

ORDINANCE NO. 1996 - 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, 1996, 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, 1996, the following sums be and they are hereby set aside, transferred and appropriated as follows:

GENERAL FUND

Police Department

Salaries - Civilian	\$ 206,000
Salaries - Uniformed	2,020,924
Benefits	930,000
Accrued Pension	35,461
Quartermaster	46,000
Travel	8,000
Schooling	29,200
Service Contracts	15,000
Equipment Lease	5,000
Equipment Maintenance	40,000
Insurance	45,000
Supplies	25,000
Fuel & Lubricants	40,000
Professional Service	20,000
Special Training	2,000
Membership Dues	1,200
Subscriptions/Publications	4,000
Equipment	27,000
Third Grade Seat Belt Program	1,400
Legal Ads	1,500
Unclaimed Vehicles	4,000

Total Police Department. \$3,506,685

Jail Facility

Salaries	\$ 106,050
Benefits	38,300
Quartermaster	1,200
Travel	400
Schooling	800
Prisoner Housing	20,000
Prisoner Sustenance	21,000
Equipment Maintenance	1,500
Prisoner Medical Expense	40,000
Supplies	3,000
Subscriptions/Publications	200
Equipment	1,000

Total Jail Facility. \$ 233,450

Dispatch Department

Salaries	\$ 230,050
Benefits	82,000
Quartermaster	3,000
Travel	1,000
Schooling	3,000
Service Contracts	20,000
Equipment Maintenance	12,000
Equipment	3,000

Total Dispatch Department. \$ 354,050

Fire Department

Salaries - Civilian	\$ 23,400
Salaries - Uniformed	2,489,753
Benefits	1,173,000
Accrued Pension	50,275
Quartermaster	34,320
Travel	4,500
Schooling	12,000
Utilities	46,900
Service Contracts	3,756
Equipment Maintenance	34,178
Building Maintenance	18,900
Insurance	30,000
Supplies	18,900
Fuel & Lubricants	11,000
Professional Service	16,600
Membership Dues	900
Subscriptions/Publications	2,000
Equipment	125,000
Capital Improvements	<u>30,000</u>

Total Fire Department. \$4,125,382

Disaster Services

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

Recreation Department

Salaries	\$ 77,000
Benefits	28,478
Travel	400
Professional Service	58,500
Insurance	2,650
Supplies	30,250
Utilities	4,000
Equipment Maintenance	1,250
Fuel	600
Equipment	12,700
Postage	3,000
Membership Dues	150
Subscriptions/Publications	<u>150</u>

Total Recreation Department. \$ 219,128

Senior Citizens Department

Salaries	\$ 57,500
Benefits	39,500
Utilities	19,675
Building Maintenance	7,800
Insurance	4,000
Professional Service	1,500
Equipment Maintenance	<u>500</u>

Total Senior Citizens Dept.. \$ 130,475

Planning Department

Marion Regional Planning	\$ <u>39,300</u>
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Total Planning Department. \$ 39,300

Economic Development Department

Professional Service \$ 9,600

Total Economic Development. \$ 9,600Street Lighting

Utilities \$ 100,000

Total Street Lighting. \$ 100,000Parking Meter Department

Salary \$ 23,818

Benefits 10,599

Clothing Allowance 350

Travel 50

Taxes 750

Supplies 500

Total Parking Meter Dept. \$ 36,067Airport

Salaries \$ 100,205

Benefits 37,800

Travel 1,200

Utilities 24,500

Service Contracts 6,000

Equipment Maintenance 5,100

Land/Bldg. Maintenance 38,300

Insurance 5,000

Taxes 3,100

Supplies 8,000

Fuel & Lubricants 2,300

Membership Dues 585

Professional Services 7,000

Postage 250

Subscriptions/Publications 360

Equipment 42,000

Schooling 1,000

Quartermaster 200

Janitorial Service 3,000

Total Airport Operations. \$ 285,900Mayor

Salaries \$ 80,000

Benefits 22,500

Travel 3,240

Professional Service 2,200

Supplies 1,200

Utilities 600

Service Contracts 2,200

Membership Dues 200

Subscriptions/Publications 250

Equipment 800

Total Mayor's Office. \$ 113,190

Auditor

Salaries	\$ 172,700
Benefits	68,200
Travel	200
Professional Services	10,000
Service Contracts	15,000
Supplies	7,500
Subscriptions/Publications	1,740
Schooling	2,500
Membership Dues	300
Equipment	<u>14,775</u>

Total Auditor's Office. \$ 292,915

Income Tax

Salaries	\$ 130,500
Benefits	50,800
Travel	650
Professional Services	7,200
Supplies	13,000
Postage	4,775
Service Contracts	2,000
Schooling	4,700
Membership Dues	50
Subscriptions/Publications	800
Equipment	<u>1,000</u>

Total Income Tax Office. \$ 215,475

Treasurer

Salary	\$ 4,807
Benefits	1,196
Professional Services	600
Supplies	<u>300</u>

Total Treasurer's Office. \$ 6,903

Law Director

<i>Utilities</i>	<i>2,500.00*</i>
Salaries	\$ 140,000
Benefits	62,000
Travel	500
Professional Services	2,500 0
Supplies	2,500
Schooling	2,000
Membership Dues	500
Subscriptions/Publications	1,200
Equipment	<u>4,400</u>

Total Law Director's Office. \$ 215,600

Human Resource Director

Salaries	\$ 61,800
Benefits	19,000
Travel	500
Professional Services	7,000
Supplies	1,500
Membership Dues	500
Legal Ads	500
Subscriptions/Publications	2,000
Schooling	1,000
Equipment	<u>1,500</u>

Total Human Resource Dir's Office. \$ 95,300

*Amended on Council floor 1/3/96

Safety/Service Director

Salaries	\$ 79,000
Benefits	31,900
Travel	900
Professional Services	5,500
Supplies	4,000
Demolition	25,000
Burials	5,000
Schooling	1,000
Service Contracts	2,000
Membership Dues	300
Litter Control	3,600
Subscriptions/Publications	500
Equipment	<u>4,000</u>

Total Safety/Service Dir's Office. \$ 162,700

Civil Service Commission

Salaries	\$ 4,100
Benefits	1,019
Professional Services	5,000
Supplies	<u>1,000</u>

Total Civil Service Commission. \$ 11,119

City Council

Salaries	\$ 64,800
Benefits	17,200
Travel	550
Membership Dues	3,500
Legal Advertising	3,000
Supplies	700
Schooling	400
Contract Services	<u>2,200</u>

Total City Council. \$ 92,350

Municipal Court

Salaries	\$ 366,000
Benefits	134,000
Travel	3,000
Professional Services	11,000
Service Contracts	550
Equipment Maintenance	2,250
Supplies	19,000
Fuel & Lubricants	800
Utilities	1,800
Membership Dues	520
Subscriptions/Publications	2,600
Equipment	<u>7,500</u>

Total Municipal Court. \$ 549,020

City Hall

Salaries	\$ 36,500
Benefits	12,059
Utilities	140,000
Custodial Service	13,000
Postage Meter	44,000
Building Maintenance	30,000
Insurance	36,000
Supplies	10,000
Service Contracts	14,000
Professional Service	1,000
Capital Improvements	21,000
Equipment Lease	<u>6,000</u>

Total City Hall. \$ 363,559

Engineering Department

Salaries	\$ 194,187
Benefits	65,000
Travel	700
Equipment Maintenance	1,000
Supplies	2,000
Fuel & Lubricants	1,000
Membership Dues	20
Subscriptions/Publications	300
Equipment	6,000
Schooling	<u>1,800</u>

Total Engineering Department. \$ 272,007

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

COPS Fast	\$ 45,000
Bond Retirement	195,485
Health	335,957
Transit	218,255
Swimming Pool	41,150
SCMR	563,225
Sewer Revenue	55,000
Capital Improvement	240,000
Parks	<u>282,825</u>

Total Transfers. \$1,976,897

Total General Fund. \$13,662,572

SENIOR CITIZENS III-B GRANT FUND

Salaries	\$ 53,543	
Travel	2,000	
Utilities	1,800	
Equipment Maintenance	1,973	
Vehicle Leases	6,600	
Supplies	1,820	
Fuel & Lubricants	7,300	
Schooling	400	
Postage	1,864	
Equipment	<u>300</u>	
<u>Total Sr. Citizens III-B Grant Fund.</u>		\$ 77,600

SENIOR CITIZENS III-D GRANT FUND

Salaries	\$ 1,808	
Travel	100	
Postage	<u>484</u>	
<u>Total Sr. Citizens III-D Grant Fund.</u>		\$ 2,392

STATE BLOCK GRANT FUND

Salaries	\$ <u>8,750</u>	
<u>Total State Block Grant Fund.</u>		\$ 8,750

STREET CONSTRUCTION MAINTENANCE & REPAIR FUNDTraffic Maintenance

Utilities	\$ 36,000	
Equipment Maintenance	20,000	
Supplies	30,000	
Equipment	<u>10,000</u>	
<u>Total Traffic Maintenance.</u>		\$ 96,000

Street Maintenance

Salaries	\$ 757,743	
Benefits	285,200	
Clothing Allowance	7,800	
Travel	500	
Professional Services	15,000	
Service Contracts	1,500	
Equipment Maintenance	40,000	
Permissive Auto Tax	164,000	
Insurance	25,000	
Supplies	150,000	
Fuel & Lubricants	35,000	
Equipment	70,000	
Streetscape	5,000	
Schooling	5,000	
Utilities	18,000	
Land & Building Maintenance	2,000	
Capital Improvements	10,000	
Resurfacing Projects	<u>145,000</u>	
<u>Total Street Maintenance.</u>		\$1,736,743
<u>Total SCMR Fund.</u>		\$1,832,743

STATE HIGHWAY IMPROVEMENT FUND

Street Maintenance	\$ 10,000
Supplies	10,000
Capital Improvements	<u>80,000</u>
<u>Total State Highway Improvement.</u> \$ 100,000

COURT COMPUTERIZATION FUND

Professional Services	\$ 13,000
Service Contracts	10,000
Equipment	<u>5,000</u>
<u>Total Court Computerization Fund.</u> \$ 28,000

COPS FAST FUND

Salaries	\$ 57,500
Benefits	<u>24,000</u>
<u>Total COPS Fast Fund.</u> \$ 81,500

HEALTH FUND

Administration

Salaries	\$ 203,800
Benefits	70,972
Travel	2,000
Professional Services	8,400
Service Contracts	2,100
Equipment Maintenance	525
Supplies	3,550
Fuel & Lubricants	300
State Reimbursements	15,000
Insurance	4,000
Books/Publications	150
Dues & Memberships	250
Schooling	3,000
Equipment	<u>3,150</u>
<u>Total Health Administration.</u> \$ 317,197

Inspection

Salaries	\$ 76,634
Benefits	23,386
Travel	1,300
Professional Services	10,000
Weed Control	9,000
Blight Control	13,000
Mosquito Control	2,500
Supplies	2,500
Fuel & Lubricants	2,000
Insurance	750
Schooling	500
Dues	200
Equipment	<u>5,000</u>
<u>Total Health Inspection.</u> \$ 146,770
<u>TOTAL HEALTH FUND.</u> \$ 463,967

WOMEN, INFANTS & CHILDREN FUND

Salaries	\$ 164,079
Benefits	73,458
Travel	550
Building Lease	18,900
Equipment Maintenance	1,500
Supplies	5,750
Utilities	2,200
Janitorial Services	1,870
Subscriptions/Publications	120
Postage	2,500
Membership Dues	25
Professional Services	<u>1,775</u>

Total WIC Fund. \$ 272,727

PARKS FUND

Salaries	\$ 146,168
Benefits	63,000
Clothing Allowance	1,625
Travel	100
Utilities	17,500
Service Contracts	2,000
Equipment Maintenance	16,500
Land/Bldg. Maintenance	14,500
Insurance	9,000
Supplies	7,000
Fuel & Lubricants	4,500
Professional Service	5,000
Equipment	14,500
Capital Improvements	12,000
Resurfacing Projects	20,000
ODNR Grant	<u>46,500</u>

Total Parks Fund. \$ 379,893

ENFORCEMENT AND EDUCATION FUND

Professional Services	\$ 8,500
Supplies	3,500
Reimbursements	<u>19,300</u>

Total Enforcement & Education Fund. \$ 31,300

INDIGENT ALCOHOL DRIVER FUND

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

HEALTH LICENSE FUND

Trailer Park	\$ 450
Food Service	27,810
Vending Machines	1,463
Swimming Pool	2,530
Infectious Waste	250
Solid Waste	<u>3,175</u>

Total Health License Fund. \$ 35,678

HOME HEALTH SERVICE FUND

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

EARLY INTERVENTION GRANT FUND

Salaries	\$ 35,968	
Benefits	8,993	
Supplies	762	
Schooling	1,000	
Utilities	750	
Postage	200	
Travel	1,638	
Professional Services	<u>13,792</u>	
<u>Total Early Intervention Grant Fund.</u>		\$ 63,103

EARLY INTERVENTION INITIATIVE GRANT FUND

Schooling	\$ 3,700	
Postage	<u>50</u>	
<u>Total E.I. Initiative Grant Fund.</u>		\$ 3,750

HARDING CENTRE PROJECT FUND

Administration	\$ 7,200	
Rental Rehab	236,000	
Acquisition	<u>264,000</u>	
<u>Total Harding Centre Project Fund.</u>		\$ 507,200

CHIP GRANT FUND

Professional Services	\$ 6,269.20	
<u>Total CHIP Fund.</u>		\$ 6,269.20

RENTAL REHABILITATION FUND

Implementation	\$ 500	
<u>Total Rental Rehabilitation Fund.</u>		\$ 500

REVOLVING FUND

Administration	\$ 1,900	
Revolving Loans	43,000	
Transfer (Air Ind. Park)	<u>40,000</u>	
<u>Total Revolving Fund.</u>		\$ 84,900

FORMULA GRANT FUND

Administration	\$ 28,500
Implementation	2,800
Emergency Rehab	28,000
Fair Housing	1,500
Architectural Barrier Rem.	32,200
Parks & Recr. Facilities	<u>110,000</u>

Total Formula Grant Fund \$ 203,000

UDAG LOAN REPAYMENT FUND

Professional Services	\$ 78,000
Transfer (Air Ind. Park)	<u>\$ 108,000</u>

Total UDAG Loan Repayment Fund. \$ 186,000

HOME PROGRAM GRANT FUND

Emergency Rehab	\$ 1,448.00
Administration	10.50
Rental Assistance	<u>10,898.00</u>

Total Home Program Grant Fund. \$ 12,356.50

HARDING CENTRE LOAN FUND

Rental Rehab \$2,000,000

Total Harding Centre Loan Fund. \$2,000,000

HOUSING REVOLVING LOAN FUND

Emergency Rehab \$ 850

Total Housing Revolving Loan Fund. \$ 850

UNDERGROUND STORAGE TANK FUND

Professional Services \$ 55,000

Total UST Fund. \$ 55,000

G.O. BOND RETIREMENT FUND

Professional Services	\$ 3,000
G.O. Bond Interest	58,485
G.O. Bond Principal	<u>137,000</u>

Total G.O. Bond Retirement Fund. \$ 198,485

CAPITAL IMPROVEMENT FUND

FY 94 Storm Sewer Impr.	\$ 168,915.48
FY 96 Contingency	240,000.00
FY 95 Storm Sewer Impr.	143,868.97
FY 95 Contingency	<u>105,000.00</u>

Total Capital Improvement Fund. \$ 657,784.45

AIRPORT INDUSTRIAL PARK FUND

Capital Improvements	\$ 159,505.15
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Total Airport Industrial Park Fund. \$ 159,505.15

SOFTBALL FIELD IMPROVEMENT FUND

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

STORM SEWER IMPROVEMENT FUND

Professional Service CP921	\$ 48,217
Capital Improvements CP921	<u>520,000</u>

Total Storm Sewer Imp. Fund. \$ 568,217

TRANSIT FUND

Salaries	\$ 315,000
Benefits	131,000
Travel	210
Utilities	29,093
Professional Services	5,000
Service Contracts	3,500
Land Lease	4,800
Equipment Maintenance	20,000
Land/Bldg. Maintenance	4,000
Insurance	30,000
Supplies	10,000
Fuel & Lubricants	40,000
Schooling	1,000
Membership Dues	200
Subscriptions/Publications	1,000
Legal Advertising	<u>1,000</u>

Total Transit Fund. \$ 595,803

SEWER SYSTEM IMPROVEMENT FUND

G.O. Bond Interest	\$ 16,800
G.O. Bond Principal	40,000
OWDA Loan	<u>307,000</u>

Total Sewer System Imp. Fund. \$ 363,800

SEWER REPLACEMENT FUND

Transfer to Chlor. System	\$ 112,765.96
Equipment Maintenance	100,000.00
Land/Building Maintenance	500,000.00
Equipment	500,000.00
Capital Improvements	292,249.00
OWDA	<u>97,975.00</u>

Total Sewer Replacement Fund. \$1,602,989.96

SEWER REVENUE FUNDSewer Maintenance & Repair

Salaries	\$ 231,868
Benefits	85,030
Clothing Allowance	1,950
Utilities	2,800
Professional Services	14,000
Equipment Maintenance	5,100
Insurance	4,000
Supplies	51,800
Fuel & Lubricants	7,600
Equipment	<u>9,500</u>

Total Sewer Maint. & Repair. \$ 413,648

Water Pollution Control

Salaries	\$ 724,547
Benefits	241,154
Clothing Allowance	5,850
Travel	1,100
Utilities	469,000
Professional Services	117,000
Equipment Maintenance	36,600
Land/Building Maintenance	20,000
Insurance	43,000
Supplies	316,732
Fuel & Lubricants	12,000
Equipment	20,000
Postage	340
Refunds	2,000
Transfer-Replacement	200,000
Transfer-Utility Billing	99,000
Subscriptions/Publications	1,528
Schooling	4,000
Dues	<u>500</u>

Total Water Pollution Control. \$2,314,351

TOTAL SEWER REVENUE FUND. \$2,727,999

SANITATION FUND

Refuse Collection

Salaries	\$ 427,852
Benefits	150,963
Clothing Allowance	5,200
Equipment Maintenance	35,000
Insurance	22,000
Supplies	34,000
Fuel & Lubricants	37,000
Yard Waste Fees	40,000
Refunds	1,500
Transfer-Utility Billing	107,761
Service Contracts	1,000
Solid Waste Transfer Expense	653,250
Professional Service	10,000
Capital Improvements	6,000
Schooling	3,000
Trans. Landfill Monit. Fund	<u>128,000</u>

Total Refuse Collection \$1,662,526

Landfill Operations

Utilities	\$ 10,000
Equipment Maintenance	3,000
Insurance	1,000
Professional Services	4,500
Supplies	2,500
EPA Corrective Measure	<u>2,998</u>

Total Landfill Operations \$ 23,998

TOTAL SANITATION FUND \$1,686,524

LANDFILL MONITORING FUND

Supplies	\$ 15,000
Professional Services	179,000
Note Interest	160,000
Note Principal	3,200,000
OWDA Loan	<u>206,452</u>

Total Landfill Monitoring Fund \$3,760,452

RECYCLING FUND

Salaries	\$ 92,777
Benefits	40,083
Equipment Maintenance	10,000
Insurance	3,700
Supplies	8,000
Fuel	6,000
Clothing Allowance	975
Transfer Utility Billing	12,931
Refunds	3,800
Schooling	3,000
Professional Services	1,000
Comingling Expense	10,000
Equipment	<u>3,000</u>

Total Recycling Fund \$ 195,266

SWIMMING POOL FUND

Salaries	\$ 9,000
Benefits	2,250
Utilities	12,000
Equipment Maintenance	1,200
Land/Building Maintenance	1,000
Insurance	700
Supplies	18,000
Equipment	2,000
Schooling	700
Professional Services	20,800
Capital Improvements	<u>10,000</u>

Total Swimming Pool Fund. \$ 77,650

NW INTERCEPTOR IMPROVEMENT FUND

OPWC Loan No. CP522	\$ <u>35,000</u>
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Total NW Interceptor Imp. Fund. \$ 35,000

UTILITY BILLING FUND

Salaries	\$ 107,000
Benefits	35,985
Travel	250
Professional Services	8,500
Supplies	8,500
Service Contracts	31,200
Equipment Lease	1,800
Postage	16,650
Schooling	11,880
Publications	140
Equipment	<u>4,000</u>

Total Utility Billing Fund. \$ 225,905

EVELYN E. WALTER TRUST FUND

Recreation Expense	\$ <u>2,650</u>
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Total Evelyn E. Walter Trust Fund. \$ 2,650

STATE PATROL FINES AGENCY FUND

State Patrol Fines	\$ <u>115,000</u>
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Total State Patrol Agency Fund. \$ 115,000

STREET CUT DEPOSIT TRUST FUND

Street Cut Deposits	\$ <u>8,000</u>
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Total Street Cut Deposit Trust Fund. \$ 8,000

YOUTH RECREATION TRUST FUND

Recreation Expense	\$ <u>5,000</u>
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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 \$ 145,643
Total Police/Firemen Pens. Ag Fund. \$ 145,643

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 \$ 24,194
S.A. Bond Principal 35,000
Total S.A. Bond Retirement Fund. \$ 59,194

ROTARY AGENCY FUND

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

GRAND TOTAL. \$33,516,255.26

SUMMARY OF FUNDS

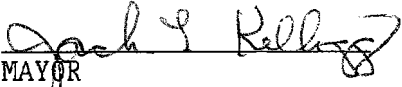
<u>FUND</u>	<u>APPROPRIATIONS</u>	<u>REIMBURSEMENTS AND REFUNDS</u>	<u>TRANSFERS</u>	<u>TOTALS</u>
General	\$11,508,175	\$177,500	\$1,976,897	\$13,662,572
Sr. Cit. III-B	77,600			77,600
Sr. Cit. III-D	2,392			2,392
Sr. Cit. Block Grant	8,750			8,750
SCMR	1,832,743			1,832,743
State Highway Improvement	100,000			100,000
Court Computerization	28,000			28,000
COPS Fast	81,500			81,500
Health	448,967	15,000		463,967
WIC	272,727			272,727
Parks	379,893			379,893
Enforcement & Education	12,000	19,300		31,300
Indigent Alcohol Driver	75,000			75,000
Health License		35,678		35,678
Home Health Service		7,500		7,500
Early Intervention	63,103			63,103
E.I. Initiative Grant	3,750			3,750
Harding Centre Project	507,200			507,200
CHIP Grant	6,269.20			6,269.20
Rental Rehab	500			500
Revolving Loan	84,900			84,900
Formula Grant	203,000			203,000
UDAG Loan Repayment	186,000			186,000
Home Program Grant	12,356.50			12,356.50
Harding Centre Loan	2,000,000			2,000,000
Housing Revolving Loan	850			850
Underground Storage Tank	55,000			55,000
G.O. Bond Retirement	198,485			198,485
Capital Improvement	345,000		312,784.45	657,784.45
Airport Industrial Park	159,505.15			159,505.15
Softball Field Improvement	6,000			6,000
Storm Sewer Improvement	568,217			568,217
Transit	595,803			595,803
Sewer System Improvement	363,800			363,800
Sewer Replacement	1,490,224		112,765.96	1,602,989.96
Sewer Revenue	2,426,999	2,000	299,000	2,727,999
Sanitation	1,449,263	1,500	235,761	1,686,524
Landfill Monitoring	3,760,452			3,760,452
Recycling	178,535	3,800	12,931	195,266
Swimming Pool	77,650			77,650
NW Interceptor Improvement	35,000			35,000
Utility Billing	225,905			225,905
Evelyn E. Walter Trust	2,650			2,650
State Patrol Agency	115,000			115,000
Street Deposit Trust	8,000			8,000
Youth Recreation Trust	5,000			5,000
Senior Citizens Trust	18,000			18,000
Police/Fire Pension Agency			145,643	145,643
Safety Patrol Trust	4,000			4,000
Law Enforcement Trust	2,837			2,837
Safety City Trust	2,000			2,000
Parking Meter Agency	10,000			10,000
Insurance Proceeds Trust	50,000			50,000
S.A. Bond Retirement Agency	59,194			59,194
Rotary Agency	50,000			50,000
GRAND TOTAL	\$30,158,194.85	\$262,278	\$3,095,782.41	\$33,516,255.26

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.

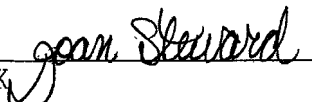

PRESIDENT OF COUNCIL

PASSED: January 3, 1995

APPROVED: January 4, 1995


MAYOR

ATTEST:


CLERK

Legally Advertised:
The Marion Star
Jan. 15 & 22, 1996,
Joan Steward
Clerk of Council

ORDINANCE NO. 1996 - 2

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1996.

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 \$71,224.00 as follows:

UDAG Loan Repayment Fund

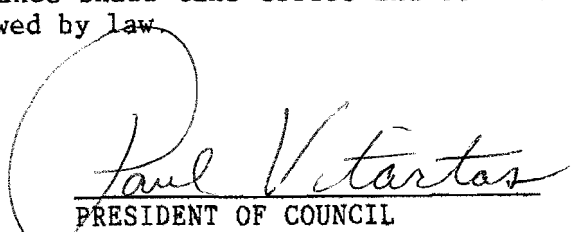
Professional Services	276-04-539-230-000-320	\$ 1,224.00
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Ohio Early Start Fund

Salaries	252-02-546-210-000-110	\$ 32,000.00
Benefits	252-02-546-210-000-120	12,000.00
Travel	252-02-546-220-000-220	2,000.00
Schooling	252-02-546-230-000-221	4,000.00
Supplies	252-02-546-240-000-420	6,000.00
Reimbursements	252-02-546-270-000-721	<u>14,000.00</u>

TOTAL OHIO EARLY START FUND		\$ 70,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: January 22, 1996

APPROVED: January 23, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996-3

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/ SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC., MONROEVILLE, OHIO, FOR THE STORM SEWER IMPROVEMENTS, PHASE III, PROJECT 94-2S IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1995-89 authorized the preparation of plans, specifications and advertising for bids for the Storm Sewer Improvements, Phase III, Project 94-2S in the City of Marion, Ohio, and


WHEREAS, Underground Utilities, Inc., submitted the lowest and best bid of \$414,630.10,

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 Underground Utilities, Inc. for the Storm Sewer Improvements, Phase III, Project 94-2S.

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

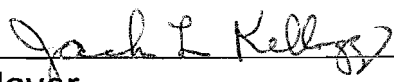
SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof: and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of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



President of Council

Passed: *January 22, 1996*

Approved: *January 23, 1996*



Mayor

Attest:


Clerk of Council

ORDINANCE NO. 1996-4

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH
HAZMAT ENVIRONMENTAL CONTRACTORS, INC.,
HUNTINGTON, WV, AND TO APPROPRIATE FUNDS FOR
THE ASBESTOS REMOVAL AND DISPOSAL FROM 981 W.
CENTER STREET, PROJECT 94-1M, IN THE CITY OF MARION,
OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1995-151 authorized the preparation of
plans, specifications and advertising for bids for the Asbestos Removal
and Disposal from 981 W. Center Street, Project 94-1M, in the City of
Marion, Ohio, and

WHEREAS, Hazmat Environmental Contractors, Inc., submitted the
lowest and best bid of \$94,254.00,

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 Hazmat Environmental Contractors, Inc., for the
Asbestos Removal and Disposal from 981 W. Center Street,
Project 94-1M.

SECTION 2. That there be additional appropriations made in the
amount of \$105,000.00 in the General Fund.

SECTION 3. That said contract shall be payable from 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 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 22, 1996*

Approved: *January 23, 1996*


Mayor

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-5

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ASTRO POOL COMPANY TO RENOVATE THE LINCOLN PARK POOL AND APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1995-111 authorized the Safety/Service Director to advertise for bids for pool repairs, and

WHEREAS, Astro Pool Company submitted the only bid,

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

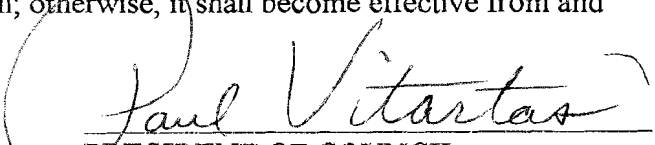
Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Astro Pool Company to renovate the Lincoln Park Pool.

Section 2. That the \$61,800.00 cost of said contract shall be payable from the Swimming Pool Fund.

Section 3. That there be additional appropriations as follows:


GENERAL FUND		
Transfers	101-09-745-270-000-714	\$61,800.00
SWIMMING POOL FUND		
Capital Improvements	516-03-423-250-000-520	\$4,400.00
Building Maintenance	516-03-423-230-000-370	<u>\$57,400.00</u>
		\$61,800.00

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

PASSED: January 22, 1996

APPROVED: January 23, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996- 6

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM A DICTAPHONE EMERGENCY RECORDING SYSTEM FOR COMBINED DISPATCH 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 through the State of Ohio Cooperative Purchasing Program a Dictaphone Emergency Recording System for Combined Dispatch.

Section 2. That the cost of said contract shall be payable from 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 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: *January 22, 1996*

APPROVED: *January 23, 1996*


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996 - 7

ORDINANCE AMENDING MARION CODIFIED ORDINANCE 111.03 (A),
COMMITTEES OF COUNCIL, RELATING TO THE COMPOSITION OF THE NINE
STANDING COMMITTEES, AND DECLARING AN EMERGENCY.

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

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

"(A) Rule 14. Committees. Not later than 30 days after the organization of Council, Council by a majority vote of all members elected shall select nine standing committees of three or more members for each of whom the first selected member shall be Chairman and the second selected member shall be the Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall preside until the Chairman appears, and shall discharge all the duties and be clothed with all the powers of the Chairman during such absence. The names of the committees and the subject matters which shall be referred to them shall be as follows:"

is hereby amended to read as follows:

"(A) Rule 14. Committees. Not later than 30 days after the organization of Council, Council by a majority vote of all members elected shall select nine standing committees of three or more members for each of whom the first selected member shall be Chairman and the second selected member shall be the Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall preside until the Chairman appears, and shall discharge all the duties and be clothed with all the powers of the Chairman during such absence. AT LEAST ONE MEMBER OF EACH STANDING COMMITTEE SHALL BE OF THE DEMOCRATIC PARTY AND AT LEAST ONE MEMBER SHALL BE OF THE REPUBLICAN PARTY. The names of the committees and the subject matters which shall be referred to them shall be as follows:

THERE SHALL BE ONE MEMBER ON EACH INDIVIDUAL COMMITTEE FROM THE DEMOCRATIC PARTY AND AT LEAST ONE MEMBER FROM THE REPUBLICAN PARTY.

- (1) COMMITTEE ON FINANCE. Unchanged.
- (2) COMMITTEE ON STREETS AND SEWERS. Unchanged.
- (3) COMMITTEE ON PUBLIC UTILITIES. Unchanged.
- (4) COMMITTEE ON MUNICIPAL SERVICES. Unchanged.
- (5) COMMITTEE ON LEGISLATION, CODES, REGULATIONS. Unchanged.
- (6) COMMITTEE ON LANDS, BUILDINGS AND AIRPORTS. Unchanged.
- (7) COMMITTEE ON ZONING AND ANNEXATION. Unchanged.
- (8) COMMITTEE ON JOBS AND ECONOMIC DEVELOPMENT. Unchanged.
- (9) COMMITTEE ON REGIONAL PLANNING. Unchanged.

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

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

DEFEATED 1/22/96

MAYOR

ATTEST:

CLERK

ORDINANCE NO. 1996 - 8ORDINANCE AMENDING MARION CODIFIED ORDINANCE CHAPTERS 911, 912
AND 914, AND DECLARING AN EMERGENCY.

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

Section 1. That Chapter 911 of the Codified Ordinances is amended to add 911.04 as follows:

"911.04 Grievances and Appeals

(A) Any User aggrieved by a decision of the Water Pollution Control Division and/or the City Engineer may file a written appeal of that decision with the Safety/Service Director. The appeal shall state the basis of the User's complaint and the decision of the Water Pollution Control Division and/or the City Engineer.

(B) The Safety/Service Director shall investigate the complaint and issue a written decision. Such decision shall include:

1. Name, address, and location of the premises of the User;
2. Summary of the User's complaint;
3. Synopsis of the facts presented by the Division of Water Pollution Control and/or the City Engineer.
4. The decision of the Safety/Service Director, with accompanying justification.
5. An interpretation/clarification of any applicable policy, regulation or law.

(C) No legal action in the courts of the City, State or Federal government shall be initiated by any User until completion of this administrative remedy."

Section 2. That Chapter 912.01 of the Codified Ordinances, now reading in part as follows:

"912.01 DEFINITIONS

USERS CHARGE. The charge to each recipient of waste treatment services within the municipality's service area representing a proportionate share of the costs of operation and maintenance including replacement of all waste treatment service provided. An incremental charge for the recovery of debt service may be included."

is hereby amended to read as follows:

"912.01 DEFINITIONS

USERS CHARGE. The charge to each recipient of waste treatment services within the municipality's service area representing a proportionate share of the costs of operation and maintenance including replacement of all waste treatment service provided."

Section 3. That Chapter 912.01 of the Codified Ordinances is amended to add the definition for "SEWER SERVICE CHARGE" as follows:

"SEWER SERVICE CHARGE. Shall mean an imposed charge upon all users receiving services from the Authority's sewage system in a total amount sufficient to pay the cost of the system. Sewer service charges consist of a debt service charge, an operation, maintenance and replacement charge, and surcharges (if applicable)."

Section 4. That Chapter 912.01 of the Codified Ordinances, now reading in part as follows:

"912.01 DEFINITIONS

USERS CLASS.

(1) COMMERCIAL USER. A special class of industrial user who usually contributes primarily segregated domestic wastes or wastes from sanitary conveniences. Such users are usually identified as Divisions C, F, G, H and portions of I in the SIC Manual."

is hereby amended to read as follows:

"912.01 DEFINITIONS

USERS CLASS.

(1) COMMERCIAL USER. The commercial user includes those customers who are service oriented as distinguished from residential and manufacturing. Examples include automotive service businesses, including filling stations and car washes; food handling businesses such as restaurants and grocery stores; hair dressing and barber shops; office buildings, including all professional offices; retail establishments; hotels and motels; laundries and dry cleaning establishments; etc."

Section 5. That Chapter 912.01 of the Codified Ordinances, now reading in part as follows:

"912.01 DEFINITIONS

USERS CLASS.

(2) INDUSTRIAL USER. Any user of publicly owned collection and treatment works identified in the SIC Manual under Divisions A, B, D and E. The industrial user class is further divided into the following subdivisions:

(a) INDUSTRIAL USER, TYPE A. Any industrial user who introduces primarily segregated domestic wastes or wastes from sanitary conveniences;

(b) INDUSTRIAL USER, TYPE B. Any individual user who discharges wastes from industrial processes separate from or in combination with domestic wastes which meet the requirements of § 911.42, meets the NPDES Permit limitations for the municipality's treatment works and/or pretreats its effluent pursuant to these regulations and the effluent limitations and performance standards for that particular industry as established by the USEPA;

(c) INDUSTRIAL USER, TYPE C. Any industrial user who, by written agreement, is allowed to exceed the requirements of § 911.42 by more than 2%, but less than 10% and who contributes less than 5% of the total daily volume or load or both to the sewage treatment works and is not classified as a major contributing industry;

(d) INDUSTRIAL USER, TYPE D. Any industrial user who, by contractual arrangement, is permitted to exceed the 5% load or volume or both requirements as defined for the industrial user, Type C or any major contributing industry."

is hereby amended to read as follows:

"912.01 DEFINITIONS

USERS CLASS.

(2) INDUSTRIAL USER. Any user of the publicly owned collection and treatment works who is engaged in manufacturing and who may or may not discharge process wastewater in addition to sanitary wastewater."

Section 6. That Chapter 912.01 of the Codified Ordinances, now reading in part as follows:

"912.01 DEFINITIONS

USERS CLASS.

(3) OTHER PUBLIC AUTHORITY USER. A special class of industrial user who usually contributes primarily segregated domestic wastes or waste from sanitary conveniences. Such users are usually identified in Division J in the SIC Manual, but also include hospitals, sanitariums, prisons, or charitable institutions."

is hereby amended to read as follows:

"912.01 DEFINITIONS

USERS CLASS.

(3) GOVERNMENTAL AND INSTITUTIONAL. Special class of industrial user who usually contributes primarily segregated domestic wastes or waste from sanitary conveniences. Such users are usually identified in Division J in the SIC Manual, but also include hospitals, sanitariums, prisons, charitable institutions, City, State, Federal offices, churches, schools, etc."

Section 7. That Chapter 912.06 of the Codified Ordinances, now reading in part as follows:

"912.06 USES OF SEWER REVENUE FUND

The funds received from the collection of the rates and charges provided in § 912.10 shall be deposited regularly with the Treasurer, who shall keep the same in a separate fund designated the Sewer Revenue Fund. The moneys in this Fund shall be used for the cost and expense of the operation, maintenance, repair, replacement and management of the sewerage system and the sewage pumping, treatment and disposal plant. Any surplus in the Fund over and above the annual requirements mentioned shall be deposited in a Replacement Fund and may be used for the enlargement or replacement of the system and works and parts thereof, but shall not be used for any other purpose which would be contrary to the purposes permitted under R.C. § 729.52. When appropriated by Council, the Fund shall be subject to the order of the Safety/Service Director. The Director shall sign all orders drawn on the Treasurer of the municipality against such Fund."

is hereby amended to read as follows:

"912.06 USES OF SEWER REVENUE FUND

The funds received from the collection of the rates and charges provided in § 912.10 shall be deposited regularly with the Treasurer, who shall keep the same in a separate fund designated the Sewer Revenue Fund. The moneys in this Fund shall be used for the cost and expense of the operation, maintenance, repair, replacement and management of the sewerage system and the sewage pumping, treatment and disposal plant. Surplus in the Fund generated by OM&R rates shall be deposited and used in accordance with R.C. § 729.52. When appropriated by Council, the Fund shall be subjected to the order of the Safety/Service Director. The Director shall sign all orders drawn on the Treasurer of the municipality against such Fund."

Section 8. That Chapter 912.10 of the Codified Ordinances, now reading in part as follows:

"912.10 USER CHARGE AND EXTRA STRENGTH SURCHARGE RATES.

The rates set forth in this section shall take effect January 1, 1977 and are subject to change from year to year as provided for in this chapter.

(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) \$11.18 per 100 lbs. extra-strength suspended solids;
- (3) \$37.47 per 100 lbs. extra-strength phosphate."

is hereby amended to read as follows:

"912.10 USER CHARGE AND EXTRA STRENGTH SURCHARGE RATES.

The rates set forth in this section shall take effect January 1, 1977 and are subject to change from year to year as provided for in this chapter.

All current rates are available for public viewing in the Safety/Service Director's office, Marion City Hall."

Section 9. That Chapter 912.16 of the Codified Ordinances, now reading in part as follows:

"912.16 WATER EXEMPT FROM CHARGES.

No water supplied by the Ohio American Water Company systems for extinguishing fires, or for furnishing or supplying water to the fire hydrants, shall be used to determine any sewage charge as set forth in § 912.10. No water furnished from a cistern to any premises shall be subject to the sewage charges set forth in § 912.10."

is hereby amended to read as follows:

"912.16 WATER EXEMPT FROM CHARGES.

No water supplied by the Ohio-American Water Company systems for extinguishing fires, or for furnishing or supplying water to the fire hydrants, shall be used to determine any sewage charge as set forth in § 912.10."

Section 10. That Chapter 912.17(B) of the Codified Ordinances, now reading in part as follows:

"912.17 ANNUAL AUDIT AND ADJUSTMENT OF CHARGES REQUIRED

(B) The system of charges shall be reviewed annually and revised periodically to reflect actual treatment works operation and maintenance costs."

is hereby amended to read as follows:

"(B) The system of charges shall be reviewed annually and revised periodically to reflect actual treatment works operation and maintenance costs. Annually each user of the system will receive notification of a cost breakdown associated with the incremental costs of Operation, Maintenance and Replacement; debt retirement and capital improvements."

Section 11. That Chapter 914.07 of the Codified Ordinances, now reading in part as follows:

"914.07 AGGREGATE CHARGES FOR SEWER USE

(A) The total charges for sewer use to customers within and/or outside the corporate limits of the municipality shall be the aggregate of the rate determinations in § 912.10 (A) and §§ 914.05 and 914.06.

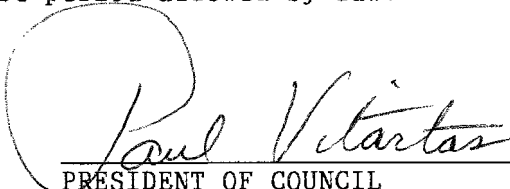
(B) The charges shall represent the charge for normal strength sewage and include the users charge and Sewer System Improvement Fund requirements. Charges to be levied for the discharge of extra strength sewage are in addition to and as set forth in their respective chapters."

is hereby amended to read as follows:

"914.07 AGGREGATE CHARGES FOR SEWER USE

The total charges for sewer use to customers within and/or outside the corporate limits of the municipality shall be the aggregate of the rate determinations in § 912.10 (A) and §§ 914.05 and 914.06 as posted in the Safety/Service Director's Office, Marion City Hall."

Section 12. 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: *January 22, 1996*

APPROVED: *January 23, 1996*


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996-9

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH MILLER LAWN & POWER
EQUIPMENT COMPANY TO PURCHASE A DECK MOWER FOR
THE PARKS 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, Miller Lawn & Power 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 Miller Lawn & Power Company, to purchase a Deck Mower for the Parks Department.

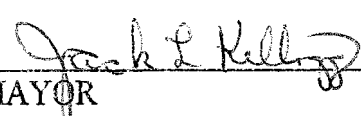
Section 2. That the \$5,092.68 cost of said contract shall be payable from the Parks Fund Account No. 221-03-421-250-000-450.

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: Feb. 12, 1996

APPROVED: Feb. 13, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-10

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE FROM THE BUCKEYE TRACTOR THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM A CASE INTERNATIONAL TRACTOR FOR USE AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to purchase from Buckeye Tractor through the State of Ohio Cooperative Purchasing Program a Case International Tractor for use at the Marion Municipal Airport and Industrial Park.

Section 2. That the \$29,700.00 cost of said contract shall be payable from the Airport Capital Equipment Account 101-06-621-250-000-450.

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: Feb. 12, 1996

APPROVED: Feb. 13, 1996



 MAYOR

ATTEST:



 CLERK OF COUNCIL

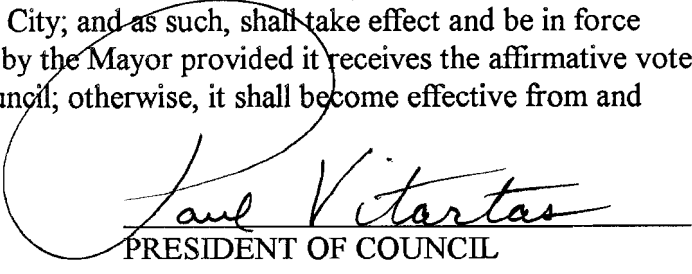
ORDINANCE NO. 1996-11

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) 20 FT. ROTARY MOWER FOR USE AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

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

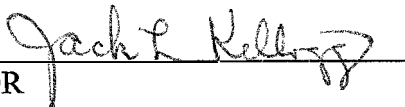
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the purchase of one (1) 20 ft. Rotary Mower for use at the Marion Municipal Airport and Industrial Park.

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 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: Feb. 12, 1996

APPROVED: Feb. 13, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

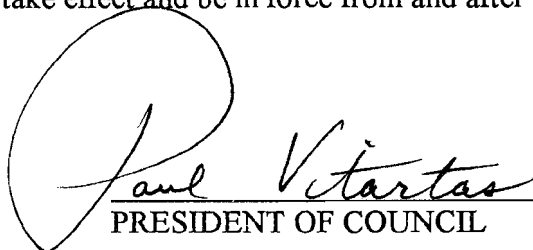
ORDINANCE NO. 1996-12

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS
FOR SNOW REMOVAL SERVICES AT THE MARION MUNICIPAL
AIRPORT.**

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

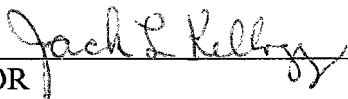
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for snow removal services at the Marion Municipal Airport

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


PRESIDENT OF COUNCIL

PASSED: Feb. 12, 1996

APPROVED: Feb. 13, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

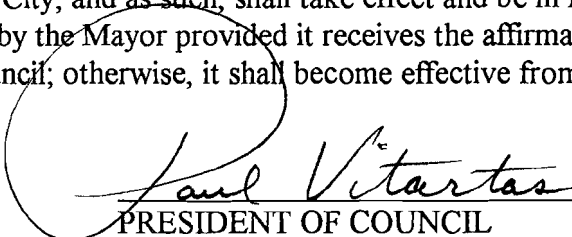
ORDINANCE NO. 1996-13

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
THE PURCHASE OF FIFTEEN (15) SETS OF FIREFIGHTER GEAR
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 the purchase of fifteen (15) sets of firefighter gear.

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: Feb. 12, 1996

APPROVED: Feb. 13, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996- 14

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) EMERGENCY SQUAD VEHICLE FOR USE IN THE FIRE 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 the purchase of one (1) Emergency Squad Vehicle for use in the Fire Department.

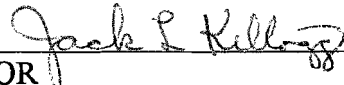
Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon 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: Feb. 12, 1996

APPROVED: Feb. 13, 1996



 MAYOR

ATTEST:



 CLERK OF COUNCIL

ORDINANCE NO. 1996-15

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BERQUIST CONSULTING, INC. TO RESEARCH FEASIBILITY OF STORM WATER UTILITY AND 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 Safety/Service Director be authorized and is hereby directed to enter into contract with Berquist Consulting, Inc., to research feasibility of storm water utility.

Section 2. That the \$11,200.00 cost of said contract shall be payable from the General Fund.

Section 3. That there be an appropriation in the amount of \$11,200.00 made in the General Fund Account No. 101-07-716-230-000-320.

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

PASSED: Feb. 12, 1996

APPROVED: Feb. 13, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-16

ORDINANCE ACCEPTING THE PLAT OF THE HENSEL/ZACHMAN
SUBDIVISION TO THE CITY OF MARION, OHIO AND
CONFIRMING THE DEDICATION OF THE STREETS
THEREIN SHOWN, AND DECLARING AN EMERGENCY.

WHEREAS, Hensel-Zachman Development, Inc., owner, has hereunto submitted to the Planning Commission of the City of Marion, a plat of four (4) lots, numbered 17829 through 17832 in the Hensel/Zachman 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, and being the dimensions as shown on said plat, and the extension of one street known as Villandry Drive; and

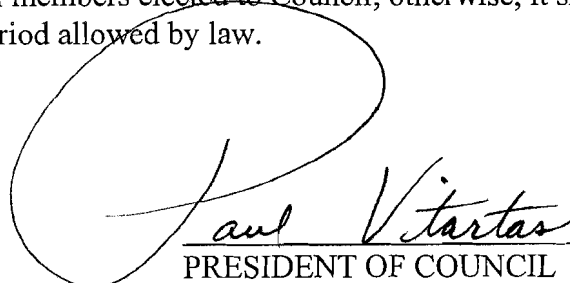
WHEREAS, on the 3rd day of October, 1995, the Planning Commission of the City of Marion approved said plat.

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

Section 1. That the plat of Hensel-Zachman Development, Inc., owner, of four (4) lots, numbered 17829 through 17832 in the Hensel/Zachman Subdivision to the City of Marion, and the extension of Villandry Drive, being a part of Section 35, Township 5 South, Range 15 East, City of Marion, County of Marion, State of Ohio, dated the 12th day of February, 1996, and dedicated on the 12th day of February, 1996, 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 Hensel/Zachman 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: February 12, 1996

Approved: February 13, 1996


MAYOR, Jack L. Kellogg

Attest:


CLERK, Joan Steward

ORDINANCE NO. 1996 -17ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1996.

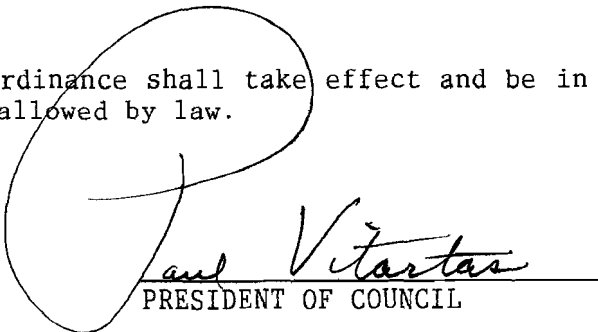
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be additional appropriations made in the
general fund in the amount of \$31,200.00 as follows:Income Tax

Salaries	101-07-712-210-000-110	\$(20,000.00)
Benefits	101-07-712-210-000-120	<u>(5,300.00)</u>
		\$(25,300.00)

Data Processing

Salaries	101-07-718-210-000-110	\$ 31,000.00
Benefits	101-07-718-210-000-120	10,500.00
Travel	101-07-718-220-000-220	100.00
Schooling	101-07-718-230-000-221	2,000.00
Prof. Services	101-07-718-230-000-320	4,000.00
Service Contracts	101-07-718-230-000-321	1,000.00
Supplies	101-07-718-240-000-420	500.00
Equipment	101-07-718-250-000-450	<u>7,400.00</u>
	TOTAL	\$ 56,500.00

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


PRESIDENT OF COUNCIL

PASSED: February 12, 1996

APPROVED: February 13, 1996



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1996 - 18

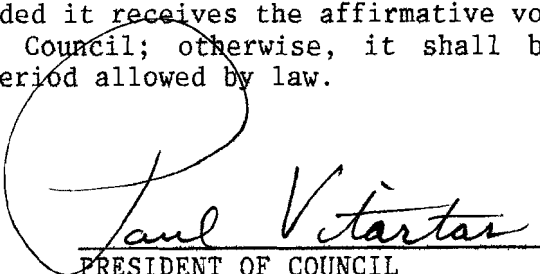
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY
BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT
TO OHIO REVISED CODE §5705.41(D), AND DECLARING
AN EMERGENCY.

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."

Landfill Monitoring Fund \$2,082.63

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 12, 1996

APPROVED: February 13, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996 - 19

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER)
 CREATING THE POSITION OF COMPUTER MANAGER; AND
 ESTABLISHING SALARY AND BENEFITS FOR SAID POSITION.

WHEREAS, it has been determined that the position of Computer Manager has become necessary to manage and coordinate a sound data processing program in the City of Marion, therefore

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

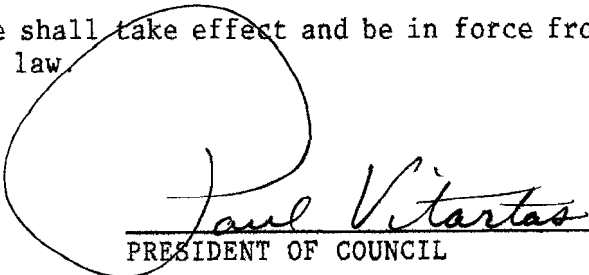
Section 1. That there is hereby created the position of Computer Manager for the City of Marion and that said position shall report to the City Auditor.

Section 2. That the Pay Grade for the Computer Manager position shall be Pay Grade 28. The salary range for this Pay Grade shall be established as \$30,000.00 per year minimum to a maximum of \$44,512.00, 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 Computer Manager 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 Computer Manager position is attached hereto and incorporated herein by reference and shall by reference become part of the personnel classification schedule heretofore adopted by Council (Ordinance No. 1969-29, as amended) as fully as if the same were rewritten in said personnel classification schedule.

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


 PRESIDENT OF COUNCIL

PASSED: February 12, 1996

APPROVED: February 13, 1996


 MAYOR

ATTEST:


 CLERK

JOB TITLE: Computer Manager

Exempt (Y/N): Yes
SALARY LEVEL: 28
SHIFT: VARIOUS
LOCATION: MARION CITY HALL
EMPLOYEE NAME:
SUPERVISOR: ROBERT C CRAMER AUDITOR
PREPARED BY: HUMAN RESOURCES DIRECTOR SPITZER
APPROVED BY: DATE: 01/31/96

JOB CODE:
DOT CODE:
DIVISION: AUDITORS OFFICE
DEPARTMENT: COMPUTER

SUMMARY: Coordinates and recommends software purchases, upgrades and site licenses.
Selects hardware and software vendors best suited to provide proper support to the City. Investigate and recommend new hardware acquisitions as needed. Assists or performs installation of new hardware and software.
Investigates and recommends implementation of new technologies within the departments when appropriate. Provides limited programming services as required by users of various systems.
Oversees and documents programming modifications made by outside vendors. Provides or oversees training on software and hardware, as needed.
Updates and maintains operating instructions and management records on proprietary software. Implements and supports security measures to prevent vandalism and computer virus infection. Audit systems for illegal or "pirated" software. Various other responsibilities as assigned.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

Plans and develops policies and procedures for carrying out computer operations.

Meets with supervisors to resolve problems, and ensure that standards for quality and quantity of work are met.

Adjusts hours of work, priorities, and assignments to ensure efficient operation, based on work load.

Consults with software and hardware vendors and other establishment workers to solve problems impeding computer processing.

Meets with users to identify needs.

Evaluates new software and hardware to determine usefulness and compatibility with existing software and hardware.

Evaluates proposed data processing projects to assess adequacy of existing hardware, and recommends purchase of equipment.

Develops budget and monitors expenditures.

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:

Graduation from a 2 or 4 year college of recognized standing. A minimum of 2 years 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 work with mathematical concepts such as probability and statistical inference, and fundamentals of plane and solid geometry and trigonometry. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

REASONING ABILITY:

Ability to 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.

OTHER SKILLS and ABILITIES:

ABILITY TO CREATE WRITE AND MAINTAIN COBOL AND PC BASED PROGRAMS

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with

disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, or feel objects, tools, or controls; reach with hands and arms; talk or hear; and taste or smell. The employee is occasionally required to stand; walk; sit; climb or balance; and stoop, kneel, crouch, or crawl.

The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and 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 occasionally works in high, precarious places and is occasionally exposed to risk of electrical shock.

The noise level in the work environment is usually moderate.

NAME OF STREET: Center, Vine and Mt. Vernon Avenue ORDINANCE NO.: 1996-20
ROUTE NO.: State Route 95 DATE: February 12, 1996

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:

This project proposes to replace twelve existing traffic signal installations. The existing signals and control equipment are at least 25 years old and are the old electro-mechanical type. The new equipment will provide coordinated signal operation, to improve traffic flow, increase capacity, and enhance safety.

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:

- a) The City hereby agrees to assume and bear the one hundred percent (100%) of the cost of preliminary engineering and right of way.
- b) The City hereby agrees to assume and bear one hundred percent (100%) of the cost of construction less the amount of Federal funds set aside by the Director of Transportation for financing the improvement from funds allocated by the Federal Highway Administration and those features requested by the city which are not necessary for the improvement, as determined by the state and the Federal Highway Administration.

SECTION II, (Consent)

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

SECTION III, (Authority to sign)

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

SECTION IV, (Traffic Control Signals and Devices)

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

SECTION V, (Maintenance and Parking)

That upon completion of said improvement, said City, will thereafter, for all portions for which it is responsible, keep said highway open to traffic at all times, and

- (a) Maintain the improvement in accordance with the provisions of 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:

prohibit parking in accordance with section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

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 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 23-CFR-645A and the Department of Transportation's rules on Utility Accommodation.
- (g) That the City hereby agrees to accept responsibility for any and all damaged 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 obligation 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.

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: February 12, _____, 19 96
Approved February 13, _____, 1996

Attest: Joan Steward
Clerk

Attest: Joan Steward

Jack L. Kelly
Mayor
Paul Vitartas
President of Council

ORDINANCE NO. 1996-21

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED OF EASEMENT TO THE MARION SENIOR HOUSING LIMITED PARTNERSHIP, AND DECLARING AN EMERGENCY.

WHEREAS, The Marion Senior Housing Limited Partnership plans to develop a Senior Center in the City of Marion by renovating the building known as the Harding Hotel, and

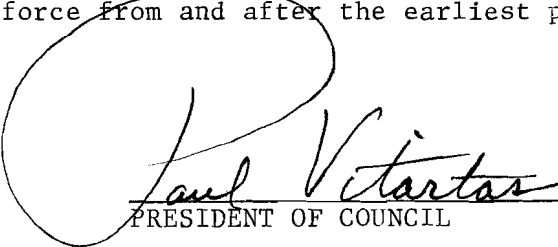
WHEREAS, The Marion Senior Housing Limited Partnership has requested authorization in the form of an easement from the City of Marion to provide for a perpetual easement upon the lands owned by the City of Marion in order to keep and maintain all existing encroachments, overhangs, supports, foundations, retaining walls and marquees, as are depicted in the Exhibits attached to the Deed of Easement; and further providing for a perpetual easement for the use, maintenance and repair of the existing electric lines as are also set forth in the Exhibits attached to the Deed of Easement, and

WHEREAS, it is necessary in order to allow development of the Harding Hotel;

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

Section 1. That the Mayor is hereby authorized to execute a Deed of Easement to the Marion Senior Housing Limited Partnership to provide for a perpetual easement upon the lands owned by the City of Marion in order to keep and maintain all existing encroachments, overhangs, supports, foundations, retaining walls and marquees, as are depicted in the Exhibits attached to the Deed of Easement; and further providing for a perpetual easement for the use, maintenance and repair of the existing electric lines as are also set forth in the Exhibits attached to the Deed of Easement.

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 in order to commence development of the Harding Hotel building; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: Feb. 12, 1996

APPROVED: Feb. 13, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996-22

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH RICHLAND UNIFORM COMPANY
FOR THE PURCHASE OF RADAR AND VIDEO EQUIPMENT
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 Safety/Service Director be authorized and is hereby directed to enter into contract with Richland Uniform Company for the purchase of the following equipment:

- 2- Radar Systems @ \$1,953.00 each
- 1- Video System @ \$3,950.00 each

Section 2. That the \$7,856.00 cost of said contract shall be payable from the Enforcement & Education Fund Account No. 227-01-111-250-000-450.

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 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: February 12, 1996

APPROVED: February 13, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996- 23

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED
OF EASEMENT TO THE MARION SENIOR HOUSING LIMITED
PARTNERSHIP, AND DECLARING AN EMERGENCY.

WHEREAS, The Marion Senior Housing Limited Partnership plans to develop a Senior Center in the City of Marion by renovating the building known as the Harding Hotel, and

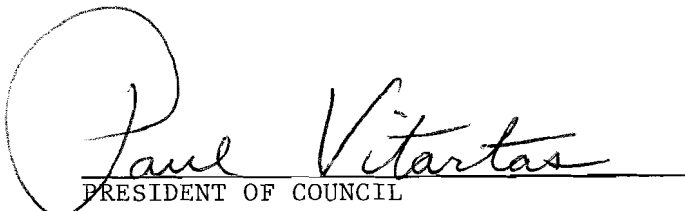
WHEREAS, The Marion Senior Housing Limited Partnership has requested authorization in the form of an easement from the City of Marion, a nonexclusive permanent easement and right to construct, reconstruct, maintain, enlarge, operate and remove lines for heating, cooling, utilities, communications, and all other necessary uses including and/or consisting of such conduits, buried cables, buried wires, buried pipes, and such other fixtures and appurtenances as the Grantee may at any time deem necessary, and the full right of access and ingress to the same, across, upon, over, in and/or under the real estate situated in The City of Marion, State of Ohio, and

WHEREAS, it is necessary in order to allow development of the Harding Hotel;

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

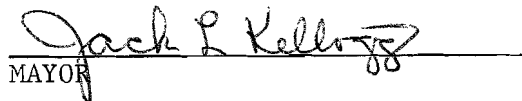
Section 1. That the Mayor is hereby authorized to execute a nonexclusive permanent easement and right to construct, reconstruct, maintain, enlarge, operate and remove lines for heating, cooling, utilities, communications, and all other necessary uses including and/or consisting of such conduits, buried cables, buried wires, buried pipes, and such other fixtures and appurtenances as the Grantee may at any time deem necessary, and the full right of access and ingress to the same, across, upon, over, in and/or under the real estate situated in the City of Marion, State of Ohio, as are depicted in the Exhibits attached to the Deed.

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 in order to commence development of the Harding Hotel building; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

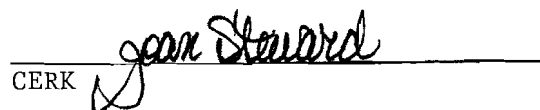

PRESIDENT OF COUNCIL

PASSED: February 26, 1996

APPROVED: February 27, 1996


MAYOR

ATTEST:


CERK

Replaced by
Ordinance No. 1996-68
5/29/96

ORDINANCE NO. 1996-24

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH SIMS BROTHERS, INC. FOR THE DISPOSAL
OF SOLID WASTE, AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 1995-96 authorized the preparation of specifications and advertising for bids for the acceptance of solid waste at a legitimate recycling facility and/or solid waste transfer station, and

WHEREAS, Sims Brothers Inc. submitted the best bid and a quote of \$34.00 per ton including environmental fees and every and all other applicable fees.

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

Section 1. That the Safety/Service Director be authorized and hereby directed to enter into contract with Sims Brothers, Inc., for the disposal of solid waste.

Section 2. That said contract price per ton of \$34.00 will be effective August 1, 1996.

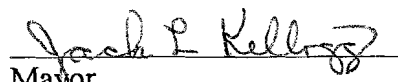
Section 3. That said contract will be payable from the Sanitation Fund.

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 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 26, 1996

Approved: February 27, 1996


Mayor

Attest:

Clerk of Council

ORDINANCE NO. 1996-25

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BENDER ELECTRONICS COMPANY FOR THE PURCHASE OF TWO (2) MOTOROLA SPECTRA MOBILE RADIOS FOR USE IN THE POLICE 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

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 Electronics Company for the purchase of two (2) Motorola Spectra Mobile Radios for use in the Police Department.

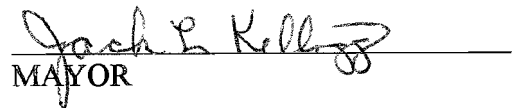
Section 2. That the \$7,506.00 cost of said contract shall be payable from the Police Equipment Account No. 101-01-111-250-000-450.

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 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: February 26, 1996

APPROVED: February 27, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996 - 26**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR THE LEASE OF CERTAIN FARM LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT.**

WHEREAS, Council authorized the Service Director to advertise for bids to lease certain farm lands adjacent to the Marion Municipal Airport as shown and delineated on a plat on file in the office of the Service Director, and

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

SECTION 1. That the Safety/Service Director is hereby authorized to advertise for bids for lease for a period of five (5) crop years ending September 30, 2001, for certain farm lands adjacent to the Marion Municipal Airport as shown and delineated.

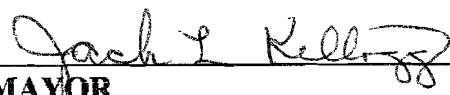
SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: February 26, 1996

APPROVED: February 27, 1996



 MAYOR

ATTEST:



 CLERK OF COUNCIL

ORDINANCE NO. 1996-27

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH McDANIEL MOTOR COMPANY TO PURCHASE A 1992 GMC 3/4 TON UTILITY TRUCK FOR USE IN 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

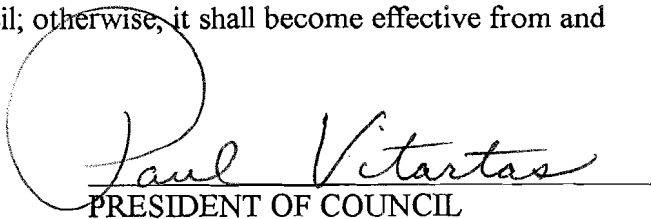
WHEREAS, McDaniel Motor Company, submitted the lowest proposal,

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 McDaniel Motor Company, to purchase a 1992 GMC 3/4 ton utility truck for use in the Streets Department.


Section 2. That the \$9,896.00 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: February 26, 1996

APPROVED: February 27, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996 - 28ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER
31, 1996.

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 \$62,600.00 as follows:General Fund

Income Tax Salaries	101-07-712-210-000-110	\$ 10,300.00
Income Tax Benefits	101-07-712-210-000-120	<u>5,500.00</u>
	TOTAL GENERAL FUND	\$15,800.00

UDAG Loan Repayment Fund

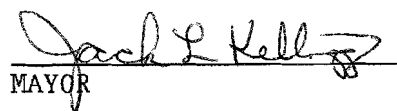
Transfer to Airport Industrial Park	276-04-539-270-000-703	\$46,800.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


Paul Vitartas
PRESIDENT OF COUNCIL

PASSED: February 26, 1996

APPROVED: February 27, 1996



Jack L. Kelly
MAYOR

ATTEST:



Joan Steward
CLERK

ORDINANCE NO. 1996 - 29

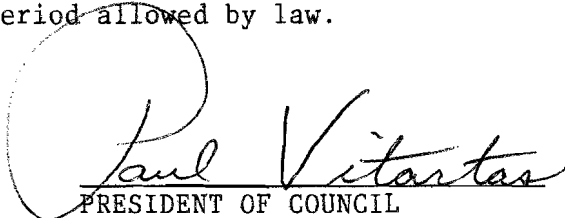
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY
BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT
TO OHIO REVISED CODE §5705.41(D), AND DECLARING
AN EMERGENCY.

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."

Landfill Monitoring Fund \$1,193.50

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 26, 1996

APPROVED: February 27, 1996


MAYOR

ATTEST:


CLERK

AN ORDINANCE TO REPEAL ORDINANCE 1996-113
ADOPTED IN ERROR AND TO ADOPT AN ORDINANCE
TO APPROVE A CITY OF MARION, OHIO COMMUNITY
HOUSING IMPROVEMENT STRATEGY AS A
COMPREHENSIVE HOUSING AFFORDABILITY
STRATEGY FOR THE CITY OF MARION FOR UP TO
FIVE (5) YEARS, AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion is interested in helping to make more affordable housing available to its citizens; and

WHEREAS, The City of Marion under Section 176.02 ORC has approved the use of the County Housing Advisory Board as its Board; and

WHEREAS, The joint City/County Housing Advisory Board approved the City Housing Plan at its August 6, 1996 meeting, such plan being the already written Community Housing Improvement Strategy submitted to and approved by the Ohio Department of Development; and

WHEREAS, thirty (30) days must elapse between the approval of the Housing Board and adoption by City Council, which was not done before Ordinance 1996-113 was adopted; and

WHEREAS, thirty (30) days has now elapsed; and

WHEREAS, Marion City Council hereby repeals ordinance 1996-113 and hereby adopts this ordinance in its place; and

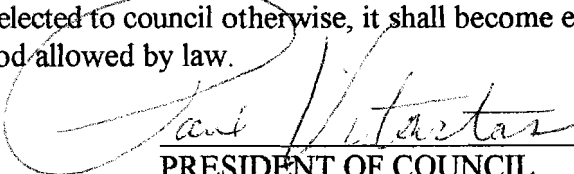
WHEREAS, Under Section 176.04 ORC no municipal corporation shall issue general obligations or expend monies raised by taxation to provide, or assist in providing, housing unless a plan is approved to be effective for a period of one to five years; and

WHEREAS, One of the projects listed in the plan is the renovation of the Hotel Harding for senior citizen housing,

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


Section 1. Council adopts the Community Housing Improvement Strategy as a Comprehensive Housing Affordability Strategy for the City of Marion for up to five years.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that 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: Sept. 9, 1996

APPROVED: Sept. 10, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-117

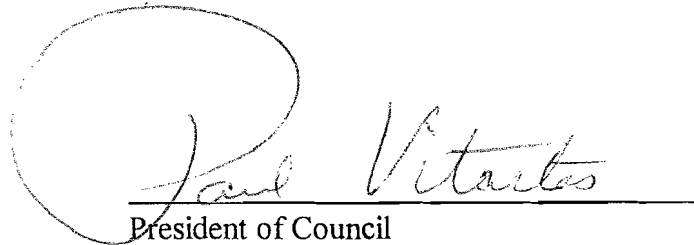
**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS
AND ADVERTISE FOR BIDS FOR THE STORM SEWER IMPROVE-
MENTS PROJECT, PHASE 4, AND DECLARING AN EMERGENCY.**

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 4, (Crescent Heights Road, E. Fairground Street and Virginia Avenue).

Section 2. That the cost of said contract shall be payable from the Capital Improvement Fund and a State Issue 2 grant.

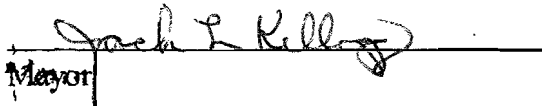
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of 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

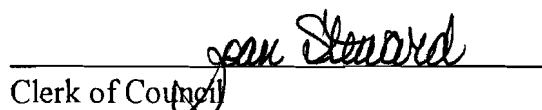
Passed: Sept. 9, 1996

Approved: Sept. 10, 1996



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1996-118

**ORDINANCE AUTHORIZING THE REPAIR/REBUILD OF ONE (1)
CHICAGO GEAR/D.O. JAMES REDUCER BY THE
CHICAGO GEAR/D.O. JAMES CORPORATION
FOR THE WATER POLLUTION CONTROL PLANT;
WITHOUT BID AND BEING A REAL AND PRESENT EMERGENCY**

WHEREAS, Chicago Gear/D.O. James Corporation is the original manufacturer of the Gear Reducer meeting specifications of tolerance, hardness, tensile and strength for the gear reducer, and

WHEREAS, Chicago Gear/D.O. James Corporation has submitted a proposal of \$26,273 for the repair to original condition of one gear reducer.

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

Section 1. That the Safety/Service Director is hereby authorized to enter into a contract with Chicago Gear/D.O. James Corporation for the repair/rebuild of one (1) gear reducer for use at the Water Pollution Control Plant.

Section 2. That the \$26,273 cost of said contract shall be payable from the Sewer Replacement Fund Account No. 504-05-553-230-000-360.

Section 3. That this ordinance is hereby declared to be a real and present emergency and is an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and as such shall take effect and be enforce immediately upon it's passage by two-thirds vote of all members elected and by approval of the Mayor, otherwise it shall become effective from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: Sept. 9, 1996

APPROVED: Sept. 10, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996- 119

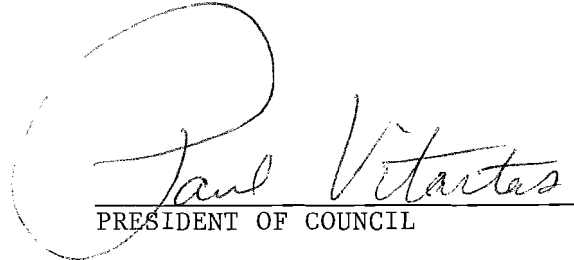
ORDINANCE MAKING AN APPROPRIATION IN THE MSHLP RESTAURANT
LOAN FUND FOR THE YEAR ENDING DECEMBER 31, 1996. (Marion Senior Housing
Limited Partnership)

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

Section 1. That there be an appropriation made in the MSHLP Restaurant
Loan Fund in the amount of \$400,000.00 as follows:

Private Rehab	279-04-545-230-000-322	\$400,000.00
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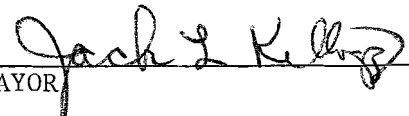
Section 2. That this ordinance shall take effect and be in force
from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

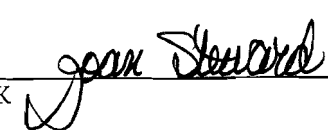
PASSED: Sept. 9, 1996

APPROVED: Sept. 10, 1996



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1996-120

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE BLUE BARGAINING UNIT, AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., for the Blue Bargaining Unit, and

WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., has been reached on behalf of said F.O.P. and the City of Marion and ratified by the bargaining unit, to be effective July 1, 1996.

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

Section 1. That Council hereby appropriates the funds necessary to implement the C.B.A. effective July 1, 1996 as provided to Council in writing, by the City Auditor on September 9, 1996.


Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the Fraternal Order of Police, Ohio Labor Council, Inc., for the above specified bargaining unit.

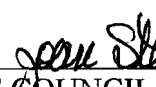
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City, and as 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 earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: Sept. 9, 1996

APPROVED: Sept. 10, 1996


MAYOR

ATTEST:

CLERK OF COUNCIL

ORDINANCE NO. 1996- 121ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO A CONTRACT FOR THE LEASE OF CERTAIN
FARM LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT.

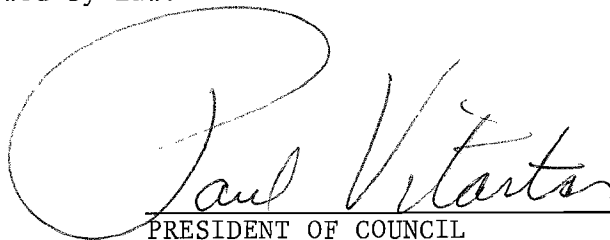
WHEREAS, on February 26, 1996, by passage of Ordinance #1996-26, Council authorized the Safety/Service Director to advertise for bids to lease certain farm lands adjacent to the Marion Municipal Airport as shown and delineated on a plat on file in the office of Safety/Service Director, and

WHEREAS, B and O Land Company, Ltd. submitted the highest bid,

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

Section 1. That the Safety/Service Director is hereby authorized to enter into a lease for a period of five (5) crop years ending September 30, 2001, with the B and O Land Company, Ltd., LaRue, Ohio, for the above described farm land.

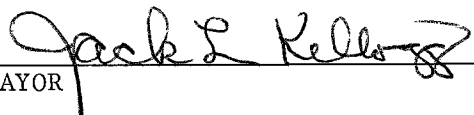
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: September 23, 1996

APPROVED: September 24, 1996



MAYOR



CLERK

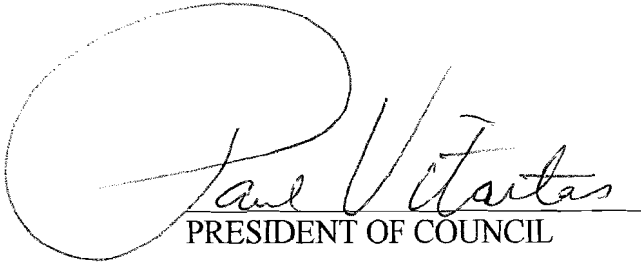
ORDINANCE MAKING APPROPRIATION REDUCTIONS IN THE STORM SEWER IMPROVEMENT FUND FOR THE YEAR ENDING DECEMBER 31, 1996.

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

Section 1. That the Storm Sewer Improvement Fund appropriations be reduced in the amount of \$(112,930.43) as follows:

Professional Services	460-05-921-230-000-320	\$(48,007.50)
Capital Improvements	460-05-921-250-00-520	\$(64,922.93)

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



PRESIDENT OF COUNCIL

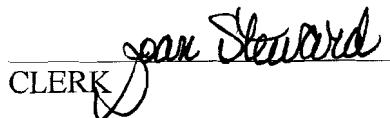
PASSED: September 23, 1996

APPROVED: September 24, 1996



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1996-123

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLEMING CONSTRUCTION COMPANY, INC., FOR THE STORM SEWER IMPROVEMENTS, PHASE 4, PROJECT 96-1S IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1996-117 authorized the preparation of plans, specifications and advertising for bids for the Storm Sewer Improvements, Phase 4, Project 96-1S in the City of Marion, Ohio, and

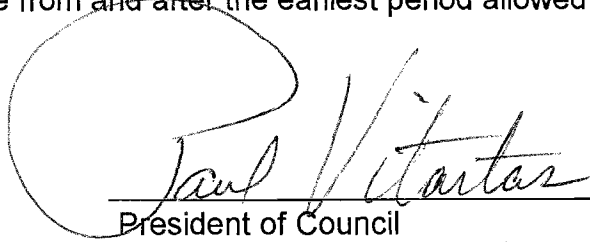
WHEREAS, Fleming Construction Company, Inc., submitted the lowest and best bid of \$519,821.05,

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 Storm Sewer Improvements, Phase 4, Project 96-1S.

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

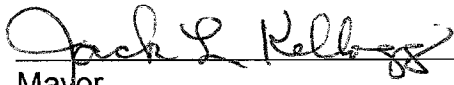
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof: and as such, shall take effect and be in force immediately upon its passage and approval by the mayor, provided it receives the affirmative vote of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



President of Council

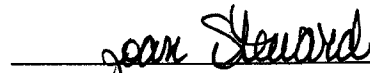
passed: September 23, 1996

approved: September 24, 1996



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1996-124

ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE TRAFFIC SIGNAL IMPROVEMENTS PROJECT, PHASE 2 (DELAWARE AVENUE/STATE STREET), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion, Ohio is seeking a 100% Intermodal Surface Transportation Efficiency Act (ISTEA) construction grant from the Ohio Department of Transportation (ODOT), and

WHEREAS, URS Consultants submitted the best proposal to provide engineering services for the project,

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

Section 1. That the Safety/Service Director is hereby directed to enter into contract with URS Consultants for their proposal of \$50,000 to provide engineering services for the design of the Traffic Signal Improvements Project, Phase 2 (Delaware Avenue and State Street).

Section 2. That the \$50,000 cost to provide services for the project shall be payable from the State Highway Improvements 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 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 23, 1996

approved: September 24, 1996



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1996 - 125

AN ORDINANCE AGREEING TO PROVIDE MUNICIPAL SANITARY SEWER SERVICE TO RESIDENTIAL LOTS LOCATED OUTSIDE THE CITY OF MARION UPON THE COMPLETION AND ACCEPTANCE OF THE CONSTRUCTION OF THE SEWER MAIN AND ASSOCIATED LATERALS, AS DESIGNATED ON EXHIBIT A AND WAIVING FEES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion, Ohio, maintains and operates a waste water treatment plant and various sanitary sewer lines thereof, and

WHEREAS, there is a sanitary sewer line with a terminus at the intersection of Campbell Road and State Route 739 (Bellefontaine Avenue), and

WHEREAS, SISCORP II, LLC is desirous of constructing a sewer line from the present terminus above mentioned to property located and described in the attached Exhibit A, and

WHEREAS, SISCORP II, LLC is willing to pay all construction cost of said extension and cause said extension to be constructed to the satisfaction and specifications of the CITY OF MARION, OHIO, through its duly appointed City Engineer, all at no cost to the CITY OF MARION, OHIO, and

WHEREAS, it is necessary to waive connection fees as contained in M.C.C. 911.13:

NOW THEREFORE, IT IS AGREED by the Council of the City of Marion, Marion County, Ohio:

Section 1. SISCORP II, LLC will obtain all necessary easements for the construction and permanent maintenance and operation of said sanitary sewer, and will construct said sanitary sewer to the specifications and under inspection by the CITY OF MARION, OHIO, through its duly appointed Engineer, and upon completion and approval by the CITY OF MARION, OHIO, will give a Bill of Sale for said sewer extension to the CITY OF MARION, OHIO, releasing all its interests therein, and will assign the easements and property interests in the sewer line to the CITY OF MARION, OHIO, at which time the CITY OF MARION, OHIO assumes the maintenance and operation of said sanitary sewer main extension, excluding therefrom latent or patent defects.

Section 2. SISCORP II, LLC may obtain any number of taps into said sewer extension without limitation as to number and size, for purposes of providing sewer service to any residential property now or hereafter serviced by said sewer extension within the lands as contained in Exhibit A (attached hereto). The CITY OF MARION, OHIO, agrees that it will not charge SISCORP II, LLC any connection fees for such taps, nor will it assess any connection fee to the residential lots contained within Exhibit A, except for their established permit fee for each tap into the system. The CITY OF MARION, OHIO shall charge their established user fees to all users of the system, and shall charge their established permit fees for each tap into the system.

Section 3. Provided, however, that SISCORP II, LLC, its successors and assigns hereby reserves unto itself, its successors and assigns, a right to assess tapping fees for taps made to serve any property now or hereafter serviced by said sewer extension. Alignment of the sanitary extension is attached on Exhibit A.

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 by two-thirds vote of all members elected and approval by the Mayor; otherwise it shall become effective from and after the earliest period allowed by law.

Mark C. Megness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: November 12, 1996
APPROVED: November 12, 1996

ATTEST:

Jack P. Kelly
MAYOR

Jean Stenrod
CLERK

NAME OF STREET: MT. VERNON AVE. ORDINANCE NO.: 1996-126

curb ramps

ROUTE NO.: SR95 DATE: September 24, 1996

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

This project proposes to install pedestrian curb ramps at intersecting drives and crossroads which currently have standard curbs. Work will be performed at various locations along the subject route within the following limits:

SR95: From the junction of SR309 Left (Straight Line Mileage = 14.13) to Marion east corporation limit (Straight Line Mileage = 16.77).

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

WHEREAS, the Director of Transportation further desires cooperation from the City 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 Director of Transportation hereby requests the cooperation of the City in the cost of the above described improvement as follows:

Consent is hereby given by the City for the above improvement and the City further agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement, as determined by the State and the Federal Highway Administration. Further, the City hereby agrees to maintain the curb ramps after installation.

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 Director of Public Service 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, for all portions for which it is responsible, keep said highway open to traffic at all times, and

- (a) Maintain the improvement in accordance with the provisions of 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:

prohibit parking in accordance with section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

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 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 23-CFR-645A and the Department of Transportation's rules on Utility Accommodation.
- (g) That the City hereby agrees to accept responsibility for any and all damaged 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 obligation 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.

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 23, , 19 96

Approved September 24, , 19 96

Attest: Jan Steward
Clerk

Jack D. Kelly
Mayor

Karl Vitartas
President of Council

Attest: Jan Steward

ORDINANCE NO. 1996-127

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH H & H EXCAVATING FOR THE DEMOLITION OF 729 SILVER STREET AND DECLARING AN EMERGENCY.

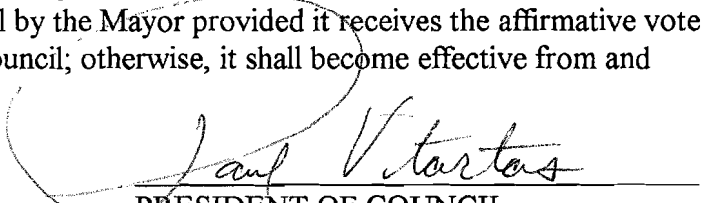
WHEREAS, H & H Excavating submitted the best bid,

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 H & H Excavating for the demolition of 729 Silver Street by the expected date of September 30, 1996.

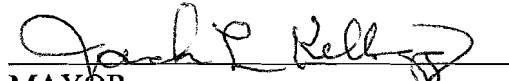
Section 2. That the \$7,980.00 cost of said contract shall be payable from the General Fund Account No. 101-07-716-230-000-323

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 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 23, 1996

APPROVED: September 24, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-128

ORDINANCE ACCEPTING THE PLAT OF G & G HOMES, INC., OF 12 LOTS, NUMBERED 1 THROUGH 12, OF FAIR PARK 16TH ADDITION TO THE CITY OF MARION, OHIO, BEING A PART OF SECTIONS 14 AND 15, T-5-S, R-15-E, CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN.

WHEREAS, G & G Homes,, Inc., has hereunto submitted to the Planning Commission of the City of Marion, a Plat of 12 lots, numbered 1 through 12 in Fair Park 16th Addition, being a part of Sections 14 and 15, 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 two streets known as Bermuda Drive and Grenada Drive,

WHEREAS, on the 3rd day of September, 1996, 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 12 Lots, numbered 1 through 12 in Fair Park 16th Addition, being a part of Sections 14 and 15, T-5-S,R-15-E, City of Marion, County of Marion, State of Ohio, dated April 3, 1996, and dedicated October 14, 1996, 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.

Mark C. Megawess
President of Council Pro Tempore

Passed: October 14, 1996

Approved: October 14, 1996

Jaul Vitartas
Acting Mayor

Attest:

Jean Steward
CLERK OF COUNCIL

ORDINANCE NO. 1996 - 129ORDINANCE TO AMEND MARION CODIFIED ORDINANCE
914 TO ADD SECTION 914.15 AND 914.16.

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

Section 1. That Section 914 of the Codified Ordinances is amended to add section 914.15 and 914.16 as follows:

“914.15 Extension of Sanitary Sewer

No sanitary sewer services shall be extended to any sanitary sewer users outside the corporate limits of the City, except those sanitary sewer users outside the City as of September 30, 1996, or except under the conditions set forth below. Provided, further that any person making a new application for such service to a property to which service has been previously extended outside the corporate boundaries of the City shall comply with all applicable City ordinances, specifically Chapter 911 of the Codified Ordinances.”

“914.16 Compliance With Certain Conditions Prior to Extension

The City of Marion may extend it’s Sanitary Sewer Service to land which is outside of the corporate limits of the City but within the City’s Sanitary Sewer Service Area provided that before such sanitary sewer services is extended, the owner of such land complies with the following:

(A) The owner complies with Ohio Revised Code 6117.01 and meets the conditions imposed by the County of Marion.

(B) All applicable Zoning and Planning regulations have been complied with.

(C) An agreement to annex the property to the City has been executed. The owner of this property shall exert all efforts to obtain annexation of his or her property including the signing of an annexation petition, when it is legally permissible to do so. The opinion of the City Law Director shall be binding as to the legal permissibility of said action. The owner of such land must require that a similar agreement is made with subsequent purchases of said property and further to place a covenant in the deed which obligates all subsequent purchasers to annex the land into the City. A copy of said agreement shall be recorded in the Office of the Marion County Recorder and shall be deemed to be an “equitable obligation that is binding upon all subsequent purchasers.”

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

Mark C. McGuinness
PRESIDENT OF COUNCIL

PASSED: November 12, 1996

APPROVED: November 13, 1996

Joseph L. Kellogg
MAYOR

ORDINANCE NO. 1996 - 130

ORDINANCE DIRECTING THE CITY AUDITOR TO PAY A SETTLEMENT RESOLVING THE OUTSTANDING LIABILITY AGAINST THE CITY OF MARION TO SWIM CARE, INC AND AUTHORIZING THE CITY AUDITOR TO APPROPRIATE THE NECESSARY FUNDS TO MAKE PAYMENT.

WHEREAS, the Council of the City of Marion does wish to settle the outstanding obligation with Swim Care, Inc. for products provided to the City of Marion, it's Recreation Department, and

WHEREAS, it is necessary to appropriate the necessary funds to make payment for said obligation;

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

Section 1. That the City Auditor, pursuant to O.R.C. 5705.41, is hereby directed to pay \$2,042.72 to Swim Care, Inc. for products and services provided to the City of Marion and it's Recreation Department.

Section 2. That the funds were available at the time of the creation of the obligation and were lawfully appropriated for said purpose.

Section 3. That there be additional appropriations made in the Swimming Pool Fund as follows:

Land & Bldg. Maintenance	516-03-423-230-000-320	\$1,500.00
Supplies	516-03-423-240-000-420	400.00
	TOTAL	\$1,900.00

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

Mark C. McGuinness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: October 14, 1996

APPROVED: October 14, 1996

Paul Vitartas
Acting MAYOR

ATTEST:

Sean Steward
CLERK

ORDINANCE NO. 1996 - 131

AN ORDINANCE DIRECTING THE MAYOR TO SETTLE AND COMPROMISE THE OUTSTANDING OBLIGATION OWED OHIO GALVANIZING CORPORATION AND AUTHORIZING THE AUDITOR TO TRANSFER AND/OR APPROPRIATE THE NECESSARY FUNDS TO MAKE PAYMENT.

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

Section 1. That the Council does hereby direct and authorize the Mayor to compromise and settle the obligation owed Ohio Galvanizing Corp. for commitments made by the Administration to said organization for the extension of the City's Sanitary Sewer System and now post-facto approving said extension and avoiding anticipated litigation, and further

Section 2. That the Council hereby directs the Auditor to transfer and/or appropriate \$12,190.00 to the appropriate line item in order to fulfill the aforementioned settlement of the outstanding obligation and expending said funds, relieving any and all liability of the City of Marion and waiving all applicable rules restricting the post-facture settlement of the outstanding obligation.

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

Mark C. McGuinness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: October 14, 1996

APPROVED: October 14, 1996

Paul Vitartas
ACTING MAYOR

ATTEST:

Jean Steward
CLERK

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE
FORMULA GRANT FUND FOR THE YEAR ENDING DECEMBER
31, 1996.

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

Section 1. That there be additional appropriations made in the Formula Grant Fund in
the amount of \$193,000.00 as follows:

96 FORMULA GRANT		
Administration	275-04-546-230-000-324	\$ 27,000.00
Fair Housing	275-04-546-230-000-339	1,000.00
Parks & Recreation Facilities (Salvation Army Playground)	275-04-546-230-000-341	26,000.00
Neighborhood Facilities (Youth Center)	275-04-546-230-000-344	<u>139,000.00</u>
		<u>\$193,000.00</u>

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

Mark C. McGuinness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: **October 14, 1996**

APPROVED: **October 14, 1996**

Paul Vitartas
ACTING MAYOR

ATTEST:

Jean Steward
CLERK

ORDINANCE NO. 1996-133

ORDINANCE AUTHORIZING THE SAFETY/SERVICE
DIRECTOR TO ENTER INTO CONTRACT WITH HURON
LIME CO. ^{HURON} ~~COLUMBUS~~, OHIO, FOR HIGH CALCIUM
PEBBLE QUICK LIME TO BE USED AT THE
WATER POLLUTION CONTROL PLANT.

WHEREAS, Huron Lime Company submitted the lowest and best bid of \$56.35 delivered ton.

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 Huron Lime Company for high calcium pebble quick lime to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Sewer Fund, Supplies and Material Account No. 505-05-552-240-000-420.

Section 3. That this ordinance shall become effective from and after the earliest period allowed by law.

Mark C. McGuinness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: October 14, 1996

APPROVED: October 14, 1996

Jaul Vitartas
MAYOR ACTING

ATTEST:

Jean Leonard
CLERK OF COUNCIL

ORDINANCE NO. 1996-134

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH EQUIPMENT SPECIALISTS
TO PURCHASE A POWER WASHER FOR USE IN THE SANITATION
DEPARTMENT.

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, Equipment Specialists, 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 Equipment Specialists, to purchase a power washer for use in the Sanitation Department.

Section 2. That the \$3,275.00 cost of said contract shall be payable from the Sanitation Fund Account No. 506-05-562-250-000-450.

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

Mark C. Mequiness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: October 14, 1996

APPROVED: October 14, 1996

Paul Vitartas
ACTING MAYOR

ATTEST:

Jean Steward
CLERK OF COUNCIL

ORDINANCE NO. 1996-135

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~~^{two} (2) years beginning November 1, 1996 and terminating not later than October 31, 1998:

- | | |
|-----------------------------|---|
| Ohio Road Paving | Asphalt Hot Mix |
| Englefield Oil Co. | Leaded & Unleaded Motor Fuel, Diesel Fuel |
| Morton Salt | Road Salt |
| Wilhelm's Wallpaper & Paint | White and Yellow Road Paint |

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 the current contracts expire November 1, 1996 and 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.

Mark C. Meginness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: October 14, 1996

APPROVED: October 14, 1996

Paul Vitartas
ACTING MAYOR

ATTEST:

Jean Steward
CLERK OF COUNCIL

ORDINANCE NO. 1996 - 136

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 1,275.355 ACRES IN MARION TOWNSHIP TO THE CITY OF MARION, AND DECLARING AN EMERGENCY. (MARION CORRECTIONAL - NORTH CENTRAL CORRECTION INSTITUTE)

WHEREAS, a petition for the annexation of certain territory in Marion Township was duly filed by Sandra A. Drabik, on behalf of the State of Ohio, and T. Wilkes Coleman, on behalf of the Ohio-American Water Company, being all of the owners of said territory; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on July 11, 1996; 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, together with the map and petition required in connection therewith to the Clerk of Council, who received same on July 26th 1996; 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 the State of Ohio and Ohio-American Water Company, being all of the owners of real estate in the territory sought to be annexed, filed with the Board of County Commissioners of Marion County, Ohio on March 22, 1996, and which petition 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 July 11, 1996, be and the same is hereby accepted. The territory is described as follows:

Situated in Part of the East Half and the West Half of Section 2, Part of the Northeast Quarter and Southeast Quarter of Section 3, Part of the East Half and the West Half of Section 10 and Being the West Half of Section 11 and Part of the East Half of Section 11, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at a small spike set over an existing railroad spike located at the intersection of the centerline of County Road 167 (also being the North Line of Section 11) with the centerline of County Road 215; thence along the centerline of County Road 215 S 0°06'30" E (for basis of bearing, see Official Record 201 pg. 771, Marion County Recorder's Office) for a distance of 5283.17 feet to an existing large survey nail on the centerline of County Road 162 (also being the South Line of Section 11); thence along said centerline S 87°57'35" W for a distance of 1640.30 feet to a small spike set over an existing railroad spike located on the centerline of County Road 183 (also being the East Line of the Northwest Quarter of the Northwest Quarter of Section 14); thence continuing along the centerline of County Road 162 S 86°58'10" W for a distance of 1333.76 feet to a 1" dia. iron pin set on the East Line of Section 10; thence continuing along said centerline (also being the South Line of Section 10) S 89°54'10" W for a distance of 2684.94 feet to an existing 5/8" dia. iron pin on the North-South Half Section Line of Section 10; thence continuing along said centerline S 89°56'55" W for a distance of 2626.69 feet to a railroad spike set on the centerline of State Route 4/423; thence along said centerline N 4°49'55" W for a distance of 260.97 feet to a railroad spike set on the Southeast Right-of-Way Line of the Norfolk & Southern Railroad (now 80 feet wide); thence along said Southeast Right-of-Way Line N 34°18'50" E for a distance of 31.68 feet to a railroad spike set; thence continuing along said Southeast Right-of-Way Line S 4°49'55" E for a distance of 47.52 feet to a railroad spike set on the Southeast Right-of-Way Line of the Norfolk & Southern Railroad (now 110 feet wide); thence along said Southeast Right-of-Way Line N 34°18'50" E for a distance of 3631.18 feet to a 1" dia. iron pin set; thence continuing along said Southeast Right-of-Way Line S 89°48'50" W for a distance of 12.13 feet to a 1" dia. iron pin set on the Southeast Right-of-Way Line of the Norfolk & Southern Railroad (now 100 feet wide); thence

along said Southeast Right-of-Way Line N 34°18'50" E for a distance of 2510.67 feet to a railroad spike set on the centerline of County Road 167 (also being the South Line of Section 3); thence along said centerline N 89°55'40" W for a distance of 6.05 feet to a railroad spike set on the Southeast Right-of-Way Line of the Norfolk & Southern Railroad (now 75 feet wide); thence along said Southeast Right-of-Way Line N 34°18'50" E for a distance of 6770.96 feet to a 1" dia. iron pin set on the North Line of Section 2 (also being the North Line of Marion Township) (passing over the West Line of Section 2 at 3365.78 feet); thence along said North Line N 89°48'30" E for a distance of 1372.09 feet to a 1" dia. iron pin set on the West Limited Access Right-of-Way Line of U.S. Route 23; thence along said Limited Access Right-of-Way Line the following courses and distances: S 28°41'00" E for a distance of 56.24 feet to a 1" dia. iron pin set on a point of spiral curve; thence Southeasterly along a curve to the right having a radius of 2740.55 feet for an arc distance of 1193.09 feet (chord = S 15°37'25" E, 1183.69 feet) to a 1" dia. iron pin set on the point of tangency; thence S 1°08'30" E for a distance of 293.42 feet to a 1" dia iron pin set; thence S 0°09'10" E for a distance of 750.09 feet to a 1" dia. iron pin set on a point of curve; thence Southeasterly along a curve to the left having a radius of 5860.67 feet for an arc distance of 762.37 feet (chord = S 3°52'45" E, 761.83 feet) to a 1" dia. iron pin set at the point of tangency; thence S 7°36'20" E for a distance of 2026.39 feet to a 1" dia. iron pin set; thence S 4°22'25" W for a distance of 52.90 feet to a 1" dia. iron pin set; thence S 0°06'50" E for a distance of 94.11 feet to a 1" dia. iron pin set on a point of curve; thence Southeasterly along a curve to the left having a radius of 686.72 feet for an arc distance of 200.16 feet (chord = S 8°28'25" E, 199.46 feet) to a 1" dia. iron pin set; thence S 73°10'30" W for a distance of 60.00 feet to a 1" dia. iron pin set; thence S 82°52'25" W for a distance of 458.51 feet to a 1" dia. iron pin set; thence S 2°06'25" E for a distance of 50.00 feet to a railroad spike set on the centerline of County Road 167 (also being the South Line of Section 2); thence along said centerline S 87°53'35" W for a distance of 548.99 feet to a small spike set over an existing railroad spike on the centerline of County Road 215 and the point of beginning.

Containing 1,275.355 acres more or less, of which 408.783 acres more or less are in Section 2, 60.256 acres more or less are in Section 3, 447.512 acres more or less are in Section 10 and 358.804 acres more or less are in Section 11, and being subject to legal highways, easements, restrictions, and agreements of record.

The foregoing description was prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, dated December 15, 1995, and revised February 9, 1996. All 5/8" dia. and 1" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

Section 2. The Clerk of Council is directed to make three copies of this ordinance to each of which shall be attached a copy of the petition for annexation, the map accompanying the petition for annexation, the transcript of proceedings of the Board of County Commissioners relating thereto, resolutions and ordinances in relation to the annexation 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 Ohio 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.

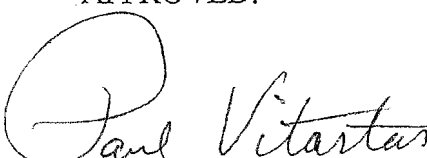
Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and as such, shall take effect and be in force immediately upon its passage by two-thirds vote of all members elected and approval by the Mayor; otherwise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



PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: OCTOBER 14, 1996

APPROVED: OCTOBER 14, 1996

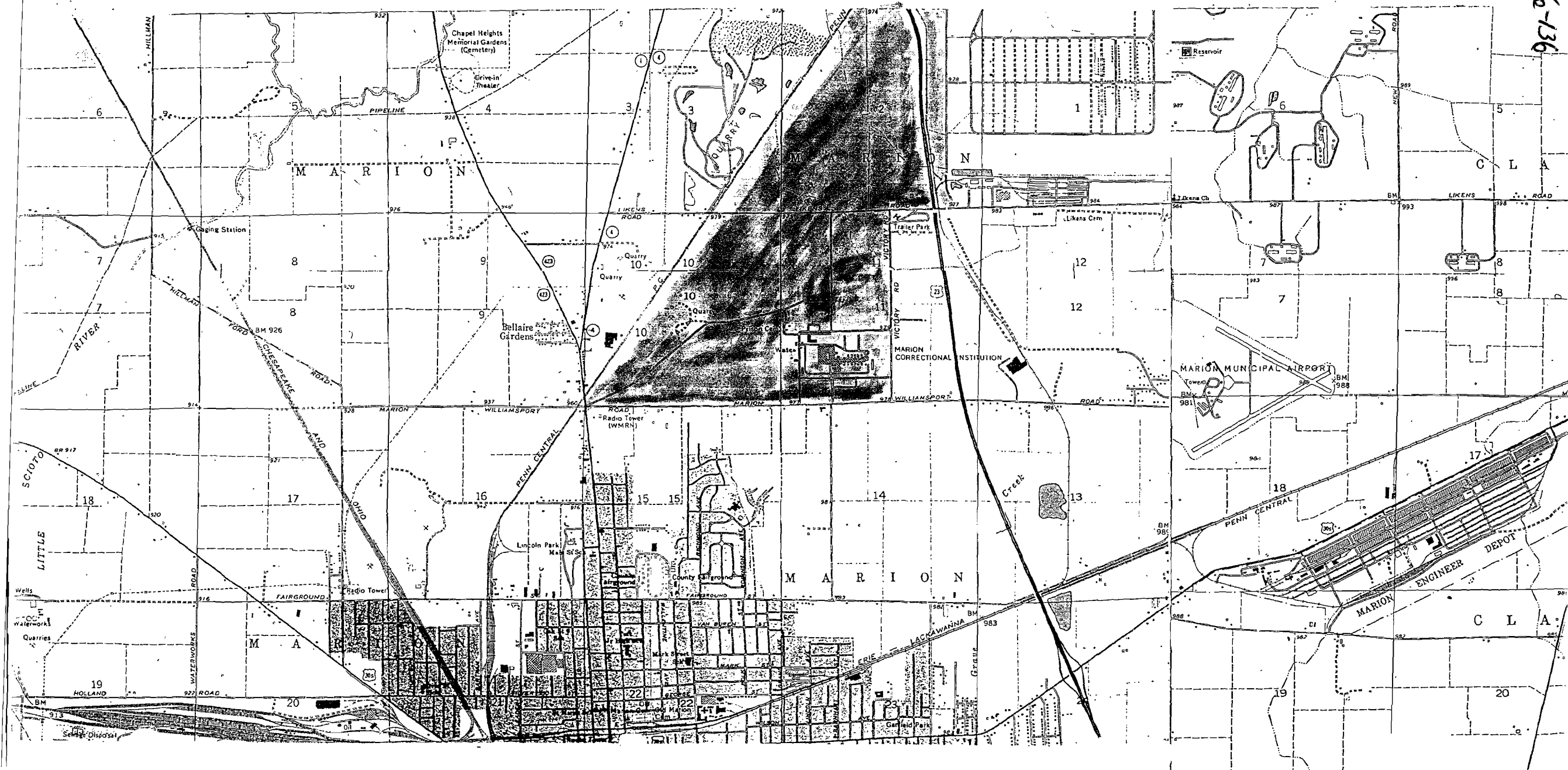
ATTEST:


ACTING MAYOR


CLERK

10/14/96 - M.C.I. & North Central Correctional Institution ANNEXATION

1996-136



ORDINANCE NO. 1996-137

ORDINANCE AUTHORIZING TO AMEND THE SERVICE AGREEMENT BETWEEN THE CITY OF MARION AND THE OHIO-AMERICAN WATER COMPANY, REDUCING THE BILLING SERVICE CHARGE RATE FROM TWENTY FIVE CENTS (\$0.25) PER ITEM SUPPLIED TO TEN CENTS (\$0.10) PER ITEM, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion entered into a service agreement with the Ohio-American Water Company, dated January 1, 1991, and

WHEREAS, the current service charge of twenty five cents (\$0.25) per item supplied has remained the same since that date, and,

WHEREAS, The Water Company is lowering the twenty five cents (\$0.25) fee to ten cents (\$0.10) per item supplied, per rate order #95-935-WW-A-I-R issued by the Public Utilities Commission of Ohio on July 19, 1996.

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

Section 1. That the Service Agreement between the City of Marion and The Ohio-American Water Company, now reading in part as follows:

"1. The Water Company hereby agrees, from and after the effective date of this Agreement, to furnish the Government information relative to current and discontinued Water Company customers located in the City of Marion, Ohio; such information to be provided on computer tape in compatible format to be mutually agreed upon for each Water Company customer the Government requests information after each Water Company billing, and this tape will contain the following information for each above named customer:

- (a) Customer Account Numbers
- (b) Customer Name and Address
- (c) Revenue Class Code
- (d) Meter Size Code
- (e) Billing Period (Service Code)
- (f) Previous and Current Reading Dates
- (g) Previous Reading, Out Reading (if applicable)
- (h) Set Reading (if applicable), Current Reading
- (i) Current Consumption (Usage)
- (j) Indicator if Reading Was Estimated
- (k) Inside-Outside Sewer

"2. The Water Company hereby agrees to furnish once each week to the Government, on forms supplied by the Government, adequate information in regard to the names, addresses, meter sizes, and effective dates of all changes in the customers' accounts resulting from:

- (a) New accounts (new home or building)
- (b) New customer (change of occupant)
- (c) Any bill adjustments and reasons, so as to be able to adjust sewer bills accordingly.

"3. For the service performed under paragraphs 1 and 2 above, The Water Company will charge the Government a unit price of twenty five cents (\$0.25) for the data supplied for each customer, which shall be paid by the Government to the Water Company within thirty (30) days after the receipt of the bill therefor."

is hereby amended to read as follows:

"1. (No change)

"2. (No change)

"3. For the service performed under paragraphs 1 and 2 above, The Water Company will charge the Government a unit price of ten cents (\$0.10) for the data supplied for each customer, which shall be paid by the Government to the Water Company within thirty (30) days after the receipt of the bill therefor."

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 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.

Mark C. McGuinness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: October 14, 1996

APPROVED: October 14, 1996

Jean Vitartas
ACTING MAYOR

ATTEST:

Jean Steward
CLERK OF COUNCIL

An emergence 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:

This project proposes to replace or remove twelve existing traffic signal installations. The existing signals and control equipment is very old and is in need of replacement. The new equipment will provide coordinated signal operation to improve traffic flow, increase capacity, and enhance safety.

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:

- a) The City hereby agrees to assume and contribute one hundred percent (100%) of the cost of preliminary engineering and right of way.
- b) The City hereby agrees to assume and contribute one hundred percent (100%) of the cost of construction less the amount of Federal and State funds set aside by the Director of Transportation for financing the improvement from funds allocated by the Federal Highway Administration and further the City will assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement, as determined by the state and the Federal Highway Administration.

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 Mayor 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, for all portions for which it is responsible, keep said highway open to traffic at all times, and

- (a) Maintain the improvement in accordance with the provisions of 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:

prohibit parking in accordance with section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

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 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 23-CFR-645A and the Department of Transportation's rules on Utility Accommodation.
- (g) That the City hereby agrees to accept responsibility for any and all damaged 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 obligation 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.

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: October 14, _____, 19 96

Approved October 14, _____, 1996

Attest: Joan Steward
Clerk

Paul V. Hartas
Acting Mayor

Attest: Joan Steward

Mark C. Meguinoss
President of Council Pro Tempore

ORDINANCE NO. 1996- 139

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 (REPLACING 12 TRAFFIC SIGNALS ON SR95/ MT. VERNON AVE.)

Ordinance No. 1996-20

PID No. 16038
Project No. _____(96)

FINAL RESOLUTION

Adopting plans;
Proposing to co-operate;
Requesting Director to proceed;
(Chapter 5521, Ohio Revised Code)

Mr. Hempstead moved the adoption of the following Resolution:

WHEREAS, At a meeting of the legislative authority of the City of Marion, Ohio held in the office of said legislative authority on this 14th day of October, 1996, a quorum being present, the improvement of **State Route 95**, under the provisions of Chapter 5521, Ohio Revised Code, came on for further consideration; said portion of highway as described in the legislation proposing cooperation with the Director of Transportation, enacted on the **12th day of February, 1996**, being described as follows:

The replacement of twelve traffic signals, lying within the City of Marion.

WHEREAS, In said legislation proposing cooperation, said legislative authority proposed to cooperate with the Director of Transportation in the improvement of **State Route 95**, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right of Way for the improvement, excluding State in-house Preliminary Engineering and Right of Way payroll cost.

In addition, the City agrees to assume and bear one hundred percent (100%) of the cost of any construction item requested by the City which is not necessary for the improvement, as determined by the State and Federal Highway Administration.

If any work on State Route 95 is ultimately determined only to be eligible for eighty percent (80%) Federal participation rather than one hundred percent (100%), the State will assume and bear the twenty percent (20%) non-Federal share.

In view of the fact that the total cost of the project for the **City of Marion**, is now estimated in the amount of **Eight Hundred Two Thousand - - - - - 00/100 Dollars, (\$802,000.00) less Federal Funds in the amount of Eight Hundred Two Thousand - - - - - 00/100 Dollars, (\$802,000.00)**, the City will not be required to deposit any funds at this time. The City's ultimate share of the cost will be determined when final actual costs and allocations are determined.

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

WHEREAS, This legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement.

Now, Therefore, Be It Resolved:

- I. That the section of highway described above be improved under the provisions of aforesaid law. That said work be done under the charge, care, and superintendence of the Director of Transportation and that said plans, specifications and estimates for this highway improvement as approved by the Director of Transportation are hereby approved and adopted by this legislative authority.
- II. That this legislative authority, is still of the opinion the proposed work on the described highway should be constructed, and that we should co-operate on the basis set forth in our proposal.
- III. That the installation of 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 rules on Utility Accommodation.
- IV. 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 Ohio Department of Transportation Directive HP-508, whether 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.
- V. That traffic control signals will be installed on the project only when recommended by a study of roadway and traffic conditions by a traffic engineer or when at least one of the warranting conditions specified in the Ohio Manual of Uniform Traffic Control Devices is met and the municipality does hereby agree to 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.
- VI. That the rights-of-way provided for said improvement shall be held inviolate for public highway purposes and no signs, posters, billboards, roadside stands or other private installations shall be permitted within the right-of-way limits.
- VII. That this legislative authority of the City of Marion, Ohio, hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- VIII. That the Clerk of this legislative authority be, and he is hereby directed to transmit to the Director of Transportation a certified copy of these Resolutions.
- IX. This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting construction of project(s) to promote highway safety and provided it receives the affirmative vote of two-thirds of the members elected to the legislative authority, it shall take effect and be in force 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.

Thereupon Mrs. Lyons seconded the said motion, and upon the roll being called, the result of the vote was as follows:

Vote on suspension of the rule requiring an ordinance to be fully and distinctly read on three different days:

(Requires a yea vote by three-fourths of all elected members)

Yeas Nine Nays None

Vote on Emergency Clause: Yeas Nine Nays None

Passed October 14, 1996. Yeas Nine Nays None

As An Emergency Measure.

Passed: October 14, 1996.

Attest: Jean Steward

Clerk

Attest: Jean Steward

Acting Mayor

Mark C. McGuinness
Presiding Officer of the
Legislative Authority Pro Tempore

ORDINANCE NO. 1996 - 140

ORDINANCE DIRECTING THE MAYOR TO FILE A MULTI-JURISDICTIONAL APPLICATION FOR ISSUE 2 MONIES IN CONJUNCTION WITH BIG ISLAND TOWNSHIP AND AUTHORIZING THE AUDITOR OF THE CITY OF MARION TO EXPEND TWENTY-FIVE PERCENT (25%) OF THE TEN PERCENT (10%) MATCHING FUNDS, UP TO AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000), AND DECLARING AN EMERGENCY.

WHEREAS, Herr Road in Big Island Township, provides access to the compost site; and,

WHEREAS, a great majority of the traffic that uses Herr Road is generated by vehicles going to and from the compost site; and,

WHEREAS, The southern most portion of Herr Road is currently closed and unimproved; and,

WHEREAS, there is a strong possibility that Big Island may obtain Issue 2 money that would provide ninety percent (90%) of the cost of the replacement of the south end of Herr Road and the widening of the north end of Herr Road; and,

WHEREAS, the improvement of Herr Road would provide a reasonable benefit to the City of Marion.

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

Section 1. That the Mayor on behalf of the City of Marion shall be authorized to pay up to twenty-five percent (25%) of the ten percent (10%) matching funds required to obtain Issue 2 money or Five Thousand Dollars (\$5,000.00), whichever is less, in order to allow for the replacement of the south end of Herr Road and the widening of the north end of Herr Road.

Section 2. That the Mayor on behalf of the City of Marion shall join with Big Island Township in filing a multi-jurisdictional application for Issue 2 money.

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 due to the deadline for the application is approaching, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

DEFEATED OCT. 14, 1996

CLERK

ORDINANCE NO. 1996 - 141ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER
31, 1996.

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 \$71,567.29 as follows:General Fund

Airport Professional Services	101-06-621-230-000-320	\$ 1,700.00
Council Equipment	101-07-721-250-000-450	<u>1,000.00</u>
TOTAL		\$ 2,700.00

Juvenile Intervention Grant Fund

Salaries	212-01-111-210-000-110	\$25,000.00
Benefits	212-01-111-210-000-120	10,487.00
Professional Services	212-01-111-230-000-320	17,850.00
Equipment	212-01-111-250-000-450	<u>7,800.00</u>
TOTAL		\$61,137.00

Early Intervention Grant Fund

Salaries	249-02-547-210-000-110	\$ 218.00
Benefits	249-02-547-210-000-120	294.00
Travel	249-02-547-220-000-220	(66.00)
Schooling	249-02-547-230-000-221	138.00
Utilities	249-02-547-230-000-310	28.00
Professional Services	249-02-547-230-000-320	3,125.00
Supplies	249-02-547-240-000-420	317.00
Postage	249-02-547-240-000-423	<u>50.00</u>
TOTAL		\$ 4,104.00

Rental Rehab Fund

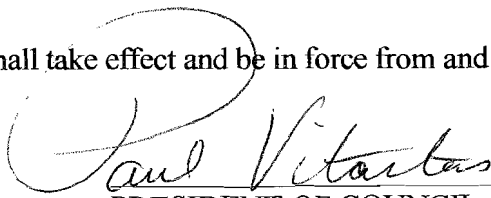
Emergency Rehab	273-04-539-230-000-328	\$ 3,358.00
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Health Fund

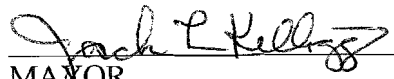
Transfer to WIC	214-02-221-230-000-706	\$ 268.29
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GRAND TOTAL \$71,567.29

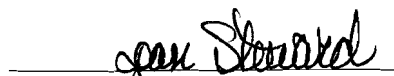
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: October 28, 1996
APPROVED: October 29, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996-142

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
THE PURCHASE OF A SOLAR MOBILE TRAFFIC MONITOR
SYSTEM.**

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

WHEREAS, the Solar Mobile Traffic Monitor System can be used to assist and control traffic speed and conduct traffic studies.

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for the purchase of a Solar Mobile Traffic Monitor System.

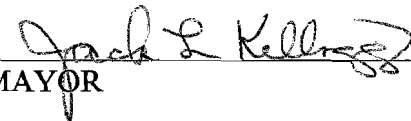
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: October 28, 1996

APPROVED: October 29, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996 - 143

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 twenty-five cents
(25¢), tax included per copy for both sides, for copies of public
records maintained by the City of Marion."

is hereby amended to read as follows:

"129.01 Photocopies

(a) There is hereby established a fee of ten cents (10¢), 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: October 28, 1996

APPROVED: October 29, 1996


MAJOR

ATTEST:


CLERK

ORDINANCE NO. 1996-144

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH H & H EXCAVATING FOR THE DEMOLITION OF 658 HOCKING STREET AND DECLARING AN EMERGENCY.

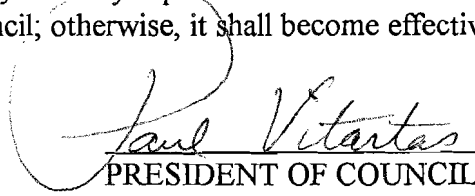
WHEREAS, H & H Excavating submitted the best bid,

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 H & H Excavating for the demolition of 658 Hocking Street.

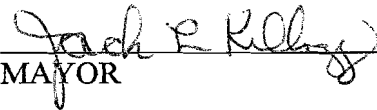
Section 2. That the \$2,280.00 cost of said contract shall be payable from the General Fund Account No. 101-07-716-230-000-323

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 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 28, 1996

APPROVED: October 29, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

*The Mayor wishes
to add to Monday's
agenda.*

ORDINANCE NO. 1996- 145

ORDINANCE REDUCING APPROPRIATIONS IN THE JUVENILE INTERVENTION FUND FOR THE YEAR ENDING DECEMBER 31, 1996.

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

Section 1. That there be a reduction in the appropriations of the Juvenile Intervention Fund in the amount of \$61,137.00 as follows:

SALARIES	212-01-111-210-000-110	(\$25,000.00)
BENEFITS	212-01-111-210-000-120	(10,487.00)
PROFESSIONAL SERVICES	212-01-111-230-000-320	(17,950.00)
EQUIPMENT	212-01-111-250-000-450	(7,800.00)
		<hr/> (\$61,137.00)

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

Mark C. McGuinness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: November 12, 1996

APPROVED: November 12, 1996

Josh L. Kelley
MAYOR

ATTEST:

Jean Stewart
CLERK

ORDINANCE NO. 1996-146

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH ENVIRONMENTAL SPECIALTIES,
INC., ROEBUCK, SOUTH CAROLINA, FOR CATIONIC POLYMER
TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

WHEREAS, Environmental Specialties, Inc. submitted a bid of
\$1.09/lb. for ES 1808 (Praestol 144L) resulting in the lowest cost
of treatment.

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 Environmental Specialties,
Inc., for Cationic Polymer to be used at the Water Pollution Control
Plant.

Section 2. That the contract shall be payable from the Sewer
Fund, Supplies and Materials Account No. 505-05-552-240-000-420.

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

Mark A. Meginess
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: November 12, 1996

APPROVED: November 13, 1996

Jack L. Kellogg
MAYOR

ATTEST:

Jan Steward
CLERK OF COUNCIL

ORDINANCE NO. 1996-147

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
THE RENTAL OF UNIFORMS FOR THE CITY OF MARION
EMPLOYEES IN THE AFSCME UNION.**

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

WHEREAS, the AFSCME Union has tentatively agreed to using a uniform rental service and waiving the current clothing allowance clause from the collective bargaining agreement.

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the rental of uniforms for the City of Marion employees in the AFSCME Union..

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

Mark C. McGuinness

PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: November 12, 1996

APPROVED: November 13, 1996

Jack L. Kellogg

MAYOR

ATTEST:

Jan Steward

CLERK OF COUNCIL

ORDINANCE NO. 1996 - 148

AN ORDINANCE CREATING A STORM WATER DRAINAGE UTILITY; AUTHORIZING AND DIRECTING THE PREPARATION OF A STORM WATER DRAINAGE MANAGEMENT AND FACILITIES PLAN AND A USER CHARGE STUDY FOR SAID UTILITY; DECLARING COUNCIL'S INTENTION TO ESTABLISH AND IMPOSE JUST AND EQUITABLE CHARGES ON STORM WATER DRAINAGE UTILITY USERS; AND APPROPRIATING MONEY TO PAY CERTAIN COSTS OF THAT UTILITY.

WHEREAS, storm water drainage problems in the City have demonstrated the need for planning, design, construction and maintenance of existing and future storm water drainage systems and improvements and for measures to lessen the demands which development place upon those systems; and

WHEREAS, this Council has determined that it is necessary and appropriate to establish a storm water drainage utility and to pay costs associated with storm water drainage by establishing and imposing just and equitable charges for the services provided by that utility;

WHEREAS, this Council has conducted extensive hearings on numerous dates, including but not limited to August 20th and 21st, 1996.

WHEREAS, the Engineering Division has prepared a priority list of storm sewers and drainage facilities dated October 1, 1996 which identifies needed storm drainage projects totaling \$32,008,650;

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

Section 1. Pursuant to the general laws of the State of Ohio and the powers granted to the City of Marion, this Council determines and declares that it is necessary, appropriate and in the public interest to create, and this Council hereby creates, a storm water drainage utility to own, operate, maintain, repair, improve and extend the existing storm water drainage facilities serving the City and its inhabitants, and improvements to and extensions of those facilities, pursuant to the powers and authority provided under the Constitution and laws of the State of Ohio and the ordinances of the City. The City shall operate the storm water drainage facilities (hereinafter referred to as Utility) as a public utility and in such a manner as to provide and maintain open drainageways, underground storm sewers and drains and other storm water drainage facilities, equipment and appurtenances necessary, useful or convenient to provide a complete and adequate system of storm water drainage for the City and its inhabitants.

This Council further determines and declares that:

(a) The improvement of both public and private storm water drainage facilities through or immediately adjacent to new developments shall remain the responsibility of the developers. No portion of this ordinance or statement herein or subsequent council interpretation policies shall relieve the property owner of assessments levied against their property for public facility improvement projects.

(b) The City shall maintain all public storm water drainage facilities located on City-owned land in public rights-of-way and easements. Public facilities include but are not limited to:

- (1) open drainageways owned by the City or located in public rights-of-way or drainage easements in the City;
- (2) a piped drainage system and its related appurtenances which has been designed and constructed expressly for use by the general public;

- (3) bridges on public streets, culverts;
 - (4) roadside drainage ditches within the public right-of-way along streets; and
 - (5) flood control facilities (levees, dikes, overflow channels, detention basins, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public.
- (c) Facilities not qualifying as public facilities include but are not limited to:
- (1) private parking lot storm drains;
 - (2) roof, footing, and area drains;
 - (3) drains not designed and constructed for use by the general public;
 - (4) open drainage swales or ditches on private property for which no public easement of record has been granted; and
 - (5) access drive culverts.

Section 2. In order to pay the cost of operating, maintaining, repairing, improving and extending the Utility, this Council shall establish and impose just and equitable charges on all users of the Utility for the services provided by the Utility. Those charges shall be established by this Council upon completion of a storm water drainage master plan and a related finance plan to determine appropriate charges for the services of the Utility and shall be established at the level necessary to enable the City to pay the costs of operating, maintaining, repairing, improving, and extending the Utility and paying debt service with respect to debt of the City incurred for Utility improvements from revenues of the Utility.


Section 3. Pursuant to and in accordance with Section 5705.09 of the Revised Code, this Council hereby establishes a special fund, to be known as the Storm Drainage Utility Fund, for the revenues and expenses of the Utility. In no years shall the Fund show a loss.

Section 4. The Safety/Service Director shall be the administrator of the Utility, and shall be authorized to develop for approval by this Council policies, regulations, standards and financial incentives to promote, regulate and administer the Utility.

Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or applications of the provision or any other provision of this ordinance which can be given effect without the invalid provision or application and to this end the provisions are severable.

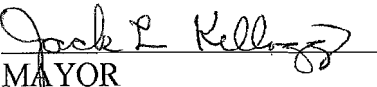
Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with law.

Section 7. This ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: December 9, 1996
APPROVED: December 10, 1996

ATTEST:


MAYOR


CLERK

AMENDED ORDINANCE NO. 1996 - 149

ORDINANCE AMENDING THE MARION CITY CODE TO INCLUDE SECTION 915 ET AL., STORM WATER DRAINAGE SYSTEM PURSUANT TO THE DECLARATION OF COUNCIL CONTAINED IN ORDINANCE NO. 1996 - 149, AND REPEALING CODE SECTIONS 911.31 THROUGH 911.38.

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

Section 1. Wherein the Council finds the necessity to amend the City code to include sections 915, et al., it hereby adopts same as it's laws and hereby directs the Clerk to amend the Codified Ordinances to include Sections 915, et al.

“CHAPTER 915: STORM WATER DRAINAGE SYSTEM

Section

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GENERAL PROVISIONS

915.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

DEBT SERVICE. The payment requirements necessary to amortize the debt assumed by the Storm Drainage Utility for the purpose of financing operations, maintenance, and improvements to same.

ENGINEER. The City Engineer or his/her authorized deputy, agent, or representative.

EQUIVALENT RESIDENTIAL UNIT (ERU). That amount of impervious area attributable to the averaged single-family residential property. Such measurement shall be considered as one (1) ERU, which is to be used to calculate the volume of storm water discharge.

EQUIVALENT RESIDENTIAL UNIT (ERU) RATE. That rate as established by Ordinance by the Council of the City of Marion which represents the user fee for one (1) Equivalent Residential Unit. Said rate is to be applied to a property's ERU determination. For example, if a property's contribution to the public storm water drainage system is calculated as 4 ERU's, then the rate for one ERU is multiplied by 4 and the user fee is charged accordingly.

IMPERVIOUS AREA. That area, as determined by the City Engineer, which does not allow for the natural absorption of storm water and attributes to storm water runoff. Examples of impervious areas include, but are not limited to, roofs, driveways, parking areas, walkways and patios.

LATERAL SEWER. A sewer that discharges into a branch or other sewer and has no other common sewer, except building service sewers, tributary to it.

MAY is permissive; **SHALL** is mandatory.

NATURAL OUTLET. Any outlet in a watercourse, pond, ditch, lake, or other body of surface or groundwater.

OPERATION and MAINTENANCE COSTS. All expenses associated with the collection, management, and disposal of storm water, including costs related to the maintenance of the storm water drainage system.

PUBLIC SEWER. A sewer provided by or subject to the jurisdiction of the municipality. It shall also include sewers within or outside the municipal boundaries that serve one or more people and ultimately discharge into the municipal sewer system, even though those sewers may not have been constructed with municipal funds.

PUBLIC STORM WATER DRAINAGE SYSTEM. That system where private and public property storm water runoff is discharged into, then collected and managed by the City of Marion. It includes all public drains, culverts, catch basins, open ditches and waterways, control structures, retention/detention ponds and other public facilities related to the collection and management of storm water runoff located within or without the city corporation limits.

REPLACEMENT and IMPROVEMENT COSTS. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the storm drainage utility system to maintain and improve the capacity and performance for which such system was designed and constructed. Unless specifically excluded, the term **OPERATION** and **MAINTENANCE** shall include replacement.

SAFETY/SERVICE DIRECTOR. The Director of Public Safety/Service of the municipality or his/her duly authorized deputy, agent or representative.

SANITARY SEWER. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWER. A pipe or conduit for conveying sewage or any other waste liquid, including storm, surface and groundwater drainage.

SIC MANUAL. The Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented.

SPECIFICATIONS FOR MATERIALS. Standards of specifications identified by the following abbreviations:

- ANSI: American standards approved by the American National Standards Institute Inc., 1430 Broadway, New York, New York 10018.
- AASHTO: American Association of State Highway and Transportation Officials, 444 North Capitol St., N.W., Suite 225, Washington, D.C. 20001.
- ASTM: Standards and tentative standards published by the American Society for Testing and Materials, P. O. Box 7510, Philadelphia, Pennsylvania 19101.
- CS: Commercial standards representing recorded voluntary recommendations of the trade, issued by the United States Department of Commerce and obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C. 20234.

STORM DRAIN OR STORM SEWER. A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

STORM DRAINAGE UTILITY. A Storm Drainage Utility is a management system for the installation, maintenance, and operation of a stormwater collection and disposal system financed from revenue derived from user fees.

Stormwater utility user fees are equitably based upon a property's contribution to the drainage system. This is calculated by determining impervious surface area.

The Storm Drainage Utility will address stormwater drainage issues within the City of Marion's corporation limits. Likewise, user fees will only be charged to those properties within the City limits.

STORM DRAINAGE UTILITY USER FEES. Those charges levied against a property for said property's contribution to the public storm water drainage system. User fees are to be based upon Equivalent Residential Units (ERU's) and the Rate established for an ERU by Ordinance of Council of the City of Marion.

STORM WATER RUNOFF. That portion of rainfall that is discharged into the public storm water drainage system, including, but not limited to, storm drains, catch basins, and ditches. Storm water which is detained (Detention pond), but eventually discharged into the public storm water drainage system is considered storm water runoff.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

USERS CHARGE. The charge to each recipient of storm drainage services within the municipality's service area representing a proportionate share of the costs of operation and maintenance including replacement of all storm drainage service provided and improvement to same. An incremental charge for the recovery of debt service may be included.

USERS CLASS. The division of users within the municipality's service area by the origin of storm water discharge and the function of such users. Stated in five general classes, they are:

(1) **RESIDENTIAL USER.** Any user, or contributor, to the public storm water drainage system who is a single-family residential unit. The sole purpose of the property is for housing of a single-family residence. Such residence must be billed as a single unit by the Marion Utility Department.

Duplex, triplex, and apartment units may be classified as a residential user only if each residential unit is metered and billed separately. Residential users shall also include any property not otherwise classified herein.

(2) **COMMERCIAL USER.** Any user, or contributor, to the public storm water drainage system whose primary function is retail, wholesale, service, or other commercial activity. The purpose of said property is for the conduct of business. Multi-family dwellings, metered and billed as one, shall be deemed commercial use.

(3) **INDUSTRIAL USER.** Any user, or contributor, to the public storm water drainage system whose primary function is the manufacture, fabrication, or assembly of goods classified as manufacturing by the Marion Zoning Code.

(4) **INSTITUTION or OTHER PUBLIC USER.** Any user or contributor, to the public storm water drainage system whose primary function is public service. Such users may include, but are not limited to; hospitals, prisons, government offices, charitable institutions, and public service operations.

(5) **COMBINED USER.** Any user, or contributor, to the public storm water drainage system whose property serves more than a single function. Examples of such usage may include, but not be limited to; housing units converted to commercial and residential usage, commercial units partially used for residential, or any other combination of uses.

Combined users shall be classified as Commercial Users for the purposes of computing user charges.

915.02 DECLARATION OF NECESSITY.

The system of public storm water drainage sewers and appurtenances shall be operated as a public utility. Council has declared it necessary to construct, maintain and operate within or without the municipality the necessary storm water drainage sewers, culverts, catch basins, drains, ditches, streams, retention/detention ponds and appurtenances for the use of the inhabitants of the municipality.

915.03 DIRECTOR'S POWERS AND DUTIES.

(A) The Safety/Service Director shall manage the utility and make such regulations or rules as may be found necessary for the safe, economical and efficient management and protection of the storm water drainage system, and for the enforcement of the provisions of this chapter.

(B) The Safety/Service Director shall make and enforce such rules as he/she may deem necessary for the enforcement of the provisions of this chapter, for the proper determination and collection of the rates and charges herein provided and for the safe, efficient and economical management of the system.

915.04 CITY ENGINEER'S POWERS AND DUTIES.

(A) The City Engineer is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of this chapter for the purpose of providing control of the installation of storm drainage sewers and appurtenances and the inspection thereof. The City Engineer shall maintain accurate and complete records of all permits issued and inspection made. The City Engineer is authorized to require abandonment and removal of connections to the public storm sewers which violate the provisions of this chapter.

(B) The City Engineer and his/her authorized representative are authorized to enter upon any private premises at all reasonable times for the purpose of inspecting storm sewer, excavations for the same, and connection to ensure compliance with this chapter and any other provisions of this code related to the same. No persons shall refuse the City Engineer or his/her authorized representatives this right of entry.

915.05 GRIEVANCE AND APPEALS.

(A) Any User aggrieved by a decision of the City Engineer may file a written appeal of that decision with the Safety/Service Director. The appeal shall state the basis of the User's complaint and the decision of the City Engineer.

(B) The Safety/Service Director shall investigate the complaint and issue a written decision. Such decision shall include:

1. Name, Address, and Location of the premises of the User;
2. Summary of the User's complaint;
3. Synopsis of the facts presented by the City Engineer.
4. The decisions of the Safety/Service Director with accompanying justification.
5. An interpretation/clarification of any applicable policy, regulation or law.

(C) No legal action in the courts of the City, State or Federal government shall be initiated by any User until completion of this administrative remedy.

915.06 SEPARABILITY.

The invalidity of any section, clause, sentence or provisions of this chapter shall not affect the validity of any other part which can be given effect without such invalid part of parts.

STORM WATER DRAINAGE REGULATIONS

915.07 STORM CONNECTION; PERMIT REQUIRED.

(A) No house sewer or drain shall be constructed to connect with a public storm sewer nor shall any connection be made to a public storm sewer within the municipality, or a municipally owned storm sewer outside the municipality, until a written permit from the City Engineer has been obtained.

915.08 STORM CONNECTION PERMIT; APPLICATION AND FEE.

An application for a permit required by § 915.07 shall describe the property and state the purpose for which the connection is desired. The application shall be accompanied by a fee in the amount as shown on the fee schedule available in the City Engineer's Office.

915.09 STORM DISCHARGE REQUIREMENTS.

The written permit required by 915.07 to construct a house sewer or drain connecting with a public storm sewer shall specify the permissible use of such house sewer or drain. Such specifications shall be governed by the following requirements:

(A) Storm sewers or drains may be used for the removal of surface water, rain water from roofs, subsoil drainage, building foundation drainage, cistern overflow, clear water from condensers, wastewater from water motors, and any other clean and unobjectable wastewater.

(B) Storm sewers or drains shall not receive sewage, industrial waste, septic tank wastewater, cesspool overflow, privy vault drainage, kitchen waste, or any other liquid waste of objectable character.

(C) After a storm sewer or drain to be connection with a public storm sewer is laid, and before it is covered or used, it shall be inspected and approved by the City Engineer or his/her authorized agent.

915.10 STORM PIPE MATERIALS.

All storm sewers shall be constructed of sewer pipe meeting the following material specifications:

- (A) High density polyethylene pipe with smooth interior as described in AASHTO M-294; or
- (B) Reinforced concrete pipe as described in ASTM C-76; or
- (C) Residence service lines may be constructed of polyvinyl chloride (PVC) as described in ASTM D-3034 SDR-35.

915.11 STORM LATERALS AND YARD DRAINS.

Storm sewer laterals shall have minimum barrel diameters of 12 inches and a minimum grade of 0.22 percent. Yard drains may be taken to the curb line and discharge into streets and alleys.

915.12 DOWNSPOUTS EMPTYING ONTO SIDEWALKS.

No person shall maintain or construct any building downspout or eave trough in such a manner as to empty its contents onto sidewalks.

915.13 PROHIBITION OF UNPOLLUTED WATER.

No person shall discharge or cause to be discharged any unpolluted storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.

915.14 ALLOWABLE DISCHARGE OF UNPOLLUTED WATER.

Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm drains or into a natural outlet approved by the Safety/Service Director. Unpolluted industrial cooling water or process waters may be discharged on approval by the Safety/Service Director and the Ohio Environmental Protection agency into a storm sewer or natural outlet.

STORM WATER DRAINAGE CHARGES

915.15 DIRECTOR'S POWERS AND DUTIES.

The Safety/Service Director shall manage, conduct, and control the storm water drainage system. City Council shall establish a schedule of rates or charges of rents for the use of said system, the Director shall ensure the collection of said charges. The Safety/Service Director shall designate those agents to ensure compliance. The Safety/Service Director shall assess user fee charges based upon said calculations and shall forward same to the Utility Billing Department for collection.

915.16 CITY ENGINEER'S POWERS AND DUTIES.

- (A) The City Engineers is hereby empowered to survey property for the purpose of calculating the square footage of impervious area. Said determination of impervious area to be used to calculate storm water drainage use fees based upon the Equivalent Residential Unit (ERU) and ERU Rate.

915.17 EQUIVALENT RESIDENTIAL UNIT (ERU) DETERMINATION.

(A) The ERU shall be determined by a survey of not less than eight (8) single-family residential properties representing neighborhoods city-wide. The survey shall determine the square footage of impervious area attributable to each property. The average square footage for the individual properties shall be calculated. This average square footage figure shall represent one (1) Equivalent Residential Unit (ERU).

(B) Determination of the ERU shall be completed prior to the establishment of the ERU rate (User Fee). The ERU shall be reviewed every eight (8) years in order to account for changes in the single-family residential market.

915.18 USER CHARGE ELEMENTS AND DETERMINATIONS.

The volume of storm water discharge used for calculating all user charges shall be based upon the Equivalent Residential Unit.

(A) Single-Family Residential - The volume of storm water discharge shall be determined by a survey of impervious area of such structures representing neighborhoods throughout the city. Impervious areas to be calculated shall include, but not be limited to, roofs, walkways, patios, driveways, and parking areas.

Upon calculation of the impervious area square footage, an average shall be determined. This averaged square footage shall be applied to all single-family residential properties, and shall represent an Equivalent Residential Unit (ERU). For example one ERU = xxx square feet.

(B) Multi-Family Residential - The volume of storm water discharge shall be determined by applying the ERU to each residential unit where each unit is billed for utilities separately, or where the units are billed jointly, by dividing the total impervious area of the residential property, as surveyed and calculated by city personnel or its designee, by the ERU to determine the number of ERU's (volume) discharged into the public storm drainage system.

(C) Commercial, Industrial, and Institutional or Other Public User - The volume of storm water discharge shall be determined by a survey of the subject property by city personnel or its designee and a calculation of the impervious area shall be made. The total impervious area square footage shall be divided by the Equivalent Residential Unit (ERU) to determine the number of ERU's (volume) discharged into the public storm drainage system.

(D) Vacant Structures - The volume of storm water discharge shall be determined by one of the above methods for all vacant property based upon its most recent use.

(E) Detention ponds, which detain discharge of storm water into the public storm drainage system, shall not reduce the calculation of impervious area.

(F) Retention ponds, which do not discharge into the public storm drainage system, shall cause a reduction in the calculation of impervious area proportionate to that area which drains to said retention pond. This reduction shall be at the sole discretion of the City Engineer.

(G) Property surveys and calculation of impervious areas shall be the responsibility of the City Engineer.

(H) Final determination for the method and manner of storm water discharge volume shall be the responsibility of the City Engineer.

915.19 PAYMENT OF CHARGES.

The storm water drainage charges herein provided shall be payable bimonthly or monthly, provided that the bill shall be paid on a monthly basis only in the event the water bill of such party is so said.

915.20 GROSS AMOUNT FOR DELINQUENCY.

(A) The charges shall constitute the net charges for storm water drainage service if paid within a period of 14 days 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 5% greater than the net charges, but in no case shall the additional charge be less than \$.10.

(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 they will be destroyed and the gross amount of such bill shall not be disputed.

915.21 NONPAYMENT; MUNICIPALITY'S REMEDY.

Each storm water drainage charge established and made pursuant to this chapter is hereby made a lien upon the premises charges therewith, and if the same is not paid within 90 days after it is due and payable it shall be certified to the County Auditor who shall place the same on the tax duplicate. With the interest and penalties allowed by law, it shall be collected as other municipal taxes are collected.

915.22 USES OF STORM WATER DRAINAGE REVENUE.

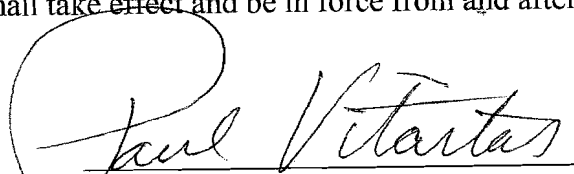
Revenue received from the collection of the rates and charges provided in 915.18 shall be deposited regularly with the Auditor, who shall keep the same in a separate fund designated the Storm Drainage Revenue Fund. The moneys in this Fund shall be used for the cost and expense of the operation, maintenance, repair, replacement, new construction and management of the public Storm Drainage System. Additionally, moneys from this Fund may be used for debt service related to the borrowing of funds for improvements to the storm water drainage system and for construction elements directly related to same. Surplus in the Fund generated by user fees shall be deposited and used in accordance with R.C. 729.52. When appropriated by Council, the Fund shall be subjected to the order of the Safety/Service Director. The Director shall sign all orders drawn on the Treasurer of the municipality against such Fund.

915.99 PENALTY.

Whoever violates any of the provisions of this chapter, other than nonpayment of charges or violates any property promulgated rule, regulation or other authorized by this chapter, is guilty of a misdemeanor of the second degree and shall be fined not more than \$750 or imprisoned not more than 90 days, or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues."


Section 2. WHEREAS the Council having found the sections referred to as 911.31 through 911.38 to be repetitive and unnecessary, it herein repeals said sections.

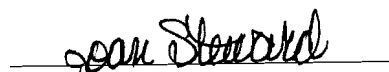
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: December 9, 1996
APPROVED: December 10, 1996

ATTEST:


MAYOR


CLERK

ORDINANCE NO. 1996-150**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE OHIO WETLANDS FOUNDATION, AND TO APPROPRIATE FUNDS FOR THE MITIGATION OF WETLAND RESTORATION IN BIG ISLAND WILDLIFE AREA FOR THE MARION AIRPORT INDUSTRIAL PARK AND DECLARING AN EMERGENCY.**

WHEREAS, in the course of development of the Marion Airport Industrial Park, it has become necessary to mitigate wetland relocation under Section 404 of the Clean Water Act, and

WHEREAS, the approval of said mitigation by authority of the Army Corps of Engineers is dependent upon an executed agreement between the City of Marion and the Ohio Wetland Foundation, and

WHEREAS, the mitigation of 2.95 acres of wetlands requires construction of 5 acres of new wetlands by the Ohio Wetland Foundation under the supervision of the Ohio Department of Natural Resources, and

WHEREAS, the established fees for this project is \$60,000.

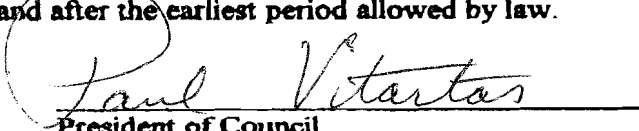
BE IT ORDAINED BY the Council of the City of Marion, Marion, County, Ohio:

SECTION 1 That the Safety/Service Director be directed to enter into contract with the Ohio Wetland Foundation for the restoration of 5 acres of wetlands.

SECTION 2 That there be additional appropriations made in the amount of \$60,000.00 in the Airport Professional Service fund (101-06-621-230-000-320).

SECTION 3 That said contract be payable from the Airport Professional Service 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 as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.



President of Council

Passed: November 25, 1996

Approved: November 26, 1996



Mayor

Attest:



Clerk of Council

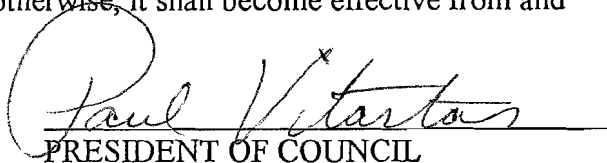
ORDINANCE NO. 1996- 151

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A
HOUSE BILL 300 PROJECT FOR VARIOUS CITY OWNED
FACILITIES AND DECLARING AN EMERGENCY.**

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

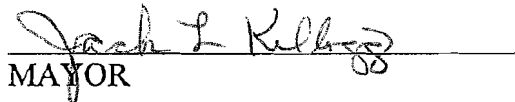
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for a House Bill 300 Project.

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: November 25, 1996

APPROVED: November 26, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-152


ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO (AFSCME OHIO COUNCIL 8), BARGAINING UNIT, AND DECLARING AN EMERGENCY.

WHEREAS, an Agreement with the AFSCME Ohio Council 8, has been reached on behalf of Bargaining Unit. and the City of Marion and ratified by the bargaining unit, to be effective January 1, 1997.

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

Section 1. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the AFSCME Ohio Council 8, Bargaining Unit, for the above specified bargaining unit.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and 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 earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: November 25, 1996

APPROVED: November 26, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996- 153

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1996.

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 for the amount of \$548,600.00 as follows:

GENERAL FUND

Annual Audit Fees	101-07-744-230-000-622	\$8,000.00
City Council Benefits	101-07-721-210-000-120	600.00
TOTAL GENERAL FUND		<u>\$8,600.00</u>

FY 96 CHIP GRANT

Private Rehab	272-04-546--230-000-322	\$210,000.00
Administration	272-04-546-230-000-324	36,000.00
Implementation	272-04-546-230-000-326	54,000.00
Rental Rehab	272-04-546-230-000-327	100,000.00
Rental Assistance	272-04-546-230-000-340	140,000.00
TOTAL CHIP GRANT		<u>\$540,000.00</u>

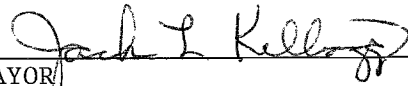
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

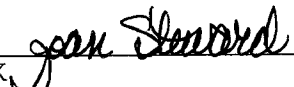
PASSED: November 25, 1996

APPROVED: November 26, 1996



 MAYOR

ATTEST:



 CLERK

ORDINANCE NO. 1996 - 154

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH MARION SENIOR HOUSING LIMITED PARTNERSHIP AND THE ACCEPTANCE OF A NOTE AND A MORTGAGE AS SECURITY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion (the "City") has previously contracted with the County of Marion (the "County") to use the services of the County's Housing Advisory Board pursuant to Section 176.02 of the Ohio Revised Code; and

WHEREAS, in connection with the proposed \$1,750,000 loan from the City to Marion Senior Housing Limited Partnership to pay costs of remodeling, rehabilitating and equipping the former Harding Hotel as housing (the "Project"), the City has previously submitted, or cause to be submitted, to the Housing Advisory Board: (i) a comprehensive housing affordability strategy for the City, (ii) a written description of the Project, (iii) a plan for the affirmative marketing to persons who are members of groups that may be disadvantaged by discrimination on the basis of race, religion, sex, handicap, national origin, ancestry, children or other similar cause or who traditionally would not be expected to apply for housing at the Project, and (iv) a fair housing impact statement summarizing the anticipated impact of the Project upon the existing housing patterns in the City; and

WHEREAS, this Council has determined to loan the proceeds of the Notes to Marion Senior Housing Limited Partnership to pay costs of the project;

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

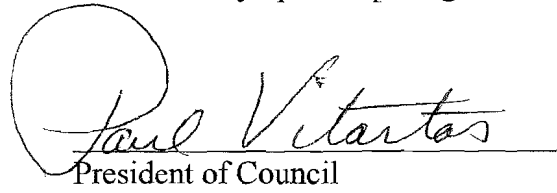
Section 1. It is hereby determined necessary and in the best interest of the City to assist Marion Senior Housing Limited Partnership (the "Partnership") to provide additional housing in the City by remodeling, rehabilitating and equipping the former Harding Hotel.

Section 2. The forms of the Loan Agreement between the City and the Partnership (the "Loan Agreement") and the Note (the "Note") and the Open-End Mortgage and Security Agreement (the "Mortgage") are hereby approved, and the Mayor and the Auditor are hereby authorized and directed to execute the Loan Agreement and to accept the Mortgage substantially in the forms now on file with this Council with such changes therein that are not materially adverse to the City and are permitted by law. The approval of any changes shall be conclusively evidenced by the execution of the Loan Agreement and Mortgage by the Mayor and Auditor.

Section 3. The Mayor, the Auditor and any other appropriate officer of the City are authorized, individually or collectively, to take such actions and execute such actions as necessary to complete the transaction contemplated by this Ordinance, including the execution of a contract for a third party evaluator.

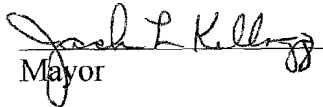
Section 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to permit the continuation and completion of the Project to provide needed housing for residents of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

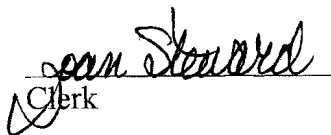

President of Council

Passed: November 25, 1996

Approved: November 26, 1996


Mayor

Attest:


Clerk

AMENDED ORDINANCE NO. 1996- 155

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,750,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PROVIDING A LOAN TO MARION SENIOR HOUSING LIMITED PARTNERSHIP FOR COSTS OF REMODELING, REHABILITATING AND EQUIPPING THE FORMER HARDING HOTEL AS HOUSING, AND DECLARING AN EMERGENCY.

WHEREAS, the Auditor as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 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 taxable bonds of this City in the aggregate principal amount of \$1,750,000 (the Bonds) for the purpose of providing a loan to Marion Senior Housing Limited Partnership for costs of remodeling, rehabilitating and equipping the former Harding Hotel as housing.

Section 2. The Bonds shall be dated approximately ~~December~~^{February} 1, 1997, shall bear interest at the now estimated rate of 8% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first principal payment for the Bonds is projected to be December 1, 1998.

Section 3. It is necessary to issue and this Council determines that taxable notes in the aggregate principal amount of \$1,750,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate or rates not to exceed 8% per year (computed on a 30-day month/360-day year basis), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the certificate awarding the Notes (the Certificate of Award) in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the ~~main~~ principal office of National City Bank of Columbus, Columbus, Ohio (the Paying Agent). The Notes shall be dated the date of issuance and shall mature on February 15, 1998.

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 no Note shall be issued in a denomination less than \$100,000 or be exchangeable for other Notes in denominations less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities in accordance with Section 133.40 of the Revised Code and in book-entry or other uncertificated form in accordance with Section 9.96 of the Revised Code if it is determined by the Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. The Notes shall be sold at not less than par plus accrued interest at private sale to Key Capital Markets, Inc. in accordance with law and the provisions of this Ordinance. The Auditor shall sign the certificate of award referred to in Section 3 evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Auditor, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. The Clerk of Council is directed to deliver a certified copy of this Ordinance and the certificate of award signed pursuant to Section 6 of this Ordinance to the County Auditor.

Section 11. 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 12. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

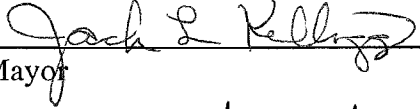
Section 14. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to permit the continuation and completion of the improvement to provide needed housing for residents of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: November 25, 1996



President of Council

Approved: November 26, 1996



Mayor

Attest: 

Clerk of Council

AMENDED ORDINANCE NO. 1996 - 156

ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARION TO EXECUTE A CONSENT TO THE SUBLEASING BY MARION GENERAL HOSPITAL, INC. OF CERTAIN PROPERTY, AND DECLARING AN EMERGENCY.

WHEREAS, on December 31, 1983, the City of Marion, Ohio (the "City") entered into a Lease and on October 26, 1992 the City supplemented and amended that Lease (the "Lease"), pursuant to which it leased the Marion General Hospital real estate and facilities to Marion General Hospital, Inc. (The "Hospital"), an Ohio corporation not for profit; and

WHEREAS, Section 6.1 of the Lease contains the following provision:

"This Lease may be assigned in whole or in part and, except for subleases for Hospital Specialty Services or Convenience Activities, the Leased Premises may not be subleased as a whole or in part, by Lessee without the prior written consent of Lessor, which consent will not be unreasonably withheld."

; and

WHEREAS, the Hospital is desirous of using a portion of the proceeds of the Hospital Facilities Refunding and Improvement Revenue Bonds, Series 1996 (U.S. Health Corporation of Columbus) (the "Series 1996 Bonds") to be issued by the County of Franklin, Ohio (the "County"), acting by and through the County Hospital Commission of Franklin County, for the benefit of U.S. Health Corporation of Columbus (the "Corporation"), to refinance the costs of certain fixtures, equipment, renovations and improvements heretofore completed; and

WHEREAS, in connection with the issuance of the Series 1996 Bonds, the Hospital proposes to lease to the Corporation the real property (the "Leased Real Property") described in Exhibit A hereto; and

WHEREAS, the Corporation proposes to acquire such leasehold interest in the Leased Real Property and proposes to sublease the Leased Real Property to the County; and

WHEREAS, the County proposes to acquire such leasehold interest in the Leased Real Property and proposes to sublease the Leased Real Property to the corporation for a rental which will at least equal the bond service charges to be paid on the Series 1996 Bonds (the "Basic Rent"); and

WHEREAS, the Corporation proposes to acquire such leasehold interest in the Leased Real Property and proposes to sublease the Leased Real Property to the Hospital for a rental in the amount of the percentage of Basic Rent payable by the Corporation approximately equal to the percentage of the proceeds of the Series 1996 Bonds paid to or for the benefit of the Hospital; and

WHEREAS, both parties agree, nothing in this ordinance, nor in the consent given herein shall affect any existing obligations or terms contained in the original lease dated December 31, 1983 and the supplement dated November 6, 1992; and

WHEREAS, there is an urgency in this matter, in that the above described lease agreements must be entered into in connection with the issuance of the Series 1996 Bonds, which issuance is scheduled to occur, in part, by the end of November, and Council therefore determines that said facts constitute a good and sufficient reason for said Ordinance to be passed as an emergency measure.

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

Section 1. In order to facilitate the issuance of the Series 1996 Bonds, the Mayor of the City shall sign and deliver, in the name and on behalf of the City, the Consent, in substantially the form as is now on file with the Clerk of this Council. That Consent is approved, together with any changes or amendments that are not inconsistent with this Ordinance, that are not substantially adverse to the City and that are approved by the Mayor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Consent. The Mayor is also authorized to undertake all additional actions necessary so as to consent to the subleasing of the Leased Real Property as herein described.

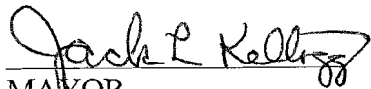
Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were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

Section 3. Council determines that this Ordinance is an emergency measure for the reason that the actions herein authorized must occur shortly; and for the further reason that it provides for the immediate preservation of the public peace, health and safety of the City; and as such shall be effective immediately upon its passage by an affirmative vote of two-thirds of the members elected to Council and the signature of the Mayor; otherwise to become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: November 25, 1996

APPROVED: November 26, 1996


MAYOR

ATTEST:



CLERK

EXHIBIT A

LEASED REAL PROPERTY

A. The real property described as follows:

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

TRACT NO. 1

Being in the southwest corner of Section 27 and the northwest corner of Section 34, Township 5 South, Range 15 East, and being more particularly described as follows:

Beginning at an old corner stone, said stone being the common corner of Sections 27, 28, 33 and 34 of the said Township, and being also the South Corporation Line of the City of Marion, Ohio: thence North $1^{\circ} - 39'$ East along the line between Sections 27 and 28, 361.6 feet to an iron pipe, at the southwest corner of McKinley Park; thence South $89^{\circ} - 14'$ East, 1084.03 feet to an iron pipe; thence South $0^{\circ} - 46'$ West, 761.6 feet to an iron pipe, thence North $89^{\circ} - 14'$ West, 1094.8 feet to an iron pipe, said pipe being on the line between Sections 33 and 34 of said Township; thence North $1^{\circ} - 37'$ East on the line between said Sections 33 and 34, 400.00 feet to the aforesaid old corner stone, and the place of beginning and containing 19.05 Acres more or less, according to survey by Tozzer & Associates, Civil Engineers and Surveyors, Marion, Ohio 1952.

TRACT NO. 2

Being a part of the Northwest Quarter of Section 34, Township 5 South, Range 15 East, and being more particularly described as follows:

Commencing at the point where the center line of Executive Drive intersects the West line of Executive Center Addition, said Executive Center Addition being recorded in Plat Book 5 at Pages 97 through 102 in the Marion County Recorder's Office; thence North $0^{\circ} 46'$ East along the West line of the aforesaid Executive Center Addition for a distance of Eighty-three and Forty-one Hundredths (83.41) feet to the Southeast corner of the Marion General Hospital property; thence, North $89^{\circ} 14'$ West along the South line of said Marion General Hospital property for a distance of Five Hundred Ninety-two and Eight Tenths (592.8) feet to the place of beginning; thence, continuing North $89^{\circ} 14'$ West along the South line of said Marion General Hospital property for a distance of sixty (60) feet, to a point; thence South $0^{\circ} 46'$ West for a distance of Two Hundred (200) feet, to a point; thence, South $89^{\circ} 14'$ East for a distance of Sixty (60) feet, to a point, said point being located at the Southwest corner of a certain One acre tract of land conveyed by Warranty Deed recorded in Volume 415 at Page 509 of the Deed Records of Marion County, Ohio by Naomi Uncapher Fisher and Irl L. Fisher, her husband, to Frank V. Murphy, Jr; thence, North $0^{\circ} 46'$ East for a distance of Two Hundred (200) feet to the place of beginning.

TRACT NO. 3

Being part of the Southwest Quarter of Section 27, Township 5 South, Range 15 East and being more particularly described as follows:

Beginning at an iron pipe in the south line of Harding Memorial Association lands, said iron pipe being the NW corner of Executive Center Addition as shown on plat of said addition in Plat Book 5, pages 97-102 inclusive; thence N 89° - 14' W along the south line of Harding Memorial Association lands for a distance of 330 feet; thence N 0° - 46' E along the east line of a 70 foot easement used as a drive to the Marion General Hospital for a distance of 548 feet to a point in the south line of McKinley Park Boulevard; thence S 89° - 14' E along the south line of McKinley Park Boulevard for a distance of 580.83 feet to an iron pipe in the west line of Harding Memorial Parkway; thence along the west line of Harding Memorial Parkway, the following five (5) measurements; S 0° - 46' W for a distance of 98.89 feet to a point of curvature; thence curving to the right 84.86 feet on an arc with a radius of 128 feet and whose chord bears S 19° - 43' W for a distance of 83.14 feet to a point of tangency; thence S 38° - 40' W for a distance of 316.25 feet to a point of curvature; thence curving to the left 92.61 feet on an arc with a radius of 140 feet and whose chord bears S 19° - 43' W for a distance of 90.92 feet to a point of tangency; thence S 0° - 46' W for a distance of 34.95 feet to the place of beginning; containing 5.86 acres of land, more or less.

Also the West Half of that part of Harding Memorial Parkway lying adjacent to above described tract, said Harding Memorial Parkway being described in a certain deed of easement from Harding Memorial Association to General Telephone Company and others and recorded in Deed Volume 382 at Page 551 in the Marion County Recorder's Office.

TRACT NO. 4

Being seventy (70) feet off of the west side of the following described premises and containing 0.8806 acres, more or less:

Being a part of the south half of the Southwest Quarter of Section 27. Township 5 South, Range 15 East, bounded and described as follows:

Beginning at a railroad spike in the center of the Inter-County Highway No. 104, The Marion-Delaware Road and the south line of the McKinley Park in said City of Marion, Ohio; thence west on the south line of the McKinley Park thirteen hundred and ten and five tenths feet to a pipe; thence south along the east line of the McKinley Park five hundred and forty-eight feet to a pipe at the southeast corner of said McKinley Park; thence east fourteen hundred and eighty-eight and six tenths feet to a railroad spike in the center of said Inter-County Highway No. 104, the Marion-Delaware Road; thence in a northwesterly direction in the center of said road five hundred and seventy-two and five tenths feet to the place of beginning, containing seventeen and sixty-one hundredths acres of land.

together with all the other properties hereafter acquired by the Lessor which at any time constitute the Leased Real Property, and which may be made subject to this Lease by amendment or otherwise; and

B. All and singular the easements, rights of way or use, licenses, privileges, franchises, servitudes, tenements, hereditaments and all appurtenances now or hereafter belonging to or anyway appertaining to any of the foregoing, including without limitation all right, title and interest in any street, open or proposed.

All buildings, structures, additions and improvements now or hereafter located on the Leased Real Property, and Lessor's interest in all facilities, fixtures, fittings, machinery, apparatus, installations, furniture, equipment and other property, whether real or mixed real and personal property, of every nature and kind now or hereafter located on the Leased Real Property, and all equipment, inventor, furniture and any other tangible personal property, of every nature and kind, situated on the Leased Real Property, now owned or hereafter acquired by Lessor.

ORDINANCE NO. 1996-157

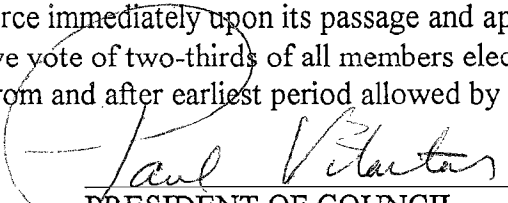
ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE UNITED STEELWORKERS OF AMERICA, LOCAL 1949-UNIT 2A BARGAINING UNIT, AND DECLARING AN EMERGENCY.

WHEREAS, an Agreement with the United Steelworkers of America, Local 1949-Unit 2A, has been reached on behalf of Bargaining Unit. and the City of Marion and ratified by the bargaining unit, to be effective January 1, 1997.

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

Section 1. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the United Steel workers of America, Local 1949-Unit 2A., for the above specified bargaining unit.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and 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 earliest period allowed by law.

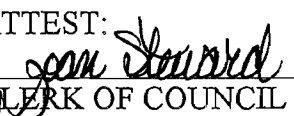

PRESIDENT OF COUNCIL

PASSED: November 25, 1996

APPROVED: November 26, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996 -158ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER
31, 1996.

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 \$351,765.35 as follows:General Fund

Jail Salaries	101-01-112-210-000-110	\$ 4,300.00
Fire Salaries	101-01-131-210-000-111	187,000.00
County Auditor Fees	101-07-744-230-000-623	500.00
Transfer to Capital Improv't	101-09-745-270-000-712	20,000.00
Transfer to SCMR	101-09-745-270-000-718	<u>20,000.00</u>
TOTAL GENERAL FUND		\$231,800.00

SCMR Fund

Salaries	207-06-612-210-000-110	\$ 38,000.00
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Sanitation Fund

Salaries	506-05-561-210-000-110	\$ 14,800.00
Benefits	506-05-561-210-000-120	<u>8,200.00</u>
TOTAL SANITATION FUND		\$ 23,000.00

Recycling Fund

Salaries	508-05-564-210-000-110	\$ 16,200.00
Benefits	508-05-564-210-000-120	<u>300.00</u>
TOTAL RECYCLING FUND		\$ 16,500.00

Professional Park Sewer Fund

Debt Retirement	554-05-533-260-000-620	\$ 15,686.25
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Police & Fireman Pension Fund

Transfer to General Fund	735-09-821-270-000-790	\$ 26,779.10
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: December 9, 1996

APPROVED: December 10, 1996



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1996 -159

ORDINANCE MAKING AN APPROPRIATION IN THE HARDING CENTRE
CONSTRUCTION FUND FOR THE YEAR ENDING DECEMBER 31, 1996.

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 Harding Centre
Construction Fund in the amount of \$1,750,000.00 as follows:

Rental Rehab	444-04-444-230-000-329	\$1,750,000.00
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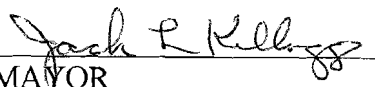
Section 2. That this ordinance shall take effect and be in force from and after the earliest
period allowed by law.



PRESIDENT OF COUNCIL

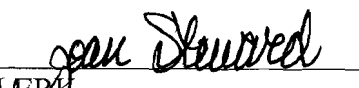
PASSED: December 26, 1996

APPROVED: December 27, 1996



MAYOR

ATTEST:



CLERK

ORDINANCE 1996-160

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AGREEMENT WITH PRO-TERRA ENVIRONMENTAL, PROJECT # 95-G AND, OWENS ELECTRIC COMPANY INC., PROJECT # 95-E FOR THE CONSTRUCTION OF A LEACHATE TRANSMISSION SYSTEM AT THE NOW CLOSED MARION CITY LANDFILL, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance # 1996-110 authorized the preparation of plans, specifications and advertising of bids for the construction of a Leachate Transmission System at the closed Marion City Landfill and,

WHEREAS, Owens Electric Co. Inc., submitted the lowest and best bid of \$57,950.00 on project # 95-E and,

WHEREAS, Pro-Terra Environmental Contracting Co., submitted the lowest and best bid of \$285,062.15 on project 95-G.

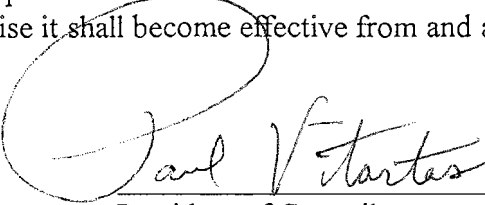
BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be directed to enter into contract with Owens Electric Company Inc., for the electrical requirements of this project, # 95-E.

Section 2. That the Safety/Service Director be directed to enter into contract with Pro-Terra Environmental Contracting Company, for the general construction work necessary for project # 95-G.

Section 3. That said contracts be payable from the Landfill Monitoring Fund.

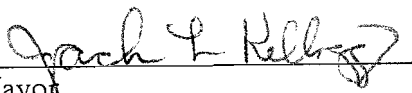
Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof due the overall monetary savings expected by this project; and as such, shall take effect and be in force immediately upon its passage and approval 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, 1996

approved: December 27, 1996



 Mayor

Attest:



 Clerk of Council

ORDINANCE NO. 1996-161

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH JOHNSON PROPERTY SERVICES, FOR SNOW REMOVAL AT MARION MUNICIPAL AIRPORT ON RUNWAYS, TAXIWAYS, RAMPS AND ANY OTHER DESIGNATED AREAS ON AIRPORT PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, on February 12, 1996, by passage of Ordinance # 1996-12, Council authorized the Safety/Service Director to prepare specifications and advertise for bids for snow removal at Marion Municipal Airport, and

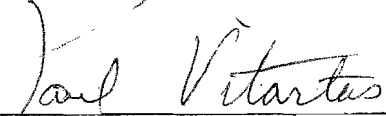
WHEREAS, based upon bid opening held December 12, 1996.

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

SECTION 1 That the Safety/Service Director be directed to enter into contract with Johnson Property Services, LaRue, Ohio, for a two year period.

SECTION 2 That cost per "unit" consisting of vehicle, plow and experienced operator will be \$70.00 per hour with exception to Sicard Airport Snowmaster with 20 ft. blade at \$200.00 per hour.

SECTION 3 That this ordinance is hereby declared to be an emergency measure necessary for the safety and 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, 1996

APPROVED: December 27, 1996



 MAYOR

ATTEST:



 CLERK OF COUNCIL

ORDINANCE NO. 1996-162

ORDINANCE TO VACATE A PART OF A 15' & 12' WIDE PREDOMINATELY NORTH/SOUTH ALLEY OFF OF BELLEFONTAINE AVENUE BETWEEN OLNEY AVENUE AND BLAINE AVENUE IN THE CITY OF MARION.
(Petitioner; Chris McAfee)

WHEREAS, in the opinion of this Council, there is good cause for vacating a part of a 15' & 12' wide predominately north/south alley off of Bellefontaine Avenue between Olney Avenue and Blaine Avenue, and

WHEREAS, the petition by Chris McAfee to vacate this portion of said alley was unanimously approved by the Marion City Planning Commission at its meeting of November 5, 1996, 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 PART OF A 12 FOOT AND 15 FOOT WIDE PUBLIC ALLEY WHICH LIES BETWEEN BELLAINÉ ADDITION, PLAT BOOK 3, PAGE 240; DURFEE & COPELAND'S ADDITION, PLAT BOOK 3, PAGE 96; AND PARK ADDITION, PLAT BOOK 2, PAGE 60; IN THE CITY OF MARION; MARION COUNTY; STATE OF OHIO; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE FOUND IN THE NORTHWESTERLY LINE OF BELLEFONTAINE AVENUE AND THE EAST LINE OF A PUBLIC ALLEY; THIS ALSO BEING THE S.W. CORNER OF LOT 12493 OF BELLAINÉ ADDITION AND THE S.W. CORNER OF BELLAINÉ ADDITION;

THENCE SOUTH 31 DEGREES, 39 MINUTES, 00 SECONDS WEST; WITH THE NORTHWESTERLY LINE OF BELLEFONTAINE AVENUE, A DISTANCE OF 19.11 FEET TO AN IRON PIPE FOUND AT THE S.E. CORNER OF LOT 1653 OF PARK ADDITION;

THENCE NORTH 00 DEGREES, 03 MINUTES, 02 SECONDS WEST; WITH THE EAST LINE OF PARK ADDITION, THE WEST LINE OF SAID ALLEY, AND CROSSING THE S.E. CORNER OF LOT 1652 AT 90.00 FEET, MORE OR LESS; A TOTAL DISTANCE OF 162.88 FEET TO AN IRON PIPE FOUND AT THE N.E. CORNER OF LOT 1652;

THENCE NORTH 89 DEGREES, 45 MINUTES, 30 SECONDS WEST; WITH THE NORTH LINE OF LOT 1651 AND THE SOUTH LINE OF SAID ALLEY, A DISTANCE OF 36.80 FEET TO AN IRON PIPE FOUND AT THE S.E. CORNER OF LOT 8663 OF DURFEE AND COPELAND'S ADDITION;

THENCE NORTH 00 DEGREES, 17 MINUTES, 30 SECONDS WEST; WITH THE EAST LINE OF LOT 8663 AND THE WEST LINE OF SAID ALLEY; A DISTANCE OF 43.50 FEET TO AN IRON PIN SET AT THE N.E. CORNER OF LOT 8663;

THENCE SOUTH 89 DEGREES, 45 MINUTES, 30 SECONDS EAST; A DISTANCE OF 6.00 FEET TO AN IRON PIN SET IN THE CENTER OF SAID ALLEY;

THENCE NORTH 00 DEGREES, 17 MINUTES, 30 SECONDS WEST; WITH THE CENTER OF SAID ALLEY; A DISTANCE OF 7.09 FEET TO AN IRON PIN SET;

THENCE SOUTH 89 DEGREES, 45 MINUTES, 30 SECONDS EAST; A DISTANCE OF 6.00 FEET TO AN IRON PIPE FOUND IN THE WEST LINE OF LOT 8722 OF DURFEE AND COPELAND'S ADDITION;

THENCE SOUTH 00 DEGREES, 17 MINUTES, 30 SECONDS EAST; WITH THE WEST LINE OF LOT 8722 AND THE EAST LINE OF SAID ALLEY; A DISTANCE OF 38.54 FEET TO A POINT AT THE S.W. CORNER OF LOT 8722;

THENCE SOUTH 89 DEGREES, 45 MINUTES, 30 SECONDS EAST; WITH THE SOUTH LINE OF LOT 8722 AND THE NORTH LINE OF SAID ALLEY, AND CROSSING A RAILROAD SPIKE FOUND AT 0.85 FEET; A TOTAL DISTANCE OF 39.85 FEET TO AN IRON PIN FOUND IN THE WEST LINE OF LOT 12493 OF BELLAINÉ ADDITION;

THENCE SOUTH 00 DEGREES, 03 MINUTES, 02 SECONDS EAST; WITH SAID LOT LINE AND THE EAST LINE OF SAID ALLEY, A DISTANCE OF 163.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 0.078 ACRES OF LAND, MORE OR LESS, AND SUBJECT TO ALL LEGAL HIGHWAYS, RIGHT-OF-WAYS, EASEMENTS, RESTRICTIONS, AND AGREEMENTS OF RECORD.

ALL SET IRON PINS ARE SOLID, 5/8 INCH, AND BEAR A PLASTIC CAP STAMPED "GARVERICK L.S. 6816".

BASIS OF BEARINGS: ASSUMED.

THE ABOVE DESCRIPTION IS BASED UPON A SURVEY BY JAN K. GARVERICK, L.S. 6816; DATED DECEMBER 1996.

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 of easement.

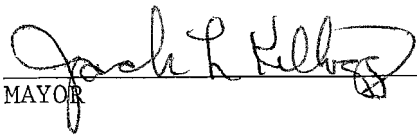
Section 4. That the Clerk of Council shall be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

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: December 26, 1996

APPROVED: December 27, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996-30

ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE STATE ROUTE 95 TRAFFIC SIGNAL IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion, Ohio is seeking a 100% Intermodal Surface Transportation Efficiency Act (ISTEA) construction grant from the Ohio Department of Transportation (ODOT), and

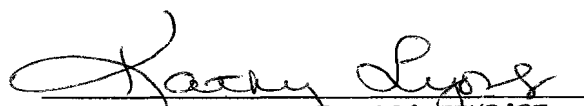
WHEREAS, URS Consultants submitted the best proposal to provide engineering services for the project,

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

Section 1. That the Safety/Service Director is hereby directed to enter into contract with URS Consultants for their proposal of \$50,000 to provide engineering services for the project.

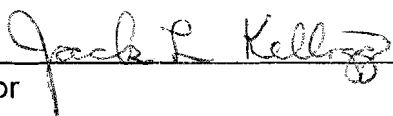
Section 2. That the \$50,000 cost to provide services for the S.R. 95 Traffic Signal Improvements Project shall be payable from the State Highway Improvements Fund.

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 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.

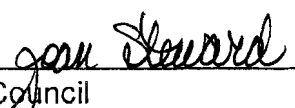

President of Council - PRO TEMPORE

passed: March 11, 1996

approved: March 12, 1996


Mayor

Attest:


Clerk of Council

ORDINANCE NO. 1996 - 31

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR AND THE PARKS SUPERINTENDENT TO ENTER INTO CONTRACT WITH IRON MOUNTAIN FORGE CORPORATION FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT, AND DECLARING AN EMERGENCY.

WHEREAS, Iron Mountain Forge Corporation submitted the lowest and/or best bid for each of the playground equipment projects, therefore

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Iron Mountain Forge Corporation for the purchase and installation of playground equipment at Garfield Park. Said contract in the amount of \$47,176.00 shall be payable from the CDBG formula grant fund parks and recreational facilities appropriation.

Section 2. That the Parks Superintendent be authorized and is hereby directed to enter into contract with Iron Mountain Forge Corporation for the purchase and installation of playground equipment at Lincoln Park. Said contract in the amount of \$45,795.00 shall be payable from the Parks fund, ODNR - Nature Works Appropriation.

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 this Council wants to ensure that the projects are completed prior to the "outdoor play season"; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: March 11, 1996

APPROVED: March 12, 1996


MAYOR

ATTEST:


CLERK

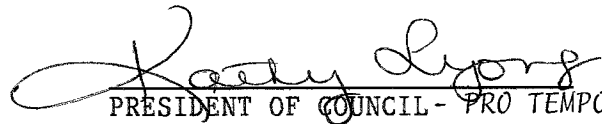
ORDINANCE NO. 1996 -32ORDINANCE APPROVING THE PURCHASE OF A CROSS-CUT DATA
SHREDDER, AND DECLARING AN EMERGENCY.

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, therefore

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

Section 1. That the City Auditor is hereby authorized to purchase a new Destroyit Model 3802 Cross-Cut Data Shredder at a cost of \$2,850.00. Said cost shall be covered by the trade-in of (1) Destroyit Model 4001 Data Shredder valued at \$895.00 and a cash payment of \$1,955.00.

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


PRESIDENT OF COUNCIL - PRO TEMPORE

PASSED: March 11, 1996

APPROVED: March 12, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996 - 33

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE
GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1996.

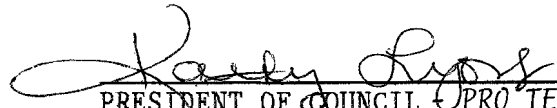
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriation made in the
general fund in the amount of \$450.00 as follows:

Parking Lot

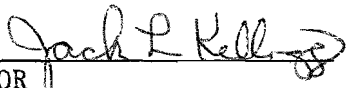
Property Tax	101-06-615-240-000-381	\$450.00
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Section 2. That this ordinance shall take effect and be in force
from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: March 11, 1996

APPROVED: March 12, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE TO EXTEND POLICE AUTHORITY TO THOSE MUNICIPAL OWNED LANDS OUTSIDE THE CURRENT LIMITS PURSUANT TO O.R.C. 715.50.

Whereas, the City of Marion, through it's elective representatives, the Council of the City of Marion, does hereby adopt and provide for the extension beyond the current territorial boundaries of the corporation known as the City of Marion, Ohio to those lands owned by said City municipal corporation and currently used by said City municipal corporation for municipal purposes, all needful police protections and capabilities as provided in O.R.C. 737.11; and

WHEREAS, the City of Marion, Ohio, a municipal corporation in the State of Ohio, United States of America, desires to extend beyond it's municipal corporation limits, it's police authorities and enforcement capabilities as provided in O.R.C. 737.11 to the lands owned by the municipal corporation for the protection of the peace and the safety of all persons using said lands; and

WHEREAS, the Ohio Revised Code 715.50 provides for the aforementioned extension and authority for the municipal corporations police jurisdiction to extend outside the limits of the municipal corporation; and

WHEREAS, it is necessary for the protection of the property of the municipal corporation and the users of those lands lying outside said corporation limits. The City of Marion now finds it necessary and prudent to extend those powers to the aforementioned lands.

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

Section 1. The City of Marion does hereby extend, pursuant to O.R.C. 715.50, to those lands lying outside the municipal corporation limits and owned by the municipal corporation and currently being used for municipal purposes, all police protections and enforcement capabilities and further directs the Marion City Police Department to enforce the laws of the State of Ohio, the City of Marion, and the United States of America on said lands and further authorizes the Department to prosecute any violator in the proper Court for the County of Marion.

Section 2. This granting of authority shall extend to those lands currently owned by the City of Marion or those which may become acquired by the City of Marion in the future.


Section 3. This extension of authority is found necessary in order to protect the public peace, ensure the safety of the residents of the City of Marion and those users who may from time to time be upon the lands owned by the municipal corporation which lie outside it's municipal corporation limits.

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

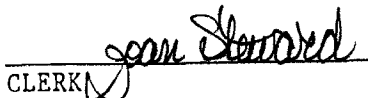

PRESIDENT OF COUNCIL

PASSED: *March 25, 1996*

APPROVED: *March 26, 1996*


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996-35

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SAL CHEMICAL COMPANY, COLUMBUS, OHIO, FOR THE ~~BRIGHTWOOD DRIVE FORCE MAIN SEWER PROJECT~~ ^{POLYMER FLOCCULENT TO BE USED AT THE WATER POLLUTION CONTROL PLANT} IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

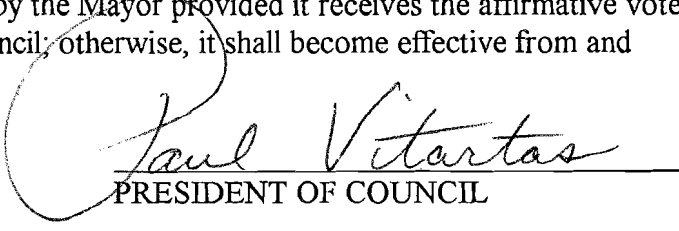
WHEREAS, Sal Chemical Company submitted the lowest and best bid of \$3.70 per ton to treat.

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 Sal Chemical Company for ~~the Brightwood Drive Force Main Sewer Project.~~

Polymer Flocculent to be used at the Water Pollution Control Plant.
Section 2. That the contract shall be payable from the Sewer Fund, Supplies & Maintenance Account No. 505-05-552-240-420-7000-

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: March 25, 1996

APPROVED: March 26, 1996


MAYOR

ATTEST:

CLERK OF COUNCIL

*Amended on Council floor 3/25/96

ORDINANCE NO. 1996-36**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
PUMPING OF LEACHATE AT THE MARION CITY LANDFILL
AND DECLARING AN EMERGENCY.**

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for pumping of Leachate at the Marion City Landfill.

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: March 25, 1996

APPROVED: March 26, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

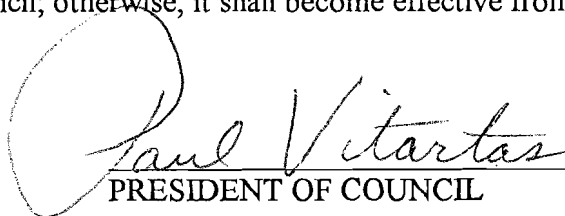
ORDINANCE NO. 1996-37

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR
A RECYCLING TRUCK THAT WILL BE FUNDED UP TO \$45,000.00 BY
A DKMM GRANT FOR USE IN THE MARION CITY RECYCLING
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 Recycling Truck that will be funded up to \$45,000.00 by a DKMM Grant.

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: March 25, 1996

APPROVED: March 26, 1996


ACTING MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996- 38

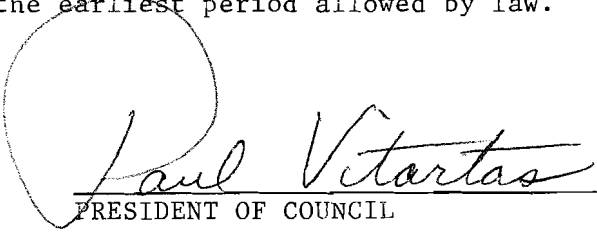
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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	\$6,715.00
TOTAL:	<u>\$6,715.00</u>

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 25, 1996

APPROVED: March 26, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996-39

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BOWEN IMPLEMENT COMPANY TO PURCHASE A 20 FOOT MOWER FOR USE AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1996-11 authorized the Safety/Service Director to prepare specifications and advertise for bids for a 20 foot mower for use at the Marion Municipal Airport, and

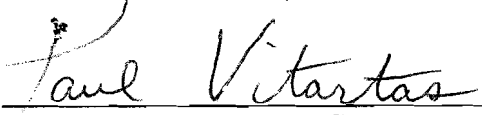
WHEREAS, Bowen Implement Company, submitted the only bid, therefore

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Bowen Implement Company, to purchase a 20 foot mower for use at the Marion Municipal Airport.


Section 2. That the \$12,279.00 cost of said contract shall be payable from the Airport Fund Account No. 101-06-621-250-000-450.

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: APRIL 8, 1996

APPROVED: APRIL 9, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996 - 40

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY ZONING THE PROPERTY KNOWN AS A 83.382 ACRE PARCEL NORTH OF BARKS ROAD, AND ESTABLISHING THE TRACT AS R-1A LOW-DENSITY, ONE AND TWO FAMILY RESIDENCE DISTRICT.

WHEREAS, the property subject hereto has recently been annexed to the City of Marion,

WHEREAS, the Marion City Planning Commission at it's February 6, 1996 had considered and approved the zoning.

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

Section 1.

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 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)p; 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 pion 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".

be zoned R-1A Low-Density, one and two family residence district.

Excepting therefrom:

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 highways, easements, restrictions and agreements of record.

Grantor acquired title by instrument recorded in Deed Volume 539, Page 371 of 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.

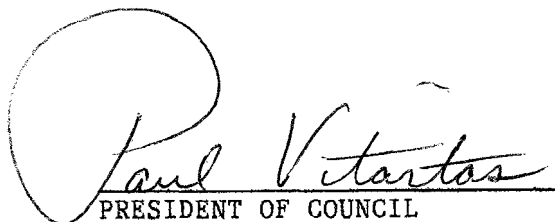
The bearing North 89 degrees 02 minutes 15 seconds West is the same used and recorded for the centerline of County Road 138 (Barks Road) and the East-West half section line of Section 35 in said Deed Book 539, Page 371. All other bearings were then calculated from field observations.

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. The clerk is hereby authorized and directed to make such amendments to the zoning district map of the City of Marion.

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


PRESIDENT OF COUNCIL

PASSED: APRIL 8, 1996

APPROVED: APRIL 9, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996 - 41

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY ZONING THE PROPERTY KNOWN AS A 37 ACRE PARCEL NORTH OF BARKS ROAD, AND ESTABLISHING THE TRACT AS R-1A LOW DENSITY, ONE AND TWO FAMILY RESIDENCE DISTRICT.

WHEREAS, the property subject hereto has recently been annexed to the City of Marion,

WHEREAS, the Marion City Planning Commission at it's February 6, 1996 had considered and approved the zoning.

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

Section 1.

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.

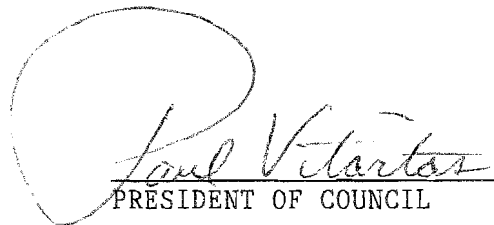
The bearing North 88 degrees 50 minutes 31 seconds West for the centerline of County Road 138 (Barks Road), also being the East - West half section line of Section 35 is the same used and recorded for Chateau Ridge 13th Addition in Plat Book 10, Page 8 in the Office of the Marion County Recorder. All 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".

be zoned R-1A Low-Density, one and two family residence district.

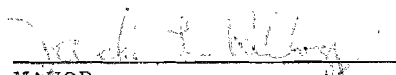
Section 2. The clerk is hereby authorized and directed to make such amendments to the zoning district map of the City of Marion.

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



PRESIDENT OF COUNCIL

PASSED: APRIL 8, 1996

APPROVED: APRIL 9, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996 - 42

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY ZONING THE PROPERTY KNOWN AS A 12 ACRE PARCEL NORTH OF BARKS ROAD, AND ESTABLISHING THE TRACT AS O-I, OFFICE AND INSTITUTIONAL DISTRICT, MARION CITY.

WHEREAS, the property subject hereto has recently been annexed to the City of Marion,

WHEREAS, the Marion City Planning Commission at it's February 6, 1996 had considered and approved the zoning.

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

Section 1.

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).

Grantor acquired 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".

be zoned O-I, Office and Institutional District, Marion City.

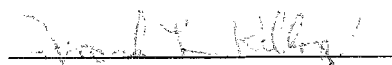
Section 2. The clerk is hereby authorized and directed to make such amendments to the zoning district map of the City of Marion.

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



PRESIDENT OF COUNCIL

PASSED: APRIL 8, 1996

APPROVED: APRIL 9, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996 - 43

ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A SETTLEMENT RESOLVING THE OUTSTANDING LIABILITY AGAINST THE CITY OF MARION, HOWEVER, WITHOUT APPROPRIATING THE NECESSARY FUNDS.

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

Section 1. The Law Director, on behalf of the City of Marion, is hereby authorized to execute a settlement agreement resolving the outstanding liability against the City of Marion.


Section 2. The settlement, in the amount of \$2,500.00 being authorized, however, no appropriation is being made at this time.

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



PRESIDENT OF COUNCIL

PASSED: April 22, 1996

APPROVED: April 23, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996 - 44

ORDINANCE AMENDING MARION CODIFIED ORDINANCE ZONING CODE SECTION 1123.01, DEFINITIONS, AND SECTION 1163.03, PRIVATE SWIMMING POOLS, AND DECLARING AN EMERGENCY.

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

Section 1. That Chapter 1123.01 of the Codified Ordinances is amended to add the following definition:

"1123.01 DEFINITIONS

SWIMMING POOL. A physical structure which is commonly referred to as a Swimming Pool which has, at any point, a depth of twenty-four (24) inches of water or liquid and is used primarily for recreational use by the occupants of the property or their guests."

Section 2. That Chapter 1163.03 of the Codified Ordinances, now reading in part as follows:

"§ 1163.03 PRIVATE SWIMMING POOLS

No private swimming pool shall be allowed in any residential district except as an accessory use, and unless it complies with the following conditions and requirements:

(A) The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property on which it is located;

(B) It may not be closer than ten feet to any lot on which it is located;

(C) The pool shall be completely enclosed by a wall or fence at least four feet in height.

(D) The pool, together with any structure related thereto, shall comply with the requirements for accessory structures set forth in Chapter 1159."

is hereby amended to read as follows:

"§ 1163.03 PRIVATE SWIMMING POOLS

No private swimming pool shall be allowed in any residential district except as an accessory use, and unless it complies with the following conditions and requirements:

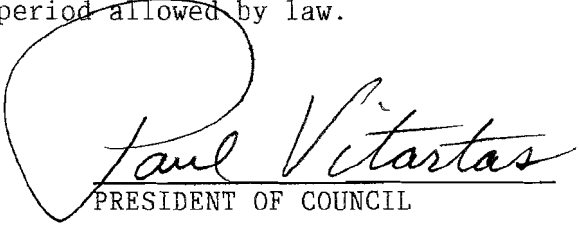
(A) The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property on which it is located;

(B) It may not be closer than SIX FEET to any lot on which it is located;

(C) The pool shall be completely enclosed by a wall or fence at least four feet in height AND CONTAINING A LOCKING GATE.

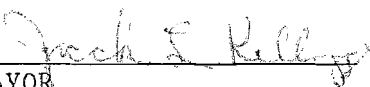
(D) The pool, together with any structure related thereto, shall comply with the requirements for accessory structures set forth in Chapter 1159."

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 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 22, 1996

APPROVED: April 23, 1996


MAYOR

ATTEST:


CLERK

*legally Adv. -
The Marion Star
March 20, 1996
Joan Steward
Clerk of Council*

ORDINANCE NO. 1996- 45

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KELLY-CRESWELL COMPANY TO PURCHASE A HEAVY DUTY MODEL C STRIPING MACHINE WITH HAND GUN ASSEMBLY FOR USE IN THE MARION CITY STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

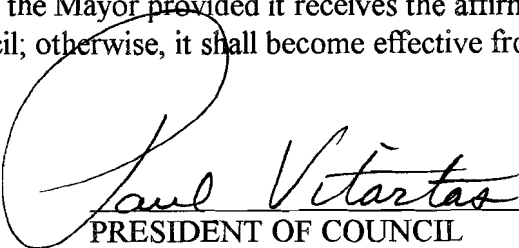
WHEREAS, Kelly-Creswell Company, submitted the lowest and best proposal, therefore

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Kelly-Creswell Company, to purchase a Heavy Duty Model C Striping Machine with Hand Gun Assembly for use the Marion City Streets Department.

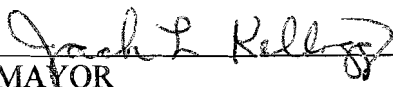
Section 2. That the \$3,215.00 cost of said contract shall be payable from the SCMR Fund Account No. 207-06-121-250-000-450.

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: April 22, 1996

APPROVED: April 23, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996 - 46
AS AMENDED *on Council floor 4/18/96**

AN ORDINANCE TO PLEDGE TO BANK ONE, MARION \$700,000.00 FOR THE PERMANENT FINANCING TO MARION SENIOR HOUSING LIMITED PARTNERSHIP ON THE HARDING CENTRE PROJECT, SUBJECT TO CERTAIN TERMS AND CONDITIONS, AND AUTHORIZING THE MAYOR TO DO SO, AND DECLARING AN EMERGENCY.

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

WHEREAS, the Council, pursuant to Resolution 1994-41, dated November 29, 1994 expressed it's intention to issue debt in order to provide \$700,000.00 in permanent financing to Marion Senior Housing Limited Partnership ("Marion Senior"), for the Harding Centre project, subject to certain terms and conditions, including the County of Marion's commitment, pursuant to Resolution 93-0679 dated July 15, 1993 and Resolution #93-0701 dated July 22, 1993, to provide \$300,000.00 in permanent financing to Marion Senior, for the Harding Centre project, subject to certain terms and conditions;

WHEREAS, the long-term permanent financing shall be funded by taxable general obligation county and municipal bonds or notes;

WHEREAS, Marion Senior has completed some of the terms and conditions originally required and the Project's interim and permanent financing is in place as set forth on the attached Exhibit;

WHEREAS, the City is waiving the requirement that the real estate value of the Project upon completion be appraised at \$1,500,000.00;

WHEREAS, Marion Senior Housing is in the process of completing its interim financing closings, which are necessary for the construction period for the Harding Centre project, and that a term of the commercial lender's construction loan is that the funding for the permanent financing be pledged to the bank in place prior to any disbursement of the commercial lender's construction loans, which condition is a substantive change of the terms and conditions of the permanent financing as initially approved by this Council; and

WHEREAS, it is necessary to pass this Ordinance in order to alter the original terms and conditions of the permanent financing.

THEREFORE, BE IT ORDAINED that in order to have the funding in place for the permanent financing, the City shall appropriate and encumber \$700,000.00 for this Project and deposit into an interest-bearing account at Bank One, Marion, pledged to Bank One, Marion pursuant to the terms of the attached Agreement, which governs the funding and disbursement of the permanent financing;

BE IT FURTHER ORDAINED that the attached Agreement is authorized and the Mayor is authorized on behalf of the City to execute it and any other incidental documents necessary for the interim closings;

*BE IT FURTHER ORDAINED that provided a Certificate of Occupancy for the entire residential portion of the Project dated on or before December 1, 1997, is received, the City shall agree to the release to Bank One, Marion of the pledged account prior to December 1, 1997 at such time that the Project has achieved 90% lease up; *

BE IT FURTHER ORDAINED that Marion Senior shall comply with the following terms and conditions on or before the deposit into the Bank One, Marion account, pledged to Bank One, Marion:

Section 1. Marion Senior will execute a Loan Agreement which sets for the terms and conditions of the permanent financing for the Project;

Section 2. Marion Senior will execute a non-recourse mortgage note with respect to the Project to the City of Marion, Ohio for said \$700,000.00; and

Section 3. The County of Marion, Ohio and City of Marion, Ohio as security for each of their mortgage notes shall receive a joint mortgage from Marion Senior on the Project to secure the \$300,000.00 and \$700,000.00 permanent financing on a pro-rated equal priority basis, with only unpaid real estate taxes and assessments, the Bank One, Marion construction loan and the State of Ohio Housing Finance Agency loan having priority over said mortgage during the construction phase.

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 *Pro-Tempore*

PASSED: April 18, 1996

APPROVED: April 19, 1996


MAYOR - Acting

ATTEST:


CLERK - Acting

ORDINANCE NO. 1996-47

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS
FOR THE PURCHASE OF FOUR (4) NEW BUSES WITH LIFT
EQUIPMENT FOR USE IN THE MARION AREA TRANSIT
DEPARTMENT AND DECLARING AN EMERGENCY.**

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

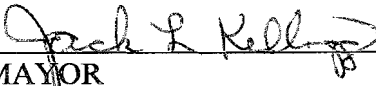
Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the purchase of four (4) new buses with lift equipment for use in the Marion Area Transit Department.

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 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: April 22, 1996

APPROVED: April 23, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996 - 48

ORDINANCE DIRECTING THE CITY AUDITOR TO PAY AN INVOICE FROM AMERICAN LEGAL PUBLISHING CORPORATION, AND DECLARING AN EMERGENCY.

WHEREAS, in January, 1996, the City of Marion needed, ordered and received ten (10) additional copies of the City's Codified Ordinances, and

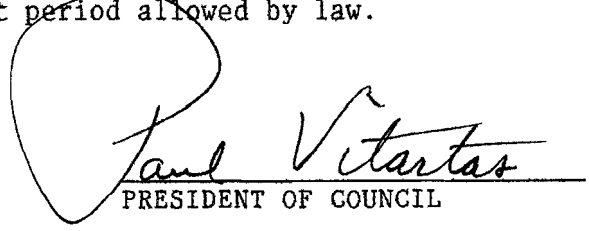
WHEREAS, there were insufficient appropriations in City Council's supplies account, a condition that has now been corrected, and

WHEREAS, this Council recognizes that the invoice is a past due obligation of the City of Marion, therefore

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

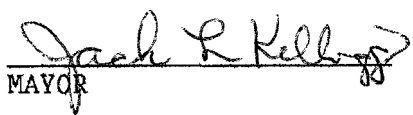
Section 1. That the City Auditor is hereby directed to pay \$500.00 to American Legal Publishing Corporation for ten (10) copies of the City of Marion's Codified Ordinances as per Invoice No. 09162.

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

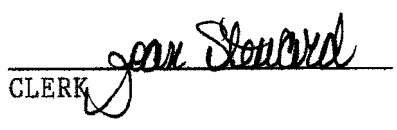

PRESIDENT OF COUNCIL

PASSED: April 22, 1996

APPROVED: April 23, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996 - 49ORDINANCE AMENDING MARION CODIFIED ORDINANCE CODE SECTION
107.03, PERSONAL NOTIFICATION, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 107.03 of the Codified Ordinances now reading in part as follows:**"§ 107.03 PERSONAL NOTIFICATION**

(A) Any person, organization or group of persons is entitled to receive mail notice of the calendar of monthly meetings. To obtain this notice, such persons are required to fill out a form provided by the Clerk of Council for such purpose and to provide self-addressed stamped envelopes for the number of calendars requested.

(B) Any requesting person, organization or group of persons shall receive advance notice of all meetings at which any specific type of public business will be discussed and/or acted upon. To obtain this notice, such persons are required to fill out a form provided by the Clerk of Council for such purpose and to provide self-addressed stamped envelopes for the number of notifications requested."

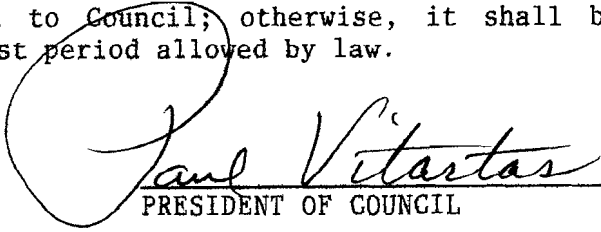
is hereby amended to read as follows:

"§ 107.03 PERSONAL NOTIFICATION

(A) Any person, organization or group of persons is entitled to receive BY REGULAR U.S. MAIL OR BY FAX TRANSMITTAL THE CALENDAR OF MONTHLY MEETINGS, SO LONG AS SAID PERSON, PERSONS OR ORGANIZATIONS HAS REQUESTED SAID NOTICE IN WRITING. ANY PERSON REQUESTING TO BE PROVIDED NOTICE BY FAX TRANSMITTAL SHALL, AT THE DISCRETION OF THE PERSON PROVIDING SAID NOTICE, COMPENSATE THE PROVIDER THE REASONABLE VALUE OF THE FAX TRANSMISSION.


(B) Any requesting person, organization or group of persons shall receive advance notice of all meetings at which any specific type of public business will be discussed and/or acted upon. To obtain this notice, such persons are required to fill out a form provided by the Clerk of Council for such purpose and to provide self-addressed stamped envelopes for the number of notifications requested. ANY PERSON REQUESTING TO BE PROVIDED NOTICE BY FAX TRANSMITTAL SHALL, AT THE DISCRETION OF THE PERSON PROVIDING SAID NOTICE, COMPENSATE THE PROVIDER THE REASONABLE VALUE OF THE FAX TRANSMISSION."

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.



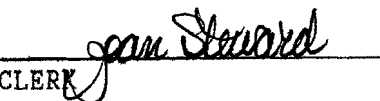
PRESIDENT OF COUNCIL

PASSED: April 22, 1996
APPROVED: April 23, 1996



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1996 - 50

ORDINANCE AMENDING MARION CODIFIED ORDINANCE SECTION 672.12,
POINTING AND DISCHARGING FIREARMS AND OTHER WEAPONS, AND
DECLARING AN EMERGENCY.

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

Section 1. That Section 672.12 of the Codified Ordinances, now reading in part as follows:

"§ 672.12 POINTING AND DISCHARGING FIREARMS AND OTHER WEAPONS.

(A) Except as provided in divisions (C) and (D) of this section, no person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm, or make use of any sling or arrow, within the corporate limits of the municipality.

(B) No person shall, intentionally and without malice, point or aim a firearm at or toward another or discharge a firearm so pointed or aimed.

(C) This section does not extend to cases in which firearms, slings or arrows are used in self-defense, in the discharge of official duty or in justifiable homicide.

(D) This section does not extend to cases in which BB guns and other air guns, or slings or arrows, are used in the confines of dwellings, provided such use is under adult supervision and is approved by the Chief of Police.

(E) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree."

is hereby amended to read as follows:

"§ 672.12 POINTING AND DISCHARGING FIREARMS AND OTHER WEAPONS.

(A) Except as provided in divisions (C), (D)(1) AND (D)(2) of this section, no person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm, or make use of any sling or arrow, within the corporate limits of the municipality.

(B) No person shall, intentionally and without malice, point or aim a firearm at or toward another or discharge a firearm so pointed or aimed.


(C) This section does not extend to cases in which firearms, slings or arrows are used in self-defense, in the discharge of official duty or in justifiable homicide.

(D) (1) This section does not extend to cases in which BB guns and other air guns, or slings or arrows, are used in the confines of dwellings, provided such use is under adult supervision and is approved by the Chief of Police.

(D) (2) THIS SECTION DOES NOT EXTEND TO CASES IN WHICH FIREARMS ARE USED IN PRACTICE EXERCISES AT GOVERNMENT OWNED FACILITIES DESIGNATED AS FIRING RANGES.

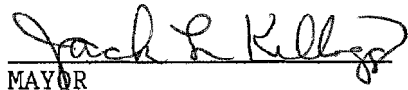
(E) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree."

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.

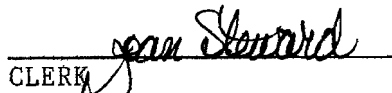

PRESIDENT OF COUNCIL

PASSED: April 22, 1996

APPROVED: April 23, 1996


MAYOR

ATTEST:


CLERK

Published by:
The Marion Star
Aug 9, 16, 1996
Jean Steward
Clerk of Council

ORDINANCE NO. 1996 - 51

ORDINANCE AMENDING MARION CODIFIED ORDINANCE CODE SECTIONS 159.01, 941.03(A), 941.08(B), 941.08(C), 941.16 AND 941.30, RELATING TO THE MARION MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 159.01 of the Codified Ordinances now reading in part as follows:

"§ 159.01 COMPOSITION; QUALIFICATIONS

(A) For the purpose of assisting Council and the Director of Public Safety/Service, there is created a Board of Airport Commissioners which shall consist of nine persons, one of whom shall be a member of Council; one of whom shall be a person utilizing the Marion Municipal Airport for either private or personal business flying; one of whom shall be a person employed or associated with a fixed base operator at the Marion Municipal Airport; one of whom shall be a person employed or associated with a non-fixed base operator at the Marion Municipal Airport; one of whom shall be a person employed or associated with a company or association utilizing the Marion Municipal Airport with nonbased equipment; one of whom shall be a member of the Marion Chamber of Commerce; and one of whom shall be associated with agriculture and farming; one of whom shall be person who resides within two miles of Airport; and one of whom shall be a person who is a member of the Airport Zoning Board."

is hereby amended to read as follows:

"§ 159.01 COMPOSITION; QUALIFICATIONS

(A) For the purpose of assisting Council and the Director of Public Safety/Service, there is created a Board of Airport Commissioners which shall consist of nine persons, one of whom shall be a member of Council; one of whom shall be a person utilizing the Marion Municipal Airport for either private or personal business flying; one of whom shall be a person employed or associated with a fixed base operator at the Marion Municipal Airport; one of whom shall be a person employed or associated with a non-fixed base operator at the Marion Municipal Airport; one of whom shall be a person employed or associated with a company or association utilizing the Marion Municipal Airport with nonbased equipment; one of whom shall be a member of the Marion Chamber of Commerce; and one of whom shall be associated with agriculture and farming; one of whom shall be person who resides within two miles of Airport; and one of whom shall be a person who is a member of the Airport Zoning Board OR AIRPORT BOARD OF ZONING APPEALS."

Section 2. That Section 941.03(A) of the Codified Ordinances now reading in part as follows:

"§ 941.03 TERMS AND CONDITIONS OF LEASES.

(A) Area leased. The lease shall state the purpose for which the parcel of land leased is to be used and the parcel of land leased shall be in an area designated to be used for such purpose on the Marion Municipal Airport Master Plan and titled 1981 Airport Master Plan and subsequent revisions thereof which was approved by the Board of Airport Commissioners and filed in the office of the City Engineer. Leased area shall include a minimum 30 foot perimeter around existing or proposed buildings unless the Airport Master Plan and subsequent revisions prevent establishment of a perimeter."

is hereby amended to read as follows:

"§ 941.03 TERMS AND CONDITIONS OF LEASES.

(A) Area leased. The lease shall state the purpose for which the parcel of land leased is to be used and the parcel of land leased shall be in an area

designated to be used for such purpose on the Marion Municipal Airport Master Plan and titled 1981 Airport Master Plan and subsequent revisions thereof which was approved by the Board of Airport Commissioners and filed in the office of the City Engineer. Leased area shall include A PERIMETER around existing or proposed buildings unless the Airport Master Plan and subsequent revisions prevent establishment of a perimeter."

Section 3. That Section 941.08(B) & (C) of the Codified Ordinances now reading in part as follows:

"941.08 ACTIVITIES OF FIXED BASE OPERATORS.

(B) A gasoline sales and service operator who engages in the business of selling gasoline, oil and related products and services at the Marion Municipal Airport. A gasoline sales and service operator shall have an attendant on duty or on call 24 hours a day.

(C) An aircraft sales and service operator who engages in the business of selling, servicing, maintaining and overhauling aircraft and aircraft engines, component parts, supplies and accessories. An aircraft sales and service operator shall perform all maintenance, repair or overhauling of aircraft or aircraft engines, in conformity with local, state and federal laws and regulations. An aircraft sales and service operator shall have an attendant on duty or on call 24 hours per day."

is hereby amended to read as follows:

"941.08 ACTIVITIES OF FIXED BASE OPERATORS.

(B) A FUEL sales and service operator who engages in the business of selling FUEL, oil and related products and services at the Marion Municipal Airport. A FUEL sales and service operator shall have an attendant on duty or on call 24 hours a day.

(C) An AIRCRAFT SERVICE operator who engages in the business of SERVICING, maintaining and overhauling aircraft and aircraft engines, component parts, supplies and accessories. An AIRCRAFT SERVICE operator shall perform all maintenance, repair or overhauling of aircraft or aircraft engines in conformity with local, state and federal laws and regulations. An AIRCRAFT SERVICE operator shall have an attendant on duty or on call 24 hours per day."

Section 4. That Section 941.16 of the Codified Ordinances now reading in part as follows:

" 941.16 AIRPORT MANAGER

(A) There is hereby created the position of Airport Manager.

(B) The Airport Manager shall be selected by the Board of Airport Commissioners and appointed by the Mayor.

(C) The Airport Manager shall be removed by the Mayor when recommended to do so by the Board of Airport Commissioners.

(D) The salary of the Airport Manager shall be set by Council.

(E) The Airport Manager shall be responsible to the Board of Airport Commissioners. He/she shall perform all duties necessary for:

(1) The daily operation of the Marion Municipal Airport.

(2) The enforcement of the terms and conditions of this chapter;

(3) The enforcement of the rules and regulations of the Board of Airport Commissioners; and

(4) The performance of all other services prescribed by the Board of Airport Commissioners. ('70 Code, §941.16)(Ord. 65-123, passed 12-13-65)"

is hereby amended to read as follows:

" 941.16 DIRECTOR OF AVIATION

- (A) There is hereby created the position of DIRECTOR OF AVIATION.
- (B) The DIRECTOR OF AVIATION shall be selected by the Board of Airport Commissioners and appointed by the Mayor.
- (C) The DIRECTOR OF AVIATION shall be removed by the Mayor when recommended to do so by the Board of Airport Commissioners.
- (D) The salary of the DIRECTOR OF AVIATION shall be set by Council.
- (E) The DIRECTOR OF AVIATION shall be responsible to the Board of Airport Commissioners. He/she shall perform all duties necessary for:
- (1) The daily operation of the Marion Municipal Airport.
 - (2) The enforcement of the terms and conditions of this chapter;
 - (3) The enforcement of the rules and regulations of the Board of Airport Commissioners; and
 - (4) The performance of all other services prescribed by the Board of Airport Commissioners. ('70 Code, §941.16)(Ord. 65-123, passed 12-13-65)(AM. ORD. 95-145, PASSED 11-27-95)"

Section 5. That Section 941.30 of the Codified Ordinances now reading in part as follows:

"941.30 AUTHORIZATION

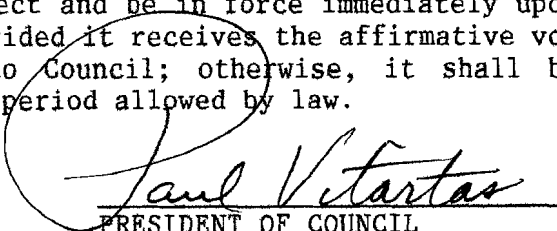
The aircraft parking policy for the Marion Municipal Airport is authorized by the provisions of §§941.01 through 941.18 of this chapter and Ordinance 65-123, passed 12-13-65 and as amended. Specific rules and regulations shall be formulated by the Airport Commission. Parking charges shall be established by the Airport Commission subject to the approval of the Council."

is hereby amended to read as follows:

"941.30 AUTHORIZATION

The aircraft parking policy for the Marion Municipal Airport is authorized by the provisions of §§941.01 through 941.18 of this chapter and Ordinance 65-123, passed 12-13-65 and as amended. Specific rules and regulations shall be formulated by the Airport Commission. Parking charges shall be established by the Airport Commission subject to the approval of the Council."

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 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 22, 1996
APPROVED: April 23, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996 - 52

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1996.

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 \$161,420.00 as follows:

General Fund

Human Resources Prof. Service	101-07-715-230-000-320	\$ 10,000.00
Transfer to Parks Fund	101-09-745-270-000-708	<u>40,000.00</u>
TOTAL GENERAL FUND		\$ 50,000.00

Parks Fund

Capital Improvements	221-03-421-250-000-520	\$ 10,000.00
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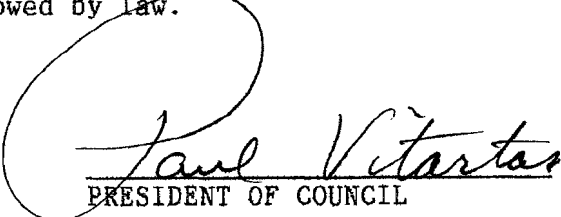
Sanitation Fund

Trans. to Landfill Monit. Fund	506-05-561-270-000-700	\$100,000.00
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Swimming Pool Fund

Land & Bldg. Maintenance	516-03-423-230-000-370	\$ 1,420.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Paul Vitaras
PRESIDENT OF COUNCIL

PASSED: April 22, 1996

APPROVED: April 23, 1996



Jack L. Kellogg
MAYOR

ATTEST:



Jean Howard
CLERK

ORDINANCE NO. 1996- 53

ORDINANCE TO VACATE A CERTAIN 16 FOOT WIDE ALLEY EAST OF LOT 4949 IN SHOVELTON ADDITION TO THE CITY OF MARION, OHIO. (PETITIONER: HOWARD SMITH, WILSON-BOHANNAN CO.)

WHEREAS, in the opinion of this Council, there is good cause for vacating a certain 16 foot wide north-south alley directly east of Lot 4949 in the Shovelton Addition to the City of Marion, and

WHEREAS, the petition by Howard Smith of Wilson-Bohannan Co. to vacate this alley was unanimously approved by the Marion City Planning Commission at its meeting of March 5, 1996, 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 certain 16 feet wide alley East of Lot 4949 in Shovelton Addition to the City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Beginning at a 5/8"dia. iron pin set on the Northeast corner of Lot 4949 - Southeast corner of Lot 4948 in Shovelton Addition (as recorded in Plat Book 2, Page 297 in the Marion County Recorder's Office), said iron pin also being located on the West right-of-way line of a certain 16 feet wide alley in Shovelton's Addition;

Thence along the North line of Lot 4949 extended North 89 degrees 15 minutes 19 seconds East for a distance of 16.01 feet to a 5/8" dia. iron pin set on the East right-of-way line of said 16 feet wide alley - West right-of-way line of the CSX Railroad;

Thence along the East right-of-way line of said 16 feet wide alley- West right-of-way line of the CSX Railroad South 01 degree 07 minutes 07 seconds West for a distance of 45.02 feet to an existing iron pin on the South line of Lot 4949 extended;

Thence along the South line of Lot 4949 extended South 89 degrees 15 minutes 19 seconds West for a distance of 16.01 feet to an existing iron pin on the Southeast corner of Lot 4949, also being the West right-of-way line of said 16 feet wide alley;

Thence along the East right-of-way line of Lot 4949 - West line of said 16 feet wide alley North 01 degree 07 minutes 07 seconds East for a distance of 45.02 feet to a 5/8"dia. iron pin set and the point of beginning.

Containing 0.017 acres (720.35 sq.ft.) more or less and subject to legal highways, easements, restrictions and agreements of record.

This description was prepared from a survey made by Stults & Associates, Inc. dated December 9, 1993.

The bearing North 01 degree 07 minutes 07 seconds East is the same used for the East line of Lots 4950 & 4949 on a previous survey made by Stults & Associates, inc. and dated September 16, 1993. 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.

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

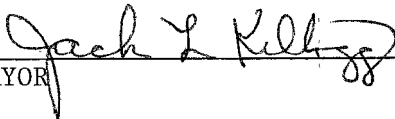
Section 3. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned property for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation 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.

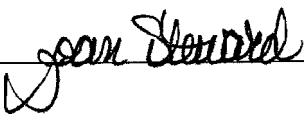

PRESIDENT OF COUNCIL

PASSED: April 22, 1996

APPROVED: April 23, 1996


MAYOR

ATTEST:


CERK

ORDINANCE NO. 1996- 54

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO CARPET THE FIRST FLOOR IN CITY HALL 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 to carpet the first floor in city hall.

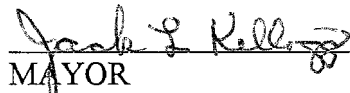
Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon 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: May 13, 1996

APPROVED: May 14, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996-55

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH TURNER EQUIPMENT
COMPANY TO PURCHASE ONE (1) HYDRAULIC ASSIST UNIT FOR
THE CITY'S JOHNSON J605 STREET SWEEPER 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, Turner Equipment 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 Turner Equipment Company to purchase one (1) Hydraulic Assist Unit for the City's Johnson J605 Street Sweeper.

Section 2. That the \$5,160.00 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: May 13, 1996

APPROVED: May 14, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996-56

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE A LEAF COLLECTOR AS PER OHIO REVISED CODE 735.053 AND DECLARING AN EMERGENCY.

WHEREAS, Section 735.053 of the Ohio Revised Code authorizes purchases from Political Subdivisions without bidding and advertising, and

WHEREAS, The City of Marion desires to purchase a Leaf Collection Machine from the *Village of Silver Lake*, Ohio,

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with the *Village of Silver Lake*, Ohio, for the purchase of a 1986 American Road ALC 25 Yard Leaf Collector.

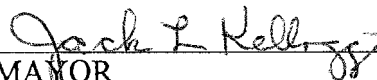
Section 2. That the maximum for said contract shall be \$11,250.00 and payable from the SCMR Fund Account No. 207-06-612-250-000-450.

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: May 13, 1996

APPROVED: May 14, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

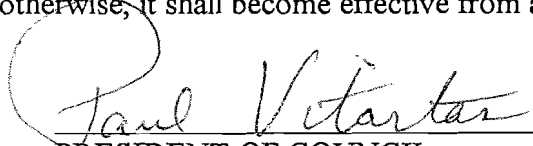
ORDINANCE NO. 1996- 57

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO PURCHASE A CHIPPER MACHINE FOR USE AT THE 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 authorized and is hereby directed to prepare specifications and advertise for bids to purchase a chipper machine for use at the Landfill.

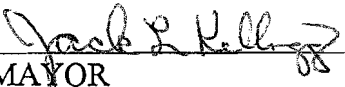
Section 2. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon 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: May 13, 1996

APPROVED: May 14, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

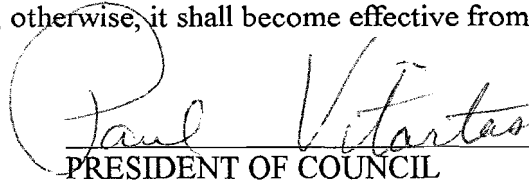
ORDINANCE NO. 1996- 58

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF THE HARDING FRESHMAN BUILDING, EXCLUDING THE GYM SECTION AND ADJOINING OFFICES 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 the demolition of the Harding Freshman Building excluding the gym section and adjoining offices.


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: May 13, 1995

APPROVED: May 14, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996-59

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH HORTON EMERGENCY VEHICLES
TO PURCHASE AN EMERGENCY SQUAD FOR USE AT THE MARION
FIRE DEPARTMENT AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 1996-14 authorized the Safety/Service Director to prepare specifications and advertise for bids for an Emergency Squad for use at the Marion City Fire Department and

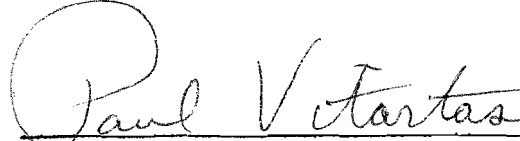
WHEREAS, Horton submitted the lowest and best bid, therefore

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Horton, to purchase an Emergency Squad for use at the Fire Department.

Section 2. That the \$106,992.00 cost of said contract shall be payable from the Fire Department 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 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: May 13, 1996

APPROVED: May 14, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996 - 60

ORDINANCE DIRECTING THE CITY AUDITOR TO PAY A SETTLEMENT
RESOLVING THE OUTSTANDING LIABILITY AGAINST THE CITY OF MARION
AS APPROVED BY THE COUNCIL OF THE CITY OF MARION BY ORDINANCE
NO. 1996-43.

WHEREAS, the Council of the City of Marion did pass Ordinance No. 1996-43 settling the outstanding liability owed Jennifer Brunner, and

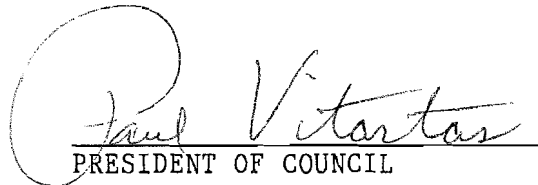
WHEREAS, it is necessary to appropriate the funds as specified in Ordinance No. 1996-43;

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

Section 1. The City Auditor is hereby directed to pay from the general fund \$2,500 to Jennifer Brunner as previously ordained in Ordinance No. 1996-43.

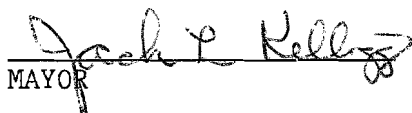
section 2. That there is hereby appropriated the sum of \$2,500.00 in the Law Director's Professional Services Account No. 101-07-714-230-000-320.

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

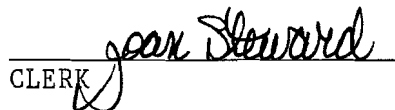

PRESIDENT OF COUNCIL

PASSED: May 13, 1996

APPROVED: May 14, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996-61

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO APPROPRIATE FUNDS, PREPARE SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 1996 STREET RESURFACING PROGRAM, PROJECT 96-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion, Ohio has been awarded a \$190,000 resurfacing grant from the Ohio Public Works Commission to finance a portion of the 1996 Street Resurfacing Program, and

WHEREAS, it is necessary to appropriate additional funds from the Streets Fund for the 1996 Street Resurfacing Program,

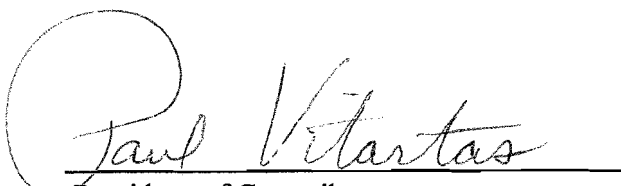
BE IT ORDAINED BY the Council of the City of Marion, Marion County, Ohio:

SECTION 1 That the Safety/Service Director be directed to prepare specifications, advertise for bids, and enter into contract for the 1996 Streets Resurfacing Program.

SECTION 2 That there be additional appropriations made in the amount of \$100,000 in the Streets Fund (207-06-612-230-000-531).

SECTION 3 That said contract shall be payable from the Ohio Public Works Commission grant, the \$5.00 Auto Tax Fund, the S.C. M. & R. Fund, the Streets Fund, and the Parks Fund.

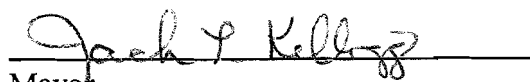
SECTION 4 That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof: and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of 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 13, 1996

Approved: May 14, 1996



 Mayor

Attest:



 Clerk of Council

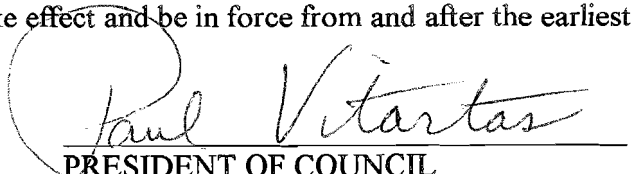
ORDINANCE NO. 1996- 62

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, AS AMENDED, SEE 1994-27, AS AMENDED, APPROVING REVISED JOB DESCRIPTIONS IN ACCORDANCE WITH SECTION 3 OF ORDINANCE NO. 1991-80, THAT PROVIDED FOR A JOB CONTENT REPORT IN ORDER TO DETERMINE PAY AND BENEFITS FOR VARIOUS POSITIONS EXEMPT FROM THE BARGAINING UNITS.

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

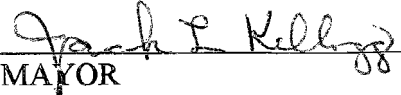
Section 1. That, whereas, Council by Ordinance No. 1994-27 desired to amend Ordinance No. 1969-29 as amended, see Section 3 of Ordinance No. 1991-80 (as amended) by updating the Job Description of the various positions exempt from representation in any bargaining unit, such specified revised Job Descriptions are attached hereto and are hereby adopted, and said Ordinance No. 1994-27 (as amended) is hereby further amended by the inclusion of these revised Job Descriptions.

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


PRESIDENT OF COUNCIL

PASSED: May 13, 1996

APPROVED: May 14, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996- 63

ORDINANCE TO AMEND ORDINANCE NO. 1994-28, SEE 1969-29, (KNOWN AS THE YARGER REPORT), AS AMENDED, BY GRANTING WAGE INCREASES AND ESTABLISHING A PROCEDURE FOR GRANTING AUTOMATIC WAGE RANGE CHANGES IN THE PAY GRADES OF EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) WITHIN THE SERVICE OF THE CITY OF MARION AND APPROPRIATING FUNDS FOR ANY WAGE RATE INCREASES GENERATED THEREFROM.

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

Section 1. That, whereas, the City wishes to maintain nearly equitable wage ranges and pay increases for all employees in the exempt non-bargaining status within the City of Marion, Ordinance No. 1994-28, as amended, is hereby further amended granting a new grade to be added to the existing grades as follows:

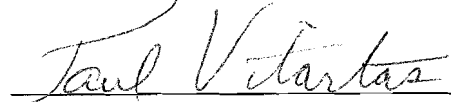
<u>Position</u>	<u>Grade</u>	<u>STEPS</u>		
		<u>A</u>	<u>B</u>	<u>C</u>
<i>Administrative Assistant</i>	<i>19</i>	<i>9.45</i>	<i>11.20</i>	<i>12.90</i>

Section 2. That Ordinance No. 1994-28, as amended, is hereby further amended by providing for this new grade of *19* to added to the existing list.

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

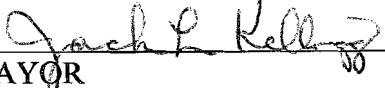
Section 4. That hereafter the Administration shall include in the Annual Budget each year for Council's approval any wage increases resulting from the new wage ranges; such budgeted appropriations shall then require no further action of or by Council.

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


PRESIDENT OF COUNCIL

PASSED: May 13, 1996

APPROVED: May 14, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996 - 64

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1996.

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 \$115,966.00 as follows:

General Fund

Fire Dept. - ODPS Grant	101-01-131-230-146-223	\$ 3,748.00
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Senior Citizens State Block Grant Fund

Home Modification & Repair	205-03-546-230-000-322	\$ 10,996.00
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Administration	205-03-546-230-000-324	<u>1,222.00</u>
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Total S.C. Block Grant		\$ 12,218.00
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UDAG Loan Repayment Fund

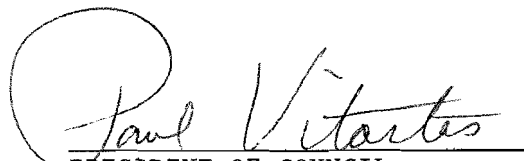
Air Industrial Park

~~REVENUE/STATE~~

270 703 *

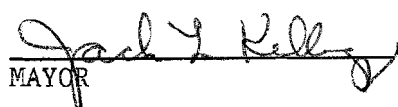
276-04-539- 230 -000- 333	\$100,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


 PRESIDENT OF COUNCIL

PASSED: May 13, 1996

APPROVED: May 14, 1996


 MAYOR

ATTEST:


 CLERK

***AMENDED ON COUNCIL FLOOR 5/13/96**

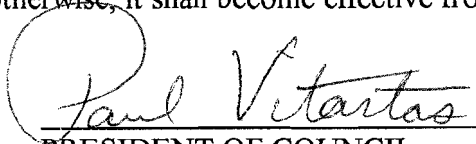
ORDINANCE NO. 1996- 65

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

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the demolition of the Machi-Borre Building, West Center Street.


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: May 13, 1996

APPROVED: May 14, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996- 66

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KCB COMPANY FOR PUMPING LEACHATE FROM THE CLOSED MARION CITY LANDFILL AND DECLARING AN EMERGENCY.


WHEREAS, KCB Company, submitted the lowest bid, therefore

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with KCB Company for pumping Leachate from the closed Marion City Landfill.

Section 2. That the \$.0134 per Gallon cost of said contract shall be payable from the Landfill Monitoring Fund Account No. 507-05-563-230-000-320.

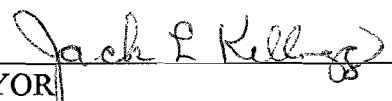
Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon 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: May 28 , 1996

APPROVED: May 29, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996- 67

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH COUNTY ENVIRONMENTAL OF WYANDOT FOR THE TRANSPORTATION AND DISPOSAL OF SCREENINGS, GRIT GREASE AND TRASH AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY.

WHEREAS, County Environmental of Wyandot, submitted the only bid, therefore

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with County Environmental of Wyandot for the Transportation and Disposal of Screenings, Grit Grease and Trash at the Water Pollution Control Plant.


Section 2. That the cost of said contract shall be payable from the Sewer Revenue Fund Account No. 505-05-552-230-000-320.

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 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: May 28, 1996

APPROVED: May 29, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996 - 68

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH AMERICAN DISPOSAL SERVICES, INC. FOR THE DISPOSAL OF SOLID WASTE AND FINDING A REAL AND PRESENT EMERGENCY EXISTS IN THE CITY OF MARION, DEPARTMENT OF PUBLIC SERVICE, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1996-24 authorized the Safety/Service Director to enter into contract with Sims Brothers, Inc. for the disposal of solid waste in the City of Marion, and

WHEREAS, the City of Marion was informed by Sims Brothers, Inc. on May 14, 1996 that they are unable to enter into contract due to their inability to perform pursuant to the specifications as previously let out, as authorized by Ordinance No. 1995-96, and

WHEREAS, the Council after deliberation and consideration finds there exist a real and present emergency arising in connection with the operation and maintenance of the City's Department of Public Service, more specifically, as of July 31, 1996, the City will be without a site to dispose of its' municipally collected trash and associated waste and there does not exist the time to re-bid the project again nor other reasonable alternative contractor, and finding American Disposal Services, Inc, a sub-contractor from the previous letting is ready, willing and able to perform pursuant to the aforementioned specifications and has committed to contract with the City of Marion for the acceptance of the municipality's waste, and the Council further finds it is in the City's best interest to contract with American Disposal Services, Inc. pursuant to O.R.C. 735.051.

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


Section 1. There exists a real and present emergency arising in connection with the operation and maintenance of the department of public service as set forth above and was evidenced during the May 21, 1996 meeting of the Finance Committee and again during the session of Council this 28th day of May, 1996.

Section 2. The Safety/Service Director is hereby authorized and directed to enter into contract with American Disposal Services, Inc. for the disposal of solid waste, pursuant to O.R.C. 735.051.

Section 3. That said contract price per ton of \$34.00 will be effective August 1, 1996.

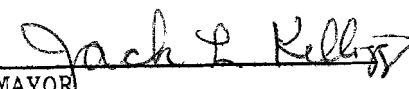
Section 4. That said contract will be payable from the Sanitation Fund.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and as such, shall take effect and be in force immediately upon it's passage by two-thirds vote of all members elected and approval by the Mayor; otherwise it shall become effective from and after the earliest period allowed by law.

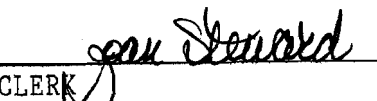

PRESIDENT OF COUNCIL

PASSED: May 28, 1996

APPROVED: May 29, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996-69

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.

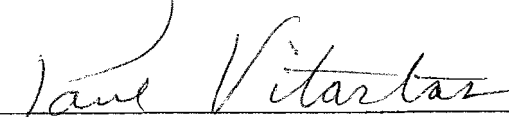
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

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 '96 Target Areas out of the CDBG ~~Small~~ ^{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: May 28, 1996

APPROVED: May 29, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996-70

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR
TO ENTER INTO CONTRACT WITH PHOENIX FIRE SERVICE SYSTEMS
TO PURCHASE 15 SETS OF FIRE FIGHTERS GEAR FOR USE AT THE MARION
FIRE DEPARTMENT AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 1996-13 authorized the Safety/Service Director to prepare specifications and advertise for bids for 15 sets of fire fighters gear for use at the Marion City Fire Department and

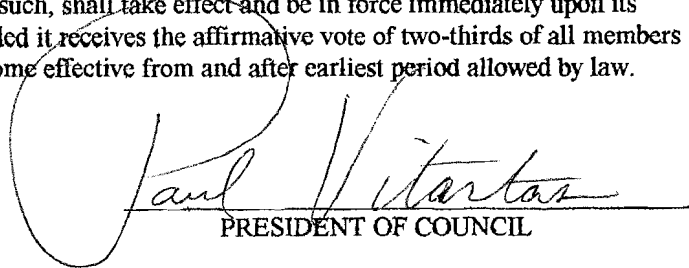
WHEREAS, Phoenix Fire Service Systems submitted the lowest and best bid, therefore

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Phoenix Fire Service Systems, to purchase 15 sets of fire fighters gear for use at the Fire Department.

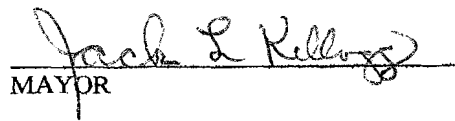
Section 2. That the \$13,035.00 cost of said contract shall be payable from the Fire Department Fund Account No. 101-01-131-210-000-140.

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: May 28, 1996

APPROVED: May 29, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996- 71

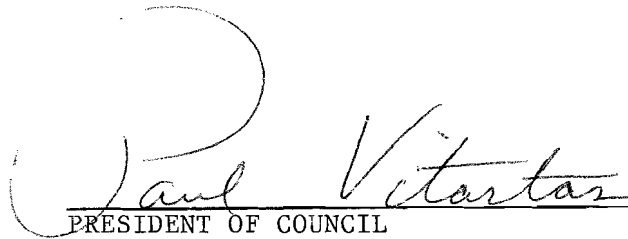
ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE HEALTH
FUND FOR THE YEAR ENDING DECEMBER 31, 1996.

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

Section 1. That there be additional appropriations made in the
Health Fund in the amount of \$9,750.00 as follows:

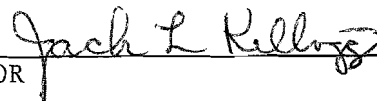
Inspection Salaries	214-02-222-210-000-110	\$7,500.00
Inspection Benefits	214-02-222-210-000-120	2,250.00
	TOTAL	<u>\$ 9,750.00</u>

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

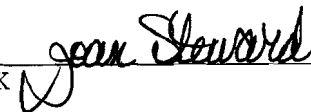

PRESIDENT OF COUNCIL

PASSED: May 28, 1996

APPROVED: May 29, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996- 72

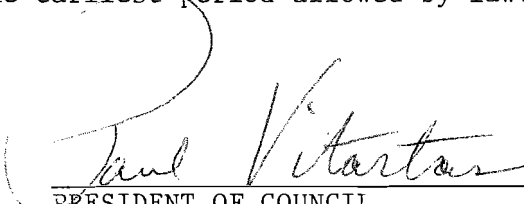
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS
FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO
REVISED CODE §5705.41(D), AND DECLARING AN EMERGENCY.

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

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

Transit Fund	\$1,969.00
TOTAL	\$1,969.00

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: May 28, 1996

APPROVED: May 29, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996 - 73

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE CHIP GRANT FUND FOR THE YEAR ENDING DECEMBER 31, 1996.

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 CHIP grant Fund in the amount of \$1,218.72 as follows:

<i>ADMINISTRATION</i>	<i>272-04-544-230-000-324</i>	<i>\$1,218.72</i>
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SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



PRESIDENT OF COUNCIL

PASSED: May 28, 1996

APPROVED: May 29, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996 - 74

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1996.

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 \$28,577.53 as follows:

General Fund

Abatement/Revenue Sharing	101-04-539-230-712-751	\$ 1,388.28
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SCMR Fund

Permissive Auto Tax	207-06-612-230-000-530	\$ 27,180.05
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CHIP Grant Fund

Administration	272-04-544-230-000-324	\$ 9.20
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: June 10, 1996

APPROVED: June 11, 1996



 MAYOR

ATTEST:



 CLERK

ORDINANCE NO. 1996- 75

AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3537.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF COMMUNITY REINVESTMENT AREA #2 IN THE CITY OF MARION AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.

WHEREAS, the Council of the City of Marion (hereinafter "Council") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City of Marion that have not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, a survey of housing (see Exhibit A) as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared for the area to be included in the proposed Community Reinvestment Area; and

WHEREAS, the maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

WHEREAS, the remodeling of existing structures or the construction of new structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MARION, MARION COUNTY, OHIO, THAT:

Section 1: The area designated as the Community Reinvestment Area II constitutes an area in which housing facilities or structures or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged:

Section 2: Pursuant to ORC Section 3735.66, Marion Community Reinvestment Area II is hereby established in the following described area:

GENERAL DESCRIPTION OF COMMUNITY REINVESTMENT AREA #2

Marion City, Marion County, Ohio

Exhibit A

Starting at a point at the centerline intersection of High Street and Church Street, and the place of beginning;

thence east along the centerline of Church Street approximately 2,040 feet to the centerline intersection of Sargent Street;

thence north along the centerline of Sargent Street, approximately 500 feet to the centerline intersection of East Center Street;

thence west along the centerline of East Center Street approximately 490 feet to the centerline intersection of North Greenwood Street;

thence north along the centerline of North Greenwood Street approximately 500 feet to the southern Conrail right-of-way;

thence northeasterly along the southern Conrail right-of-way approximately 2,260 feet to the centerline intersection of Jefferson Street;

thence north along the centerline of Jefferson Street approximately 310 feet to the centerline intersection of East George Street;

thence west along the centerline of East George Street approximately 2,040 feet to the centerline intersection of North Greenwood Street;

thence south along the centerline of North Greenwood Street approximately 675 feet to the centerline intersection of Quarry Street;

thence west along the centerline of Quarry Street approximately 1,975 feet to the centerline intersection of North State Street;

thence south along the centerline of North State Street which is also the border of the existing Community Reinvestment Area, approximately 350 feet to the southernmost Conrail right-of-way;

thence east along the southernmost Conrail right-of-way which is also the border of the existing Community Reinvestment Area, approximately 200 feet to the intersection of an existing alley;

thence south along the centerline of an existing alley which is also the border of the existing Community Reinvestment Area, approximately 295 feet to the boundary of Lots 20 and 211, Bakers Addition;

thence east along the northern boundary of Lots 20 and 211, Bakers Addition, which is also the border of the existing Community Reinvestment Area, approximately 195 feet to the centerline intersection of High Street;

thence south along the centerline of High Street, which is also the border of the existing Community Reinvestment Area, approximately 680 feet to the centerline intersection of Church Street, and the place of beginning.

For the purpose of general public information this zone contains approximately 89 acres more or less.

The Community Reinvestment Area is approximately depicted as the cross-hatched area on the map attached to this Ordinance, marked Exhibit B, and by this reference incorporated herein.

Only residential, commercial and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program.

Section 3: All properties identified in Exhibit A as being within the designated Community Reinvestment Area are eligible for this incentive (the city/village may determine that all or any combination of project types - residential, commercial and industrial as eligible. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the City of Marion intends to undertake supporting public improvements in the designated area.

Section 4: Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in the ORC Section 3765.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC Section 3735.671. For residential property, a tax exemption on the increase in the assessed valuation resulting from improvements as described in ORC Section 3735.67 shall be granted upon proper application by the property owner and certification thereof by the designated housing officer for the following periods. Residential applications must be filed with the Housing Officer no later than six months after construction completion.

- (a) No abatement for the remodeling of residential units.
- (b) 100% for ten (10) years for the construction of any new residential dwelling unit or units.
- (c) Twelve (12) years for existing industrial or commercial facilities, but the percentage of abatement shall be negotiated on a case-by-case basis in advance of the construction or remodeling occurring.

- (d) Fifteen (15) years from new industrial or commercial facilities, but the percentage of abatement shall be negotiated on a case-by-case basis in advance of the construction occurring.

If remodeling qualifies for an exemption, during the period of the exemption, the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

Section 5: All commercial and industrial projects are required to comply with the state application fee requirements of ORC Section 3735.672 © and the local annual monitoring fee.

Section 6: To administer and implement the provisions of this Ordinance, the Planning Director or acting officer is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

Section 7: That a "Community Reinvestment Area Housing Council" shall be created, consisting of two members appointed by the Mayor of Marion, two members appointed by the Council of the City of Marion, and one member appointed by the Planning Commission of Marion. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the Council shall be for three years. An unexpired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made.

A Tax Incentive Review Council shall be established pursuant to ORC Section 5709.85, and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of the municipal corporation, appointed by the Municipal CEO with Council concurrence, the county auditor or designee, and a representative of each effected board of education. At least two members must be residents of the City of Marion. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Section 3735.671, of the ORC and make written recommendations to the Council as to continuing, modifying or terminating said agreement based upon the performance of the agreement.

Section 8: The council reserves the right to re-evaluate the designation of the Marion Community Reinvestment Area after December 31, 1996, (ODOD suggests annual review) at which time the Council may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the ORC.

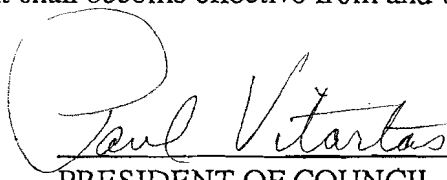
Section 9: The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The council shall also hear appeals under 3735.70, of the ORC.

Section 10: The Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the ORC.

Section 11: That this ordinance shall take effect and be in force from and after the earliest period allowed by law and upon confirmation by the Director of Development of the findings in this Resolution.

Section 12: The Mayor of the City of Marion is hereby directed and authorized to petition the Director of Development to confirm the findings contained within this Resolution.


Section 13: 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 Area application must be filed immediately in order for properties 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: July 8, 1996

APPROVED: July 9, 1996



MAYOR

ATTEST:



CLERK

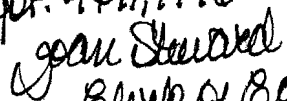
Published by:
The Marion Star
Sept. 4 & 11, 1996

Clerk of Council



EXHIBIT B

PROPOSED MARION CRA #2

PROPOSED
NEW
CRA

PAR

BALLENTIN

ST.

GREENWOOD

FARMING

WIL

So STATE

E. ST

N. STATE

RGE

MING

HIGH

ST.

CHURCH

CENTER
HIGH

QUARRY

BELLEVUE

NARROW ST.

PAR

ST.

ST.

McWILLIAMS Ct.

VINE ST.

DEWOLF Ct.

AVE.

LLIS Ct.

BAKER ST.

HARCOURT

ARLEIGH Ct.

SHARPLESS Ct.

PATTERSON

ST.

N.

GREENWOOD

JMMIN

ST.

SARGENT ST.

WILSON

N.Y.C. R.R.

E. JOHNSTON

ST.

E.

E.

GEORGE

FARMING

ST.

CHURCH

CENTER

AVE.

D.X.

AVE.

ST.

SEX Ct.

CHARLES ST.

CARHART

ST.

JEFFERSON

ST.

AVE.

ORDINANCE NO. 1996-76*Amended by
1998-40*

**ORDINANCE TO AMEND SECTION 2 OF ORDINANCE NO. 1970-122,
AS AMENDED, WHICH CREATED POSITIONS AND SALARIES FOR
SAID POSITIONS IN THE RECREATION DEPARTMENT AND
DECLARING AN EMERGENCY.**

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

Section 1. That Section 2 of Ordinance No. 1970-122, as amended and now reading as follows:

"That the salaries of said employees in said positions shall be as follows:

TITLE	STEP	A	B	C	D	E
<i>Front Gate Attendant (Cashier)</i>		4.25	4.25	4.30	4.35	4.35
<i>Concession Stand Attendant</i>		4.25	4.25	4.30	4.35	4.35
<i>Lifeguard</i>		4.25	4.40	4.55	4.70	4.85
<i>Lifeguard with WSI</i>		4.40	4.55	4.70	4.85	5.00
<i>Asst. Pool Manager</i>		2,400.00	2,535.00	2,670.00	2,805.00	2,940.00
<i>Pool Manager</i>		2,600.00	2,735.00	2,870.00	3,005.00	3,140.00

Step A - No Previous recreational or related experience.

Step B - 1 year recreational or related experience, and/or 2 yrs of college completed.

Step C - 2 years recreational or related experience, or college graduate.

Step D - 3 years recreational or related experience, or 1 year of recreational or related experience and college graduate.

Step E - 4 years recreational or related experience or 2 years of recreational or related experience and college graduate."

is hereby amended to read as follows:

"That the salaries of said employees in said positions shall be as follows:

TITLE	STEP	<u>1st Yr.</u> A	<u>2nd Yr.</u> B	<u>3rd Yr.</u> C	<u>4th Yr.</u> D	<u>5th Yr.</u> E
<i>Front Gate Attendant (Cashier)</i>		4.35	4.50	4.65	4.80	4.95
<i>Concession Stand Attendant</i>		4.35	4.50	4.65	4.80	4.95
<i>Lifeguard with WSI</i>		5.50	6.00	6.25	6.50	6.75
<i>Asst. Pool Manager</i>		5.75	6.25	6.75	7.00	7.25
<i>Pool Manager</i>		6.25	6.75	7.00	7.25	7.50

Step A - No Previous recreational or related experience.

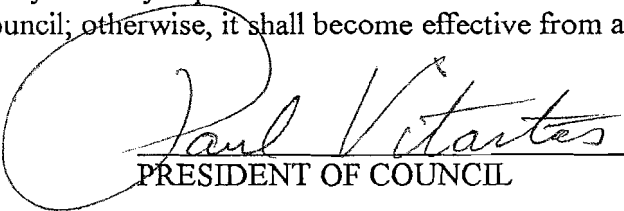
Step B - 1 year recreational or related experience, and/or 2 yrs of college completed.

Step C - 2 years recreational or related experience, or college graduate.

Step D - 3 years recreational or related experience, or 1 year of recreational or related experience and college graduate.

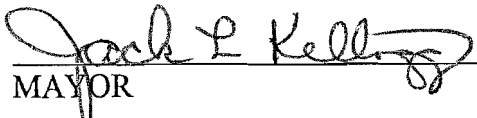
Step E - 4 years recreational or related experience or 2 years of recreational or related experience and college graduate."

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 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 10, 1996

APPROVED: June 11, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-77

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PERRY CORPORATION TO PURCHASE A COPY MACHINE FOR USE IN THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

WHEREAS, Perry Corporation, submitted the best 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 Perry Corporation, to purchase a Copy Machine for use in the Fire Department.

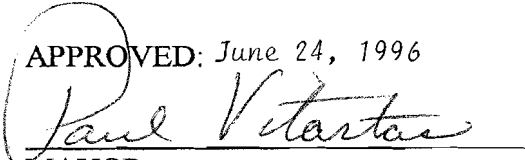
Section 2. That the \$3,335.00 cost of said contract shall be payable from the General Fund Account No. 101-01-131-250-000-450.

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 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 24, 1996

APPROVED: June 24, 1996


MAYOR - ACTING

ATTEST:


CLERK OF COUNCIL - PRO TEMPORE

ORDINANCE NO. 1996- 78

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1996.

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 \$106,590.70 as follows:

General Fund

H.R. Prof. Services	101-07-715-230-000-3 10 ²⁰	\$3,500.00
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Home Program Grant Fund

F.Y.94 Administration	277-04-544-230-000-324	\$ 30.70
Emergency Rehab	277-04-539-230-000-328	<u>3,060.00</u>
	Total Home Fund	\$3,090.70

Sanitation Fund

Transfer to Landfill Monitoring	506-05-561-270-000-700	\$100,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Mark C. McGuinness

 PRESIDENT OF COUNCIL - PRO TEMPORE

PASSED: June 24, 1996

APPROVED: June 24, 1996

Paul V. Tartas

 MAYOR - ACTING

ATTEST

Senora Mayes

 CLERK OF COUNCIL - PRO TEMPORE

ORDINANCE NO. 1996- 79

ORDINANCE TO VACATE A CERTAIN 12-FOOT WIDE EAST-WEST ALLEY LYING EAST OF GIRARD AVE. AND BETWEEN GIRARD AVE. AND A 6.5 FOOT NORTH-SOUTH ALLEY IN V.A. BERRY'S SUBDIVISION TO THE CITY OF MARION, OHIO.

WHEREAS, in the opinion of this Council, there is good cause for vacating a certain 12-foot wide east-west alley between Girard Ave. and a north-south alley, and

WHEREAS, the petition by Ivan Folk to vacate this alley was unanimously approved by the Marion City Planning Commission at its meeting of May 7, 1996, and

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinance 903.08, and

WHEREAS, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and ought to be made;

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

Section 1. That the following described alley, to-wit:

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

Being a 12-foot wide east-west alley lying east of Girard Ave. and between Girard Ave. and a 6.5 foot wide north-south alley in V.A. Berry's subdivision to the City of Marion, Ohio.

This alley is bounded to the north by Lot 3145 and to the south by Lot 3146 for a distance of 115 feet in V.A. Berry's subdivision to the City of Marion, Ohio.

be and is hereby vacated,

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

Section 3. That nothing in this ordinance shall be construed to affect any right-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.

Mark C. McGuinness

 PRESIDENT OF COUNCIL - PRO TEMPORE

PASSED: June 24, 1996

APPROVED: June 24, 1996

Paul V. Tartar

 MAYOR - ACTING

ATTEST:

Debra Hayes

 CLERK OF COUNCIL - PRO TEMPORE

ORDINANCE NO. 1996- 80

ORDINANCE TO VACATE 400 FEET OF TRUE AVENUE, NORTH OF WILSON AVENUE IN HENRY TRUE'S SECOND ADDITION TO THE CITY OF MARION, AND DECLARING AN EMERGENCY.
(PETITIONER: Assisted Living Concepts, Inc.)

WHEREAS, in the opinion of this Council, there is good cause for vacating 400 feet of True Avenue, north of Wilson Avenue, and

WHEREAS, the petition by Assisted Living Concepts, Inc. to vacate this portion of True Avenue was unanimously approved by the Marion City Planning Commission at its meeting of May 7, 1996, 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 True Avenue, to-wit:

Situated in the State of Ohio, County of Marion, City of Marion, in Section 23, Township 5 South, Range 15 East, Congress Lands; Being a portion of True Avenue (50 feet wide) as dedicated in the plat of Henry True's Second Addition and shown of record in Plat Book 2, Page 55, Recorder's Office, Marion County, Ohio, said portion of True Avenue to be vacated being bounded and described as follows:

Beginning at a 3/4" I.D. iron pipe found at the intersection of the east line of True Avenue with the north line of Wilson Avenue (50 feet wide) and at the southwest corner of Lot No. 1478 in said Henry True's Second Addition;

thence N 87° 34' 40" W crossing True Avenue and along the south line extended westerly of said Lot No. 1478 a distance of 50.05 feet to a 3/4" I.D. iron pipe set in the west line of True Avenue and in the east line of a 2.3 acre tract of land conveyed as Tract Two, Parcel No. 5 to The Fairfield Engineering Company by deed of record in Deed Book 502, Page 194, Recorder's Office, Marion County, Ohio;

thence N 0° 05' 59" W along the west line of True Avenue, along a portion of the east line of said 2.3 acre tract and along a portion of the east line of a 5.482 acre tract of land conveyed as Tract Two, Parcel No. 3 to The Fairfield Engineering Company by deed of record in Deed Book 502, Page 194, Recorder's Office, Marion County, Ohio, a distance of 409.26 feet to a 3/4" I.D. iron pipe set;

thence S 89° 52' 30" E crossing True Avenue a distance of 50.00 feet to a 3/4" I.D. iron pipe set in the west line of Lot No. 1469 in said Henry True's Second Addition;

thence S 0° 05' 59" E along the east line of True Avenue, along a portion of the west line of said Lot No. 1469, along the west lines of Lots Nos. 1470, 1471, 1472, 1473, 1474, 1475, 1476 and 1477 in said Henry True's Second Addition and along the west line of said Lot No. 1478 a distance of 411.26 feet to the place of beginning;

containing 0.471 acre of land more or less.

The above description was prepared by Richard J. Bull, Ohio Surveyor No. 4723, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in April, 1996. Basis of bearings is the north line of Wilson Avenue, west of True Avenue, being assumed at S 87° 09' 32" W, and all other bearings are based upon this meridian,

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 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 elderly assisted living care facility; 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 - PRO TEMPORE

PASSED: June 24, 1996

APPROVED: June 24, 1996

Paul Vitartas
MAYOR - ACTING

ATTEST:

Debra Mays
CLERK OF COUNCIL - PRO TEMPORE

ORDINANCE NO. 1996- 81

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING A 4.355 ACRE TRACT, INCLUDING A PORTION OF TRUE AVENUE VACATED BY THE CITY OF MARION, IN HENRY TRUE'S SECOND ADDITION, FROM R-1C SINGLE FAMILY, HIGH DENSITY RESIDENTIAL DISTRICT, TO R-2 GENERAL RESIDENTIAL DISTRICT AND DECLARING AN EMERGENCY. (Petitioner - Assisted Living Concepts, Inc.)

WHEREAS, Assisted Living Concepts, Inc. is seeking to rezone property owned by Fairfield Engineering, being a 4.355 acre tract including a portion of True Avenue vacated by the City of Marion, in Henry True's Second Addition, and

WHEREAS, Council finds that said real property described in Section 1 below should be rezoned from R-1C Single Family, High Density Residential District, to R-2 General Residential District, and

WHEREAS, the Marion City Planning Commission at its meeting on May 7, 1996, 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 4.355 acre tract on Wilson Avenue, including a portion of True Avenue, and more particularly described as follows:

Situated in the State of Ohio, County of Marion, City of Marion, in Section 23, Township 5 South, Range 15 East, Congress Lands: Being a portion of Outlot No. 48 and a portion of Outlot No. 47, as shown upon the Auditor's Map of Marion County, a portion of Lot No. 1469 and all of Lots Nos. 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477 and 1478 in Henry True's Second Addition, as shown of record on Plat Book 2, Page 55, Recorder's Office, Marion County, Ohio, and a portion of True Avenue (50 feet wide) vacated by City Ordinance 1996- 80 passed , 1996, said portion of Outlot No. 47 being known as 5.482 acres conveyed as Tract Two, Parcel No. 3, said portion of Outlot No. 48 being known as 2.3 acres conveyed as Tract Two, Parcel No. 5 and said Lots Nos. 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477 and 1478 being known as a portion of Tract Two, Parcel No. 4. all having been conveyed to The Fairfield Engineering Company by deed of record in Deed Book 502, Page 194, Recorder's Office, Marion County, Ohio, and bounded and described as follows:

Beginning at a 1-1/2" I.D. iron pipe found in the north line of Wilson Avenue (50 feet wide), at the southwest corner of said 2.3 acre tract and at the southeast corner of Lot No. 6210 in Lippincott Bro's and Bush First Addition of Kennellworth Heights, as shown of record in Plat Book 3, Page 13, Recorder's Office, Marion County, Ohio;

thence N 0° 06' 01" W along the west line of said 2.3 acre tract, along the east line of said Lot No. 6210, along the east line of a 12 feet wide alley, crossing a portion of said Outlot No. 47 and crossing a portion of said 5.482 acre tract a distance of 500.00 feet to a 3/4" I.D. iron pipe set (passing a point at the northwest corner of said 2.3 acre tract and in the south line of said 5.482 acre tract at 444.70 feet);

thence S 89° 52' 30" E crossing a portion of said Outlot No. 47, crossing a portion of said 5.482 acre tract, crossing said vacated True Avenue and crossing said Lot No. 1469 a distance of 419.84 feet to a 3/4" I.D. iron pipe set in the east line of said Lot No. 1469 and in the west line of a 15 feet wide alley (passing a 3/4" I.D. iron pipe set in the west line of said vacated True Avenue and in the east line of said 5.482 acre tract at 202.20 feet and passing a 3/4" I.D. iron pipe set in the east line of said vacated True Avenue and in the west line of said Lot No. 1469 at 252.20 feet);

thence S 0° 07' 30" W along a portion of the east line of said Lot No. 1469, along the east lines of said Lots Nos. 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477 and 1478 and along the west line of said 15 feet wide alley a distance of 417.92 feet to a 1/2" solid iron pin found at the southeast corner of said Lot No. 1478 and at the intersection of the west line of said 15 feet wide alley with the north line of Wilson Avenue;

thence N 87° 34' 40" W along the north line of Wilson Avenue and along the south line of said Lot No. 1478 a distance of 216.21 feet to a 3/4" I.D. iron pipe set at the intersection of the north line of Wilson Avenue extended westerly with the west line of True Avenue, and in the east line of said 2.3 acre tract (passing a 3/4" I.D. iron pipe found at the intersection of the north line of Wilson Avenue with the east line of True Avenue at 166.16 feet);

thence S 0° 05' 59" E along the west line of True Avenue and along a portion of the east line of said 2.3 acre tract a distance of 80.27 feet to a point at the southeast corner of said 2.3 acre tract and at the intersection of the west line of True Avenue with the north line of Wilson Avenue;

thence S 87° 09' 32" W along the north line of Wilson Avenue and along the south line of said 2.3 acre tract a distance of 202.42 feet to the place of beginning (passing a 1" I.D. iron pipe found at 0.47 foot);

containing 4.355 acres of land more or less and being subject to all easements and restrictions of record. Of the above described 4.355 acres, 0.230 acre more or less is within said Outlot No. 47, 2.066 acres more or less are within said Outlot No. 48, 1.588 acres more or less are within said Lots Nos. 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477 and 1478 and 0.471 acre in within said vacated True Avenue.

The above description was prepared by Richard J. Bull, Ohio Surveyor No. 4723, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in April, 1996. Basis of bearings is the north line of Wilson Avenue, west of True Avenue, being assumed at S 87° 09' 32" W, and all other bearings are based upon this meridian.

now zoned R-1C, Single Family, High Density 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 begin for the proposed elderly assisted living care facility; 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. Megerness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: June 24, 1996
APPROVED: June 24, 1996

Taul Vitasta
MAYOR - ACTING

ATTEST:
Sandra Mays
CLERK OF COUNCIL - PRO TEMPORE

AMENDED ORDINANCE NO. 1996 -82

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO LOAN AGREEMENT FOR CONSTRUCTION FINANCING TO MARION SENIOR HOUSING LIMITED PARTNERSHIP FOR USE IN THE RENOVATION OF THE HARDING HOTEL, 2~~28~~⁶⁵ WEST CENTER STREET, MARION, OHIO, SUBJECT TO TERMS AND CONDITIONS AND HEREIN REPEALING RESOLUTION 1996-46 AND AMENDING RESOLUTIONS 1994-41 TO ENABLE THE CONSTRUCTION LENDING, AND DECLARING AN EMERGENCY.

WHEREAS, Marion Senior Housing Limited Partnership, an Ohio Limited Partnership (herein referred to as M.S.H.L.P.), has now requested a \$1,750,000.00 construction loan from the City of Marion in order to enable the project known as the Harding Centre Project to provide low income housing for qualified senior citizens, and

WHEREAS, Resolution 1994-41 provided for \$700,000 in permanent financing to M.S.H.L.P., subject to terms and conditions, and it is now being requested that Resolution No. 1994-41 be amended to allow said funds be used as construction funds, and

WHEREAS, M.S.H.L.P. has requested a \$750,000 construction loan from the Marion County Commissioners, and

WHEREAS, the Council now finds this request to be in the public good and for a real public purpose.

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

Section 1. The Mayor of the City of Marion is authorized to enter into a loan agreement to provide construction funds in the total maximum amount of \$1,750,000.00 to M.S.H.L.P., subject to the terms and conditions of Resolution No. 1994-41, as amended, and terms contained herein or previously authorized for the renovation of the Harding Hotel.

Section 2. The Mayor is authorized to execute all documents to enable the providing of the \$1,750,000, and the Auditor is authorized to ^{secure} complete the funds through the issuance of City taxable bonds or notes ^{with such} terms as necessary to enable the City to adequately sell the bonds or notes. ^{so as}

Section 3. The loan shall provide for an interest rate, plus 1/4%, determined by the City Auditor to provide for the recovery of all costs incurred by the City associated with the borrowing of all funds, ~~including but not limited to underwriting, consultants and legal.~~ M.S.H.L.P. shall reimburse City for all cost incurred.

Section 4. The City of Marion and the County of Marion will share a first mortgage on the entire project. Payments made to the City and County shall only be subordinate to payments made to Ohio Financing Agency,

Section 5. This authorization is contingent upon the County of Marion providing \$750,000 in construction lending approved by a resolution of the Commissioner's prior to the entering of the loan agreement.

Section 6. All construction funds shall be used only for the housing portion of the building.

Section 7. Prior to closing of the construction loan, a full partnership agreement with tax credit investors shall be completed and provided in final signed form to the City Auditor to assure the pay off of the construction loan. In addition, a participant's agreement must be executed by Parkview Federal committing their funds to the commercial construction.

Section 8. Prior to closing, all contracts must be updated and resigned to the satisfaction of the City and provide for no more than 1% in cost over the total of the original signed contracts. However, the City Auditor, Mayor and Law Director may jointly waive this requirement by written documentation setting forth that there exists sufficient contingency to cover current contract costs.

Section 9. M.S.H.L.P. shall provide the City with all costs associated with the hiring of a third party construction inspection and management consultant of the City's choice in order to verify work completion and lien release for each subcontractor prior to the release of any construction funds.

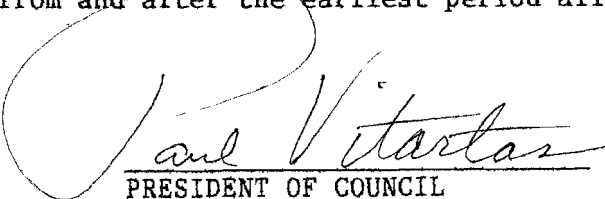
Section 10. Prior to the release of any construction funds, the City (Regional) Planning Director shall review and approve or disapprove disbursement. or City Council

Section 11. The City Planning Director, Auditor, Mayor, or Law Director/each have the individual authority to invalidate the loan agreement and/or discontinue the City's involvement in the project* at any time if the conditions contained herein or approved by other written documents are not complied with or grant conditions are not being met or quality of work is poor.

Section 12. The loan agreement and this ordinance must require that all liens in existence at the time of closing be released and that M.S.H.L.P. shall provide for the release of all liens, and claims which may arise during the construction period.

Section 13. Resolution 1994-46 is hereby repealed and Resolution 1994-41 is hereby amended to enable the funds therein to be used as construction funding and authorizing the Mayor to complete all documents to provide for the construction funding of the project.

Section 14. 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 by two-thirds vote of all members elected and approval by the Mayor; otherwise it shall become effective from and after the earliest period allowed by law.

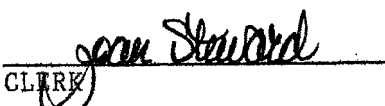

PRESIDENT OF COUNCIL

PASSED: June 26, 1996

APPROVED: June 27, 1996


MAYOR

ATTEST:


CLERK

*by written notice provided 3 business days prior to the effective date of termination

AMENDED ON COUNCIL FLOOR JUNE 26, 1996

ORDINANCE NO. 1996-83

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CRANE & SHOVEL SALES CORP. TO PURCHASE A CHIPPER FOR USE IN THE LANDFILL 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

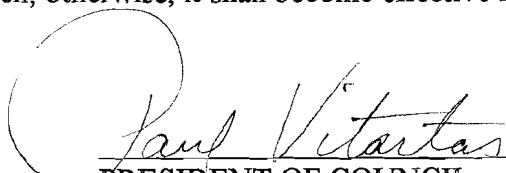
WHEREAS, Crane & Shovel Sales Corp., submitted the lowest bid,

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 Crane & Shovel Sales Corp., to purchase Chipper for use in the Landfill Department.

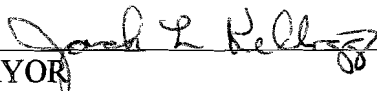
Section 2. That the \$18,934.00 cost of said contract shall be payable from the Sanitation Fund Account No. 506-05-562-250-000-450.

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 8, 1996

APPROVED: July 9, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996- 84

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FYDA FREIGHTLINER, INC. TO PURCHASE (1) RECYCLING TRUCK 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

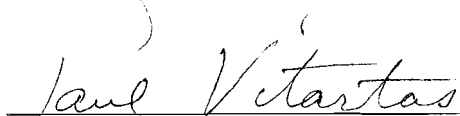
WHEREAS, FYDA Freightliner, Inc., submitted the best bid,

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 FYDA Freightliner, Inc., to purchase (1) Recycling Truck.

Section 2. That the \$63,613.00 cost of said contract shall be payable from the Recycling Fund Account No. 508-05-564-250-000-450.

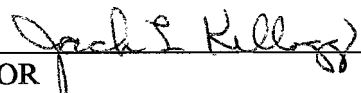
Section 3. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon 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 8, 1996

APPROVED: July 9, 1996



MAYOR

ATTEST:



CLERK OF COUNCIL

ORDINANCE NO. 1996-85

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR THE DEMOLITION OF VARIOUS BUILDINGS AND DECLARING AN EMERGENCY.

WHEREAS, J & J Renovations 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 J & J Renovations for the demolition of various Buildings:

765 N. Main Street	\$2,900.00
223 Pearl Street (Garage)	600.00
227 Pearl Street (Garage)	800.00
411 W. Church Street (Garage)	600.00

Section 2. That the \$4,900.00 cost of said contract shall be payable from the General Fund Account No. 101-07-716-230-000-323.

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 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 8, 1996

APPROVED: July 9, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-86

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH
GENE HAZEN & SONS, ZANESVILLE, OHIO, AND TO
APPROPRIATE FUNDS FOR THE DEMOLITION OF THE
FORMER HARDING FRESHMAN BUILDING ON W. CHURCH
STREET, PROJECT 96-1M, IN THE CITY OF MARION, OHIO
AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1996-58 authorized the preparation of
plans, specifications and advertising for bids for the Demolition of the
former Harding Freshman Building, in the City of Marion, Ohio, and

WHEREAS, Gene Hazen and Son submitted the lowest and best
bid of \$87,262.00,

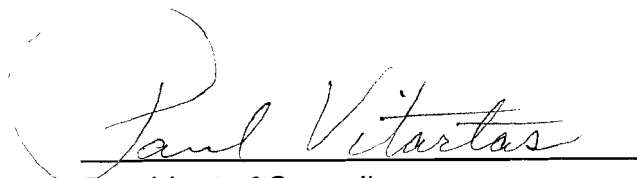
BE IT ORDAINED BY the Council of the City of Marion, Marion
County, Ohio:

SECTION 1. That the Safety/Service Director be directed to enter
into contract with Gene Hazen and Sons for the Demolition of the former
Harding Freshman Building, Project 96-1M.

SECTION 2. That there be additional appropriations made in the
amount of \$87,262.00 in the Safety/Service Director's Demolition Fund
(101-07-716-230-000-323).

SECTION 3. That said contract shall be payable from the
Safety/Service Director's Demolition 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 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 8, 1996

Approved: July 9, 1996



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1996-87

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/
SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH
H & H EXCAVATING, MARION, OHIO, AND TO APPROPRIATE
FUNDS FOR THE DEMOLITION OF 981 W. CENTER STREET,
PROJECT 96-2M, IN THE CITY OF MARION,
OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 1996-65 authorized the preparation of
plans, specifications and advertising for bids for the Demolition of 981 W.
Center Street, Project 96-2M, in the City of Marion, Ohio, and

WHEREAS, H & H Excavating, submitted the lowest and best bid of
\$26,450.00,

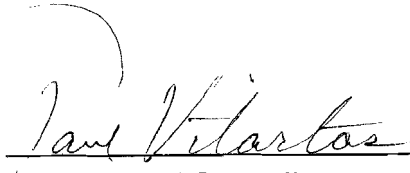
BE IT ORDAINED BY the Council of the City of Marion, Marion
County, Ohio:

SECTION 1. That the Safety/Service Director be directed to enter
into contract with H & H Excavating, for the Demolition of 981 W. Center
Street, Project 96-2M.

SECTION 2. That there be additional appropriations made in the
amount of \$26,450.00 in the Safety/Service Director's Demolition Fund
(101-07-716-230-000-323).

SECTION 3. That said contract shall be payable from the
Safety/Service Director's Demolition 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 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.



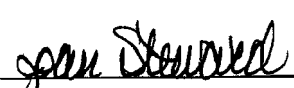
President of Council

Passed: July 8, 1996

Approved: July 9, 1996



Mayor

Attest:


Clerk of Council

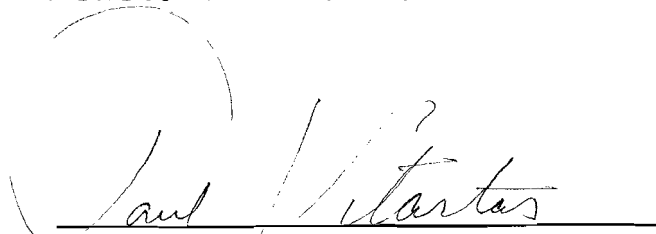
ORDINANCE NO. 1996- 88

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE REMOVAL OF ASBESTOS FROM THE FORMER HARDING FRESHMAN BUILDING GYMNASIUM, WEST CHURCH STREET, AND DECLARING AN EMERGENCY.

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications and advertise for bids for the Removal of Asbestos from the Former Harding Freshman Building Gymnasium.


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 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 8, 1996

Approved: July 9, 1996



Mayor

Attest:



Clerk of Council

ORDINANCE NO. 1996-89

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE COMMUNICATIONS OFFICERS AND CORRECTIONS OFFICERS BARGAINING UNIT, AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., for the Communications Officers and Corrections Officers Bargaining Unit, and

WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., has been reached on behalf of said F.O.P. and the City of Marion and ratified by the bargaining unit, to be effective July 1, 1996.

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

Section 1. That Council hereby appropriates the funds necessary to implement the C.B.A. effective July 1, 1996 as provided to Council in writing, by the City Auditor on July 1, 1996.

Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the Fraternal Order of Police, Ohio Labor Council, Inc., for the above specified bargaining unit.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and 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 earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: July 8, 1996

APPROVED: July 9, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-90

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE GOLD BARGAINING UNIT, AND DECLARING AN EMERGENCY.

WHEREAS, Council will hereby appropriate monies to implement a bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., for the Gold Bargaining Unit, and

WHEREAS, an Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., has been reached on behalf of said F.O.P. and the City of Marion and ratified by the bargaining unit, to be effective July 1, 1996.

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

Section 1. That Council hereby appropriates the funds necessary to implement the C.B.A. effective July 1, 1996 as provided to Council in writing, by the City Auditor on July 1, 1996.

Section 2. That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the Fraternal Order of Police, Ohio Labor Council, Inc., for the above specified bargaining unit.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and 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 earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: July 8, 1996

APPROVED: July 9, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996- 91

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

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

WHEREAS, the CDBG Small Cities' Program makes funds available for projects which address these problems; and

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

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

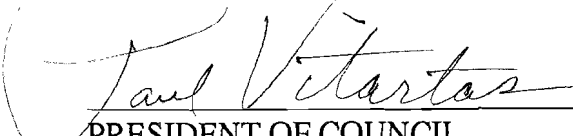
Section 1. That this Council hereby authorizes the Mayor to submit an application for CDBG Small Cities' funds, including the following activities:

1.	Youth Center Rehabilitation	\$139,000
2.	Salvation Army Playground	\$ 26,000
3.	Fair Housing	\$ 1,000
4.	Environmental Review/Audit/Administration	<u>\$ 27,000</u>
	TOTAL	\$193,000

Section 2. That the City of Marion, as part of this application, commits all necessary funds to complete the youth center. This commitment is estimated to be up to \$120,000.

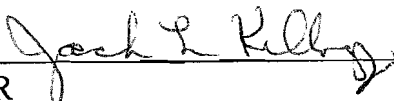
Section 3. That, upon approval of the City of Marion's grant application, the Mayor is hereby authorized to accept the grant and administer the CDBG Small Cities' Program in the City of Marion.

Section 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 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 8, 1996

APPROVED: July 9, 1996


MAYOR

ATTEST:

CLERK OF COUNCIL

ORDINANCE NO. 1996-92

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BERQUIST CONSULTING, INC. FOR PHASE II FOR THE CREATION OF A STORM WATER UTILITY AND APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

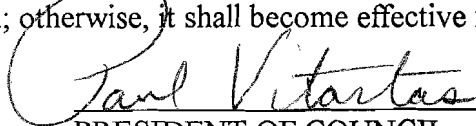
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Berquist Consulting, Inc., for Phase II for the creation of a Storm Water Utility.

Section 2. That the \$25,300.00 cost of said contract shall be payable from the General Fund.

Section 3. That there be an appropriation in the amount of \$25,300.00 made in the General Fund Account No. 101-07-716-230-000-320.

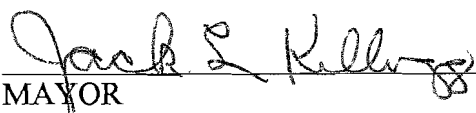
Section 4. That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon 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

PASSED: July 22, 1996

APPROVED: July 23, 1996



 MAYOR

ATTEST:



 CLERK OF COUNCIL

ORDINANCE NO. 1996-93

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MARION PRODUCTS AND OFFICE SUPPLIES TO PURCHASE DESKS FOR USE IN THE UTILITY BILLING DEPARTMENT

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

WHEREAS, Marion Products & Office supplies submitted the lowest and best proposal.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with Marion Products and Office Supplies, to purchase Desks for use in the Utility Billing Department.

Section 2. That the \$3,272.00 cost of said contract shall be payable from the Utility Billing Fund Account No. 612-05-571-250-000-450.

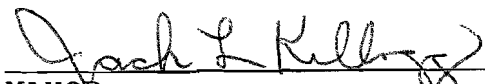
section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: July 22, 1996

APPROVED: July 23, 1996



 MAYOR

ATTEST:



 CLERK OF COUNCIL

ORDINANCE NO. 1996-94

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OFFICE CITY TO REPLACE THE CARPET AND TILE ON THE FIRST FLOOR OF CITY HALL AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1996-54 authorized the Safety/Service Director to advertise for bids to replace the carpet and tile on the first floor of City Hall, and

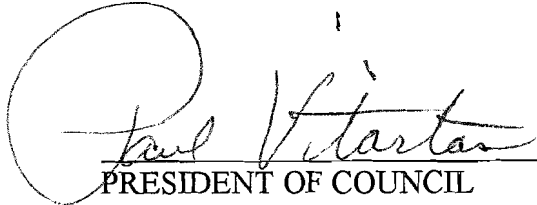
WHEREAS, Office City submitted the only bid,

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 Office City to replace the carpet and tile on the first floor of City Hall.

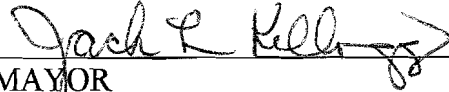
Section 2. That the \$17,524.30 cost of said contract shall be payable from the General Fund Account No. 101-07-741-230-000-370.

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 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 22, 1996

APPROVED: July 23, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-95

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE STRAIT & LAMP GROUP TO PURCHASE MATERIALS TO BUILD 18 LOCKERS FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

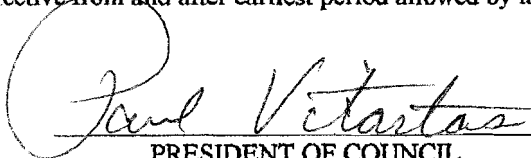
WHEREAS, The Strait & Lamp Group submitted the best proposal, therefore

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to enter into contract with The Strait & Lamp Group, to purchase materials to build 18 lockers for use at the Fire Department.


Section 2. That the \$4099.00 cost of said contract shall be payable from the Fire Department Fund Account No. 101-01-131-250-000-520.

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: July 22, 1996

APPROVED: July 23, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

066
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ORDINANCE TO VACATE THE UNIMPROVED WESTERN ENTRYWAY NORTH OFF CAMBRIDGE AVENUE TO THE WEST RIGHT-OF-WAY LINE OF THE IMPROVED EASTERN ENTRYWAY TO HARDING ROAD, INCLUDING ANY INTEREST THE CITY OF MARION MAY HAVE IN A SMALL TRIANGULAR PARK ADJOINING THE ENTRYWAY. (PETITIONERS: LEONARD J. WEBB AND DAVID E. WILLIAMSON)

WHEREAS, in the opinion of this Council there is good cause for vacating the unimproved western entryway to Harding Rd., North off Cambridge Ave., to the west right-of-way line of the improved eastern entryway to Harding Rd., which presently runs off Cambridge, including any interest the City of Marion may have in a small triangular park adjoining the entryway, located in Vernon Heights 4th and 7th Subdivisions to the City of Marion, Ohio; and

WHEREAS, the petition by Leonard J. Webb and David E. Williamson to vacate this unimproved roadway and park was unanimously approved by the Marion City Planning Commission at its meeting of June 4, 1996, 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 roadway located in Vernon Heights 4th and 7th Subdivisions to the City of Marion, including any interest the City of Marion may have in the adjoining small triangular park located in Vernon Heights 7th Subdivision to the City of Marion, to wit:

Being part of Cambridge Avenue and Harding Road in the Vernon Heights Fourth Addition (Plat Book 4, page 24) and the Vernon Heights Seventh Addition (Plat Book 4, page 82) to the City of Marion, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an iron pin set at the South Corner of Lot Number 13565 in Vernon Heights Fourth Addition to the City of Marion, said point being located in the North line of Cambridge Avenue and Harding Road, in the East line of Vernon Heights Fourth Addition and the West line of Vernon Heights Seventh Addition; thence along the North line of Harding Road, the North line of the Vernon Heights Seventh Addition, and the South line of the Vernon Heights Sixth Addition (Plat Book 4, page 55), North 62 deg. 44 min. 08 sec. East for a distance of 205.15 feet to an existing 3/4 inch dia. iron pipe located at the Southeast corner of Lot No. 13714 in said Sixth Addition; thence South 36 deg. 48 min. 44 sec. West for a distance of 60.33 feet to an iron pin set; thence South 01 deg. 27 min. 42 sec. West for a distance of 110.00 feet to an iron pin set, said point being 50.00 feet North of the South line of Cambridge Avenue; thence on a line parallel with the South line of Cambridge Avenue, North 88 deg. 48 min. 12 sec. West for a distance of 145.00 feet to an iron pin set in the East line of the Vernon Heights Fourth Addition and the West line of the Vernon Heights Seventh Addition; thence North 74 deg. 06 min. 35 sec. West for a distance of 118.27 feet to a 1-1/2 inch dia. iron pipe found in the

North line of Cambridge Avenue and at the P.C. of a curve, said point being 80.00 feet North of the South line of Cambridge Avenue; thence along the current North line of Cambridge Avenue and along a curve to the left having a central angle of 29 deg. 51 min. 01 sec. and a radius of 225.81 feet, and whose chord bears North 76 deg. 16 min. 18 sec. East for a distance of 116.32 feet, for an arc distance of 117.64 feet (passing a 1-1/2 inch iron pipe found along said curve at an arc distance of 37.63 feet) to a 1-1/2 inch dia. iron pipe found at the P.T.; thence continuing along the North line Cambridge Avenue North 61 deg. 20 min. 46 sec. East for a distance of 2.65 feet to an iron pin set and the place of beginning.

Containing 0.413 Acres (17999.59 Sq.Ft.), more or less, of which 0.066 acres (2876.91 Sq.Ft.), more or less, are in Vernon Heights Fourth Addition and 0.347 acres (15122.68 Sq.Ft.), more or less, are in Vernon Heights Seventh Addition, 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 July 12, 1996. All 5/8 inch dia. iron pins set have a plastic identity cap with the inscription "Fox, P.S. 7000."

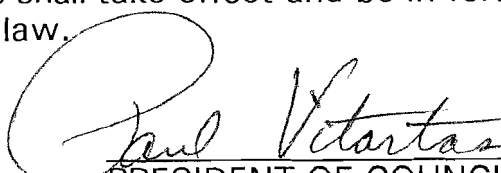
Prior Deed, Plat Book 4, Page 24 and Plat Book 4, page 82
Basis of bearing, Survey by Stults and Assoc. dated 3/24/76, North line of Cambridge Avenue, North 88 deg. 48 min. 12 sec. West.

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 the existing right-of-way, pipeline, or easement of the Ohio American Water Company and the Columbia Gas Company, 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

PASSED: July 22, 1996

APPROVED: July 23, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996- 97

ORDINANCE TO VACATE THE PORTION OF LINWOOD DRIVE BETWEEN CLOVER AVENUE AND HOMER STREET IN THE CLARIDON ADDITION IN THE CITY OF MARION. (Petitioner: C. Richard Arndt)

Whereas, in the opinion of this Council, there is good cause for vacating the portion of Linwood Drive between Clover Avenue and Homer Street in the Claridon Heights Addition in the City of Marion, and

Whereas, the petition to vacate this street was considered and disapproved by the Marion City Planning Commission at its meeting of June 4, 1996, and

Whereas, notice to all abutting landowners was given in accordance with Marion Codified Ordinances 903.08, and

Whereas, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and ought to be made;

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

Section 1. That the following described street, to wit:

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

Being a 50 foot wide east west street, known as Linwood Drive, in the Claridon Heights Addition of Marion. Bounded north by lots 13415, 13416 in Claridon Heights Addition and on the south by lots 39 and 76 in Claridon Tracts.

be and is hereby vacated.

Section 2. That title to the real estate comprising said street 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 street for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation of said street 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:

APPROVED:

MAYOR

ATTEST:

CLERK

deposed July 22, 1996

ORDINANCE NO. 1996- 98

ORDINANCE TO VACATE THAT PORTION OF A NORTH-SOUTH ALLEY
BETWEEN OLIVER AND CLINTON STREETS IN THE GLENWOOD
ADDITION TO THE CITY OF MARION, OHIO. (Petitioner:
Calvin Caldwell)

WHEREAS, in the opinion of this Council, there is good cause for vacating that portion of a 15' wide north-south alley between Oliver and Clinton Streets, and

WHEREAS, the petition by Calvin Caldwell to vacate this portion of an alley was unanimously approved by the Marion City Planning Commission at its meeting of 1996, and

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinance 903.08, and

WHEREAS, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and ought to be made;

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

Section 1. That the following described alley, to-wit:

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

Being a fifteen foot wide north-south alley between Lots 5274 through 5283 and Lots 5290 through 5299 in the Glenwood Addition to the City of Marion, Ohio,

be and is hereby vacated.

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

Section 3. That nothing in this ordinance shall be construed to affect any right-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 22, 1996

APPROVED: July 23, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996- 99

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION
 BY REZONING TWO PARCELS OF VACANT GROUND ON THE SOUTH-
 EAST CORNER OF SILVER STREET AND BREEN STREET IN BAIN
 BROTHERS ADDITION TO THE CITY OF MARION, OHIO.
 (Petitioner: Linda Persinger)

WHEREAS, Linda Persinger is seeking to rezone two parcels of vacant
 land on the southeast corner of Silver Street & Breen Street, and

WHEREAS, Council finds that said real estate described in Section 1
 below should be rezoned from I-2, General Industrial District, to C-4, Central
 Frame Business District, and

WHEREAS, the Marion City Planning Commission at its meeting of **June 4,**
 1996 had considered and voted in a 3-3 tie which renders it disapproved, 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 two parcels of vacant land on the southeast corner
 of Silver Street & Breen Street, and more particularly described as follows:

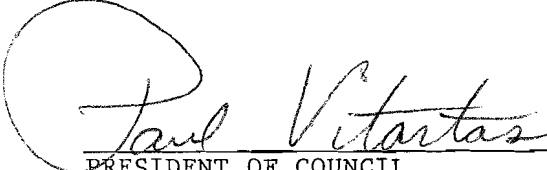
Situated in the State of Ohio, County of Marion and in the
 City of Marion, and bounded and described as follows:

Being Lots numbered 6175 and 6176 in Bain Brothers' Addition
 to the City of Marion, Ohio, excepting thirty-five (35) feet
 off of the south end and extending across the entire width of
 each of said Lots, being a total of 80 feet wide by 90 feet
 deep,

and zoned I-2, General Industrial District, is hereby zoned C-4, Central
 Business District.

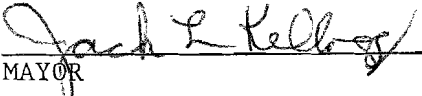
Section 2. That the Clerk of Council is hereby authorized and directed
 to make said change on the Zoning District Map of the City of Marion, on file
 in the office of the Clerk of City Council, and on the copy thereof on file in
 the office of the Safety/Service Director.

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: July 22, 1996

APPROVED: July 23, 1996


 MAYOR

ATTEST:


 CLERK

ORDINANCE NO. 1996- 100

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS 226 PATTEN STREET, BEING PART OF LOT NUMBER FIVE IN JOHN BALLENTINE'S ADDITION TO THE CITY OF MARION, FROM R-1C, SINGLE FAMILY DISTRICT - HIGH DENSITY, TO C-2, COMMUNITY SHOPPING DISTRICT. (Petitioners: Richard & Karen Chevalier)

WHEREAS, Richard and Karen Chevalier are seeking to rezone property owned by them known as 226 Patten Street (Patten Street Market), and

WHEREAS, Council finds that said real estate described in Section 1 below should be rezoned from R-1C, Single Family District, to C-2, Community Shopping District, and

WHEREAS, the Marion City Planning Commission at its meeting of June 4, 1996 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 real estate known as 226 Patten Street, Marion, Ohio and more particularly described as follows:

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

TRACT 1

Being a part of Lot Number Five (5) in John Ballentine's Addition to Marion, Ohio, bounded and described as follows: Commencing at the southeast corner of said Lot Number 5; thence west along the north line of Patten Street, a distance of fifty-seven and five tenths (57.5) feet to an iron pipe and the place of beginning; thence northerly parallel to the west line of Park Street, a distance of seventy-one and five-tenths (71.5) feet (passing an iron pipe at 43 feet) to an iron pipe; thence westerly on a line parallel to Patten Street, a distance of thirty-four (34) feet to an iron pipe; thence southerly a distance of twenty-one and five-tenths (21.5) feet to an iron pipe on the north line of the tract conveyed to Carlos R. and Laura E. Gibson by deed dated March 27, 1929 and recorded in Volume 179 at Page 179 of Marion County Deed Records; thence easterly on the said North line a distance of ten and eight tenths (10.8) feet to a stone being the northeast corner of said Gibson tract; thence southerly on the east line of said Gibson tract a distance of fifty (50) feet to an iron pipe in the north line of Patten Street; thence easterly on the north line of Patten Street a distance of twenty-four and three tenths (24.3) feet to an iron pipe and the place of beginning.

Reference is had to a Plat of Survey of south Part of Lot No. 5 in Ballentine's First Addition, Survey Volume 5, Page 350.

TRACT 11

Being part of Lot Number Five (5) in John Ballentine's Addition to the City of Marion, OHio, bounded and described as follows:

Beginning at the Southeast corner of Lot Five (5) in Ballentine's Addition to the Village, now City of Marion, Ohio; thence northward along the west line of Park Street, forty-three (43) feet; thence westward parallel with the north line of Patten Street fifty-seven and one-half (57½) feet; thence Southward parallel with the west line of Park Street forty-three (43) feet to the North line of Patten Street; thence Eastward along the north line of Patten Street fifty-seven and one-half (57½) feet to the place of beginning, reserving three (3) feet off of the north side thereof as an easement for ingress and egress only for the use and benefit of the Grantee and the owners of the property adjoining said above described property on the north and their successors in title only.

and zoned R-1C, Single Family, High Density 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 shall take effect and be in force from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

defeated July 22, 1996

MAYOR

ATTEST:

CLERK

ORDINANCE TO ENTER INTO AGREEMENT TO WITH MARION COUNTY TO USE THE SERVICES OF THE MARION COUNTY HOUSING ADVISORY BOARD, AND TO AUTHORIZE THE MAYOR TO SIGN ANY NECESSARY DOCUMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, The Ohio Revised Code requires Municipalities and Counties to appoint a Housing Advisory Board for the purpose of analyzing the impact of issuing general obligation debt to finance housing; and

WHEREAS, in the past the City of Marion and Marion County have jointly used the Housing Committee of 25 to prepare housing plans for the community; and

WHEREAS, the County intends to appoint the members of the Housing Committee of 25 as its Housing Advisory Board; and

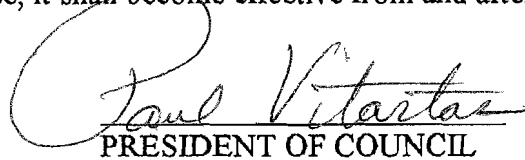
WHEREAS, the state law allows municipalities to enter into agreement to use the services of a county housing advisory board pursuant to Section 176.02 of the Ohio Revised Code.

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

Section 1 That the City of Marion will enter into contract with the County of Marion to use the services of its Housing Advisory Board.


Section 2 The Mayor is hereby authorized to enter into agreement on behalf of the City of Marion and sign any necessary documentation.

Section 3 This ordinance is hereby declared 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 bonding issue for the Harding Centre Project will need to be reviewed by the Housing Advisory Board, and as such, shall take effect and be in force immediately upon its approval by the Mayor, provided it receives the affirmative vote of two-thirds of all its members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


PRESIDENT OF COUNCIL

PASSED: July 22, 1996

APPROVED: July 23, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

Published:
The Marion Star
Aug. 20, 1996
Joan Steward
Clerk of Council

ORDINANCE NO. 1996 - 102

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1996.

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 \$987,547.00 as follows:

Sanitation Fund

Equipment	506-05-562-250-000-450	\$ 18,934.00
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Recycling Fund

Equipment	508-05-564-250-000-450	\$ 63,613.00
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Storm Sewer Improvement Fund

Capital Improvement	460-05-017-250-000-520	\$700,000.00
Professional Services	460-05-017-230-000-320	<u>5,000.00</u>

TOTAL		\$705,000.00
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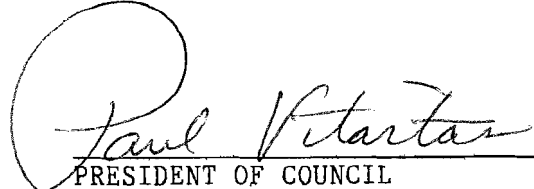
Street Improvement Fund

Resurfacing Projects	461-06-003-230-000-531	\$190,000.00
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Health Fund

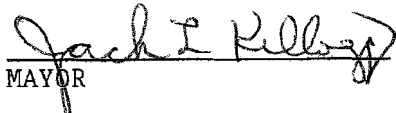
Weed Control	214-02-222-230-000-426	\$ 10,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

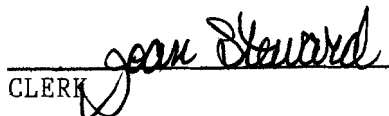

PRESIDENT OF COUNCIL

PASSED: July 22, 1996

APPROVED: July 23, 1996


MAYOR

ATTEST:


CLERK

ORDINANCE NO. 1996 - 103

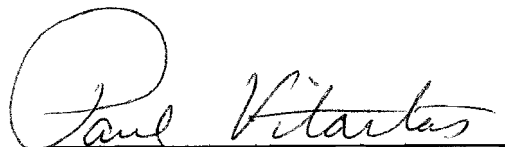
ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY
BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT
TO OHIO REVISED CODE §5705.41(D), AND DECLARING
AN EMERGENCY.

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	\$2,873.55
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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 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.

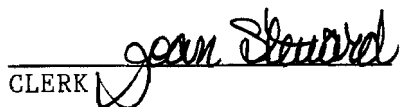

PRESIDENT OF COUNCIL

PASSED: July 22, 1996

APPROVED: July 23, 1996


MAYOR

ATTEST:


CLERK

1300/24 100 100

ORDINANCE NO. 1996- 104

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING LOTS 17829 THROUGH 17832 IN THE HENSEL/ZACHMAN SUBDIVISION, AND THE 50' BY 145' HAMPTON WOODS ACCESS STRIP, FROM R-1A, SINGLE FAMILY DISTRICT-LOW DENSITY, TO R-2, GENERAL RESIDENTIAL DISTRICT. (Applicants: Roger Hensel & Marvel Smith)

WHEREAS, Roger Hensel and Marvel Smith are seeking to rezone Lots 17829 through 17832 in the Hensel/Zachman Subdivision, and the 50' by 145' Hampton Woods access strip, and

WHEREAS, Council finds that said real estate described in Section 1 below should be rezoned from R-1A, Single Family District-Low Density, to R-2, General Residential District, and

WHEREAS, the Marion City Planning Commission at its meeting of July 2, 1996 had considered and unanimously 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 Lots 17829 through 17832 in the Hensel/Zachman Subdivision, and the 50' by 145' Hampton Woods access strip, in the City of Marion, County of Marion, State of Ohio, and more particularly described as follows:

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

Beginning at a point on Grantor's South line at the Southwest corner of Lot 17832 in Hensel/Zachman Subdivision (also being the Southwest corner of said Subdivision); thence along Grantor's South line N 89° 02' 15" W for a distance of 640.00 feet to a point on Grantor's East line; thence along Grantor's East line S 1° 09' 30"W for a distance of 715.57 feet to a point on the centerline of County Road 138-C (also being the East-West Half Section Line of Section 35); thence along said centerline N 89° 02' 15" W for a distance of 232.00 feet to a point; thence N 1° 09' 30" E for a distance of 307.47 feet to a point of curve; thence Northwesterly along a curve to the left having a radius of 242.53 feet for an arc distance of 189.70 feet to the point of tangency; thence N 43° 39' 20" W for a distance of 153.71 feet to a point; thence N 46° 20' 40" E for a distance of 366.00 feet to a point of curve; thence Northeasterly along a curve to the right having a radius of 157.65 feet for a distance of 14.55 feet to a point; thence N 1° 09' 30" E for a distance of 220.71 feet to a point; thence S 89° 02' 15" E for a distance of 780.40 feet to the Northwest Corner of Lot 17829 in Hensel/Zachman Subdivision (also being the West line of said Subdivision); thence along said West Line S 1° 09' 30" W for a distance of 360.00 feet to the point of beginning.

Containing 1.222 acres more or less and being subject to legal highways, easements, restrictions, and agreements of record,

now zoned R-1A, Single Family District-Low Density, be and is hereby zoned R-2, General Residential 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 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.

Mark C. McGuinness

PRESIDENT OF COUNCIL ~~PRO~~ TEMPORE

PASSED: August 12, 1996

APPROVED: August 13, 1996

Jack L. Killip

MAYOR

ATTEST:

Jean Steward

CLERK

ORDINANCE NO. 1996- 105

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 \$2,500.00

(See reversed side for detailed bills)

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.

Mark C. Guinness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: August 12, 1996

APPROVED: August 13, 1996

MAYOR

ATTEST:

CLERK

ORDINANCE NO. 1996- 106

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1996.

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

Section 1. That there be additional appropriations made in the amount of \$38,890.00 as follows:

GENERAL FUND

Income Tax Refunds	101-07-744-270-712-720	\$30,000.00
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SWIMMING POOL

Salaries	516-03-423-210-000-110	\$ 5,260.00
Benefits	516-03-423-210-000-120	<u>3,630.00</u>
		\$ 8,890.00

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

Mark C. Megness
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: August 12, 1996

APPROVED: August 13, 1996

Jack L. Kilgus
MAYOR

ATTEST:

Jean Steward
CLERK

ORDINANCE NO. 1996- 107ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS
FUNDS FOR THE YEAR ENDING DECEMBER 31, 1996.

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

Section 1. That there be additional appropriations made in the amount
of \$167,065,24 as follows:

GENERAL FUND

Transfer to SCMR Fund	101-09-745-270-000-718	\$83,532.62
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SCMR FUND

Resurfacing Projects	207-06-612-230-000-531	\$83,532.62
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Section 2. That this ordinance shall take effect and be in force from
and after the earliest period allowed by law.

Mark C. McGuinness

PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: August 12, 1996

APPROVED: August 13, 1996

MAYOR

Jack L. Kilby

ATTEST:

CLERK

Jean Steward

ORDINANCE NO. 1996-108

ORDINANCE APPROVING THE PURCHASE OF A BRUSH CHIPPER FOR THE PARKS DEPARTMENT. COUNCIL HAVING WAIVED RULE 14 (1) AND CONSIDERED THIS MATTER WITHOUT REPORT FROM COMMITTEE.

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, Vermeer Sales & Service, submitted the best proposal and was approved by the Board of Park Commissioners.

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

Section 1. That the Park Superintendent be authorized to enter into contract with Vermeer Sales & Service, to purchase a Brush Chipper for use in the City Parks. *Council having waived Rule 14 (1) and considered this matter without report from committee.*

Section 2. That the \$7,999.00 cost of said contract shall be payable from the Parks Fund Account No. 221-03-421-250-000-450.

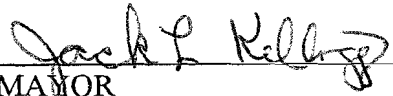
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



 PRESIDENT OF COUNCIL

PASSED: August 26, 1996

APPROVED: August 27, 1996



 MAYOR

ATTEST:



 CLERK OF COUNCIL

ORDINANCE NO. 1996-109

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KIRKHAM BUILDING SYSTEMS FOR THE CONSTRUCTION OF A VEHICLE STORAGE BUILDING AT 981 W. CENTER STREET AND DECLARING AN EMERGENCY. COUNCIL HAVING WAIVED RULE 14 (1) AND CONSIDERED THIS MATTER WITHOUT REPORT FROM COMMITTEE.

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, Kirkham Building Systems, 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 Kirkham Building Systems, for the construction of a vehicle storage building at 981 W. Center Street. *Council having waived Rule 14 (1) and considered this matter without report from committee.*

Section 2. That the \$9,947.00 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

PASSED: August 26, 1996

APPROVED: August 27, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-110

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF A LEACHATE COLLECTION SYSTEM AT THE CLOSED MARION CITY LANDFILL, AND ~~DECLARING AN EMERGENCY~~. COUNCIL HAVING WAIVED RULE 14 (1) AND CONSIDERED THIS MATTER WITHOUT REPORT FROM 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 prepare specifications and advertise for bids for the construction of a Leachate Collection System at the closed Marion City Landfill. *Council having waived Rule 14 (1) and considered this matter without report from committee.*

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: August 26, 1996

APPROVED: August 27, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

*AMENDED ON COUNCIL FLOOR

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

ORDINANCE NO. 1996-111

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A NEW ELECTRONIC WARNING SIREN TO BE INSTALLED AT #1 FIRE STATION LOCATED AT 186 SOUTH PROSPECT STREET AND ~~DECLARING AN EMERGENCY~~. COUNCIL HAVING WAIVED RULE 14 (1) AND CONSIDERED THIS MATTER WITHOUT REPORT FROM 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 prepare specifications and advertise for the purchase of a new electronic warning siren to be installed at #1 fire station located at 186 South Prospect Street. *Council having waived Rule 14 (1) and considered this matter without report from committee.*


Section 2. That \$7,000.00 of contract shall be reimbursed to the City of Marion by the Federal Emergency Management Agency (FEMA).

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: August 26, 1996

APPROVED: August 27, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

*AMENDED ON COUNCIL FLOOR

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

AN ORDINANCE TO ENTER INTO AGREEMENT WITH BEENEY & BEENEY, INC. AND DONALD J. BEENEY, INDIVIDUAL LESSOR OF REAL PROPERTY FOR THE PURPOSE OF ABATEMENT OF A PORTION OF REAL PERSONAL PROPERTY TAX AT A FACILITY LOCATED AT 390 EAST CENTER STREET TO ENCOURAGE THEM TO RENOVATE THE EXISTING VACANT BUILDING AND EXPAND THE BUILDING AT THIS SITE, AND DECLARING AN EMERGENCY.

WHEREAS, The City Council by Ordinance No. 1996-75 signed July 9, 1996 designated a "Community Reinvestment Area II", which includes 390 East Center Street; and

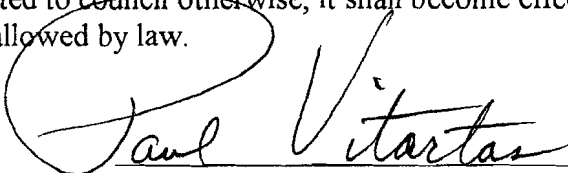
WHEREAS, the Director of the Ohio Department of Development confirmed the new district as Area No. 101-2485-01 on August 7, 1996; and

WHEREAS, City Council of Marion find that Beeney & Beeney, Inc. is qualified by financial responsibility and business experience to renovate a building and create employment opportunities;

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

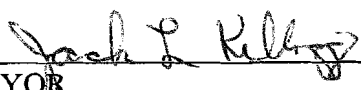
Section 1. That Council hereby authorizes the Mayor and President of Council to sign the attached Agreement with Beeney & Beeney, Inc. And Donald J. Beeney, Individual, which sets for the terms of a 10-Year, 50% exemption on real estate taxes on the proposed improvements to 390 East Center Street.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that 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 26, 1996

APPROVED: August 27, 1996


MAYOR

ATTEST:

CLERK OF COUNCIL

repealed

ORDINANCE TO APPROVE A CITY OF MARION, OHIO
COMMUNITY HOUSING IMPROVEMENT STRATEGY
AS A COMPREHENSIVE HOUSING AFFORDABILITY
STRATEGY FOR THE CITY OF MARION FOR UP TO FIVE
(5) YEARS, AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion is interested in helping to make more affordable housing available to its citizens; and

WHEREAS, The City of Marion under Section 176.02 ORC has approved the use of the County Housing Advisory Board as its Board; and

WHEREAS, The joint City/County Housing Advisory Board approved the City Housing Plan at its August 6, 1996 meeting, such plan being the already written Community Housing Improvement Strategy submitted to and approved by the Ohio Department of Development; and

WHEREAS, Under Section 176.04 ORC no municipal corporation shall issue general obligations or expend monies raised by taxation to provide, or assist in providing, housing unless a plan is approved to be effective for a period of one to five years; and

WHEREAS, One of the projects listed in the plan is the renovation of the Hotel Harding for senior citizen housing,

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

Section 1. Council adopts the Community Housing Improvement Strategy as a Comprehensive Housing Affordability Strategy for the City of Marion for up to five years.

Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and for the further reason that 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 Vitaras

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

CLERK OF COUNCIL

Repealed by Ord. 1996-116

ORDINANCE NO. 1996-114

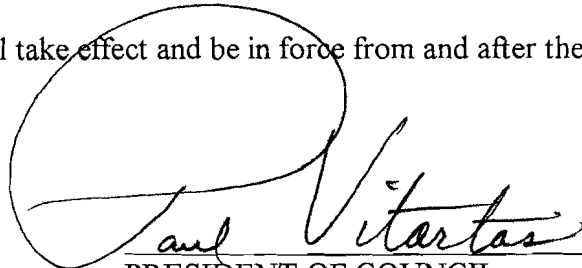
ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS TO SELL CERTAIN PIECES OF EQUIPMENT THAT IS NO LONGER NEEDED IN THE DIVISION OF WATER POLLUTION CONTROL. COUNCIL HAVING WAIVED RULE 14 (1) AND CONSIDERED THIS MATTER WITHOUT REPORT FROM COMMITTEE.

WHEREAS, the Yamaha 4-Wheeler, 1979 Ford Pickup, Allis Chalmers Tractor and Koyer Loader have been replaced and are no longer needed for operations in the Division of Water Pollution Control.

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

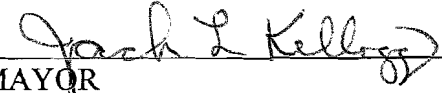
Section 1. That the Safety/Service Director be authorized and is hereby directed to advertise for bids to sell; 1) Yamaha 4-Wheeler (Serial No. JY459V005GC035004); 2) 1979 Ford Pickup (Serial No. F15BLEK0539); 3) Allis Chalmers 180 Diesel Tractor (Serial No. 001OU); 4) Koyer Loader (Serial No. 57222). These vehicles and loader are no longer needed in the Division of Water Pollution Control. *Council having waived Rule 14 (1) and considered this matter without report from committee.*

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: August 26, 1996

APPROVED: August 27, 1996


MAYOR

ATTEST:


CLERK OF COUNCIL

ORDINANCE NO. 1996-115

ORDINANCE AUTHORIZING THE REBUILDING OF THREE (3) CHICAGO GEAR/D.O. JAMES REDUCERS BY THE CHICAGO/D.O. JAMES CORPORATION FOR THE WATER POLLUTION CONTROL PLANT. COUNCIL HAVING WAIVED RULE 14 (1) AND CONSIDERED THIS MATTER WITHOUT REPORT FROM COMMITTEE.

WHEREAS, Chicago/D.O. James Corporation is the original manufacturer of Gear Reducers meeting specifications of tolerance, hardness, tensile and strength for gear reducers, and

WHEREAS, Chicago/D.O. James Corporation, has submitted a proposal of \$24,925.00 for each gear reducer.

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

Section 1. That the Safety/Service Director is hereby authorized to enter into contract with Chicago/D.O. James Corporation for the rebuilding of three (3) gear reducers for use at the Water Pollution Control Plant. *Council having waived Rule 14 (1) and considered this matter without report from committee.*

Section 2. That the \$74,775.00 cost of said contract shall be payable from the Sewer Replacement Fund Account No. 504-05-553-230-000-360.

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

PRESIDENT OF COUNCIL

PASSED:

APPROVED:

MAYOR

ATTEST:

DEFEATED _ SEPTEMBER 9, 1996

CLERK OF COUNCIL