of the Safety/Service Director.

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, further, so that construction may be for the proposed condominium complex; 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 9, 1995*

APPROVED: *October 10, 1995*

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL - PRO-TEMPORE

ORDINANCE NO. 1995 - 124

AN ORDINANCE DECLARING THE POSITIONS OF SAFETY/SERVICE DIRECTOR AND HUMAN RESOURCES DIRECTOR AS BEING IN THE UNCLASSIFIED CIVIL SERVICE OF THE CITY FOR PURPOSES OF CHAPTER 124 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio General Assembly has amended provisions of Chapter 124 of the Ohio Revised Code to be effective October 25, 1995, and,

WHEREAS, the position of Safety/Service Director acts in a fiduciary and administrative capacity and relationship to the Mayor in carrying out its duties and is a department head within the City administration; and,

WHEREAS, the position of Human Resources Director acts in a fiduciary and administrative capacity and relationship to the Mayor in carrying out its job duties and is a department head within the City administration;

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

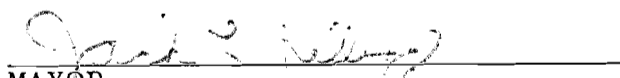
SECTION 1. That the positions of Safety/Service Director and Human Resources Director shall be and hereby are designated as being in the unclassified civil service of the City.

SECTION 2. That this Ordinance is 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 hereof and for the further reason that it is necessary for the daily operation of the City; and, as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


  
PRESIDENT OF COUNCIL

PASSED: *October 9, 1995*

APPROVED: *October 10, 1995*

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL - PRO-TEMPORE

ORDINANCE NO. 1995 - 125

**ORDINANCE ACCEPTING THE PLAT OF G & G HOMES, INC.,  
OF 5 LOTS, NUMBERED 1 THROUGH 5, OF FAIR PARK 15TH  
ADDITION TO THE CITY OF MARION, OHIO, BEING A PART  
OF SECTION 14, T-5-S, R-15-E, CITY OF MARION, COUNTY OF  
MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION  
OF THE STREET THEREIN SHOWN, AND DECLARING AN EMERGENCY.**

*WHEREAS*, G & G Homes, Inc., has hereunto submitted to the Planning Commission of the City of Marion, a Plat of 5 Lots, numbered 1 through 5, in Fair Park 15th Addition, being a part of Section 14, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, and being of the dimensions as shown on said Plat, and one street known as Montego Drive, and

*WHEREAS*, on the 5th day of September, 1995, said Commission approved said Plat.

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

**Section 1.** That the Plat of G & G Homes, Inc., of 5 Lots, <sup>numbered</sup> ~~numbered~~ 1 through 5 in Fair Park 15th Addition, being a part of Section 14, T-5-S, R-15-E, City of Marion, County of Marion, State of Ohio, dated October 9, 1995 and dedicated October 9, 1995, be and the same is hereby approved and accepted and dedicated to the public use of the streets shown therein be and the same is hereby accepted and confirmed.

**Section 2.** That this ordinance is hereby declared to be an emergency measure in that there is an immediate need for the dedication to the public use of the streets shown on said Plat and for the further reason that it provided for the safety, health, peace and welfare of the citizens of the City of Marion, Ohio and as such shall become effective immediately upon its passage and approval by the Mayor, provided it received an affirmative vote of two-thirds of the members elected to Council; otherwise, it shall become effective at the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: *October 9, 1995*

APPROVED: *October 10, 1995*

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL - PRO-TEMPORE

ORDINANCE NO. 1995- 126

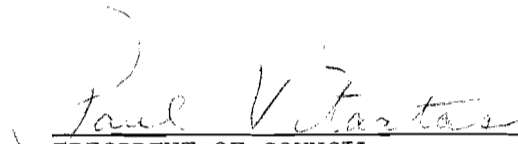
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE  
STORM SEWER IMPROVEMENT FUND FOR THE YEAR ENDING  
DECEMBER 31, 1995.

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 \$570,000.00 as follows:

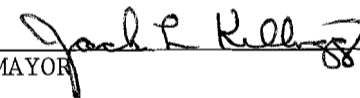
Professional Services	460-05-921-230-000-320	\$50,000.00
Capital Improvements	460-05-921-250-000-520	\$520,000.00

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

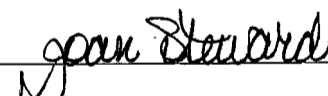
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: October 23, 1995

APPROVED: October 24, 1995

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1995-127

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SHERWIN WILLIAMS COMPANY TO PURCHASE A PAINT SHAKER FOR THE STREETS DEPARTMENT, AND DECLARING AN EMERGENCY.

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

*WHEREAS*, Sherwin Williams Company, submitted the lowest proposal,

*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 Sherwin Williams Company, to purchase a Paint Shaker for the Streets Department.

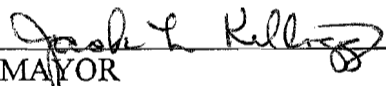
**Section 2.** That the \$3,950.00 cost of said contract shall be payable from the SCMR Fund Account No. 207-06-121-250-000-450.

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

  
PRESIDENT OF COUNCIL

PASSED: October 23, 1995

APPROVED: October 24, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995 - 128

ORDINANCE AMENDING MARION CODIFIED ORDINANCE 111.03, RELATING TO COMMITTEE MEETINGS, AND DECLARING AN EMERGENCY.

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

Section 1. That Chapter 111.03 of the Codified Ordinances, now reading in part as follows:

"Rule 15. Committee Meetings. A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its meetings at such time and place as fixed by the chairman of the respective committees, and each committee or chairman thereof shall have the right to require the attendance at its meetings of such administrative officers as in its judgment are needed to properly dispose of the matter under consideration. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of such committee, may, upon the recommendation of such committee, cause the removal of such member from such committee by the Council. No legislation shall be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present."

is hereby amended to read as follows:

"Rule 15. Committee Meetings. A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its meetings at such time and place as fixed by the chairman of the respective committees, and each committee or chairman thereof shall have the right to require the attendance at its meetings of such administrative officers as in its judgment are needed to properly dispose of the matter under consideration. THE COMMITTEE ON FINANCE SHALL MEET ON A REGULAR BASIS ON THE FIRST MONDAY OF EACH MONTH AT 6:30 P.M. AND THE TUESDAY PRECEDING THE FOURTH MONDAY OF EACH MONTH AT 6:30 P.M. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of such committee, may, upon the recommendation of such committee, cause the removal of such member from such committee by the Council. No legislation shall be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present."

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.

*Paul Vitaras*  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995  
APPROVED: November 28, 1995

*Joseph R. Kellogg*  
MAYOR

ATTEST:  
*Jean Steward*  
CLERK OF COUNCIL



ORDINANCE NO. 1995 - 129

ENACTING AS AN ORDINANCE, A CODE OF ORDINANCES FOR THE CITY OF MARION REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY DEALING WITH SUBJECTS EMBRACED IN SAID CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the present general ordinances of the City of Marion are incomplete and inadequate and the manner of arrangement, classification and indexing thereof is insufficient to meet the immediate needs of the public; and

WHEREAS, the Acts of the State legislature of the State of Ohio empower and authorize the Legislative body of every City to revise, amend, restate, codify and to compile any existing ordinance or ordinances and all new ordinances not heretofore adopted or published and to incorporate said ordinances into one ordinance in book form; and

WHEREAS, the City Council of the City of Marion has authorized a general compilation, revision and codification of the ordinances of the municipality of a general and permanent nature and publication of such ordinances in book form.

NOW, THEREFORE, BE IT ORDAINED by the Legislative Body of the City of Marion, that:

Section 1. The general ordinances of the City of Marion, as herein revised, amended, restated, codified and compiled in book form and as amended by Exhibit "A" (attached hereto), are adopted as and shall constitute the "Code of Ordinances of the City of Marion" with the exception of Part Eleven.

Section 2. Said Code as adopted in Section 1 shall consist of the following titles to-wit:

Part One	Administrative Code
Part Seven	Business Regulations
Part Nine	Streets and Public Services Code
Part Thirteen	Structure and Safety Code
Part Fifteen	Fire Prevention Code
Table of Special Ordinances	
Parallel References	
Index	

Section 3. All prior ordinances pertaining to the subjects treated in said code shall be deemed repealed from and after the effective date of said Code except as they are included and reordained in whole or in part in said Code; provided such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of said Code, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plats or dedication of land to public use, naming or vacating or setting the boundaries of streets, alleys, or other public places, nor to any other ordinance of a temporary or special nature or pertaining to subjects not contained therein.

Section 4. Said Code shall be deemed published as of the day of its adoption and approval by the Legislative body of the City of Marion is hereby authorized and ordered to file a copy of said Code in the Office of the Council Clerk.

ORDINANCE NO. 1995-130

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH VARIOUS VENDORS FOR MATERIALS FOR USE IN THE DAILY OPERATIONS OF THE CITY 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 with various vendors as listed below, for materials for use in the daily operations of the City for the period of one (1) year beginning November 1, 1995 and terminating not later than October 31, 1996:

Mar-Zane, Inc.	Asphalt Hot Mix
W. L. Fiant Oil Co.	Leaded & Unleaded Motor Fuel, Diesel Fuel
Morton Salt	Road Salt

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

  
PRESIDENT OF COUNCIL

PASSED: Nov. 13, 1995

APPROVED: Nov. 14, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-131

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HAL JONES CONSTRUCTION COMPANY FOR THE REMOVAL OF VARIOUS UNDERGROUND STORAGE TANKS, INSTALLATION OF AN ABOVE GROUND TANK AT #3 FIRE STATION AND MONITORING GAUGES AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

**WHEREAS**, Ordinance 1995-63 authorized the Safety/Service Director to advertise for Bids to remove various underground storage tanks and install an above ground tank, and

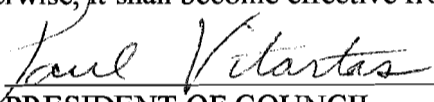
**WHEREAS**, Hal Jones Construction Company submitted the lowest and best bid,

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

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Hal Jones Construction Company for the removal of various underground storage tanks, installation of an above ground tank at #3 Fire Station and monitoring gauges at the Marion Municipal Airport.


**Section 2.** That the \$57,887.00 cost of said contract shall be payable from the fund accounts of the effected departments within the General Fund Account.

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

  
PRESIDENT OF COUNCIL

PASSED: Nov. 13, 1995

APPROVED: Nov. 14, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995 - 132ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1995, AND DECLARING AN EMERGENCY.

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

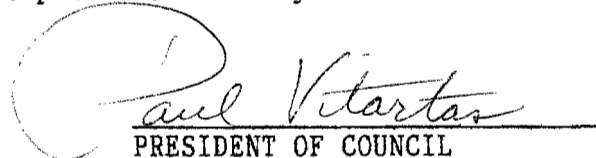
Section 1. That there be additional appropriations made in various funds in the amount of \$89,872.00 as follows:General Fund

Income Tax Refunds	101-07-744-270-712-720	\$ 30,000.00
Fire Dept. Cap. Improvements	101-01-131-250-000-520	29,355.00
Fire Dept. Prof. Services	101-01-131-230-000-320	7,620.00
Airport Capital Improvements	101-06-621-250-000-520	10,697.00
City Hall Prof. Services	101-07-741-230-000-320	<u>7,675.00</u>
TOTAL GENERAL FUND		\$ 85,347.00

FY 96 Early Intervention Fund

Salaries	249-02-546-210-000-110	\$ 2,236.00
Benefits	249-02-546-210-000-120	523.00
Travel	249-02-546-220-000-220	100.00
Schooling	249-02-546-230-000-221	(283.00)
Prof. Services	249-02-546-230-000-320	2,500.00
Service Contracts	249-02-546-230-000-321	(300.00)
Supplies	249-02-546-240-000-420	(201.00)
Postage	249-02-546-240-000-423	<u>(50.00)</u>
TOTAL FY 96 E.I. FUND		\$ 4,525.00

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.

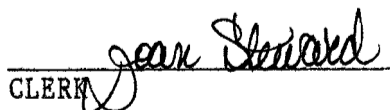
  
PRESIDENT OF COUNCIL

PASSED: Nov. 13, 1995

APPROVED: Nov. 14, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-133

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO BID TO SELL 1979 FORD DUMP TRUCK THAT IS NO LONGER NEEDED IN THE WATER POLLUTION CONTROL DEPARTMENT AND DECLARING AN EMERGENCY.

*WHEREAS*, the 1979 Ford Dump Truck is obsolete, not economically operable and no longer needed for operations in the Water Pollution Control Department.

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

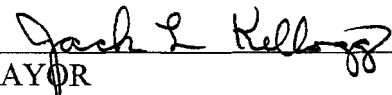
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to Bid to Sell 1979 Ford F-600 Dump Truck (Serial No. F61CCEJ3260) with snowplow that is no longer needed in the Water Pollution Control Department.

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

  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995

APPROVED: November 28, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-134

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH VARIOUS VENDORS FOR THE PURCHASE OF VARIOUS VEHICLES FOR USE IN THE WATER POLLUTION CONTROL DIVISION AND DECLARING AN EMERGENCY.

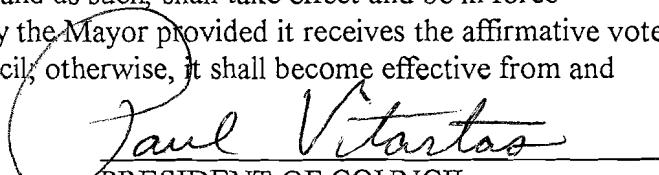
**BE IT ORDAINED** by the Council of the City of Marion, Marion County, Ohio:

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with various vendors as listed below, for the purchase of various vehicles for use in the Water Pollution Control Division.

McDaniels, Chevrolet, Olds, Toyota	1996 Chevrolet Astro Extended Mini Van \$17,539.60
Mathews Kennedy Ford/Lincoln/Mercury of 1986 Ford F350 SN 1FDKF3741GKA8629	1996 Ford F350 Cab and Chassis \$14,455.00 Net after Trade-in
State Cooperative Purchasing Program (Navistar - Supplier)	1996 33,000 GVW International Cab Chassis \$28,173.00


**Section 2.** That the cost of said contracts shall be payable from the Sewer Replacement Capital Equipment Fund Account 504-05-553-250-000-450.

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

  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995

APPROVED: November 28, 1995

  
MAYOR

ATTEST:  
  
CLERK OF COUNCIL

ORDINANCE NO. 1995- 135

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY, INC., FOR THE PURCHASE OF FIVE (5) POLICE VEHICLES AND DECLARING AN EMERGENCY.**

*WHEREAS*, pursuant to Ordinance 1995-118, the Safety/Service Director was authorized to advertise for bids for the purchase of five (5) Police Vehicles, and

*WHEREAS*, Mathews Kennedy Ford Lincoln Mercury, Inc., submitted the only bid,

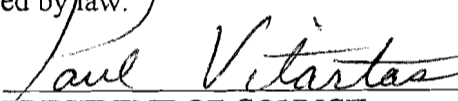
*BE IT ORDAINED* by the Council of the City of Marion, Marion County, Ohio:

**Section 1.** That the Safety/Service Director be authorized and is hereby authorized to enter into contract with Mathews Kennedy Ford Lincoln Mercury, Inc., for the purchase of five (5) police vehicles at \$19,164.00 each.

**Section 3.** That the cost of said contract in the amount of \$95,820.00 shall be payable from the Police Department Capital Equipment Fund 101-01-111-250-000-450.

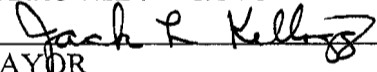
**Section 4.** That there be an additional appropriation in the General Fund in the amount of \$95,820.00 Account No. 101-01-111-250-000-450.

**Section 5.** That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the manufacturer's Build-Out-Date may be as soon as December 15, 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 earliest period allowed by law.

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

PASSED: November 27, 1995

APPROVED: November 28, 1995

  
\_\_\_\_\_  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
CLERK OF COUNCIL

AN ORDINANCE ESTABLISHING THE SALARY AND BENEFITS FOR THE OFFICE OF LAW DIRECTOR, AND AMENDING ORDINANCE NO. 1975-20, AS AMENDED, AND DECLARING AN EMERGENCY.

WHEREAS, the Annual Salary for the office of Law Director has remained the same as adjusted for cost-of-living since January 3, 1988, (\$24,024) and the terms of Ordinance No. 1975-20 are, therefore, no longer appropriate,

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

Section 1. That Ordinance No. 1975-20, as amended, and now reading:

"Section 1. That commencing on the first day of January 1976, the salary of the office of Mayor shall be \$20,000 annually, the salary of the office of City Auditor shall be \$18,000 annually, the salary of the office of the City Solicitor shall be \$13,000 annually, and the salary of the Clerk of Council shall be \$9,000 annually. Said salaries to be payable bi-weekly.

Section 2. That, except for the office of the City Solicitor, the office of the Mayor, City Auditor and Clerk of Council shall be entitled to the working conditions and employee benefits for full-time permanent employees as set out in Ordinance No. 68-41, as amended, and Ordinance No. 1969-183, as amended.

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

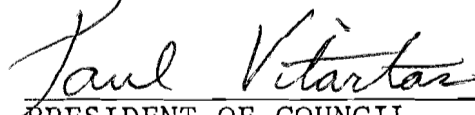
is hereby amended to delete any references to the office of City Solicitor (now known as Law Director).

Section 2. That commencing on the first day of 1996 the annual salary for the holder of the office of Law Director shall be \$30,000, payable ~~bi-weekly~~ semi-monthly.\*


Section 3. That the working conditions and benefits for the office of Law Director shall remain as authorized by Ordinance No. 1989-24, which states:

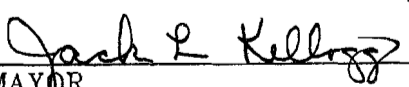
"That the Law Director and Assistant Law Directors for the City of Marion shall be entitled to the working conditions and employee benefits for employees as set out in Ordinance No. 68-41, as amended, and Ordinance No. 1969-183, as amended."

Section 4. 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 to become effective on January 1, 1996; 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 of Council; otherwise it shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995  
APPROVED: November 28, 1995

ATTEST:  
  
CLERK OF COUNCIL

  
MAYOR

\*Amended on Council floor 11/27/95



ORDINANCE REESTABLISHING THE SALARY OF THE ASSISTANT LAW DIRECTOR AND THE SECOND ASSISTANT LAW DIRECTOR OF THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, the Annual Salary for the First Assistant Law Director in charge of Prosecution in the Marion Municipal Court and the Annual Salary for the Second Assistant Law Director have remained the same for seven (7) years as established by Ordinance No. 1989-23, and the Marion City Council has determined that such salaries should be increased,

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

Section 1. That Ordinance No. 1989-23 now reading:

"Section 1. That commencing on the first day of January, 1989, the salary of the Assistant Law Director, in charge of prosecution in the Marion 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.

Section 2. That Ordinance No. 1975-21 is hereby repealed.

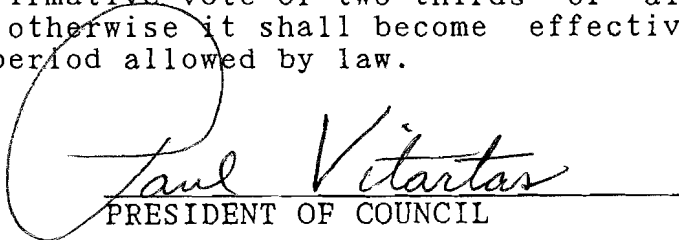
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law."

is hereby repealed in its entirety.

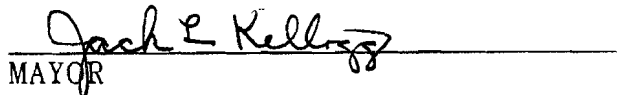
Section 2. That commencing on the first day of 1996 the salary of the First Assistant Law Director in charge of prosecution in the Marion Municipal Court shall be \$21,000 per year, payable ~~bi-weekly~~ semi-monthly.\*

Section 3. That commencing on the first day of 1996 the salary for the holder of the office of Second Assistant Law Director shall be \$19,000 per year, payable ~~bi-weekly~~ semi-monthly.

Section 4. 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 to become effective on January 1, 1996; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995  
APPROVED: November 28, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

\*Amended on Council floor 11/27/95

*Amended Ord. 1999-118*

ORDINANCE TO AMEND SECTION 2 OF ORDINANCE NO. 1979-3, AS AMENDED, (CREATING THE POSITION OF ASSISTANT LAW DIRECTOR FOR PROSECUTION IN THE MARION MUNICIPAL COURT AND ESTABLISHED THE SALARY THEREFOR), AND DECLARING AN EMERGENCY

WHEREAS, the Annual Salary for the Assistant Law Director for Prosecution (3rd Assistant) has remained the same for seven (7) years as established by Ordinance No. 1989-22, which amended Ordinance No. 1979-3, and the Marion City Council has determined that such salary should be increased,

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

Section 1. That Section 2 of Ordinance No. 1979-3, as amended, now reading as follows:

"That the salary for said position 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 commencing the first day of 1996 the salary for the holder of the office of Assistant Law Director for Prosecution in the Marion Municipal Court (3rd Assistant) shall be \$18,000 per year, payable ~~bi-weekly~~ semi-monthly." \*

Section 2. That Ordinance No. 1989-22 which amended Ordinance No. 1979-3 as stated above in Section 1. is hereby repealed.

Section 3. That this Ordinance is hereby declared 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 to become effective on January 1, 1996; 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.

*Paul Vitartas*  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995  
APPROVED: November 28, 1995

*Jack E. Kelly*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK OF COUNCIL

\*Amended on Council floor 11/27/95

ORDINANCE NO. 1995-140

AN ORDINANCE TO AMEND ORDINANCE NO. 1991-153 WHICH ESTABLISHED THE SALARY AND BENEFITS FOR THE OFFICE OF CITY AUDITOR, AND DECLARING AN EMERGENCY.

WHEREAS, The Annual Salary for the office of City Auditor has remained the same for four (4) years as established by Ordinance No. 1991-153 and the Marion City Council has determined that such salary should be increased,

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

Section 1. That Section 1. of Ordinance No. 1991-153 now reading:

"That commencing on the first day of January, 1992, the salary for the office of City Auditor shall be \$37,000.00, to be paid bi-weekly."

shall be amended to read as follows:

"That commencing on the first day of January, 1996, the annual salary for the office of City Auditor shall be \$45,000.00, payable ~~bi-weekly~~ semi-monthly" \*

Section 2. 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 to become effective on January 1, 1996; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995

APPROVED: November 28, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

\*Amended on Council floor 11/27/95

AN ORDINANCE ESTABLISHING THE SALARY AND BENEFITS FOR THE OFFICE OF MAYOR, AND AMENDING ORDINANCE NO. 1975-20, AS AMENDED, AND DECLARING AN EMERGENCY.

WHEREAS, the Annual Salary for the office of Mayor has remained the same as adjusted for cost-of-living since January 3, 1988, (\$36,960) and the terms of Ordinance No. 1975-20 are, therefore, no longer appropriate,

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

Section 1. That Ordinance No. 1975-20, as amended, and now reading:

"Section 1. That commencing on the first day of January, 1976, the salary of the office of Mayor shall be \$20,000 annually, the salary of the office of the City Auditor shall be \$18,000 annually, the salary of the office of the City Solicitor shall be \$13,000 annually, and the salary of the Clerk of Council shall be \$9,000 annually. Said salaries to be payable bi-weekly.

Section 2. That, except for the office of the City Solicitor, the office of Mayor, City Auditor and Clerk of Council shall be entitled to the working conditions and employee benefits for full-time permanent employees as set out in Ordinance No. 68-41, as amended, and Ordinance No. 1969-183, as amended.

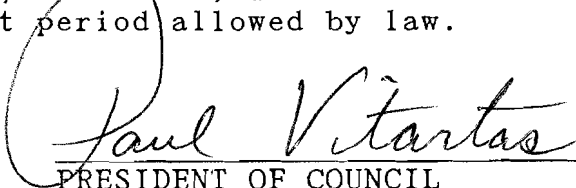
Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law."

is hereby amended to delete any references to the office of Mayor.

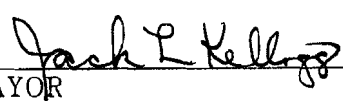
Section 2. That commencing on the first day of 1996 the annual salary for the holder of the office of Mayor shall be \$55,000, payable ~~bi-weekly~~ semi-monthly. \*

Section 3. That in addition to the compensation heretofore provided, the Mayor shall be entitled to the working conditions and employee benefits provided for full-time permanent employees as set out in Ordinance No. 68-41, as amended, and Ordinance No. 1969-183, as amended, excluding overtime, compensatory time, holidays, vacation and sick leave.

Section 4. 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 to become effective on January 1, 1996; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995  
APPROVED: November 28, 1995 ATTEST:

  
MAYOR

  
CLERK OF COUNCIL

\*Amended on Council floor 11/27/95

AN ORDINANCE TO AMEND ORDINANCE NO. 1991-145 AND CHAPTER 133 OF THE CODIFIED ORDINANCES OF THE CITY OF MARION PERTAINING TO THE SALARY AND BENEFITS OF THE PUBLIC SAFETY/SERVICE DIRECTOR, AND DECLARING AN EMERGENCY.

WHEREAS, the Annual Salary for the Safety/Service Director has remained the same for four (4) years as established by Ordinance No. 1991-145 and the Marion City Council has determined that such salary should be increased,

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

Section 1. That Section 6. of Ordinance No. 1991-145 now reading:

"That newly numbered 133.02 shall now read that the compensation for the Director of Public Safety/Service of the City of Marion shall be \$34,500 annually, payable bi-weekly. In addition to the stated compensation, the Director of Public Safety/Service shall be entitled to the working conditions and employee benefits, excluding holidays vacation and sick leave, for full-time permanent employees as set out in Ordinance 68-41, as amended, and Ordinance No. 1969-183, as amended."

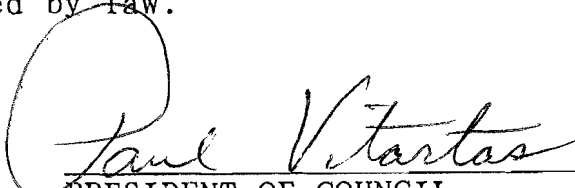
shall be amended to read as follows:

"That Chapter 133, subparagraph 133.02 (A) of the Codified Ordinances of the City of Marion shall be amended to read:

(A) Commencing the first day of 1996 the annual salary for the holder of the office of Director of Public Safety/Service (commonly referred to as Safety/Service Director), shall be \$44,500, payable <sup>semi-monthly\*</sup> ~~bi-weekly~~. Such annual salary shall be subject to adjustment on each anniversary of the appointee's date of appointment to this office. The Mayor may authorize such annual adjustment, based on merit within a salary range of \$44,500 minimum and \$59,500 maximum, not to exceed a 5% increase in the annual salary. The salary range remains subject to revision by Council.

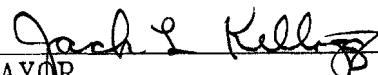
In addition to the stated compensation, the Director shall be entitled to the working conditions and employee benefits as provided for full time permanent employees; excluding overtime, compensatory time, holidays, vacation and sick leave."

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 to become effective January 1, 1996, and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995  
APPROVED: November 28, 1995

ATTEST:

  
MAYOR

  
CLERK OF COUNCIL

\*Amended on Council floor 11/27/95

AN ORDINANCE TO AMEND ORDINANCE 1969-29 (YARGER), AS AMENDED, AND ORDINANCE NO. 1994-28, BY RESTATING THE SALARIED FLSA EXEMPT STATUS OF VARIOUS POSITIONS WITHIN THE CITY POSITION CLASSIFICATION AND PAY PLANS, ESTABLISHING NEW SALARY RANGES FOR THESE POSITIONS, UPGRADING SOME POSITIONS, ESTABLISHING A PERFORMANCE REVIEW SYSTEM FOR GRANTING MERIT PAY INCREASES, AND APPROPRIATING THE FUNDS NECESSARY TO IMPLEMENT ANY INCREASES GENERATED BY SUCH CHANGES TO BE EFFECTIVE JANUARY 1, 1996, AND DECLARING AN EMERGENCY.

WHEREAS, the Council wishes to clarify any misunderstanding regarding the Fair Labor Standards Act status of certain positions and establish up-to-date salary ranges and provide for properly rewarded work performance for managerial positions within the City of Marion effective January 1, 1996,

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

Section 1. That Ordinance No. 1969-29 (Yarger), as amended, is hereby further amended by restating the Fair Labor Standards Act Exempt Salaried Status of the following positions listed in the Position Classification and Pay Plan (Yarger):

Assistant Director, Senior Center  
 Tax Investigator  
 Director, Senior Center  
 Deputy Tax Commissioner  
 Investment and Internal Auditor  
 Utility Billing Supervisor  
 Airport Manager  
 Recreation Director  
 Deputy Auditor  
 Tax Commissioner  
 Assistant Water Pollution Control Superintendent  
 Service/Sanitation Superintendent  
 Water Pollution Control Superintendent  
 City Engineer

Section 2. That those positions heretofore listed remain entitled to the working conditions and employee benefits provided for full time permanent employees as set out in Ordinance No. 68-41, as amended, and Ordinance No. 1969-183, as amended, except that as FLSA exempt salaried positions they shall not be entitled to overtime pay other than as provided by Section 47.13 of the Personnel Policies.

Section 3. That the following positions currently on Pay Grade 24 shall be upgraded to Pay Grade 25 in order to properly compensate for the level of responsibility:

Deputy Tax Commissioner  
 Investment and Internal Auditor  
 Utility Billing Supervisor

Section 4. That Ordinance No. 1994-28, which amended Ordinance No. 1969-29, is hereby amended effective January 1, 1996, by establishing a performance review system and salary ranges as listed below in 4.2 for these salaried positions and removing them from the treatment provided by Ordinance No. 1994-28. The employee holding such position, except as provided in 4.1 below, shall be evaluated annually by the supervisor, who may recommend a percentage pay increase based on merit within the range, not to exceed a 5% increase, subject to the approval of the Personnel Committee. Increases in pay granted at time of the annual review shall become effective the first day of the pay period following the effective date of the review. Pay Grades for these positions shall be identified by the addition of an E (Exempt) to the number; example 25E.

4.1 Those employees who were employed in or assigned to any of these positions under the pay plan that existed prior to the passage of this ordinance and have not yet attained the top pay rate for that plan, shall be retained on that pay plan as it existed at date of passage of this ordinance until the top pay rate is reached, and shall not be placed on the merit rating system provided by this ordinance until the first day of January following attainment of such top rate.

4.2 Salary ranges for FLSA exempt positions are as follows:

TITLE OF POSITION	PAY GRADE	SALARY RANGES	
		MINIMUM	MAXIMUM
ASST DIRECTOR, SR. CENTER	18E	\$18,800	\$28,000
TAX INVESTIGATOR	21E	21,320	32,600
DIRECTOR, SENIOR CENTER	23E	23,300	38,000
DEPUTY TAX COMMISSIONER	25E	25,400	40,000
INV. & INT. AUDITOR	25E	25,400	40,000
UTILITY BILLING SUPVR	25E	25,400	40,000
AIRPORT MANAGER	26E	26,500	42,000
RECREATION DIRECTOR	26E	26,500	42,000
DEPUTY AUDITOR	28E	30,000	44,512
TAX COMMISSIONER	28E	30,000	44,512
ASSISTANT WPC SUPT	28E	30,000	44,512
SERVICE/SANITATION SUPT	30E	35,000	50,000
WPC SUPERINTENDENT	32E	44,000	59,000
CITY ENGINEER	32E	44,000	59,000

Section 5. That the funds necessary to implement wage increases generated by the above changes are hereby appropriated.

Section 6. That this ordinance is hereby declared to be an emergency measure 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 to become effective January 1, 1996; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

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

PASSED: November 27, 1995

APPROVED: November 28, 1995

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

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

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER)  
ELIMINATING THE POSITION OF AIRPORT MANAGER; AND  
CREATING THE POSITION OF DIRECTOR OF AVIATION AND  
ESTABLISHING SALARY AND BENEFITS FOR SAID POSITION,  
AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that the position of Airport Manager has developed into more than was envisioned and is now involved in more than the operation of the Airport,

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

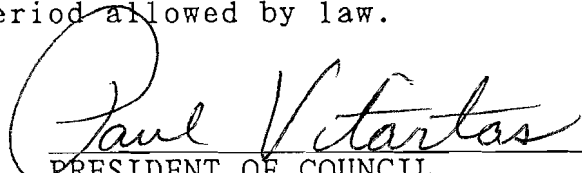
Section 1. That there is hereby created the position of Director of Aviation for the City of Marion replacing and eliminating the position of Airport Manager effective January 1, 1996.

Section 2. That the Pay Grade for the Director of Aviation position shall be Pay Grade 31. The salary range for this Pay Grade shall be established as \$42,120 per year minimum to a maximum of \$57,070, payable bi-weekly. Such salary shall be subject to adjustment annually within the range, based on merit, with such adjustment not to exceed 5% annually.

Section 3. That in addition to the compensation provided, the Director of Aviation shall be entitled to the working conditions and employee benefits provided for full time permanent employees as set out in Ordinance No.68-41, as amended, and Ordinance No. 1969-183, as amended, except that as an FLSA Exempt position shall not be entitled to overtime.

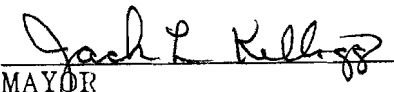
Section 4. That the job description for said Director of Aviation position is attached hereto and incorporated herein by reference and shall by reference become part of the personnel classification schedule heretofore adopted by Council (Ordinance No. 1969-29, as amended) as fully as if the same were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

Section 5. That this Ordinance is hereby declared 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 to become effective on January 1, 1996; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995

APPROVED: NOVember 28, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

Council Clerk 11/21/95



JOB TITLE: DIRECTOR OF AVIATION

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Exempt (Y/N): Yes	JOB CODE: AIRMGR
SALARY LEVEL: GRADE 31	DOT CODE: 184.117-026
SHIFT:	DIVISION: AIRPORT
LOCATION: AIRPORT	DEPARTMENT: AIRPORT
EMPLOYEE NAME:	SUPERVISOR:
PREPARED BY: H. R. DIRECTOR	DATE: 11/14/95
APPROVED BY:	DATE:

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SUMMARY: Plans, directs, and coordinates activities concerned with construction, maintenance, and operation of airport facilities in accordance with governmental agency or commission policies and regulations by performing the following duties personally or through subordinate supervisors.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following.  
Other duties may be assigned.

Consults with commission members, governmental officials, and representatives of commercial air services to plan such matters as design and development of airport/industrial park facilities; formulation of operating rules, regulations, and procedures; and aircraft landing, taxiing, and take-off patterns for various types of aircraft.

Negotiates with representatives of commercial air services, industrial prospects, utility companies, or individuals for acquisition of property for development of airport/industrial park, lease of airport/industrial park buildings/property and facilities, or use of rights-of-way over private property.

Formulates procedures for use in event of aircraft accidents, fires, or other emergencies. Ascertains that all unauthorized vehicles, people and animals are kept off the field. Determines when runways are too hazardous for landing and takeoff; informs FAA accordingly. Serves as a special police officer at the airport grounds and buildings.

Inspects or reviews inspection reports of airport facilities such as runways, buildings, beacons and lighting, and automotive or construction equipment to determine repairs, replacement, or improvements required.

Coordinates activities of personnel involved in repair and maintenance of airport facilities, buildings, and equipment to minimize interruption of airport operations and improve efficiency.

Directs personnel in investigating violations of aerial or ground traffic regulations, reviews investigation reports, and initiates actions to be taken against violators.

Coordinates studies with FAA on noise abatement resulting from excessive noise from increased traffic or other operations.

Reviews reports of expenditures, proposals for improvements to facilities, and estimated increase in volume of traffic in order to prepare budget estimates for upcoming fiscal year. Coordinates Engineers, FAA & ODOT to secure maximum grant funds.

Represents airport before civic or other organizational groups, courts, boards, and commissions.

**SUPERVISORY RESPONSIBILITIES:**

Manages one subordinate supervisor who supervises a total of one employee in the AIRPORT. Is responsible for the overall direction, coordination, and evaluation of this unit. Also directly supervises non-supervisory employees.

Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

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

**EDUCATION and/or EXPERIENCE:**

Bachelor's degree (B.S.) Business Administration and/or Aviation Management with four years experience or four to ten years related experience and/or training preferred; equivalent combination of education and experience may be accepted.

**LANGUAGE SKILLS:**

Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community. Ability to write speeches and articles for publication that conform to prescribed style and format.

Job Description  
Job Title: DIRECTOR OF AVIATION

Ability to effectively present information to top management, public groups, and/or boards of directors.

**MATHEMATICAL SKILLS:**

Ability to apply advanced mathematical concepts such as exponents, quadratic equations, and permutations. Ability to apply mathematical operations to such tasks as Blue print designs and scales, analysis of variance, correlation techniques, and factor analysis.

**REASONING ABILITY:**

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

**CERTIFICATES, LICENSES, REGISTRATIONS:**

National Weather Service Observation Certificate within 12 months. Ohio Department of Transportation Airport Manager Certificate in 2 months.

**OTHER SKILLS and ABILITIES:**

Thorough knowledge of modern principles and practices governing airport operation; familiarity with FAA regulations; knowledge of aircraft operations, modern business practices, building and grounds maintenance; ability to work with others to attain goals and mission of the Airport and the Airport Industrial Park.

**PHYSICAL DEMANDS:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to stand; walk; sit; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; and talk or hear. The employee frequently is required to climb or balance and stoop, kneel, crouch, or crawl. The employee is occasionally required to taste or smell. The employee must occasionally lift and/or move up to 100 pounds. Good close, distance, peripheral, and color vision is required as well as depth perception and ability to adjust focus.

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

accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly exposed to fumes or airborne particles. The employee frequently works near moving mechanical parts and in outside weather conditions and is frequently exposed to vibration. The employee occasionally works in high, precarious places and is occasionally exposed to toxic or caustic chemicals and risk of electrical shock. The noise level in the work environment is usually moderate to very loud.

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER)  
UPGRADING THE POSITION OF ASSISTANT DIRECTOR,  
MARION SENIOR CENTER, FROM PAY GRADE 16 TO PAY  
GRADE 18, AND DECLARING AN EMERGENCY

WHEREAS, it has been determined that the job duties and responsibilities of this position as audited per administrative regulations of the Yarger (Ordinance No. 1969-29, as amended), are of a higher level than currently compensated on Pay Grade 16,

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


Section 1. That Ordinance No. 1969-29, as amended, be hereby further amended by upgrading the position of Assistant Director, Marion Senior Center from Pay Grade 16 to Pay Grade 18 effective January 1, 1996.

Section 2. That the revised job description attached hereto and incorporated herein by reference shall 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 3. That in addition to the compensation provided by Pay Grade 18, the Assistant Director shall be entitled to the working conditions and employee benefits provided for full time permanent employees as set out in Ordinance No. 68-41, as amended, and Ordinance 1969-183, as amended, except that as an FLSA exempt salaried position shall not be entitled to overtime.

Section 4. That Ordinances No. 1981-115 (created the position), 1988-11 (amended the job description) are hereby further amended and that Ordinance No. 1989-100 (upgrading the position from pay grade 12 to pay grade 16) is hereby repealed.

Section 5. That this ordinance is hereby declared an emergency measure 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 to become effective January 1, 1996; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995  
APPROVED: November 28, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

JOB TITLE: ASSISTANT DIRECTOR, MARION SENIOR CENTER .

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Exempt (Y/N): Yes	JOB CODE:
SALARY LEVEL: GRADE 18	DOT CODE: 187.167-238
SHIFT:	DIVISION: RECREATION
LOCATION: SENIOR CENTER	DEPARTMENT: SENIOR CENTER
EMPLOYEE NAME:	
SUPERVISOR: DIRECTOR, MARION SENIOR CENTER	
PREPARED BY: H. R. DIRECTOR	DATE: 11/15/95
APPROVED BY:	DATE:

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SUMMARY: Responsible to the Director, to assist with planning, organization, implementation, supervision and evaluation of the county-wide, year round program of recreational and social service needs of older adults by performing the following duties personally or through subordinates.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

Develops and promotes recreation program, including trips, music, dance, arts and crafts, cultural arts, nature study, social recreation and games.  
Evaluates with the Director those programs that should be initiated, discontinued or continued.

Adapts recreation programs to meet needs of the center.  
Determines trips the Center will sponsor and manages all aspects, including transportation, publicity, registration, lodging, meals, emergency procedures and evaluation. Acts as escort for all such trips.

Introduces new program activities, equipment, and materials to staff. Determines what is needed to implement new programs and carries it out. Conducts fund raising, when needed, and special events; assists with accounting for funds raised.

Writes monthly newsletter (Sentinel) with calendar of events, Center news and other appropriate information. Oversees preparation and mailing activities.

Assists Director with planning and preparation of nutritious, economical meals.

Supervises the work of part-time staff and volunteers in absence of the Director. Fills in for absent staff. May include occasionally driving the transportation vehicles.

Assists with recruitment and training of staff and volunteers. Searches for appropriate staff for new programs.

Works in team with administrative or other professional personnel such as those engaged in medicine, social work, nursing, psychology, and therapy, to ensure that recreation is well balanced, coordinated, and integrated with special services. Adapts to and copes with many unusual and unexpected situations and acts in any capacity the situation demands.

SUPERVISORY RESPONSIBILITIES:

Directly supervises 1-30 employees in the Senior Center. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; addressing complaints and resolving problems.

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

EDUCATION and/or EXPERIENCE:

Bachelor's degree (B. A.) from four-year college or university with major in social work and considerable experience working with older adults preferred; or equivalent combination of education and experience may be accepted.

LANGUAGE SKILLS:

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence and create newsletters. Ability to speak effectively before groups of clients, Center members, employees, and public officials.

MATHEMATICAL SKILLS:

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

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

Job Description  
Job Title: ASSISTANT DIRECTOR, MARION SENIOR CENTER

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form.

CERTIFICATES, LICENSES, REGISTRATIONS:

Valid Ohio Driver's License, Certified training in First Aid and CPR,  
Activity Director Certification

OTHER SKILLS and ABILITIES:

Knowledge of nutrition, health and safety standards; ability to type well;  
familiarity with personal computers and word processing; above average skill in creative writing; some skill in building maintenance; ability to communicate verbally, speaking clearly and distinctly; familiarity with Arts and Crafts for older adults; ability to establish and maintain friendly atmosphere in the Center and maintain good rapport with employees, volunteers and clients.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to sit. The employee is occasionally required to stand; walk; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. The employee must regularly lift and/or move up to 25 pounds. Vision requirements are for close, distance, color, peripheral, depth perception and ability to adjust focus.

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

While performing the duties of this job, the employee occasionally works in high, precarious places and in outside weather conditions and is occasionally exposed to extreme cold and extreme heat. The noise level in the work environment is usually moderate.

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER), AS AMENDED, UPGRADING THE POSITION OF DIRECTOR, MARION SENIOR CENTER, FROM PAY GRADE 23 TO PAY GRADE 25, AND DECLARING AN EMERGENCY

WHEREAS, it has been determined that the job duties and responsibilities of the position of Director, Marion Senior Center, as audited per administrative regulations of the Yarger (Ordinance No. 1969-29, as amended), are of a higher level than that of Pay Grade 23,

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

Section 1. That Ordinance No. 1969-29, as amended, be hereby further amended by upgrading the position of Director, Marion Senior Center, from Pay Grade 23 to Pay Grade 25 effective January 1, 1996.

Section 2. That the revised job description attached hereto and incorporated herein by reference shall become part of the personnel classification schedule heretofore adopted by Council (Ordinance 1969-29, as amended) as full as if the same were rewritten in said personnel classification schedule.

Section 3. That in addition to the compensation provided by Pay Grade 25, the Director shall be entitled to the working conditions and employee benefits provided for full-time permanent employees as set out in Ordinance No.68-41, as amended, and Ordinance No. 1969-183, as amended, except that as an FLSA exempt salaried position shall not be entitled to overtime.

Section 4. That Ordinance No. 1975-69 (created the position), and Ordinance No. 1989-99 (amended the job description and upgraded the position from pay grade 18 to pay grade 23), are hereby further amended.

Section 5. That this ordinance is hereby declared to be an emergency measure 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 to become effective January 1, 1996; 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.

Paul J. Tartas  
PRESIDENT OF COUNCIL

PASSED: November 27, 1995

APPROVED: November 28, 1995

Jack L. Kelley  
MAYOR

ATTEST:

Joan Steward  
CLERK OF COUNCIL

JOB TITLE: DIRECTOR, MARION SENIOR CENTER

Exempt (Y/N): Yes	JOB CODE: DIRSRCTR
SALARY LEVEL: GRADE 25E	DOT CODE:
SHIFT: normally 8 - 5	DIVISION: RECREATION
LOCATION: SENIOR CENTER	DEPARTMENT: SENIOR CENTER
EMPLOYEE NAME:	SUPERVISOR: RECREATION BOARD
PREPARED BY: H.R. DIRECTOR	DATE: 11/22/95
APPROVED BY:	DATE:

SUMMARY: Responsible to the Marion Recreation Board for planning, promoting, organizing, supervising, administering, and evaluating the county-wide, year round program of recreation and other services for older adults, by performing the following duties personally or through subordinate supervisors.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following.  
Other duties may be assigned.

Selects, develops, and supervises paid staff and volunteers.

Superintends acquisition, planning, design, construction, and maintenance of recreation facilities. Maintains inventory of all Center supplies, authorizes purchases and prepares Purchase Orders. Assures conditions of facility remain pleasant, healthful and safe.

Evaluates effectiveness of recreation areas, facilities, and services. Investigates needs and interests of senior citizens and develops programs, events or services to meet needs. Promotes and organizes fund raising projects; keeps required financial records.

Prepares budget and directs expenditure of department funds and keeping of department records. Oversees preparation and filing of all required financial reports and records. Initiates and completes applications for local, state or federal grant monies available; monitors requirements for funded programs.

Interprets recreation program to public and maintains cooperative planning and working relationships with allied public and voluntary agencies.

Plans economical and nutritionally balanced meals for regularly scheduled events; assures food preparation, kitchen facilities and workers meet Health and Safety standards. Publicizes services or programs. Oversees editing, printing and distribution of monthly newsletter; speaks before area organizations and social agencies. Makes maximum use of media available.

**SUPERVISORY RESPONSIBILITIES:**

Manages one subordinate supervisor who supervises a total of 1 to 15 employees in the staff. Is responsible for the overall direction, coordination, and evaluation of this unit. Also directly supervises 1 to 15 non-supervisory employees.

Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

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

**EDUCATION and/or EXPERIENCE:**

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

**LANGUAGE SKILLS:**

Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community. Ability to write speeches and articles for publication that conform to prescribed style and format. Ability to effectively present information to top management, public groups, and/or boards.

**MATHEMATICAL SKILLS:**

Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area, circumference, and volume.

**REASONING ABILITY:**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of

Job Description  
Job Title: DIRECTOR, MARION SENIOR CENTER

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instructions furnished in written, oral, diagram, or schedule form.

CERTIFICATES, LICENSES, REGISTRATIONS:

Licensed Social Worker or Bachelor's Degree in Social Work

OTHER SKILLS and ABILITIES:

Good knowledge of budgeting, grant writing and publicity techniques;

Above average knowledge of nutrition, health and safety standards; ability to analyze information and make necessary decisions; ability to communicate well in groups and with individuals; ability to establish and maintain a friendly atmosphere in the facility; ability to participate in some physical set up of equipment and handle light building maintenance.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk or hear. The employee is occasionally required to stand; walk; sit; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. The employee must regularly lift and/or move up to 10 pounds and frequently lift and/or move up to 25 pounds. Requires good close, distance, peripheral vision, depth perception and the ability to adjust focus.

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

The noise level in the work environment is usually moderate.

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COMMENTS:

Works independently, making judgments based on experience, knowledge and appropriate Grant limitations.



ORDINANCE NO. 1995 - 148

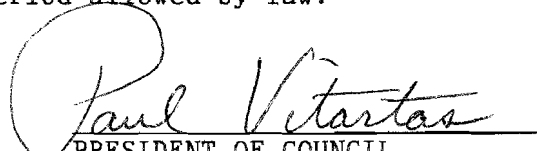
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1995, AND DECLARING AN EMERGENCY.

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 \$112,135.00 as follows:


<u>General Fund</u>			
Jail	Salaries	101-01-112-210-000-110	\$ 3,500.00
	Benefits	101-01-112-210-000-120	1,000.00
Dispatch	Salaries	101-01-113-210-000-110	6,000.00
	Benefits	101-01-113-210-000-120	1,000.00
Fire	Salaries	101-01-131-210-000-111	11,000.00
	Benefits	101-01-131-210-000-120	2,000.00
Recreation	Benefits	101-03-422-210-000-120	2,000.00
Meters	Salaries	101-06-615-210-000-110	500.00
Airport	Insurance	101-06-621-230-000-380	600.00
Mayor	Salaries	101-07-710-210-000-110	1,000.00
	Benefits	101-07-710-210-000-120	700.00
Treasurer	Benefits	101-07-713-210-000-120	100.00
Law Dir.	Salaries	101-07-714-210-000-110	200.00
	Benefits	101-07-714-210-000-120	1,000.00
Human Res.	Salaries	101-07-715-210-000-110	3,400.00
	Benefits	101-07-715-210-000-120	1,000.00
Civil Ser.	Benefits	101-07-717-210-000-120	150.00
Council	Salaries	101-07-721-210-000-110	500.00
	Memberships	101-07-721-230-000-225	300.00
Court	Salaries	101-07-731-210-000-110	12,000.00
	Benefits	101-07-731-210-000-120	1,500.00
City Hall	Salaries	101-07-741-210-000-110	600.00
	Benefits	101-07-741-210-000-120	300.00
Transfers	Cap'l Improv't	101-09-745-270-000-712	20,000.00
	SCMR	101-09-745-270-000-718	20,000.00
	TOTAL		\$90,350.00
<u>State Patrol Agency Fund</u>			
Fines (Law Library)		728-09-814-270-000-730	\$16,264.00
	TOTAL		\$16,264.00
<u>Police &amp; Fireman Pension Fund</u>			
Transfer-General Fund		735-09-821-270-000-790	\$ 5,521.00
	TOTAL		\$ 5,521.00
	GRAND TOTAL		\$112,135.00

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.

  
PRESIDENT OF COUNCIL

PASSED: December 11, 1995  
APPROVED: December 12, 1995

  
MAYOR

ATTEST:  
  
CLERK

ORDINANCE NO. 1995-149

ORDINANCE CREATING THE POSITION OF CLERK-SECRETARY  
FOR THE FIRE CHIEF OF THE CITY OF MARION.

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

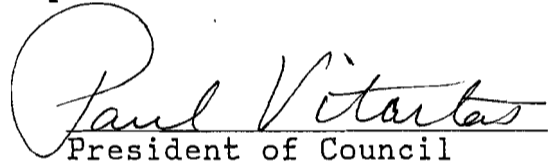
Section 1. That there is hereby created the class title of Clerk - Secretary for the Fire Chief of the City of Marion, Ohio.

Section 2. 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 3. That the salary for the position of Clerk - Secretary for the Fire Chief of the City of Marion shall commence at Grade 18 in the Position Classification Report prepared by Yarger & Associates, Incorporated, April 1969 (As amended).

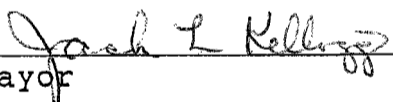
Section 4. The wages for said position will be funded from the Marion City General Fund.

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

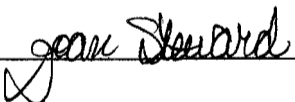
  
President of Council

PASSED: December 26, 1995

APPROVED: December 27, 1995

  
Mayor

Attest:

  
Clerk

Exempt (Y/N): No	JOB CODE: clsecfir
SALARY LEVEL: USWA GRADE 18	DOT CODE: 201.362-030
SHIFT: 8:00AM - 5:00PM	DIVISION: FIRE
LOCATION: STA. #1	DEPARTMENT: FIRE
EMPLOYEE NAME:	SUPERVISOR: FIRE CHIEF
PREPARED BY: N. R. STANLEY	DATE: 10/23/95
APPROVED BY:	DATE:

**SUMMARY:** Responsible to Fire Chief for performance of secretarial, clerical, office management and administrative work relieving Command Staff of such duties, exercising judgment in the application of prescribed procedures and methods while performing the following duties under close or general supervision depending upon the nature of the assignment.

**ESSENTIAL DUTIES AND RESPONSIBILITIES** include the following. Other duties may be assigned.

Types many kinds of material with accuracy, proper grammar and punctuation.

Reads and routes incoming mail and assembles files and other materials to facilitate reply by employer.

Takes dictation in shorthand or by machine and transcribes notes on typewriter or computer, or transcribes from voice recordings.

Composes and types replies to correspondence without dictation in accordance with established procedures.

Prepares and types requisitions and vouchers for the purchase of and payment for supplies, services and equipment for the Fire Department.  
Maintains accounts payable file.

Sorts, indexes and files material alphabetically, numerically etc.

As office receptionist answers telephone, greets visitors, ascertains nature of business and refers visitor or caller to appropriate person and/or gives information of general nature to public inquiries.

Operates many types of office machines, including but not limited to typewriter, personal computer, fax machine,

calculator, copier.

Follows all appropriate work and Safety rules and regulations.

Compiles and types or prints statistical reports as requested.

Handles petty cash fund, maintaining appropriate records.

Orders office supplies as needed to ensure sufficient supply for demand.

Maintains and administers personnel files for employees, including State and Local Certifications. Keeps records of attendance, vacation, sick leave and overtime.

Assists other departments as directed and performs other duties as assigned by the Fire Chief.

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

**EDUCATION and/or EXPERIENCE:**

High school diploma or general education degree (GED) with related experience and/or training with courses in typing, word processing and shorthand or business school training preferred; or equivalent combination of education and experience.

**LANGUAGE SKILLS:**

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from supervisor, city officials, peers and the general public.

**MATHEMATICAL SKILLS:**

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

**REASONING ABILITY:**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of

instructions furnished in written, oral, diagram, or schedule form.

**OTHER SKILLS and ABILITIES:**

Good knowledge and use of office terminology, practices, procedures and equipment; good knowledge and use of spelling, grammar and punctuation; ability to type at an above average rate of speed, maintain complex records and prepare reports for such records; ability to make some decisions in accordance with laws, ordinances, regulations and established policies; must be able to carry out written, or oral instructions, converse clearly and distinctly in the English language and get along with others; ability to use good judgment and handle inquiries and complaints with tact and courtesy.

**PHYSICAL DEMANDS:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to stand; walk; sit; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; and talk or hear. The employee is occasionally required to climb or balance and stoop, kneel, crouch, or crawl. The employee may occasionally be required to lift and/or move up to 25 pounds. Vision requirements are for: close, far, peripheral and color vision with the ability to adjust focus.

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

While performing the duties of this job, the employee is occasionally exposed to fumes or airborne particles. The noise level in the work environment is usually moderate to quiet.

ORDINANCE NO. 1995- 150


**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BUCKEYE TRUCK EQUIPMENT FOR THE PURCHASE AND INSTALLATION OF A DUMP BODY AND SNOW PLOW ON A CITY PROVIDED CHASSIS FOR USE IN THE STREETS DEPARTMENT AN 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 with Buckeye Truck Equipment for the purchase and installation of a Dump Body and Snow Plow on a City provided Chassis for use in the Streets Department.


**Section 2.** That the \$18,295.00 cost of said contract shall be payable from the SCMR Fund Account.

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

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

PASSED: *December 26, 1995*

APPROVED: *December 27, 1995*

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

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

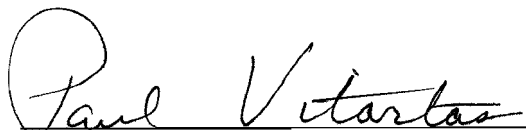
ORDINANCE NO. 1995-151

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/  
SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICA-  
TIONS AND ADVERTISE FOR BIDS FOR THE ASBESTOS  
REMOVAL FROM 981 WEST CENTER STREET, PROJECT 94-1M  
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 asbestos  
removal from 981 West Center St., Project 94-1M.

SECTION 2. That this ordinance is hereby declared  
to be an emergency measure 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: December 26, 1995

Approved: December 27, 1995

  
\_\_\_\_\_  
Mayor

Attest:

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

ORDINANCE NO. 1995-152

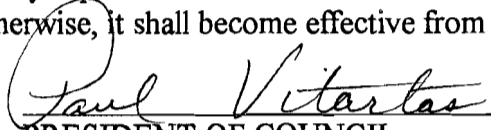
ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF VARIOUS EQUIPMENT LOCATED AT THE NOW CLOSED MARION CITY LANDFILL THAT IS NO LONGER OF VALUE TO THE CITY AND DECLARING AN EMERGENCY.

**WHEREAS**, the various equipment at the Landfill is no longer needed for operations in the City of Marion.

**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 dispose of various equipment located at the now closed Marion City Landfill that is no longer of value to the City of Marion.

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

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

PASSED: December 26, 1995

APPROVED: December 27, 1995

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

ORDINANCE NO. 1995-153

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1995, AND DECLARING AN EMERGENCY.

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 (\$16,404.65) as follows:

E.I. INITIATIVE FUND

Salaries	250-02-546-210-000-110	(\$520.00)
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STORM SEWER IMPROVEMENT FUND

Professional Services	460-05-507-230-000-320	(\$1,231.50)
Capital Improvements	460-05-507-230-000-520	(\$1,422.85)
Professional Services	460-05-704-230-000-320	(\$26.42)
Capital Improvements	460-05-704-250-000-520	(\$16,447.12)
Professional Services	460-05-921-230-000-320	(\$1,000.00)

TOTAL REDUCTION		<u>(\$20,127.89)</u>
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HOME HEALTH SERVICE FUND

Reimbursements	248-02-221-270-000-721	\$3,000.00
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HEALTH FUND

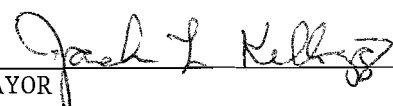
Transfers to WIC Fund	214-02-221-270-000-706	\$1,243.24
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary 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.

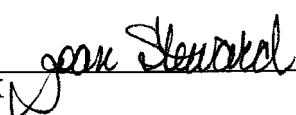
  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: December 26, 1995

APPROVED: December 27, 1995

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK



ORDINANCE NO. 1995- 154

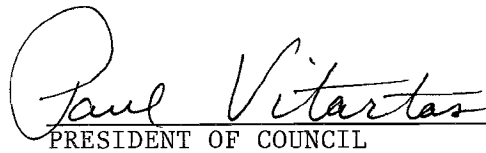
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS  
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO  
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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."

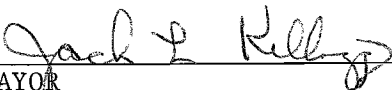
General Fund	<u>\$495.00</u>
TOTAL	\$495.00

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: *December 26, 1995*

APPROVED: *December 27, 1995*

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-60

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH O D B COMPANY FOR THE PURCHASE OF TWO (2) VACUUM LEAF COLLECTION UNITS AND COLLECTION BOXES FOR USE ON THE CITY STREETS, AND DECLARING AN EMERGENCY.

*WHEREAS*, Ordinance 1995-27 authorized the Safety/Service Director to advertise for bids for purchase of Leaf Collection Equipment, and

*WHEREAS*, ODB Company submitted the lowest bid,

*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 ODB Company for the purchase of two (2) Vacuum Leaf Collection Units and Collection boxes for use on the City Streets.

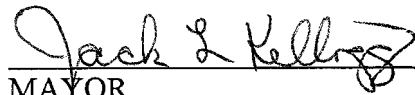
**Section 2.** That the \$23,000.00 cost of said contract shall be payable from the SCMR Fund Account No. 207-06-612-250-000-450.

**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 earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: June 26, 1995

APPROVED: June 27, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-61

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HEISLER'S, INC. FOR THE PURCHASE OF ONE (1) SIX CUBIC YARD AND FOUR (4) TWENTY-FIVE CUBIC YARD REFUSE COLLECTION VEHICLES, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

*WHEREAS*, Ordinance 1995-27 authorized the Safety/Service Director to advertise for bids for purchase of Refuse Collection Vehicles, and

*WHEREAS*, Heisler's Inc. submitted the lowest bid,

**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 Heisler's, Inc. for the purchase of one (1) six cubic yard and four (4) twenty-five cubic yard Refuse Collection Vehicles.

**Section 2.** That the \$423,046.00 cost of said contract shall be payable from the Sanitation Fund Account No. 506-05-561-250-000-450.


**Section 3.** That there be an additional appropriation in the Sanitation Fund in the amount of \$423,046.00 Account No. 506-05-561-250-000-450.

**Section 4.** 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 earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: June 26, 1995

APPROVED: June 27, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-62

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HEISLER'S, INC. FOR THE PURCHASE OF ~~THREE (3)~~ <sup>TWO (2)</sup> NEW RECYCLING VEHICLES, APPROPRIATING THE NECESSARY FUNDS, ~~AND DECLARING AN EMERGENCY.~~

*WHEREAS*, Ordinance 1995-27 authorized the Safety/Service Director to advertise for bids for purchase of ~~three (3)~~ <sup>two (2)</sup> New Recycling Vehicles, and

*WHEREAS*, Heisler's Inc. submitted the most responsive bid,

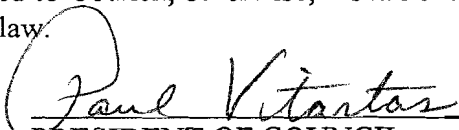
*BE IT ORDAINED* by the Council of the City of Marion, Marion County, Ohio:

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Heisler's, Inc. for the purchase of ~~three (3)~~ <sup>two (2)</sup> New Recycling Vehicles.

**Section 2.** That the \$~~179,901~~ <sup>119,934</sup>.00 cost of said contract shall be payable from the Recycling Fund Account No. 508-05-564-250-000-450.

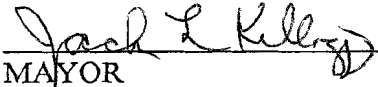
**Section 3.** That there be an additional appropriation in the Recycling Fund in the amount of \$~~179,901~~ <sup>119,934</sup>.00 Account No. 508-05-564-250-000-450.

**Section 4.** 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 earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: June 26, 1995

APPROVED: June 27, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

\*AMENDED ON COUNCIL FLOOR 6/24/95 Vote was 5-2 - 6 votes needed to enact emergency clause.

ORDINANCE NO. 1995-63

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE REMOVAL OF VARIOUS UNDERGROUND STORAGE TANKS AND TO INSTALL AN ABOVE GROUND TANK AT THE #3 FIRE STATION.

**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 removal of various underground storage tanks and to install an above ground tank at the #3 Fire Station .

**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: June 26, 1995

APPROVED: June 27, 1995

  
ACTING MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-64

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ASHER LUMBER & ROOFING COMPANY FOR THE INSTALLATION OF A NEW FLAT ROOF ON THE MARION SENIOR CITIZEN CENTER AND DECLARING AN EMERGENCY.

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

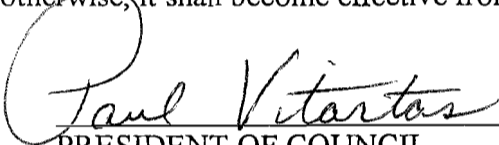
*WHEREAS*, the proposal submitted by Asher Lumber and Roofing Company has been recommended by the Finance Committee.

**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 Asher Lumber and Roofing Company for the installation of a new flat roof on the Marion Senior Center as per their proposal.

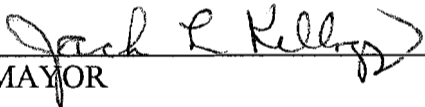
**Section 2.** That the \$5,764.00 cost of said contract shall be payable from the General Fund Senior Citizen Account No. 101-03-424-250-000-520.

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

  
PRESIDENT OF COUNCIL

PASSED: June 26, 1995

APPROVED: June 27, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995 - 65

ORDINANCE AUTHORIZING THE PARKS SUPERINTENDENT TO ENTER INTO CONTRACT WITH JONES BLACKTOP & EXCAVATING, INC. TO OVERLAY BASKETBALL COURTS IN TWO CITY PARKS (MARTIN LUTHER KING AND ROOSEVELT PARK), AND DECLARING AN EMERGENCY.

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

WHEREAS, Jones Blacktop & Excavating submitted the lowest proposal,

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

Section 1. That the Park Superintendent be authorized and is hereby directed to enter into contract with Jones Blacktop & Excavating for the resurfacing of two (2) basketball courts as per their proposal.

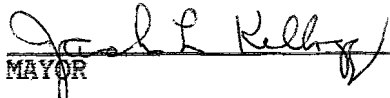
Section 2. That the \$4,584.00 cost of said contract shall be payable from the Parks Fund Account No. 221-03-421-250-000-520.

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.


  
PRESIDENT OF COUNCIL

PASSED: June 26, 1995

APPROVED: June 27, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995- 66

ORDINANCE TO VACATE THE PORTION OF LINCOLN AVENUE  
BETWEEN THE CONRAIL RIGHTS-OF-WAY. (PETITIONER-  
CENTRAL SOYA INC.)

WHEREAS, in the opinion of this Council, there is good cause for vacating that portion of Lincoln Avenue between the Conrail rights-of-way, and

WHEREAS, the petition by Central Soya Inc. to vacate this area was unanimously approved by the Marion City Planning Commission at its meeting of April 18, 1995, provided utility access and necessary easements are granted, 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 portion of Lincoln Avenue, to-wit:

Being part of the Northwest Quarter of Section 23, Township 5 South, Range 15 East, City of Marion, Marion Township, Marion County, State of Ohio and being part of a 1.791 acre tract of land, now or formerly owned by Consolidated Rail Corporation, Deed Vol.546, pages 969 and 986, and being more particularly described as follows:

Beginning at an iron pin set at the Northwest corner of Lot No. 1563 in John Midlam's First Addition, (Plat Book 1, page 59), said point being at the intersection of the East Right-of-Way Line of Lincoln Avenue (60 ft.wide) with the South Right-of-Way Line of the Consolidated Rail Corporation and being the Southeast corner of hereinafter described 0.193 acre tract.

Thence along said South Right-of-Way Line South 69 deg. 34 min. 47 sec. West for a distance of 64.58 feet to a railroad spike set at the Northeast corner of Outlot 53 and West Line of Lincoln Avenue;

Thence along the West Line of Lincoln Avenue North 01 deg.17 min. 47 sec. East for a distance of 139.93 feet to a railroad spike set on the North Right-of-Way Line of aforesaid Consolidated Rail Corporation (passing over the centerline of the main track at a distance of 53.71 feet);

Thence along said North Right-of-Way Line North 69 deg.34 min. 47 sec. East for a distance of 64.58 feet to a 1 & 1/2 inch dia. iron pipe found on the East Right-of-Way Line of lincoln Avenue;

Thence along said East Right-of-Way Line South 01 deg. 17 min.47 sec. West for a distance of 139.93 feet to an iron pin set (passing over the centerline of the main track at a distance of 86.22 feet) and the place of beginning.

Containing 0.193 acre, (8395.8991 Sq.Ft.) more or less, and subject to easements, restrictions and agreements of record.

This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000 and dated May 10, 1995. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000".

Prior Deed Vol. 546, pages 969,986. Basis of bearings, Survey by Stults & Assoc. dated 6/15/81, East Line of Lincoln Ave. North 01 deg.17 min. 47 sec.East.

be and is hereby vacated, provided utility access and necessary easements are granted.

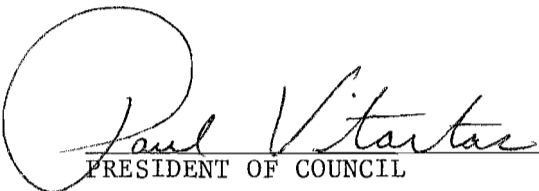


Section 2. That title to the above real estate shall revert to the abutting property owners in accordance with the laws of Ohio.

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.

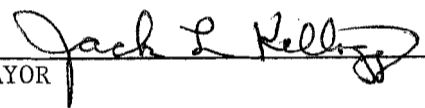
Section 4. That the Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

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

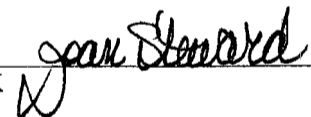
  
PRESIDENT OF COUNCIL

PASSED: July 24, 1995

APPROVED: July 25, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-67

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DEERE/SHORT EXCAVATING, MARYSVILLE, OHIO, FOR THE LANDFILL LAKE BANK PROTECTION PROJECT IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Deere/Short Excavating, submitted the lowest and best bid of \$49,482.10 for the Landfill Lake Bank Protection Project,

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 Deere/Short Excavating for the Landfill Lake Bank Protection project.


Section 2. That said contract 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 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.

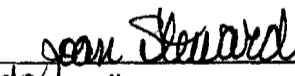
  
\_\_\_\_\_  
President of Council

Passed: July 10, 1995

Approved: July 11, 1995

  
\_\_\_\_\_  
Mayor

Attest:

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

ORDINANCE NO. 1995- 68

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THREE (3) VEHICLES FOR USE BY THE SEWER DEPARTMENT.

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 following vehicles, and trading in the vehicles being replaced.

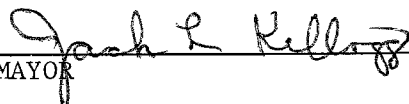
- (1) Dump Truck to replace 1979 Ford
- (1) Pickup Truck w/Utility Body to replace 1986 Ford
- (1) Van to replace 1983 Dodge

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: July 10, 1995

APPROVED: July 11, 1995

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1995- 69

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PAINTING OF THE METAL STRUCTURES IN (16) SIXTEEN CONCRETE TANKS AT THE WATER POLLUTION CONTROL PLANT.

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

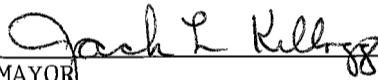
Section 1. That the Safety/Service Director be authorized and he is hereby directed to prepare specifications and advertise for bids for the painting of the metal structures in sixteen (16) concrete tanks at the Water Pollution Control Plant.

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

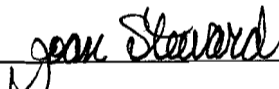
  
PRESIDENT OF COUNCIL

PASSED: July 10, 1995

APPROVED: July 11, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-70

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLEMING CONSTRUCTION COMPANY, INC., MARION, OHIO, FOR THE FIES AVENUE PAVEMENT IMPROVEMENTS PROJECT IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1995-47 authorized the preparation of specifications and advertising for bids for the Fies Avenue Pavement Improvements Project in the City of Marion, Ohio, and

WHEREAS, Fleming Construction Company, Inc., submitted the lowest an best bid of \$146,812.00,

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

Section 1. That the Safety/Service Director be directed to enter into contract with Fleming Construction Company, Inc., for the Fies Avenue Pavement Improvements Project.


Section 2. That said contract shall be payable from the Community Development Block Grant (CDBG) Fund (\$100,000) and the S.C.M. & R. - Streets Fund (\$46,812.00).

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 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 10, 1995

Approved: July 11, 1995

  
 \_\_\_\_\_  
 Mayor

Attest:

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

ORDINANCE NO. 1995- 71

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."

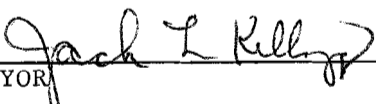
General Fund            \$117.76

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: July 10, 1995

APPROVED: July 11, 1995

  
MAYOR

ATTEST:

  
CLERK

AMENDED  
ORDINANCE NO 1995-72

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY  
IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF  
OF THE CITY OF MARION TO EXECUTE A LEASE/PURCHASE  
OPTION OF REAL PROPERTY TO THE MID OHIO PACKAGING  
COMPANY AND DECLARING AN EMERGENCY.

WHEREAS, The Mid Ohio Packaging Co. wishes to Lease/Purchase a parcel of land  
in the Marion Airport Industrial Park, 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 (CIC) has  
previously been designated an agency of the City and the City now wishes to authorize  
CIC to enter into a lease/purchase option agreement on the City's behalf,

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

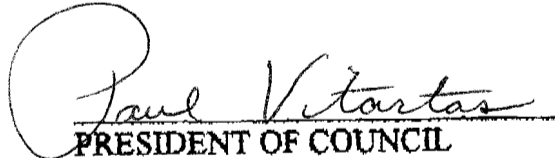
Section 1. That the City of Marion, by and through its Mayor and Safety/Service  
Director, is hereby authorized to enter into a written agreement with CIC as provided in  
Section 1724.10(B) of the Ohio Revised Code.

Section 2. That CIC is hereby authorized to enter into a lease/purchase agreement  
with The Mid Ohio Packaging Co., on behalf of the City of Marion, for a certain parcel of  
real property, and described as follows:

Lot # 1 of the Marion Airport Industrial Park consisting of 15.37 acres more or less.

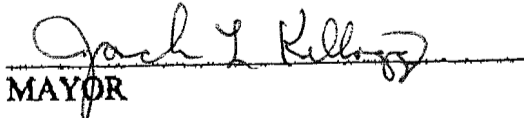
Section 3. That the proceeds of said lease/purchase, after any expenses, shall be  
deposited in the General Fund.

~~\*Section 4. That this ordinance shall take effect and be in full force and effect after the  
shortest period allowed by law.~~

  
PRESIDENT OF COUNCIL

PASSED: July 10, 1995

APPROVED: July 11, 1995

  
MAYOR

ATTEST:

  
CLERK

\* Section 4. 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  
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;

## AMENDED

ORDINANCE NO. 1995 - 783

ORDINANCE AUTHORIZING THE DEMOLITION OF  
RESTROOMS AND SEPTIC TANK ON MARION MUNICIPAL  
AIRPORT PROPERTY, KNOWN AS JAYCEE PARK RESTROOMS  
AND DECLARING AN EMERGENCY,

WHEREAS, The City of Marion is to begin construction of the Marion Airport Industrial Park, and

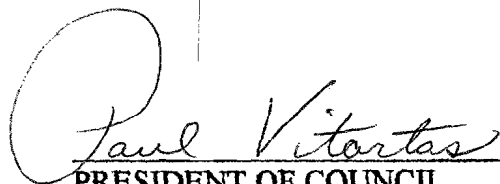
WHEREAS, said restrooms are no longer required for public use, and

WHEREAS, said restrooms are insured property requiring City Council authorization for demolition,

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

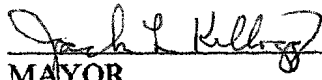
Section 1. Jaycee Park restrooms on Marion Municipal Airport property shall be demolished for Industrial Park construction.

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

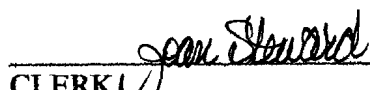
  
PRESIDENT OF COUNCIL

PASSED: July 10, 1995

APPROVED: July 11, 1995

  
MAYOR

ATTEST:

  
CLERK

\*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.



ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH THE MARION-CRAWFORD COMMUNITY ACTION COMMISSION TO PROVIDE HOUSING REHABILITATION SPECIALIST SERVICES UNDER THE CITY OF MARION'S CURRENT OHIO COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) GRANT UNDER THE GRANT SUPERVISION OF THE MARION COUNTY REGIONAL PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

WHEREAS, By Ordinance 1994-28, Council authorized the Mayor and the Marion County Regional Planning Commission to apply for a competitive Housing Grant for Housing Rehabilitation; and

WHEREAS, the City has received a FY '94 grant on which a majority of the work has been completed, but a portion still needs to be finished before December, 1995; and

WHEREAS, the City of Marion's Housing Rehabilitation Specialist desires to retire July 31, 1995; and

WHEREAS, because of limited work remaining on the current grant and the chance that a grant starting in 1996 might not be quickly approved, a full-time Housing Rehabilitation Specialist is not needed at this time, but

WHEREAS, to finish the current grant and apply for funds for 1996, the City must have access to an experienced Housing Rehabilitation Specialist; and

WHEREAS, the Marion-Crawford Community Action Commission has an experienced Housing Rehabilitation Specialist available part time,

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

SECTION 1. That this Council authorize the Mayor to contract with Marion-Crawford Community Action Commission at a rate of \$26.10/hour plus mileage and travel expenses for Housing Rehabilitation Specialist services under the grant supervision of the Marion County Regional Planning Commission.

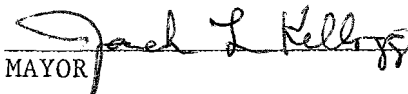
SECTION 2. Funding shall come out of the "Implementation" line item of the FY '94 CHIP grant.

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 program must proceed; and as such, shall take effect immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


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

PASSED: July 24, 1995

APPROVED: July 25, 1995

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1995- 75

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS 294 RICHLAND ROAD IN THE CITY OF MARION, FROM R-1A (SINGLE FAMILY DISTRICT, LOW DENSITY) TO OIA (OFFICE, INSTITUTIONAL & APARTMENT DISTRICT).  
(PETITIONER - JEFFREY FREEMAN) AND DECLARING AN EMERGENCY.

WHEREAS, Jeffrey Freeman is seeking to rezone a property owned by him and known as 294 Richland Road, and

WHEREAS, Council finds that said real property described in Section 1 below should be rezoned from R-1A (Single Family District, Low Density) to OIA (Office, Institutional & Apartment District), and

WHEREAS, the Marion City Planning Commission on June 6, 1995 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 294 Richland Road in the City of Marion, and more particularly described as follows:

Situated in Part of the Northeast Quarter of Section 26, Township 5 South, Range 15 East, in the City of Marion, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an existing railroad spike located at the intersection of the centerline of State Route 529 (Richland Rd.,) with the East-West Half Section Line of Section 26, said point also being the Northwest corner of Chateau Woods First Addition, Plat Book 5, Page 29 in the Marion County Recorder's Office;

Thence along the centerline of State Route 529 North 30 degrees, 01 minute 40 seconds West for a distance of 187.92 feet to a railroad spike found on the South right-of-way line of Wilshire Drive (50 feet wide) extended;

Thence along the South right-of-way line of Wilshire Drive North 89 degrees 23 minutes 00 seconds East for a distance of 309.00 feet to a 3/4 inch dia. iron pipe found at the northwest corner of a 0.322 acre tract of land, now or formerly owned by Kenneth D. and Eva E. Crammer, O.R. 58, Page 776;

Thence along the West line of aforesaid 0.322 acre tract South 00 degrees 56 minutes 20 seconds East for a distance of 173.58 feet to a point on the North line of Chateau Woods First Addition;

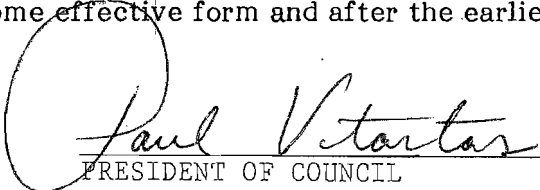
Thence along said North line North 88 degrees 01 minute 12 seconds West for a distance of 217.92 feet to a railroad spike found on the centerline of State Route 529 (passing over a 3/4 inch dia. iron pipe found at a distance of 0.66 feet and a distance of 182.67 feet) and the place of beginning.

Containing 1.014 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated August 20, 1987. Last Transfer, Deed Record Volume 82, Page 25.

heretofore zoned R-1A (Single Family District, Low Density) is hereby zoned OIA (Office, Institutional & Apartment District).

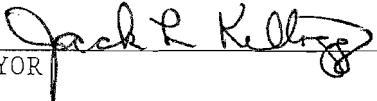
Section 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion, on file in the office of the Clerk of Marion City Council, and on the copy thereof on file in the office of the Safety/Service Director.

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 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.

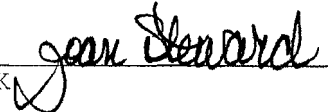
  
PRESIDENT OF COUNCIL

PASSED: July 24, 1995

APPROVED: July 25, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995- 76

ORDINANCE TO VACATE A CERTAIN 16.5' IMPROVED EAST-WEST ALLEY LOCATED BETWEEN SOUTH VINE STREET AND HIGH STREET IN THE CITY OF MARION. (PETITIONERS - MR. & MRS. ALBERT YEOMAN AND MR. & MRS. THOMAS LONGBERRY).

WHEREAS, in the opinion of this Council, there is good cause for vacating a certain 16.5' improved east-west alley located between South Vine Street and High Street, and

WHEREAS, the petition by Mr. & Mrs. Albert Yeoman and Mr. & Mrs. Thomas Longberry was unanimously disapproved by the Marion City Planning Commission at its meeting of June 6, 1995, 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 a 16½ feet wide East-West public alley between Lot 743 and Lot 744 in Durfee Hummer Addition.

Beginning at the Northeast corner of Lot 744 thence Westwardly along the North Line of said Lot to the Northwest corner of said Lot to the East side of a 16½ feet wide North and South alley; thence North 16½ feet along the East side of the North and South alley to the Southwest corner of Lot 743; thence Eastwardly along the South line of said Lot to the Southeast corner of said Lot; thence South 16½ feet along the West line of South Vine Street to the place of beginning, being the Northeast corner of Lot 744,

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.

PASSED:  
APPROVED:

*Defeated  
8/14/95*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**ORDINANCE NO. 1995-77**

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH PATHMASTER, INC., TO  
PURCHASE A CONFLICT MONITOR TESTER FOR THE TRAFFIC  
CONTROL SYSTEM, AND DECLARING AN EMERGENCY.

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

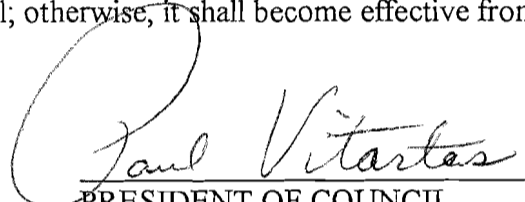
*WHEREAS*, Pathmaster, Inc., submitted the lowest proposal,

**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 Pathmaster, Inc., to purchase a Conflict Monitor Tester for the Traffic Control System.


**Section 2.** That the \$6,100.00 cost of said contract shall be payable from the SCMR Fund Account No. 207-06-612-250-000-450.

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

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

PASSED: July 24, 1995

APPROVED: July 25, 1995

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

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

ORDINANCE NO. 1995- 78

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1995, 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 \$30,700.00 as follows:

GENERAL FUND

Police Professional Services	101-01-111-230-000-320	\$ 4,400.00
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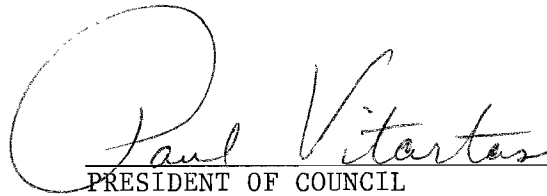
HEALTH FUND

ODH Special Project Grant	214-02-221-230-000-433	\$ 3,000.00
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UDAG LOAN REPAYMENT FUND

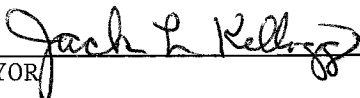
Professional Services	276-04-539-230-000-320	\$23,300.00
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is 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.

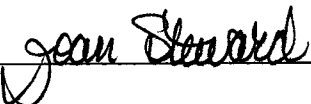
  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: July 24, 1995

APPROVED: July 25, 1995

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1995- 79

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, AS AMENDED,  
(YARGER REPORT) BY ESTABLISHING THE POSITION OF SENIOR  
SECRETARY-LAW DIRECTOR OFFICE.

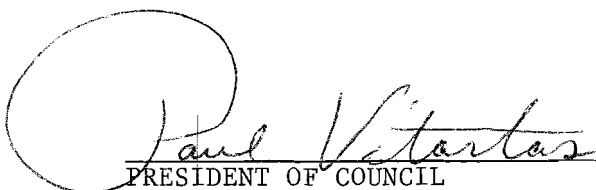
BE IT ORDAINED by the Council of the City of Marion, Marion County,  
Ohio:

Section 1. That Ordinance No. 1996-29, as amended, (Yarger Report)  
is hereby amended by establishing the position of Senior Secretary-Law Director  
Office.

Section 2. That the job description for said position is attached here-  
to 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.

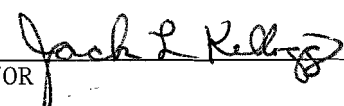
Section 3. That the salary for the position of Senior Secretary - Law  
Director Office shall commence at Grade 21 in the position classification report  
prepared by Yarger & Assoc., Inc., April 1969 (as amended).

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: July 24, 1995

APPROVED: July 25, 1995

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

CITY OF MARION - HUMAN RESOURCES  
Job Description

JOB TITLE: Senior Secretary - Law Director Office

Exempt (Y/N): No	JOB CODE: srsecy
SALARY LEVEL: GRADE 21 -- NON	DOT CODE: 201.362-010
SHIFT: 8 - 5	DIVISION: LAW DIRECTOR
LOCATION: CITY HALL	DEPARTMENT: LAW DIRECTOR
EMPLOYEE NAME:	SUPERVISOR: LAW DIRECTOR
PREPARED BY: N. R. STANLEY	DATE: 07/12/95
APPROVED BY: M. GRIMES	DATE:

SUMMARY: Assists Law Director and other legal personnel with administrative and clerical work, acting as Administrative Assistant to the Law Director and supervises other clerical staff. Assists in setting administrative procedures and ensures that managerial guidelines are followed by all personnel. Often works independently of immediate guidance from Law Director. Responsible for completion of clerical duties in conjunction with subordinate and exercises judgment in the application of prescribed procedures and methods to routine matters.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following.  
Other duties may be assigned.

Prepares legal papers and correspondence of legal nature such as summonses, complaints, motions, and subpoenas.

Reviews law journals and other legal publications to identify court decisions pertinent to pending cases; prepares Criminal cases for trial and assembles the case file for trial by attorneys.

Coordinates witness scheduling for trial and pre-trial.

Coordinates the Criminal and Civil docket and the staff attorneys' schedules.

Appears in Court at all arraignment sessions as representative of Prosecutor(Law Director).

Prepares Budget and acts as Budget Manager for the office; prepares all Purchase Orders.

Supervises clerical staff; acts as Office Manager.

Drafts legislation for review by staff attorneys.

Performs other clerical duties such as scheduling appointments, giving information to callers, taking dictation, composing and

typing both routine and more complex correspondence, reading and routing incoming mail, and filing correspondence and other records.

SUPERVISORY RESPONSIBILITIES:

Directly supervises one employee in the LAW DIRECTOR'S OFFICE. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include training employees; planning, assigning, and directing work; appraising performance; addressing complaints and resolving problems.

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

EDUCATION and/or EXPERIENCE:

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

LANGUAGE SKILLS:

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.

MATHEMATICAL SKILLS:

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

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

OTHER SKILLS and ABILITIES:

Requires the combination of skills and knowledge of Legal Secretary, Para Legal, and Office Manager. Needs outstanding ability to cope with unique and routine problems both legal and



Job Description  
Job Title: Senior Secretary - Law Director Office

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governmental. Thorough knowledge of legal terms and definitions required, along with a thorough knowledge of City Government; functions and organization. Needs outstanding knowledge of the operation of Ohio Courts, particularly the operation and functions of the Municipal Court. Must have the ability to manage other persons effectively, especially the time of and work flow of professional attorney staff. Will interact competently, professionally and effectively with all levels of government officials and the public at large. Must be able to maintain and manage complex legal records and reports and quantify for analysis the content of same. Will have mastered the knowledge, skills and abilities of the position of Secretary- Law Director's Office to qualify for this position.

**PHYSICAL DEMANDS:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit; use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; and talk or hear. The employee is occasionally required to stand; walk; climb or balance; and stoop, kneel, crouch, or crawl. The employee may occasionally be required to lift or push up to fifty pounds. Vision requirements are for close vision, peripheral vision, color vision and the ability to adjust focus.

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

The noise level in the work environment is usually quiet.

ORDINANCE NO. 1995- 80

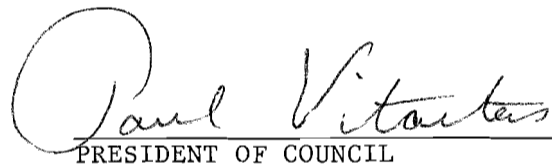
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS  
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO  
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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."

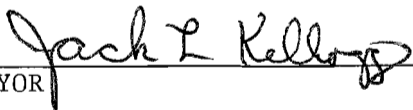
GENERAL FUND	\$416.08
TOTAL	\$416.08

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.

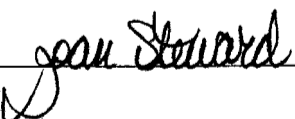
  
PRESIDENT OF COUNCIL

PASSED: July 24, 1995

APPROVED: July 25, 1995

  
MAYOR

ATTEST:

  
CLERK

AN ORDINANCE ACCEPTING THE PROPOSAL OF CONRAIL,  
PUCO, AND ODOT/ORDC FOR THE IMPROVEMENT OR CLOSURE  
OF A CERTAIN GRADE CROSSING IN THE CITY OF MARION,  
OHIO, AND DECLARING AN EMERGENCY

To provide consent for the permanent closure to vehicle traffic of a public grade crossing as recommended by the Public Utilities Commission of Ohio (PUCO), the Ohio Department of Transportation (ODOT)/Ohio Rail Development Commission (ORDC), and the Consolidated Rail Corporation (Conrail);

WHEREAS, a proposal has been made to change the character of Lincoln Avenue by prohibiting through traffic over the at-grade, CONRAIL railroad crossing thereby benefitting the safety of the traveling public, and;

WHEREAS, if vehicular traffic at the grade crossing is discontinued, CONRAIL, PUCO, and ODOT/ORDC have agreed to arrange for the accommodation, funding, installation of improvements to the City of Marion's (CITY) highway system, and;

WHEREAS, the CITY agrees with the foregoing and desires to provide its consent to permit permanent closure of the aforementioned public grade crossing subject to the terms and conditions set forth herein, and;

WHEREAS, the proposal has been submitted to the CITY and finds the proposal to be in the best interest of the community and will enhance the safety of the traveling public and will result in needed and substantial improvements to the CITY's highway system;

NOW, THEREFORE, BE IT ORDAINED by the Council of the CITY, Marion County, Ohio, at least a majority of its members concurring:

SECTION I

That this Council hereby declares it to be in the public interest that the consent of the CITY be and hereby given to CONRAIL to construct the herein described improvements in accordance with plans, specifications and estimates as approved by the Director of ODOT.

SECTION II

That this Council hereby authorizes and approves changing the character of Lincoln Avenue by barricading and prohibiting traffic across the at-grade railroad crossing traversing the street.

SECTION III

That this Council hereby accepts the offer of CONRAIL, PUCO, and ODOT/ORDC to provide funding to install or facilitate the following safety improvements to the CITY's highway system.

- A. Barnhart Avenue - Modernization of the existing warning devices with the addition of roadway gates.

SECTION IV

The CITY agrees to perpetuate and maintain all advance warning signs and pavement markings on the approaches to the at-grade crossings in conformance with the Ohio Manual of Uniform Traffic Control Devices, as adopted under section 4511.11 of the Ohio Revised Code. The CITY further agrees to provide for the maintenance of highway traffic during the construction of the improvements by either closing the road with no signed detour or by designating a temporary detour with all necessary incidentals and assuming and bearing the cost of erecting, maintaining and removing signs and barricades required to close the crossing and detour traffic.

SECTION V.

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting the planning and construction of the aforesaid improvement, 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, and upon its acceptance and approval by the Director of ODOT it shall become a binding agreement on the CITY and the Director.

Attest Jean Steward Clerk of Council      Paul Vitartas President of Council

Approved Paul L. Kellopp Mayor (signed) July 25, 1995

I hereby certify that the forgoing is a true and correct copy of the Ordinance No. 1995-81 passed July 24, 1995.

Jean Steward Clerk of Council

Accepted and approved

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

ZACHMAN-HENSEL

Ordinance No. 1995- 82

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION  
OF CERTAIN TERRITORY CONTAINING 83.382 ACRES IN  
MARION TOWNSHIP TO THE CITY OF MARION.  
AND DECLARING AN EMERGENCY  
ZACHMAN-VERNON ACRES THIRD ADDITION

Whereas, a petition for the annexation of certain territory in Marion Township was duly filed by Roger L. Hensel, as Agent; and

Whereas, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio, on April 27, 1995; and

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

Whereas, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on May 30, 1995; and

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

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

Section 1. That the proposed annexation as applied for in the petition of Roger L. Hensel and a majority of owners of real estate in the territory sought to be annexed filed with the Board of County Commissioners of Marion County, Ohio on February 16, 1995, and which petition prayed for annexation to the City of Marion, Ohio of certain territory adjacent thereto as hereinafter described, and which petition was approved by the Board of County Commissioners on May 18, 1995, be and the same is hereby accepted. The territory is described as follows:

Situated in Part of the Northwest Quarter of Section 35, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an existing stone located at the Southwest Corner of Lot 14575 in Zachman-Vernon Acres Third Addition (also being the North Line of Section 35 and the South Corporation Line of the City of Marion); thence along said North Line of Section 35 S. 89 deg. 14 minutes 30 seconds E. for a distance of 610.02 feet to a 1 inch dia. iron pin set on the Southwest Corner of Lot 14614 in said Addition; thence S. 1 deg. 15 minutes 10 seconds W. for a distance of 41.00 feet to a 1 inch dia. iron pin set; thence S. 89 degrees 14 minutes 30 seconds E. for a distance of 169.79 feet to a 1 inch dia. iron pin set; thence S. 1 deg. 09 minutes 30 seconds W. for a distance of 109.00 feet to a 1 inch dia. iron pin set; thence S. 89 deg. 17 minutes 50 seconds E. for a distance of 50.00 feet to a 1 inch dia. iron pin set on the West Line of Vernon Woods First Addition (also being the West

Corporation Line of the City of Marion); thence along said West Corporation Line and S. 1 deg. 09 minutes 30 seconds W. for a distance of 199.22 feet to a point (said point being referenced by an existing approved metal survey marker 0.23 feet North and 0.42 feet East); thence continuing along said West Corporation Line N. 87 deg. 04 minutes 55 seconds W. for a distance of 84.82 feet to a point (said point being referenced by an existing approved metal survey marker 0.24 feet North and 0.44 feet East); thence continuing along said West Corporation Line S. 3 deg. 33 minutes 05 seconds W. for a distance of 211.12 feet to a 1 inch dia. iron pin set; thence continuing along said West Corporation Line S. 86 deg. 26 minutes 55 seconds E. for a distance of 11.90 feet to a 1 inch dia. iron pin set; thence continuing along said West Corporation Line S. 3 deg. 33 minutes 05 seconds W. for a distance of 150.01 feet to a 1 inch dia. iron pin set on the South Corporation Line of the City of Marion; thence along said South Corporation Line S. 80 deg. 31 minutes 55 seconds E. for a distance of 469.27 feet to a point (said point being referenced by an existing approved metal survey marker 0.29 feet North and 0.42 feet East); thence continuing along said South Corporation Line S. 88 deg. 50 minutes 30 seconds E. for a distance of 125.75 feet to the Southwest Corner of Lot 16466 in Chateau Ridge Fourth Addition (also being the North-South Half Section Line of Section 35 and the West Corporation Line of the City of Marion) (said point being referenced by an existing concrete monument 0.29 feet North and 0.55 feet East); thence along said North-South Half Section Line S. 1 deg. 09 minutes 30 seconds W. for a distance of 1667.82 feet to a point (said point being referenced by an existing iron pipe 0.30 feet South and 0.28 feet West); thence N. 89 deg. 02 minutes 15 seconds W. for a distance of 240.00 feet to an existing concrete monument; thence S. 1 deg. 09 minutes 30 seconds W. for a distance of 200.00 feet to a point on the centerline of County Road 138 (also being the East-West Half Section Line of Section 35) (said point being referenced by an existing iron pin S. 89 deg. 02 minutes 15 seconds E. at 0.21 feet)(passing over a 1 inch dia. iron pin set at 170.00 feet; thence along said centerline N. 89 deg. 02 minutes 15 seconds W. for a distance of 1113.71 feet to a point (said point being referenced by an existing railroad spike 0.39 feet South and 0.04 feet East); thence N. 1 deg. 03 minutes 30 seconds E. for a distance of 380.00 feet to a point (passing over a 1 inch dia. iron pin set at 30.00 feet and an existing iron pipe at 379.66 feet); thence N. 89 deg. 02 minutes 15 seconds W. for a distance of 242.00 feet to a 1 inch dia. iron pin set on the East Line of Carl H. Firstenberger's First Subdivision; thence along said East Line and the East Line of C.H. Firstenberger's Second Subdivision N. 1 deg. 03 minutes 30 seconds E. for a distance of 944.07 feet to an existing stone; thence continuing along said East Line of C.H. Firstenberger's Second Addition N. 2 deg. 50 minutes 35 seconds E. for a distance of 1319.98 feet to a cross cut in concrete angle iron post base on the South Line of Vernon Heights Seventh Addition (also being the South Corporation Line of the City of Marion); thence along said South Corporation Line S. 88 deg. 46 minutes 00 seconds E. for a distance of 227.35 feet to an existing stone on the Southwest Corner of Lot 14575 in Zachman-Vernon Acres Third Addition and the point of beginning.

Containing 83.382 acres more or less and being subject to legal highways, easements, restrictions, and agreements of record. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated February 9, 1995. All 1 inch dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

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

Section 2. The Clerk of City Council is directed to make three copies of the ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk of City Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

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.

*Thomas J. Haselgrove*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL - PRO TEMPORE

PASSED: August 28, 1995

APPROVED: August 29, 1995

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

ATTEST:

*Joan Steward*  
\_\_\_\_\_  
CLERK

*Summary of Ord. 1995-82  
legally  
advertised in  
The Marion Star  
Aug. 22, 1995  
Joan Steward  
Clerk of Council*

HEALTH OHIO

Ordinance No. 1995 - 83*Amended by  
1995-106*

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION  
OF CERTAIN TERRITORY CONTAINING 12 ACRES IN MARION  
TOWNSHIP TO THE CITY OF MARION.

## HEALTH FIRST

Whereas, a petition for the annexation of certain territory in Marion Township was duly filed by N. Robert Jones, as Agent; and

Whereas, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio, on June 8, 1995; and

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

Whereas, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on June 14, 1995; and

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

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

Section 1. That the proposed annexation as applied for in the petition of N. Robert Jones, as Agent, and a majority owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on April 7, 1995, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and which the petition was approved for annexation to the City of Marion by the Board of County Commissioners on June 13, 1995, be and the same is hereby accepted. The territory is described as follows:

Being part of the Northwest Quarter of Section 34, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing mine spike located at the intersection of the centerline of State Route 423 (Marion-Waldo Road) with the centerline of County Road 138 (Barks Road), also being the East-West Half Section Line of Section 34;

Thence along the centerline of County Road 138 (Barks Road) and the East-West Half Section Line South 88 degrees 58 minutes 40 seconds West for a distance of 1,495.36 feet to an existing railroad spike and the Point of Beginning;

Thence continuing along the centerline of County Road 138 (Barks Road) and the East-West Half Section Line south 88 degrees 58 minutes 40 seconds west for a distance of 491.00 feet to a railroad spike set;

Thence North 01 degree 01 minute 20 seconds west for a distance of 1,062.41 feet to a 1" diameter iron pin set on the south corporation line of the City of Marion (passing a 1" diameter iron pin set for reference at 20.00 feet);

Thence along the South corporation line North 88 degrees 27 minutes 52 seconds East for a distance of 491.02 feet to a point;

Thence South 01 degree 01 minute 20 seconds East for a distance of 1,066.81 feet to an existing railroad spike on the centerline of County Road 138 (Barks Road and the East-West Half Section Line of Section 34 and the Point of Beginning) passing over existing concrete monuments at 0.40 feet and 1,046.89 feet;

Containing 12.00 acres, more or less, but subject to all legal highways;



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

Section 2. That the Clerk of Council be and she is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

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.

Paul Vitartas  
PRESIDENT OF COUNCIL

PASSED: August 14, 1995

APPROVED: August 15, 1995

Jack R. Killip  
MAYOR

ATTEST:

Jean Steward  
CLERK

Summary of Ordinance No. 1995-83  
advertised in The Marion Star  
Aug. 22, 1995  
Jean Steward  
Clerk of Council

KAUFMAN-DICE

Ordinance No. 1995 - 84

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION  
OF CERTAIN TERRITORY CONTAINING 37 ACRES IN MARION  
TOWNSHIP TO THE CITY OF MARION.

(RESERVE SUBDIVISION - KAUFMAN-DICE ANNEXATION)

Whereas, a petition of owners for the annexation of certain territory in Marion Township was duly filed by Ronald D. Cramer and Jonathan Williamson, as Agents; and

Whereas, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio, on June 8, 1995; and

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

Whereas, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on June 14, 1995; and

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

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

Section 1. That the proposed annexation as applied for in the petition of owners by Ronald D. Cramer and Jonathan Williamson, as Agents, and a majority owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on April 6, 1995, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and which the petition was approved for annexation to the City of Marion by the Board of County Commissioners on June 13, 1995, be and the same is hereby accepted. The territory is described as follows:

Being part of the Northeast Quarter of Section 35, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at a railroad spike set on the centerline of County Road 138 (Barks Road) at the Southeast Corner of Chateau Ridge 13th Addition as recorded in Plat Book 10, Page 8 in the Office of the Marion County Recorder;

Thence along the East line of said Chateau Ridge 13th Addition, Chateau Ridge 12th Addition as recorded in Plat Book 9, Page 36 and Chateau Ridge 10th Addition as recorded in Plat Book 8, Page 75 - 77 all in the Office of the Marion County Recorder and the existing Corporation Line of the City of Marion North 01 degree 42 minutes 19 seconds East for a distance of 1880.98 feet to an existing concrete monument on the South line of Chateau Ridge 6th Addition as recorded in Plat Book 7, Page 99 - 101 (passing over an existing iron pin at 30.00 feet);

Thence along the South line of said Chateau Ridge 6th Addition and Chateau Ridge 7th Addition as recorded in Plat Book 7, Page 105 in the Office of the Marion County Recorder and the existing Corporation line of the City of Marion South 88 degrees 49 minutes 30 seconds East for a distance of 854.48 feet to a point on the East line of Section 35 - West line of Section 36 (passing over an existing iron pipe at 854.32 feet);

Thence along the East line of Section 35 - West line of Section 36 South 01 degree 43 minutes 47 seconds West for a distance of 1880.43 feet to an existing railroad spike on the Centerline of County Road 138 (Barks Road), also being the East - West half section line of Section 35 (passing over a 1" dia. iron pin set at 1850.43 feet);

Thence along the centerline of County Road 138 (Barks Road) and the East - West half section line of Section 35 North 88 degrees 51 minutes 46 seconds West for a distance of 844.78 feet to an existing iron pin;

Thence continuing along the centerline of County Road 138 (Barks Road) and the East - West half section line of Section 35 North 88 degrees 50 minutes 31 seconds West for a distance of 8.90 feet to a railroad spike set and the point of beginning.

Containing 36.873 acres more or less and subject to legal highways, easements, restrictions and agreements of record.

Grantor acquired title by instrument recorded in Deed Volume 424, Page 358 of the Deed Records of Marion County, Ohio.

This description was prepared from a survey made by Stults and Associates, Incorporated and dated May 3, 1995.

The bearing North 88 degrees 50 minutes 31 seconds West for the centerline of County Road 138 (Barks Road), also being the East - West half section line of Section 35 is the same used and recorded for Chateau Ridge 13th Addition in Plat Book 10, Page 8 in the Office of the Marion County Recorder. All other bearings were then calculated from field observations.

All iron pins set are 1" dia. solid steel pins 30" long having a yellow colored plastic top stamped "Stults & Assoc".

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

Section 2. That the Clerk of Council be and she is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

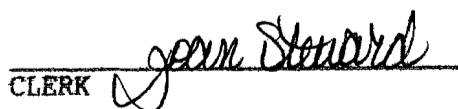
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon 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.

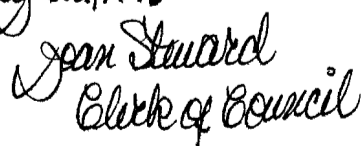
  
PRESIDENT OF COUNCIL

PASSED: August 14, 1995  
APPROVED: August 15, 1995

  
MAYOR

ATTEST:

  
CLERK

Summary of Ordinance 1995-84  
advertised in The Marion Star  
Aug. 22, 1995  
  
Clerk of Council

ORDINANCE NO. 1995- 85

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1995 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 \$74,971.00 as follows:

SENIOR CITIZENS III-D

Salaries	204-03-545-210-000-110	\$253.00
Supplies	204-03-545-240-000-420	100.00
Equipment	204-03-545-250-000-450	<u>293.00</u>
	TOTAL	<u>\$646.00</u>

SCMR

Permissive Auto	207-06-612-230-000-530	\$11,000.00
Streetscape Maint.	207-06-612-240-000-600	<u>8,000.00</u>
	TOTAL	<u>\$19,000.00</u>

STORM SEWER IMPRO.

CP507	460-05-507-250-000-520	<u>\$28,000.00</u>
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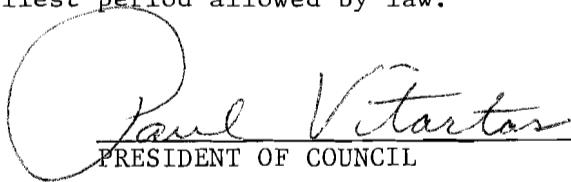
AIR IND'L PARK SANIT.SWR.

CP522	462-05-522-250-000-520	<u>\$27,000.00</u>
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GENERAL

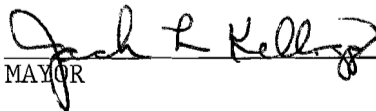
Police Equipment	101-01-111-250-000-450	<u>\$325.00</u>
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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary 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.

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

PASSED: August 14, 1995

APPROVED: August 15, 1995

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1995 - 86

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, AS AMENDED, TO REESTABLISH THE NUMBER OF PERSONNEL TO BE EMPLOYED IN THE POLICE DEPARTMENT OF THE CITY OF MARION, AND DECLARING AN EMERGENCY.

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

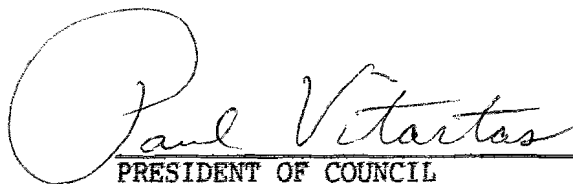
Section 1. That Regulation III, Section 5, of Ordinance No. 1969-29, as amended, and now reading as follows:

"Section 5. That from and after December 15, 1983, the personnel of the Police Department shall consist of one Chief, ~~one Inspector~~ (see Ordinance No. 1991-35), five Captains (see Ordinance No. 1991-35), six Sergeants, and forty-five (45) Patrolmen, total personnel: fifty-seven (57)."

is hereby amended to read as follows:

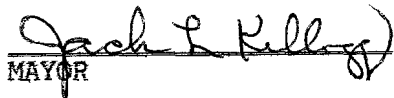
"Section 5. That from and after August 15, 1995, the personnel of the Police Department shall consist of one (1) Chief, four (4) Captains, ten (10) Sergeants, and forty-two (42) Patrolmen; so that total personnel equals fifty-seven (57)."

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 is necessary for the operation and safety of the public; 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 14, 1995

APPROVED: August 15, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995- 87

ORDINANCE AUTHORIZING THE LAW DIRECTOR TO EXECUTE  
A SETTLEMENT OF A CLAIM AGAINST THE MARION CITY  
BOARD OF HEALTH, APPROPRIATING THE NECESSARY FUNDS  
AND DECLARING AN EMERGENCY.

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

Section 1. That the Law Director be authorized and he is hereby directed to execute a settlement of a complaint captioned "Linda I. Rosterfer vs. Marion City Board of Health, Complaint No. 7215 Ohio Civil Rights Commission."

Section 2. That said settlement in the amount of \$10,000.00 shall be payable from the General Fund, Law Director Account 101-07-714-230-000-320.

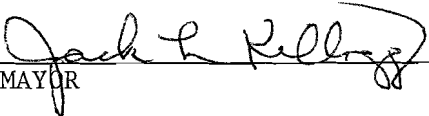
Section 3. That there be an additional appropriation made in the General Fund, Law Director Professional Services Account 101-07-714-230-000-320 in the amount of \$10,000.00.

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 in the best interest of the City to settle this claim; 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.

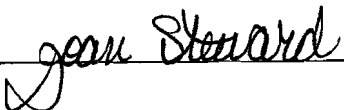
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: August 14, 1995

APPROVED: August 15, 1995

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1995- 88

ORDINANCE TO VACATE A CERTAIN 15' WIDE BY 349' LONG  
NORTHWEST/SOUTHEAST ALLEY LOCATED EAST OF DAVID STREET,  
IN THE CITY OF MARION. (PETITIONER: CALVIN T. LAMB)

WHEREAS, in the opinion of this Council, there is good cause for vacating a certain 15' wide by 349' long northwest/southeast alley located east of David Street, and

WHEREAS, the petition by Calvin T. Lamb to vacate this alley was unanimously approved by the Marion City Planning Commission at its meeting of July 5, 1995, 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 a 15 foot wide alley located in Sunset View Addition to the City of Marion, Marion County, State of Ohio and being more particularly described as follows:


Being a certain 15 foot wide alley lying East of David Street and South of Bellefontaine Avenue and extending South of the intersection of an existing 12 foot wide alley between Lot 10060, 10062 and 10063 with a certain existing 15 foot wide alley lying South of Lots 10051 through 10059 and North of Lot 10076, said 15 foot wide alley to be vacated lies East of Lots 10063 through the Northerly 29 feet of Lot 10071 and entire West line of Lot 10076 in Sunset View Addition as recorded in Plat Book 3, Page 161, in the Marion County Recorder's Office,

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.

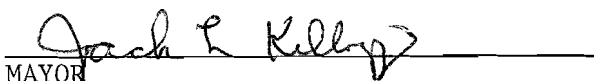
Section 3. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned property for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.

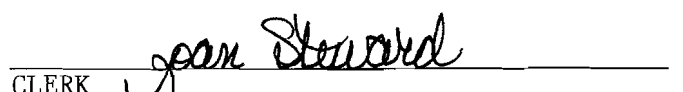
  
PRESIDENT OF COUNCIL - ~~PRO~~ TEMPORE

PASSED: August 28, 1995

APPROVED: August 29, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-89

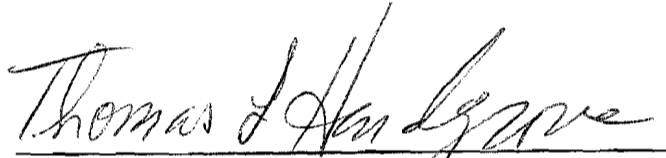
ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/  
SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS  
AND ADVERTISE FOR BIDS FOR THE STORM SEWER IMPROVE-  
MENTS PROJECT, PHASE III, AND DECLARING AN EMERGENCY.

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 Storm Sewer Improvements Project,  
Phase III (Buckeye Street, N. Prospect Street, Claridon/Clover  
Avenue).

Section 2. That the cost of said contract shall be payable  
from the Capital Improvement Fund and a State Issue 2 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 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.

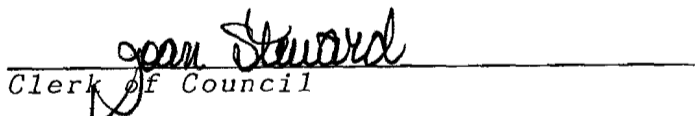
  
\_\_\_\_\_  
President of Council - Pro Tempore

Passed: August 28, 1995

Approved: August 29, 1995

  
\_\_\_\_\_  
Mayor

Attest:

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



ORDINANCE NO. 1995-90

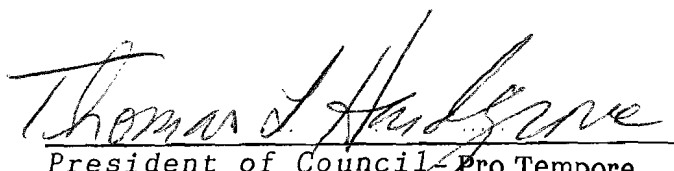
ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE BRIGHTWOOD DRIVE FORCE MAIN SEWER PROJECT, AND DECLARING AN EMERGENCY.

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 Brightwood Drive Force Main Sewer Project.


Section 2. That the cost of said contract shall be payable from the Sewer Replacement 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 Pro Tempore

Passed: August 28, 1995

Approved: August 29, 1995

  
 Mayor

Attest:

  
 Clerk of Council

ORDINANCE NO. 1995 - 91

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF OF THE CITY OF MARION TO EXECUTE A LEASE OF REAL PROPERTY TO THE BOYS AND GIRLS CLUB OF MARION COUNTY, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the Boys and Girls Club of Marion County, Ohio wishes to Lease a parcel of land in the City of Marion, and

WHEREAS, said real property is not otherwise required for the City's purposes; and such use thereof would benefit and promote the humane and economic welfare of the City, and provide opportunities for its citizens, and

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 lease option 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 lease agreement with the Boys and Girls Club of Marion County, Ohio on behalf of the City of Marion, for a certain parcel of real property, and described as follows:

Commencing at a point forty-seven and one-half (47 ½) feet east of the northeast corner of the intersection of Patterson and Mark Streets in Marion, Ohio; thence north on a line parallel with the east line of Patterson Street one hundred (100) feet; thence east on a line parallel with the north line of Mark Street, forty-seven and one-half (47 ½) feet; thence South on a line parallel with the east line of Patterson Street one hundred (100) feet; thence west on the north line of Mark Street forty-seven and one-half (47 ½) feet to the place of beginning.

Section 3. That the proceeds of said lease, after any expenses, shall be deposited in the General Fund.

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 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.

*Thomas A. Payne*  
PRESIDENT OF COUNCIL - Pro Tempore

PASSED: August 28, 1995

APPROVED: August 29, 1995

*Jack I. Kelley*  
MAYOR

ATTEST:

*Joan Starned*  
CLERK

ORDINANCE NO. 1995 - 92

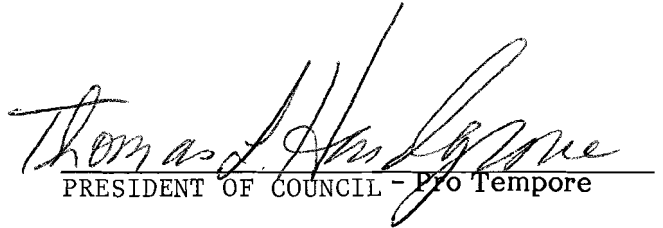
ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
UDAG LOAN REPAYMENT FUND FOR THE YEAR ENDING  
DECEMBER 31, 1995, AND DECLARING AN EMERGENCY.

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 UDAG  
Loan Repayment Fund in the amount of \$600.00 as follows:

Professional Services	276-04-539-230-000-320	\$600.00
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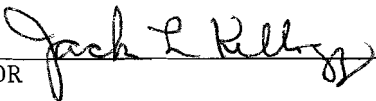
Section 2. That this ordinance is hereby declared to be an emergency  
measure necessary for the welfare of the City of Marion and the inhabitants  
thereof and for the further reason that it is necessary for the daily operation  
of said City; and as such, shall take effect and be in force immediately 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.

  
PRESIDENT OF COUNCIL - Pro Tempore

PASSED: August 28, 1995

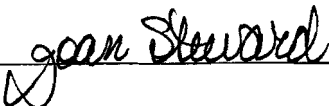
APPROVED: August 29, 1995

MAYOR



ATTEST:

CLERK



ORDINANCE NO. 1995- 93ORDINANCE TO AUTHORIZE THE SETTLEMENT OF ALL PENDING  
LITIGATION AND CLAIMS AGAINST THE CITY OF MARION BY  
A LITIGANT, AND DECLARING AN EMERGENCY.

WHEREAS, litigation is presently pending in the United States District Court for the Northern District, Western Division, and the Marion County Common Pleas Court and the Ohio Court of Claims, involving certain claims by a litigant seeking compensatory damages against the Marion City Board of Health and its members, and

WHEREAS, The City of Marion and the Marion City Board of Health and its members concede no liability on their behalf, and

WHEREAS, The City of Marion in no way wishes to show reason to doubt the integrity of the actions of the Marion City Board of Health and its members, and

WHEREAS, The City of Marion elects to offer up to a sum certain to reach a full, complete and final settlement of all legal issues and liabilities raised among and between all of the parties in this litigation in the interests of expediency and reducing the costs of litigation;

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

Section 1. The City of Marion hereby authorizes and agrees to offer a sum certain to effectuate a negotiated full, complete and final settlement of all claims against the Marion City Board of Health and its members, pursuant to such terms and conditions as previously presented to the members of Council by the Law Director, including the provision that the terms of the settlement not be disclosed by the parties or their counsel.

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

  
PRESIDENT OF COUNCIL Pro Tempore

PASSED: August 28, 1995

APPROVED: August 29, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995- 94

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	<u>\$549.60</u>
TOTAL	\$549.60

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.

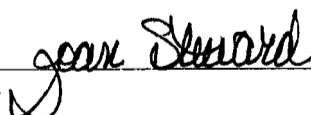
  
PRESIDENT OF COUNCIL - PRO TEMPORE

PASSED: August 28, 1995

APPROVED: August 29, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-95

ORDINANCE AUTHORIZING THE EXECUTION OF A PARTICIPATION AGREEMENT TO CREATE AND TO CAUSE THE CITY OF MARION TO BECOME A MEMBER OF THE OHIO MUNICIPAL LEAGUE JOINT SELF-INSURANCE POOL, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Legislature, recognizing the need of Ohio political subdivisions for affordable property and liability self-insurance and insurance, enacted Section 2744.081 of the Ohio Revised Code, authorizing political subdivisions to join together and form joint self-insurance pools with respect to liability and property damage to provide for the payment of judgments, settlement of claims, expenses, loss and damage that arises or is claimed to have arisen from operations, property, acts, omissions and/or other hazards and exposures of the political subdivision or any of its employees in connection with a governmental or proprietary function; and

WHEREAS, This Council hereby determines and declares that it is a proper municipal public purpose for the City of Marion to participate in the creation and operation of the Ohio Municipal League Joint Self-Insurance Pool (the "Pool"); and

WHEREAS, the City of Marion is granted all powers of local self-government pursuant to Article XVIII of the Ohio Constitution, which powers the City of Marion hereby determines to use in the exercise of the authority granted to political subdivisions pursuant to Section 2744.081, Ohio Revised Code; and

WHEREAS, a written disclosure entitled "Ohio Municipal League Self-Insurance Pool Disclosure Statement" (hereinafter referred to as the "Disclosure Statement") has been previously presented and placed on file with this Council not less than one (1) week prior to the meeting at which this Ordinance was approved, as required by Section 2744.081, Ohio Revised Code; and

WHEREAS, it is hereby found and determined to be in the best interest of the City of Marion to become a member of the Pool; and

WHEREAS, this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that the City's participation in the Pool is immediately necessary to provide adequate self-insurance and insurance protection to the City of Marion and its officers and employees;

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

Section 1. Definitions. As used in this ordinance, the following definitions shall apply unless the context requires another interpretation:

(a) "Agreement" and "Participation Agreement" means the Participation Agreement, including the By-Laws and Coverage Provisions attached thereto as Appendices A and B, respectively, for the Ohio Municipal League Joint Self-Insurance Pool, and as it may be revised and amended from time to time.

(b) "Additional Contribution" means the sum of money assessed or determined pursuant to Section 7.2 of the Agreement and rules or policies established by the Board of Trustees to be due from each present and former Regular Member of the Pool, which Additional Contribution is in addition to the Basic Contribution, in order to make the sum of the Basic Contribution previously paid and the Additional Contribution to be sufficient to provide for the payment of each Regular Member's: (i) proportionate share of the expenses of the Pool; (ii) proportionate share of the costs of providing for reinsurance and excess insurance, if any, (iii) proportionate share of necessary reserves to pay claims and expenses related to settling and defending against such claims as determined in the exercise of sound and prudent actuarial judgment, (iv) proportionate share of a surplus or contingency reserve, (v) proportionate share of the principal of and interest on debt incurred by the Pool, if any, and (vi) proportionate share of any other items of expenditure that may be authorized by the Board of Trustees. As used in this definition "proportionate share" shall be determined by considering coverages provided, exposures to loss and claim experience as determined from exposure and experience information.

(c) "Basic Contribution" means the sum of money that is to be paid annually to the Pool by each Regular Member to entitle the Regular Member to participate in the Pool and to secure the loss protection and other services of the Pool, which sum shall be calculated on an estimated basis to annually provide for the payment of each Regular Member's: (i) proportionate share of the expense of the Pool, (ii) proportionate share of the costs of providing for reinsurance and excess insurance, if any, (iii) proportionate share of necessary reserves to pay claims and expenses related to settling or defending against such claims in the exercise of sound and prudent actuarial judgment, (iv) proportionate share of a surplus or contingency reserve, (v) proportionate share of the principal of and interest on debt incurred by the Pool, if any, and (vi) proportionate share of any other items of expenditure that may be authorized by the Board of Trustees. As used in this definition "proportionate share" shall be determined by considering coverages provided, exposures to loss and claim experience as determined from exposure and experience information.

(d) "Board" or "Board of Trustees" means the Board of Trustees of the Pool, including, as the case may be, the Initial Board of Trustees, the Expanded Initial Board of Trustees, and any successor Board of Trustees thereto.

(e) "By-Laws" means those rules and regulations set forth in Appendix A to the Agreement, and as they may be amended from time to time in accordance with their terms.

(f) "Charter Member" means those Ohio municipal corporations described in Section 2.3 of the Participation Agreement and Section 1.1.a. of the By-Laws.

(g) "Contribution" means the sum of the Basic Contribution and the Additional Contribution.

(h) "Coverage Provisions" means the provisions set forth in Appendix B to the Participation Agreement, which Appendix B is attached to, incorporated by reference in, and adopted by execution of the Participation Agreement and as such Coverage Provisions may be amended from time to time.

(i) "Coverage Year" means the Pool's Fiscal Year during which a Member's Coverage provisions took effect and to which all Contributions for that coverage period are credited, all subsequent claims, payments and reserves are charged, all reserve savings are credited and all reinsurance and other recoveries are credited.

(j) "Declaration" means the document which sets forth information that identified, by Regular Member or Participant, the types of coverage to be provided by the Pool, the amount of any deductible, the effective date and expiration date of Coverages, the limits of liability of the Pool including any aggregate limit or any sublimit, the Basic Contribution and any endorsements to these Coverage Provisions that may be appended to the Declaration or referred to in the Declaration, and such other information and matters as determined by the Pool Operator and/or the Pool Administrator.

(k) "Fiscal Year" means the Pool's fiscal year beginning July 1 and ending the next ensuing June 30; provided that the Pool's Board of Trustees may change the Pool's fiscal year at any time it determines a different fiscal year is necessary or desirable for the operation of the Pool.

(l) "OML" means the Ohio Municipal League in its independent capacity and not in its capacity as Pool Administrator.

(m) "Member" means Charter Members and Regular Members. In order to become a Member, other than a Charter Member, an Ohio Municipal corporation shall have (i) executed a Participation Agreement, (ii) enacted an ordinance or resolution substantially in the form attached to the Agreement as Exhibit A approving the execution of the Participation Agreement, (iii) submitted a certificate signed by its fiscal officer substantially in the form attached to the Agreement as Exhibit B and (iv) paid or agreed to pay the Basic Contribution and Additional Contribution. The authorization and execution of this Participation Agreement shall constitute the agreement of each Member and former Member of the Pool to pay any applicable Additional Contribution.

(n) "Pool" means the Ohio Municipal League Joint Self-Insurance Pool established by execution of the Participation Agreement pursuant to and authorized by Section 2744.081, Ohio Revised Code, and the Member municipal corporations' powers of local self-government under Section 3 of Article XVIII, Ohio Constitution.

(o) "Pool Administrator" means the Ohio Municipal League.

(p) "Regular Members" means those Ohio municipal corporations described in Section 1.1.b. of Article I of the By-laws.

Section 2. Membership in Pool Authorized. This Council hereby authorizes and directs that: (i) the City of Marion shall become a Regular Member of the Pool, (ii) the Participation Agreement for the Ohio Municipal League Joint Self-Insurance Pool, including the By-Laws and Coverage Provisions (and amendments thereto) attached thereto and incorporated therein by reference, on file with this Council is hereby approved by this Council; (iii) the City of Marion's Mayor shall execute the Participation Agreement for the Ohio Municipal League Joint Self-Insurance Pool in two counterparts on behalf of the City of Marion, with one signed counterpart being sent to the Pool and a second signed counterpart being filed with the Clerk of this Council; (iv) the City's fiscal officer shall immediately pay the Basic Contribution to the Pool; (v) upon receipt of written notice from the pool pursuant to the Participation Agreement of the assessment of Additional Contribution, if any, the fiscal officer shall immediately pay such Additional Contribution to the Pool; (vi) the fiscal officer shall execute a Fiscal Officer's Certificate pertaining to the availability of funds to meet the City's obligation under the Participation Agreement (which Certificate shall be substantially in the form as set forth in Exhibit B to the Participation Agreement), including an estimated amount required in future years to be included in the City's appropriation measures as a fixed charge to pay the Additional Contribution, if any, as required by the Participation Agreement; (vii) the Mayor is hereby authorized and directed to designate a Member Representative and Alternative Member Representative to act on behalf of the City as required by the Participation Agreement and (viii) the Mayor is hereby authorized to accept changes and endorsements to the Coverage Provisions, which acceptance may be either by affirmative approval or by not taking action to reject, and the Mayor is hereby authorized to execute any required application, declaration, proposal acceptance form, letter of intent agreeing to secure additional coverages from the Pool at a subsequent date or other document on behalf of the City of Marion.

Section 3. Pool Contracts and Sub-Contracts Approved. This Council hereby approves (i) the Contract between the Pool and the Ohio Municipal League (the "OML") for the administration of the Pool and (ii) the Contract between the Pool and Calfee, Halter & Griswold as counsel to the Pool, which contracts are set forth in Appendix C and Appendix D, respectively, to the Participation Agreement.

Section 4. Appropriation. The sum of \$ 210,799.00 is hereby appropriated from the Various Fund to pay the Basic Contribution and the Additional Contribution, if any.

Section 5. Entire Agreement Approved; Severability. All of the provisions of the Participation Agreement, including Appendices A, B, C and D, are approved by this Council in their entirety, and the specific approval of particular provisions or Appendices shall not diminish the approval given to the document as a whole; provided that if any part of any provision of the Participation Agreement or any Appendix thereto shall be declared to be invalid or unenforceable, it is the intention of the Council that all other provisions of the Participation Agreement or any Appendix thereto shall be valid and enforceable to the fullest extent permitted by law.



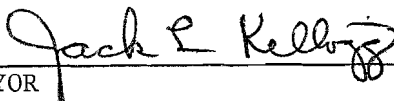
Section 6. Open Meeting Law. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 7. Effective Date. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of two-thirds of all members elected to Council, 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.

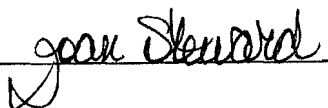
  
PRESIDENT OF COUNCIL

PASSED: Sept. 11, 1995

APPROVED: Sept. 12, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995-96

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE ACCEPTANCE OF SOLID WASTE AT A LEGITIMATE RECYCLING FACILITY AND / OR SOLID WASTE TRANSFER FACILITY TO RESOLVE THE CITY'S WASTE DISPOSAL PROBLEM UPON EXPECTED CURRENT TRANSFER STATION CLOSURE, AND DECLARING AN EMERGENCY.

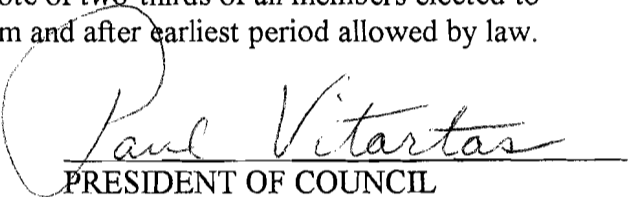
*WHEREAS*, Sims Bros. Inc., Transfer Station is expected to close in July 1996.

*WHEREAS*, a Transfer station would serve the City for a period of years.

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

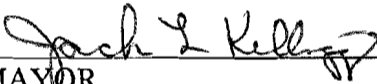
**Section 1.** That the Safety/Service Director be and is hereby authorized to prepare specifications and advertise for bids for the Acceptance of Solid Waste at a Legitimate Recycling Facility and/or Solid Waste Transfer Facility to resolve the City's waste disposal problem upon expected closure of Sims Bros., Inc., in 1996.

**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 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 earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: September 11, 1995

APPROVED: September 12, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-97

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BENDER COMMUNICATIONS FOR THE INSTALLATION OF RADIOS & ANTENNAE AT #2 AND #3 FIRE STATIONS, AND DECLARING AN EMERGENCY.

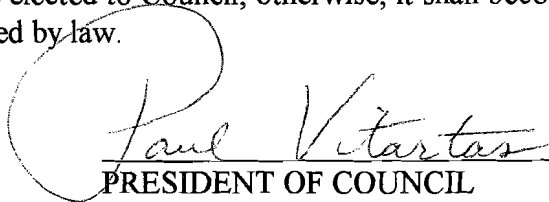
*WHEREAS*, Bender Communications submitted a proposal,

*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 Bender Communications for the installation of radios and antennae at #2 and #3 fire stations.


**Section 2.** That the \$3,200.00 cost of said contract shall be payable from the General Fund Account No. 101-01-131-250-000-450.

**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 earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: September 11, 1995

APPROVED: September 12, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-98

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC., FOR THE INSTALLATION OF ROADWAYS AND SEWERS AT THE AIR INDUSTRIAL PARK, AND DECLARING AN EMERGENCY.

*WHEREAS*, Ordinance No. 1995-30 authorized the Safety/Service Director to advertise for bids for installation of the Roadways and Sewers at the Air Industrial Park, and

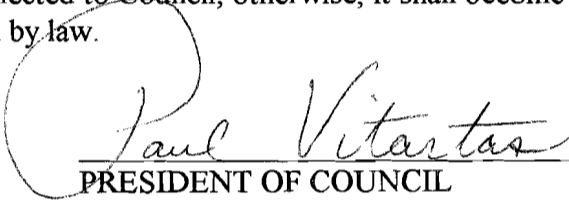
*WHEREAS*, Underground Utilities, Inc., submitted the lowest bid,

*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 Underground Utilities, Inc., for the installation of Roadways and Sewers at the Air Industrial Park.


**Section 2.** That the cost of said contract shall be payable from the Airport Industrial Park Fund Account No. 410-04-539-250-000-520.

**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 earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: September 11, 1995

APPROVED: September 12, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1995-99

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BURCH HYDRO, INC., FOR LOADING, HAULING AND LAND APPLICATION OF LIQUID LAGOON SLUDGE, AND DECLARING AN EMERGENCY.

WHEREAS, Burch Hydro, Inc., submitted the lowest bid,

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 Burch Hydro, Inc., for Loading, Hauling and Land Application of Liquid Lagoon Sludge.


**Section 2.** That the cost of said contract shall be payable from the Sewer Replacement Fund Account No. 504-05-553-230-000-370.

**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 earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: September 11, 1995

APPROVED: September 12, 1995

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

**ORDINANCE NO. 1995-100**

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH DANIEL McCOY FOR THE  
DEMOLITION AND REMOVAL OF A GARAGE AT 688 N. STATE STREET,  
AND DECLARING AN EMERGENCY.

*WHEREAS*, Daniel McCoy submitted the best bid,

*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 Daniel McCoy for the demolition and removal of a garage at 688 N. State Street.

**Section 2.** That the cost of said contract shall be payable from the General Fund Account No. 101-17-716-230-000-323

**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 earliest period allowed by law.

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

PASSED: September 11, 1995

APPROVED: September 12, 1995

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

ORDINANCE NO. 1995 - 101

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 THE TOTAL GRANT, AND TO AUTHORIZE THE MAYOR TO ALSO EXTEND THE CONTRACT WITH THE MARION METROPOLITAN HOUSING AUTHORITY TO ADMINISTER THE TENANT BASED ASSISTANCE COMPONENT AND EXTEND THE CONTRACT WITH MARION-CRAWFORD COMMUNITY ACTION COMMISSION TO ASSIST IN IMPLEMENTATION OF THE OWNER OCCUPIED AND RENTAL REHAB ACTIVITIES, 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 and the Housing Rehabilitation Specialist to be provided under contract with the Marion-Crawford Community Action Commission.

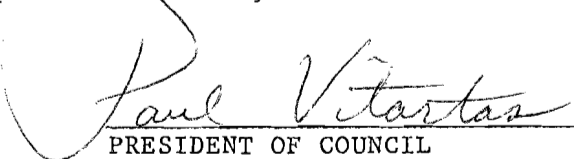
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. That this Council hereby authorizes the Mayor and the Marion County Regional Planning Commission to make application for a grant for moderate and low-income housing and rehabilitation in the FY '95 Target Areas out of the CDBG Small Cities and Federal H.O.M.E. Programs.

SECTION 2. That, upon 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 extension with the Marion Metropolitan Housing Authority and with the Marion-Crawford Community Action Commission.

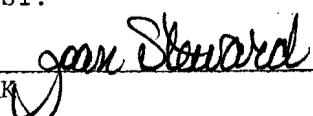
SECTION 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that the grant application must be filed immediately in order to be eligible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

  
PRESIDENT OF COUNCIL

PASSED: September 25, 1995

APPROVED: September 26, 1995

  
MAYOR

ATTEST:  
  
CLERK

ORDINANCE NO. 1995 - 102

## ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL TAX ABATEMENT AND REVENUE SHARING AGREEMENT WITH THE MARION CITY SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion may, pursuant to Section 5709.82, of the Revised Code, negotiate and enter into agreements with the School Districts to compensate the School District for revenues lost as a result of the grant by the City of an exemption from taxation for real or tangible personal property; and

WHEREAS, the City of Marion and the Marion City School District have negotiated and agreed to a revenue sharing agreement and a series of guidelines to be followed in connection with the City's response to requests for the abatement of real and tangible personal property in the future; and

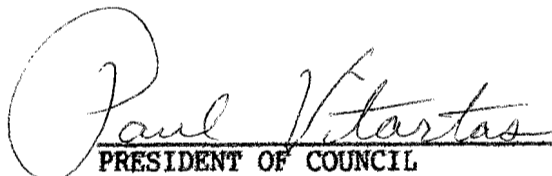
WHEREAS, the Jobs and Economic Development Committee has given its approval to said agreement.

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

Section 1. That the Mayor of the City of Marion is hereby authorized and directed to enter into a municipal tax abatement and revenue sharing agreement with the Marion City School District.

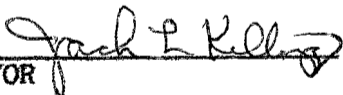
Section 2. That the revenue sharing amount shall not exceed 50% of the income taxes levied and collected on the new employee payroll.

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.


  
PRESIDENT OF COUNCIL

PASSED: September 11, 1995

APPROVED: September 12, 1995

  
MAYOR

ATTEST:

  
CLERK



ORDINANCE NO. 1995 - 103

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1995, 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 \$616,000.00 as follows:

Health Fund

ODH Special Project      214-02-221-230-000-433      \$ 1,000.00

Revolving Loan Fund

Transfer to Air  
Industrial Park      274-04-539-270-000-703      \$ 40,000.00

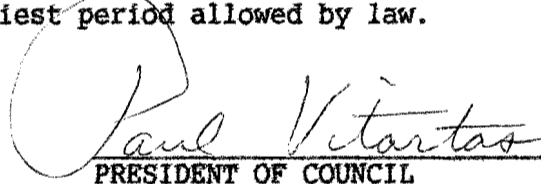
UDAG Loan Repayment Fund

Transfer to Air  
Industrial Park      276-04-539-270-000-703      \$108,000.00

Airpark Industrial Park Fund

Capital Improvements      410-04-539-250-000-520      \$467,000.00

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.

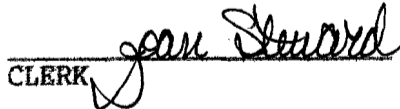
  
PRESIDENT OF COUNCIL

PASSED: September 11, 1995

APPROVED: September 12, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995 -104

ENACTING AS AN ORDINANCE, A CODE OF ORDINANCES FOR THE CITY OF MARION REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY DEALING WITH SUBJECTS EMBRACED IN SAID CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the present general ordinances of the City of Marion are incomplete and inadequate and the manner of arrangement, classification and indexing thereof is insufficient to meet the immediate needs of the public; and

WHEREAS, the Acts of the State legislature of the State of Ohio empower and authorize the Legislative body of every City to revise, amend, restate, codify and to compile any existing ordinance or ordinances and all new ordinances not heretofore adopted or published and to incorporate said ordinances into one ordinance in book form; and

WHEREAS, the City Council of the City of Marion has authorized a general compilation, revision and codification of the ordinances of the municipality of a general and permanent nature and publication of such ordinances in book form.

NOW, THEREFORE, BE IT ORDAINED by the Legislative Body of the City of Marion, that:

Section 1. The general ordinances of the City of Marion, as herein revised, amended, restated, codified and compiled in book form and as amended by Exhibit "A" (attached hereto), are adopted as and shall constitute the "Code of Ordinances of the City of Marion".

Section 2. Said Code as adopted in Section 1 shall consist of the following titles to-wit:

Part Three	Traffic Code
Part Six	General Offenses Code

Section 3. All prior ordinances pertaining to the subjects treated in said code shall be deemed repealed from and after the effective date of said Code except as they are included and reordained in whole or in part in said Code; provided such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of said Code, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plats or dedication of land to public use, naming or vacating or setting the boundaries of streets, alleys, or other public places, nor to any other ordinance of a temporary or special nature or pertaining to subjects not contained therein.

Section 4. Said Code shall be deemed published as of the day of its adoption and approval by the Legislative body of the City of Marion is hereby authorized and ordered to file a copy of said Code in the Office of the Council Clerk.

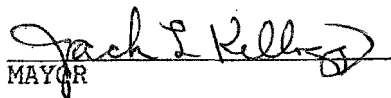
Section 5. Said Code shall be in full force and effect thirty days from the date of its publication and filing thereof in the Office of the Clerk of Council, and said Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded and approved and that any public hearings and notices thereof as required by law have been given.

Section 6. 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.

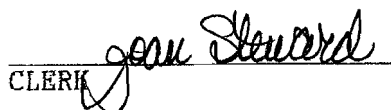
  
PRESIDENT OF COUNCIL

PASSED: September 11, 1995

APPROVED: September 12, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995- 105

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS A 0.874 ACRE PARCEL ON THE EAST SIDE OF STATE ROUTE 529 IN THE CITY OF MARION, FROM C-1B-NEIGHBORHOOD COMMERCIAL DISTRICT, TO C-2 COMMUNITY SHOPPING DISTRICT, AND DECLARING AN EMERGENCY. (PETITIONER - HENNEY & COOPER, INC.)

WHEREAS, Henney & Cooper, Inc. is seeking to rezone a property owned by them, being a 0.874 acre parcel on the east side of State Route 529, approximately 315' south of Mt. Vernon Avenue, and

WHEREAS, Council finds that said real property described in Section 1 below should be rezoned from C-1B (Neighborhood Commercial District) to C-2 (Community Shopping District), and

WHEREAS, the Marion City Planning Commission at its meeting on August 1, 1995 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 a 0.874 acre parcel on the east side of State Route 529 approximately 315' south of Mt. Vernon Avenue, and more particularly described as follows:

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

Being Twenty (20) feet off of the South end of the following described Tract A.

TRACT A. Being a part of the west half of the northeast quarter of Section 26, Township 5 South, Range 15 East, that lies south of the center of the Marion and Claridon free turnpike road and east of the center of the Marion and Richland Township free turnpike road and bounded as follows:

Beginning at a point in the center of said Marion and Richland Township road, which point is the northwest corner of land conveyed by this Grantor to Arthur G. Spring and Maude O. Spring by deed recorded in Volume 271 at Page 234, Deed Records of Marion County, Ohio; thence east along said Spring's north line a distance of 250 feet to a point; thence in a northerly direction a distance of 100 feet to the southeast corner of lands conveyed by Roy G. Welch and Edna T. Welch to Dale Lawrence and Mildred S. Lawrence by deed recorded in Volume 289 at Page 115, Deed Records of Marion County, Ohio; thence along said Lawrence's south line and in a straight line projected to a point in the center of said Marion and Richland Township Road a distance of 310 feet from said Lawrence's southeast corner; thence in a southeasterly direction along the center of said road to the place of beginning.

ALSO: TRACT B. Situated in the County of Marion, in the State of Ohio, and in the Township of Marion and bounded and described as follows:

Being a part of the west half of the northeast quarter of Section 26, Township 5, South Range 15 East, that lies south of the center of the Marion and Claridon free turnpike road and east of the center of the Marion and Richland Township free turnpike road and bounded as follows:

Beginning at a railraod spike in the center of the said Richland Township free turnpike road, which spike is 413.7 feet northwest of the intersection of the center line of said spike with the east and west half section line of said Section 26; thence east 300 feet along the north line of a certain tract of land conveyed by Grantor to George E. Bull et al. by deed dated June 5, 1945 and recorded in Marion County Deed Records, Vol.233 at Page 547 to the Southwest corner of a certain tract of land conveyed by Grantor to Jennie K. Simonton by deed dated August 31, 1929 and recorded in Marion County Deed Records, Vol.179 at Page 591; thence north along the west line of said Jennie K. Simonton tract a distance of 100 feet; thence west in a line parallel with the south line of the tract being hereby conveyed to the center of said Richland Township free turnpike road; thence southeasterly along the center of said road to the place of beginning,

hereby zoned C-1B (Neighborhood Commercial District) is hereby zoned C-2 (Community Shopping District)

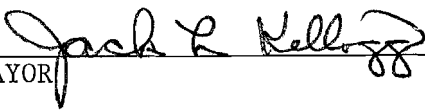
Section 2. That the Clerk of Council is hereby authorized and directed to make said change on the Zoning District Map of the City of Marion, on file in the office of the Clerk of City Council, and on the copy thereof on file in the office of the Safety/Service Director.

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, further, so that construction may begin for the proposed Marion Bank branch office; 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.

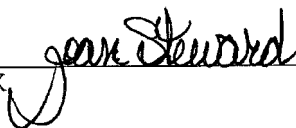
  
PRESIDENT OF COUNCIL

PASSED: September 25, 1995

APPROVED: September 26, 1995

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1995- 106

ORDINANCE TO AMEND ORDINANCE NO. 1995-83 (ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 12 ACRES IN MARION TOWNSHIP TO THE CITY OF MARION) BY CLARIFYING CERTAIN LANGUAGE IN THE LEGAL DESCRIPTION.

Section 1. That Ordinance No. 1995-83 be and is hereby amended to read as follows:

## HEALTH FIRST

WHEREAS, a petition for the annexation of certain territory in Marion Township was duly filed by N. Robert Jones, as Agent; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio, on June 8, 1995; and

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

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on June 14, 1995; and

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

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

Section 1. That the proposed annexation as applied for in the petition of N. Robert Jones, as Agent, and a majority owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on April 7, 1995, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and which the petition was approved for annexation to the City of Marion by the Board of County Commissioners on June 13, 1995, be and the same is hereby accepted. The territory is described as follows:

Being part of the Northwest Quarter of Section 34, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing iron pin in a monument assembly located at the intersection of the centerline of State Route 423 (Marion-Waldo Road) with the centerline of County Road 138 (Barks Road), also being the East-West half section line of Section 34;

Thence along the centerline of County Road 138 (Barks Road) and said East-West half section line South 88 degrees 58 minutes 40 seconds West for a distance of 1495.36 feet to an existing railroad spike and the point of beginning;

Thence continuing along the centerline of County Road 138 (Barks Road) and said East-West half section line South 88 degrees 58 minutes 40 seconds West for a distance of 491.00 feet to an existing railroad spike;

Thence North 01 degree 01 minute 20 seconds West for a distance of 1062.41 feet to a 1" dia. iron pin set on the South Corporation line of the City of Marion (passing over a 1" dia. iron pin set for reference at 20.00 feet);

Thence along the South Corporation line North 88 degrees 27 minutes 52 seconds East for a distance of 491.02 feet to a point;

Thence South 01 degree 01 minute 20 seconds East for a distance of 1066.81 feet to an existing railroad spike on the centerline of County Road 138 (Barks Road) and the East-West half section line of Section 34 and the point of beginning (passing over existing concrete monuments at 0.40 feet and at 1046.89 feet).

Containing 12.000 acres more or less and subject to legal highways, easements, restrictions and agreements of record.

Grantor acquired title by instrument recorded in Official Record Volume 251, Page 124 of the Deed Records of Marion County, Ohio.

This description was prepared from a survey made by Stults and Associates, Inc. and dated September 2, 1993 and revised May 5, 1994, and revised for annexation purposes May 9, 1995.

The bearing South 88 degrees 58 minutes 40 seconds West for the centerline of County Road 138 (Barks Road) and the East-West section line of Section 34 was assumed. All other bearings were then calculated from field observations.

All iron pins set are 1" dia. solid steel pins 30" long having a yellow colored plastic top stamped "Stults & Assoc."

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

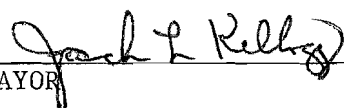
Section 2. That the Clerk of Council be and she is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

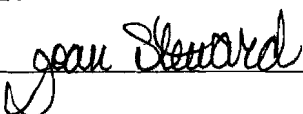
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon 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.

  
PRESIDENT OF COUNCIL

PASSED: September 11, 1995

APPROVED: September 12, 1995

  
MAYOR

ATTEST:  
  
CLERK

ORDINANCE NO. 1995 - 107ORDINANCE DESIGNATING DEPOSITORIES OF PUBLIC MONEYS OF  
THE CITY OF MARION, AND DECLARING AN EMERGENCY

WHEREAS, applications have been received from eligible institutions to serve as depositories of the public moneys of the City of Marion, which applications are presently on file with this City and in the office of the City Treasurer thereof and which are hereby incorporated herein by reference, and it is therefore essential that action be taken on such applications as in this ordinance provided:

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

Section 1. That the applications to serve as depositories of the active moneys of this City which have been received from the financial institutions referred to below, all of which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including Chapter 135 of the Ohio Revised Code, and the following financial institutions are hereby designated as public depositories of the active moneys under the control of this City for the period from September 14, 1995, to and including September 13, 1997, provided, however, that none of such institutions shall be permitted to receive and have on deposit at any one time a greater amount of active deposits of moneys of this City than that specified in its application for the same. That, on the basis of the operating needs of this City, the first \$25,000.00 of such moneys subject to the control of this City shall, in accordance with Section 135.04 of the Ohio Revised Code, be deposited in the FAHEY BANKING COMPANY and that the active moneys of this City in excess of such sum of \$25,000.00 shall be deposited in such institutions in proportion to their respective award quotas as determined pursuant to such Section 135.04. Said institutions and the amount of deposit in each are as follows:

<u>DEPOSITORY OF ACTIVE MONEYS</u>	<u>PERCENT TO BE DEPOSITED</u>
National City Bank	19.606%
Bank One, Marion	16.921%
The Fahey Banking Company	13.862%
The Commercial Savings Bank	13.981%
The Marion Bank	18.462%
Americom Bank	17.168%

Section 2. That the applications to serve as depositories of the interim funds of this City which have been received from the finance institutions referred to below, all of which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including Chapter 135, Ohio Revised Code, and the financial institutions referred to below are hereby designated as public depositories of the interim moneys under the control of this City for the period from September 14, 1995 to and including September 13, 1997:

NAME OF INSTITUTION

The Commercial Savings Bank  
The Fahey Banking Company  
Bank One, Marion  
National City Bank  
State Savings Bank  
The Marion Bank  
Americom Bank

Section 3. That the City Treasurer is hereby authorized to determine from time to time the amount of funds available for investment or deposit as interim moneys, to select the date or dates for investment or deposit of such interim moneys, and to select the classifications of obligations for the investment or



deposit of such moneys as provided in Section 135.14, Ohio Revised Code, provided that if such moneys are determined to be deposited as interim deposits (evidenced by a certificate of deposit), in accordance with Division (C) of Section 135.14, the same shall be deposited with the financial institution specified above which offered to pay the highest permissible interest as nearly as practicable in proportion to the respective capital funds as defined in Section 135.01(C), Ohio Revised Code, taking into account, however, the amount of funds from time to time to be deposited, the amount required to be deposited to obtain the highest permissible interest rate, and the maturity dates and rights of redemption with respect to the respective deposits; and provided further that the Treasurer shall, within thirty days after classifying any public moneys as interim moneys, notify this Council of such classification and of the investment or deposits made pursuant to this Section.

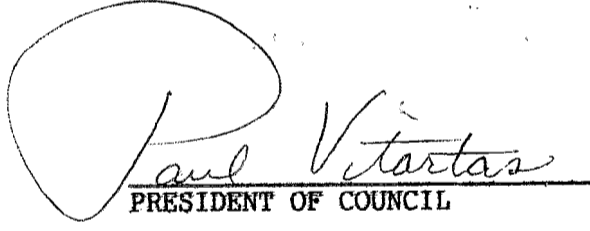
Section 4. That the award of public moneys herein made is subject to the provisions of Chapter 135 of the Ohio Revised Code, including the limitation imposed by, and the variations permitted by, Sections 135.03 and 135.20 thereof, respectively; and, subject to the provisions of such Chapters, deposits of moneys shall be made pursuant to this ordinance from time to time in accordance with the financial requirements of this City.

Section 5. That the City Treasurer is hereby directed to keep all such applications on file in her office.

Section 6. That the City Treasurer is hereby directed to forward certified copies of this ordinance to the financial institutions herein designated as public depositories of this City and the Mayor and the City Treasurer are hereby authorized and directed to execute on behalf of this City such memorandum agreements relating to the designation of such institutions as public depositories and the securing of deposits therein as are required, authorized or permitted by law.

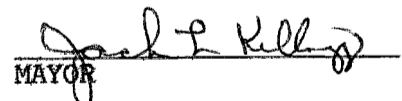
Section 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

~~\* SECTION 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~

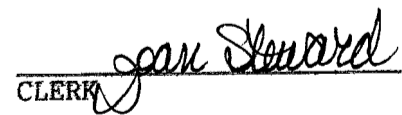
  
PRESIDENT OF COUNCIL

PASSED: September 11, 1995

APPROVED: September 12, 1995

  
MAYOR

ATTEST:

  
CLERK

\* Section 8. 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.

amended on Council floor - 9/11/95

CS-1 Rev. 4/9/92

NAME OF STREET Mt. Vernon Ave. ORDINANCE NO. 1995-108  
 ROUTE NO. SR 95 DATE \_\_\_\_\_

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:

By removing the existing pavement surface in the curb section and placing  
 asphaltic concrete. On Mt. Vernon Ave. from SR 309 (Church St.-SLM 15.23A) to  
 East Marion Corporation Line (SLM 16.77).

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 ~~City/Engineer~~ Safety/Service Dir. 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 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 H-P-508 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.

CS-1 Rev. 4/9/92

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 signed, certified copies of the legislation to:

Brenda J. Moore, P.E.  
Ohio Department of Transportation  
400 E. William Street  
Delaware, OH 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: September 11, \_\_\_\_\_, 19 95.

Attest: Joan Steward  
Clerk

Jack R. Kellogg  
Mayor

Attest: Joan Steward

Paul Vitaras  
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 11th day of September, 1995, 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. 38, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 12th day of September, 1995.

(SEAL)

\_\_\_\_\_  
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. 1995-109ORDINANCE ACCEPTING THE PLAT OF THE RESERVE  
SUBDIVISION TO THE CITY OF MARION, OHIO, AND  
CONFIRMING THE DEDICATION OF THE STREETS  
THEREIN SHOWN, AND DECLARING AN EMERGENCY.

WHEREAS, Kenneth A. Dice, Option Holder, and Jonathan Williamson, Trustee, agents, have hereunto submitted to the Planning Commission of the City of Marion, a plat of 62 lots, numbered 17726 through 17787 in the Reserve Subdivision to the City of Marion, being a part of Section 35, Township 5, Range 15 East, City of Marion, County of Marion, State of Ohio, and being the dimensions as shown on said plat, and seven streets known as Retreat Lane, Pineridge Drive, Willow Oak Drive, Lakeview Boulevard, Chenonceaux Drive, Langeais Drive, and Chaumont Drive; and

WHEREAS, on the 5th day of September, 1995, the Planning Commission of the City of Marion approved said plat.

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

Section 1. That the plat of Kenneth A. Dice, Option Holder, and Jonathan Williamson, Trustee, of 62 lots, numbered 17726 through 17787 in the Reserve Subdivision to the City of Marion, being a part of Section 35, Township 5 South, Range 15 East, City of Marion, County of Marion, State of Ohio, dated September 15, 1995 and dedicated September 15, 1995, be and the same is hereby approved and accepted, and the dedication to the public use of the streets shown therein be and the same is hereby accepted and confirmed.

Section 2. That the acceptance of this plat of the Reserve Subdivision to the City of Marion shall be subject to the provisions of Ordinance No. 1973-108 pertaining to the underground facilities.

Section 3. That this ordinance is hereby declared to be an emergency measure for the immediate preservation of 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.

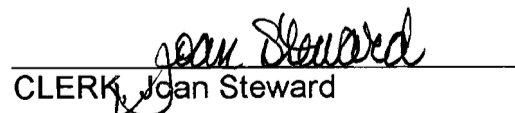
  
PRESIDENT OF COUNCIL

Passed: September 19, 1995

Approved: September 19, 1995

  
MAYOR, Jack L. Kellogg

Attest:

  
CLERK, Joan Steward