

ORDINANCE NO. 1997 - 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, 1997.

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, 1997, the following sums be and they are hereby set aside, transferred and appropriated as follows:

**GENERAL FUND**

**Police Department**

Salaries - Civilian	\$ 219,804	
Salaries - Uniformed	2,129,056	
Benefits	939,894	
Accrued Pension	35,461	
Quartermaster	42,000	
Travel	9,000	
Schooling	35,000	
Service Contracts	18,500	
Equipment Lease	8,000	
Equipment Maintenance	35,000	
Insurance	45,000	
Supplies	29,000	
Fuel & Lubricants	38,000	
Professional Service	21,000	
Special Training	2,000	
Membership Dues	1,200	
Subscriptions/Publications	4,000	
Equipment	128,000	
Third Grade Seat Belt Program	1,400	
Legal Ads	1,500	
Unclaimed Vehicles	<u>2,000</u>	
<i>Total Police Department</i>		\$3,744,815

**Jail Facility**

Salaries	\$ 109,727	
Benefits	38,879	
Quartermaster	1,200	
Travel	500	
Schooling	1,000	
Prisoner Housing	5,000	
Prisoner Sustenance	19,000	
Equipment Maintenance	2,000	
Prisoner Medical Expense	10,000	
Supplies	3,500	
Subscriptions/Publications	200	
Equipment	<u>8,960</u>	
<i>Total Jail Facility</i>		\$ 199,966

**Dispatch Department**

Salaries	\$ 252,875
Benefits	88,053
Quartermaster	3,100
Travel	1,500
Schooling	9,000
Service Contracts	29,400
Equipment Maintenance	7,000
Equipment	2,000
Membership Dues	100
Subscriptions/Publications	325
Capital Improvements	<u>7,000</u>

*Total Dispatch Department* ..... \$ 400,353

**Fire Department**

Salaries - Civilian	\$ 26,137
Salaries - Uniformed	2,490,373
Benefits	1,143,973
Accrued Pension	50,275
Quartermaster	34,320
Travel	3,500
Schooling	10,000
Utilities	46,900
Service Contracts	3,756
Equipment Maintenance	31,000
Building Maintenance	14,000
Insurance	30,000
Supplies	18,900
Fuel & Lubricants	11,000
Professional Service	16,600
Membership Dues	900
Subscriptions/Publications	2,000
Equipment	95,000
Capital Improvements	<u>20,000</u>

*Total Fire Department* ..... \$4,048,634

**Disaster Services**

City Share	\$ 12,000
Capital Improvements	<u>7,000</u>

*Total Disaster Services* ..... \$ 19,000

**Recreation Department**

Salaries	\$ 78,000
Benefits	28,622
Travel	400
Professional Service	64,500
Insurance	2,650
Supplies	24,000
Utilities	4,500
Equipment Maintenance	1,500
Fuel	700
Equipment	8,000
Postage	2,400
Membership Dues	200
Subscriptions/Publications	150
Schooling	600
Capital Improvements	<u>6,000</u>

*Total Recreation Department* ..... \$ 222,222

**Senior Citizens Department**

Salaries	\$ 75,476
Benefits	38,981
Utilities	19,825
Building Maintenance	5,000
Insurance	4,000
Professional Service	1,500
Equipment Maintenance	500
Capital Improvements	<u>6,100</u>

*Total Senior Citizens Dept.* ..... \$ 151,382

**Planning Department**

Marion Regional Planning	\$ <u>40,480</u>
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*Total Planning Department* ..... \$ 40,480

**Economic Development Department**

Professional Service	\$ <u>9,888</u>
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*Total Economic Development* ..... \$ 9,888

**Street Lighting**

Utilities	\$ <u>100,000</u>
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*Total Street Lighting* ..... \$ 100,000

**Parking Meter Department**

Salary	\$ 24,595
Benefits	10,393
Clothing Allowance	325
Travel	50
Taxes	1,200
Supplies	<u>250</u>

*Total Parking Meter Dept.* ..... \$ 36,813

**Airport**

Salaries	\$ 101,247
Benefits	32,948
Travel	1,200
Utilities	28,665
Service Contracts	7,000
Equipment Maintenance	5,100
Land/Bldg. Maintenance	38,300
Insurance	4,500
Taxes	3,100
Supplies	8,000
Fuel & Lubricants	2,500
Membership Dues	600
Professional Services	17,140
Postage	250
Subscriptions/Publications	360
Equipment	19,000
Quartermaster	300
Janitorial Service	<u>3,000</u>

*Total Airport Operations.* ..... \$ 273,210

**Mayor**

Salaries	\$ 77,468
Benefits	21,790
Travel	3,240
Professional Service	1,200
Supplies	1,200
Utilities	600
Service Contracts	2,200
Membership Dues	200
Subscriptions/Publications	250
Equipment	<u>500</u>

*Total Mayor's Office.* ..... \$ 108,648

**Auditor**

Salaries	\$ 174,902
Benefits	65,602
Travel	500
Professional Services	9,040
Service Contracts	15,000
Supplies	7,500
Subscriptions/Publications	2,500
Schooling	2,500
Membership Dues	300
Equipment	<u>7,400</u>

*Total Auditor's Office.* ..... \$ 285,244



**Income Tax**

Salaries	\$ 121,253
Benefits	48,450
Travel	650
Professional Services	8,500
Supplies	13,000
Postage	5,450
Service Contracts	2,000
Schooling	3,400
Membership Dues	50
Subscriptions/Publications	800
Equipment	<u>1,000</u>
<i>Total Income Tax Office</i>	..... \$ 204,553

**Treasurer**

Salary	\$ 4,807
Benefits	1,196
Professional Services	600
Supplies	<u>300</u>
<i>Total Treasurer's Office</i>	..... \$ 6,903

**Law Director**

Salaries	\$ 143,577
Benefits	58,202
Travel	500
Professional Services	2,500
Supplies	2,500
Schooling	2,000
Membership Dues	500
Subscriptions/Publications	2,400
Equipment	<u>3,000</u>
<i>Total Law Director's Office</i>	..... \$ 215,179

**Human Resource Director**

Salaries	\$ 65,996
Benefits	19,762
Travel	500
Professional Services	15,000
Supplies	5,000
Membership Dues	500
Legal Ads	500
Subscriptions/Publications	2,500
Schooling	1,500
Equipment	2,000
Service Contract	<u>420</u>
<i>Total Human Resource Dir's Office</i>	..... \$ 113,678

**Safety/Service Director**

Salaries	\$ 78,500
Benefits	27,500
Travel	900
Professional Services	5,000
Supplies	4,000
Demolition	25,000
Burials	5,000
Schooling	1,000
Service Contracts	2,000
Membership Dues	400
Litter Control	3,600
Subscriptions/Publications	600
Equipment	<u>3,000</u>

*Total Safety/Service Dir's Office* ..... \$ 156,500

**Civil Service Commission**

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

*Total Civil Service Commission* ..... \$ 11,119

**Data Processing**

Salaries	\$ 39,728
Benefits	13,881
Travel	500
Schooling	2,000
Membership Dues	100
Professional Services	4,000
Service Contracts	2,500
Subscriptions/Publications	500
Supplies	1,000
Equipment	<u>10,000</u>

*Total Data Processing* ..... \$ 74,209

**City Council**

Salaries	\$ 64,800
Benefits	17,200
Travel	550
Membership Dues	3,500
Legal Advertising	2,500
Supplies	1,200
Schooling	400
Contract Services	<u>2,200</u>

*Total City Council* ..... \$ 92,350

**Municipal Court**

Salaries	\$ 366,000
Benefits	121,914
Travel	750
Professional Services	11,000
Service Contracts	600
Equipment Maintenance	2,250
Supplies	19,000
Fuel & Lubricants	800
Utilities	2,000
Membership Dues	520
Subscriptions/Publications	2,500
Schooling	<u>1,250</u>
<i>Total Municipal Court</i> .....	\$ 528,584

**City Hall**

Salaries	\$ 56,793
Benefits	23,027
Utilities	142,000
Custodial Service	14,000
Postage Meter	44,000
Building Maintenance	53,500
Insurance	36,000
Supplies	11,000
Service Contracts	13,000
Professional Service	500
Capital Improvements	500
Equipment Lease	6,000
Freshman Bldg. Maintenance	500
Equipment	<u>10,000</u>
<i>Total City Hall</i> .....	\$ 410,820

**Engineering Department**

Salaries	\$ 200,130
Benefits	65,350
Travel	700
Equipment Maintenance	1,000
Supplies	2,000
Fuel & Lubricants	1,000
Membership Dues	20
Subscriptions/Publications	300
Equipment	6,000
Schooling	1,800
Professional Services	300
Tree Care	<u>15,000</u>
<i>Total Engineering Department</i> .....	\$ 293,600

**Statutory Accounts**

Election Expense	\$ 20,000
Examiner Fees	30,000
City Auditor/Treasurer Fees	25,000
Income Tax Refunds	<u>200,000</u>
<i>Total Statutory Accounts</i> .....	\$ 275,000

**Transfers**

COPS Fast	\$ 38,000
Bond Retirement	178,630
Health	347,196
Transit	140,000
Swimming Pool	40,000
SCMR	574,225
Sewer Revenue	55,000
Capital Improvement	250,000
Parks	<u>316,000</u>

*Total Transfers* .....\$1,939,051

**TOTAL GENERAL FUND** ..... \$13,962,201

**SENIOR CITIZENS III-B GRANT FUND**

Salaries	\$ 48,991
Travel	1,800
Utilities	1,600
Equipment Maintenance	2,100
Vehicle Leases	6,600
Supplies	4,364
Fuel & Lubricants	7,300
Schooling	200
Postage	1,846
Equipment	1,045
Professional Services	2,620
Insurance	<u>700</u>
<i>Total Sr. Citizens III-B Grant Fund.</i>	<i>\$ 79,166</i>

**SENIOR CITIZENS III-D GRANT FUND**

Salaries	\$ <u>2,383</u>
<i>Total Sr. Citizens III-D Grant Fund.</i>	<i>\$ 2,383</i>

**STATE BLOCK GRANT FUND**

Salaries	\$ 9,898
Administration	<u>1,222</u>
<i>Total State Block Grant Fund.</i>	<i>\$ 11,120</i>

**STREET CONSTRUCTION MAINTENANCE & REPAIR FUND**

**Traffic Maintenance**

Utilities	\$ 32,470
Equipment Maintenance	16,296
Supplies	20,975
Equipment	<u>5,000</u>
<i>Total Traffic Maintenance.</i>	<i>\$ 74,741</i>

**Street Maintenance**

Salaries	\$ 725,931
Benefits	290,271
Clothing Allowance	8,450
Travel	600
Professional Services	3,000
Service Contracts	700
Equipment Maintenance	39,000
Permissive Auto Tax	173,000
Insurance	27,000
Supplies	140,897
Fuel & Lubricants	17,000
Equipment	6,835
Streetscape	5,000
Schooling	2,000
Utilities	13,000
Land & Building Maintenance	3,000
Resurfacing Projects	<u>150,000</u>
<i>Total Street Maintenance.</i>	<i>\$1,605,684</i>
<b><u>TOTAL SCMR FUND.</u></b>	<b><u>\$1,680,425</u></b>

**STATE HIGHWAY IMPROVEMENT FUND**

Supplies	\$ 10,000
Professional Services	<u>60,000</u>
 <i>Total State Highway Improvement</i> . . . . . \$ 70,000	

**COURT COMPUTERIZATION FUND**

Professional Services	\$ 10,000
Service Contracts	10,000
Equipment	<u>5,000</u>
 <i>Total Court Computerization Fund</i> . . . . . \$ 25,000	

**COPS FAST FUND**

Salaries	\$ 64,062
Benefits	<u>22,738</u>
 <i>Total COPS Fast Fund</i> . . . . . \$ 86,800	

**JUVENILE INTERVENTION GRANT FUND**

Salaries	\$ 25,000
Benefits	10,487
Professional Services	17,850
Equipment	<u>7,800</u>
 <i>Total Juvenile Int. Grant Fund</i> . . . . . \$ 61,137	

**HEALTH FUND**

**Administration**

Salaries	\$ 225,332
Benefits	76,041
Travel	2,000
Professional Services	6,400
Service Contracts	2,100
Equipment Maintenance	525
Supplies	6,050
Fuel & Lubricants	300
State Reimbursements	15,000
Insurance	5,000
Books/Publications	450
Dues & Memberships	600
Schooling	3,000
Equipment	<u>3,450</u>
 <i>Total Health Administration</i> . . . . . \$ 346,248	

**Inspection**

Salaries	\$ 101,260
Benefits	35,438
Travel	1,300
Professional Services	2,000
Weed Control	10,000
Blight Control	13,000
Mosquito Control	2,500
Supplies	2,500
Fuel & Lubricants	1,000
Insurance	750
Schooling	500
Dues	<u>200</u>

*Total Health Inspection* ..... \$ 170,448

**TOTAL HEALTH FUND** ..... \$ 516,696

**WOMEN, INFANTS & CHILDREN FUND**

Salaries	\$ 110,666
Benefits	63,641
Travel	1,253
Building Lease	18,900
Equipment Maintenance	1,000
Supplies	6,806
Utilities	1,750
Janitorial Services	2,340
Subscriptions/Publications	100
Postage	3,000
Membership Dues	25
Equipment	<u>1,500</u>

*Total WIC Fund* ..... \$ 210,981

**PARKS FUND**

Salaries	\$ 159,178
Benefits	64,023
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	50,000
Capital Improvements	<u>35,535</u>

*Total Parks Fund* ..... \$ 386,461

**ENFORCEMENT AND EDUCATION FUND**

Professional Services                   \$ 2,600  
Supplies                                   3,500  
Reimbursements                         15,000

Total Enforcement & Education Fund. . . . . . \$ 21,100

**INDIGENT ALCOHOL DRIVER FUND**

Professional Services                   \$ 75,000

Total Indigent Alcohol Driver Fund. . . . . . \$ 75,000

**HEALTH LICENSE FUND**

Trailer Park                             \$ 450  
Food Service                           29,810  
Vending Machines                      1,463  
Swimming Pool                         2,530  
Infectious Waste                       250  
Solid Waste                             3,175

Total Health License Fund. . . . . . \$ 37,678

**HOME HEALTH SERVICE FUND**

Reimbursements                         \$ 7,500

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

**EARLY INTERVENTION GRANT FUND**

Salaries                                 \$ 36,400  
Benefits                                 8,961  
Supplies                                 762  
Schooling                               1,000  
Utilities                                 750  
Postage                                 200  
Travel                                   1,638  
Professional Services                   13,792

Total Early Intervention Grant Fund. . . . . . \$ 63,503

**OHIO EARLY START FUND**

Salaries                                 \$ 15,808  
Benefits                                 7,856  
Travel                                   2,000  
Schooling                               4,000  
Supplies                                 4,079  
Reimbursements                         10,920

Total Ohio Early Start Fund. . . . . . \$ 44,663



**WELLNESS BLOCK GRANT FUND**

Salaries	\$ 9,986	
Benefits	4,265	
Travel	300	
Schooling	676	
Acquisition	<u>1,250</u>	
<i>Total Wellness Block Grant Fund</i>		\$ 16,477

**CHIP GRANT FUND**

Private Rehab	\$ 210,000	
Administration	36,000	
Implementation	54,000	
Rental Rehab	100,000	
Rental Assistance	<u>140,000</u>	
<i>Total CHIP Fund</i>		\$ 540,000

**RENTAL REHABILITATION FUND**

Implementation	\$ 480	
Emergency Rehab	<u>2,472</u>	
<i>Total Rental Rehabilitation Fund</i>		\$ 2,952

**REVOLVING FUND**

Administration	\$ 1,000	
Revolving Loans	<u>83,000</u>	
<i>Total Revolving Fund</i>		\$ 84,000

**FORMULA GRANT FUND**

Administration	\$ 27,561	
Emergency Rehab	3	
Fair Housing	1,000	
Parks & Recr. Facilities	26,000	
Neighborhood Facilities	<u>139,000</u>	
<i>Total Formula Grant Fund</i>		\$ 193,564

**UDAG LOAN REPAYMENT FUND**

Professional Services	\$ 78,000	
Revolving Loans	<u>115,000</u>	
<i>Total UDAG Loan Repayment Fund</i>		\$ 193,000

**HOME PROGRAM GRANT FUND**

Emergency Rehab                                 \$ 4,508  
*Total Home Program Grant Fund.* . . . . . \$ 4,508

**MSHLP RESTAURANT LOAN FUND**

Private Rehab                                    \$ 400,000  
*Total Harding Centre Loan Fund.* . . . . . \$ 400,000

**HOUSING REVOLVING LOAN FUND**

Emergency Rehab                                 \$ 897  
*Total Housing Revolving Loan Fund.* . . . . . \$ 897

**UNDERGROUND STORAGE TANK FUND**

Professional Services                             \$ 11,000  
*Total UST Fund.* . . . . . \$ 11,000

**G.O. BOND RETIREMENT FUND**

Professional Services                             \$ 3,000  
G.O. Bond Interest                               42,630  
G.O. Bond Principal                             136,000  
*Total G.O. Bond Retirement Fund.* . . . . . \$ 181,630

**CAPITAL IMPROVEMENT FUND**

FY 96 Storm Sewer Impr.                         \$ 186,406.36  
FY 96 Contingency                                 73,593.64  
FY 95 Storm Sewer Impr.                         114,056.35  
FY 97 Contingency                                 250,000.00  
*Total Capital Improvement Fund.* . . . . . \$ 624,056.35

**SOFTBALL FIELD IMPROVEMENT FUND**

Capital Improvements                             \$ 6,000  
*Total Softball Field Improvement Fund.* . . . . . \$ 6,000

**HARDING CENTRE CONSTRUCTION FUND**

Rental Rehab \$1,370,443.43

Total Harding Centre Construction Fund. . . . . . \$1,370,443.43**STORM SEWER IMPROVEMENT FUND**Professional Service CP017 \$ 2,285  
Capital Improvements CP017 168,734Total Storm Sewer Imp. Fund. . . . . . \$ 171,019**TRANSIT FUND**Salaries \$ 316,000  
Benefits 121,650  
Travel 210  
Utilities 30,000  
Professional Services 5,000  
Service Contracts 3,500  
Land Lease 4,800  
Equipment Maintenance 20,000  
Land/Bldg. Maintenance 5,000  
Insurance 14,000  
Supplies 10,000  
Fuel & Lubricants 30,000  
Schooling 1,500  
Membership Dues 200  
Subscriptions/Publications 600  
Legal Advertising 1,000  
Equipment 186,237Total Transit Fund. . . . . . \$ 749,697**SEWER SYSTEM IMPROVEMENT FUND**G.O. Bond Interest \$ 12,600  
G.O. Bond Principal 40,000  
OWDA Loan 307,000Total Sewer System Imp. Fund. . . . . . \$ 359,600**SEWER REPLACEMENT FUND**Transfer to Chlor. System \$ 23,773  
Equipment Maintenance 100,000  
Land/Building Maintenance 500,000  
Equipment 500,000  
Capital Improvements 400,000Total Sewer Replacement Fund. . . . . . \$1,523,773

**SEWER REVENUE FUND**

**Sewer Maintenance & Repair**

Salaries	\$ 232,221
Benefits	84,623
Clothing Allowance	1,950
Utilities	2,800
Professional Services	14,000
Equipment Maintenance	6,600
Insurance	4,000
Supplies	51,800
Fuel & Lubricants	8,600
Equipment	<u>69,000</u>

*Total Sewer Maint. & Repair* ..... \$ 475,594

**Water Pollution Control**

Salaries	\$ 736,081
Benefits	246,351
Clothing Allowance	5,850
Travel	3,000
Utilities	495,000
Professional Services	112,000
Equipment Maintenance	36,600
Land/Building Maintenance	20,000
Insurance	43,000
Supplies	316,732
Fuel & Lubricants	12,000
Equipment	105,000
Postage	340
Refunds	2,000
Transfer-Replacement	200,000
Transfer-Utility Billing	85,585
Subscriptions/Publications	1,528
Schooling	8,000
Dues	<u>500</u>

*Total Water Pollution Control* ..... \$2,429,567

**TOTAL SEWER REVENUE FUND** ..... \$2,905,161

SANITATION FUNDRefuse Collection

Salaries	\$ 438,456
Benefits	172,455
Clothing Allowance	4,075
Equipment Maintenance	25,000
Insurance	22,000
Supplies	35,000
Fuel & Lubricants	40,000
Yard Waste Fees	42,000
Refunds	1,500
Transfer-Utility Billing	97,256
Service Contracts	1,500
Solid Waste Transfer Expense	420,000
Professional Service	7,800
Capital Equipment	5,000
Schooling	3,000
Trans. Landfill Monit. Fund	364,712
Travel	<u>500</u>
<i>Total Refuse Collection</i>	<i>.....\$1,680,254</i>

Landfill Operations

Utilities	\$ 12,000
Equipment Maintenance	5,000
Insurance	1,000
Professional Services	3,500
Supplies	8,000
EPA Corrective Measure	2,998
Land & Bldg. Maintenance	<u>1,000</u>
<i>Total Landfill Operations</i>	<i>.....\$ 33,498</i>

**TOTAL SANITATION FUND** ..... \$1,713,752

LANDFILL MONITORING FUND

Supplies	\$ 15,000
Professional Services	140,000
OWDA Loan	205,000
Capital Improvements	<u>364,712</u>
<i>Total Landfill Monitoring Fund</i>	<i>.....\$ 724,712</i>

**RECYCLING FUND**

Salaries	\$ 115,481
Benefits	43,426
Equipment Maintenance	10,000
Insurance	3,700
Supplies	11,000
Fuel	6,000
Clothing Allowance	975
Transfer Utility Billing	11,671
Refunds	3,800
Schooling	2,000
Professional Services	1,000
Comingling Expense	10,000
Equipment	<u>9,500</u>

*Total Recycling Fund* . . . . . \$ 228,553

**SWIMMING POOL FUND**

Salaries	\$ 33,000
Benefits	8,000
Utilities	12,000
Equipment Maintenance	5,000
Land/Building Maintenance	5,000
Insurance	800
Supplies	20,000
Schooling	500
Professional Services	<u>2,500</u>

*Total Swimming Pool Fund* . . . . . \$ 86,800

**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	\$ 92,559
Benefits	30,878
Travel	250
Professional Services	10,000
Supplies	8,500
Service Contracts	20,600
Equipment Lease	1,800
Postage	16,650
Schooling	7,625
Publications	150
Equipment	<u>5,500</u>

*Total Utility Billing Fund* . . . . . \$ 194,512

**EVELYN E. WALTER TRUST FUND**Recreation Expense                   \$ 2,750*Total Evelyn E. Walter Trust Fund. . . . .* \$ 2,750**STATE PATROL FINES AGENCY FUND**State Patrol Fines                   \$ 115,000*Total State Patrol Agency Fund. . . . .* \$ 115,000**STREET CUT DEPOSIT TRUST FUND**Street Cut Deposits                   \$ 8,000*Total Street Cut Deposit Trust Fund. . . . .* \$ 8,000**YOUTH RECREATION TRUST FUND**Recreation Expense                   \$ 5,000*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                   \$ 167,726*Total Police/Firemen Pens. Ag Fund. . . . .* \$ 167,726**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

**YOUTH CENTER TRUST FUND**

Youth Center                         \$ 10,000

*Total Youth Center Trust Fund. ....* \$ 10,000

**S.A. BOND RETIREMENT FUND**

S.A. Bond Interest                 \$ 20,738  
S.A. Bond Principal                 35,000

*Total S.A. Bond Retirement Fund. ....* \$ 55,738

**ROTARY AGENCY FUND**

Pass-Thru Payments                 \$ 50,000

*Total Rotary Agency Fund. ....* \$ 50,000


**GRAND TOTAL. ....** \$30,163,971.78



SUMMARY OF FUNDS


FUND	REIMBURSEMENTS			TOTALS
	APPROPRIATIONS	AND REFUNDS	TRANSFERS	
General	\$11,823,150	\$200,000	\$1,939,051	\$13,962,201
Sr. Cit. III-B Grant	79,166			79,166
Sr. Cit. III-D Grant	2,383			2,383
State Block Grant	11,120			11,120
\$CMR	1,680,425			1,680,425
State Highway Improvement	70,000			70,000
Court Computerization	25,000			25,000
COPS Fast Grant	86,800			86,800
Juvenile Intervention Grant	61,137			61,137
Health	501,696	15,000		516,696
WIC Grant	210,981			210,981
Parks	386,461			386,461
Enforcement & Education	6,100	15,000		21,100
Indigent Alcohol Driver	75,000			75,000
Health License		37,678		37,678
Home Health Service		7,500		7,500
Early Intervention Grant	63,503			63,503
Ohio Early Start Grant	44,663			44,663
Wellness Block Grant	16,477			16,477
CHIP Grant	540,000			540,000
Rental Rehabilitation	2,952			2,952
Revolving Loan	84,000			84,000
Formula Grant	193,564			193,564
UDAG Loan Repayment	193,000			193,000
Home Program Grant	4,508			4,508
MSHLP Restaurant Loan	400,000			400,000
Housing Revolving Loan	897			897
Underground Storage Tank	11,000			11,000
G.O. Bond Retirement	181,630			181,630
Capital Improvement	323,593.64		300,462.71	624,056.35
Softball Field Improvement	6,000			6,000
Harding Centre Construction	1,370,443.43			1,370,443.43
Storm Sewer Improvement	171,019			171,019
Transit Grant	749,697			749,697
Sewer System Improvement	359,600			359,600
Sewer Replacement	1,500,000		23,773	1,523,773
Sewer Revenue	2,617,576	2,000	285,585	2,905,161
Sanitation	1,250,284	1,500	461,968	1,713,752
Landfill Monitoring	724,712			724,712
Recycling	213,082	3,800	11,671	228,553
Swimming Pool	86,800			86,800
NW Interceptor Improvement	35,000			35,000
Utility Billing	194,512			194,512
Evelyn E. Walter Trust	2,750			2,750
State Patrol Fines Agency	115,000			115,000
Street Cut Deposit Trust	8,000			8,000
Youth Recreation Trust	5,000			5,000
Senior Citizens Trust	18,000			18,000
Police/Fireman Pension Agency			167,726	167,726
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
Fire Damaged Structure Trust	50,000			50,000
Youth Center Trust	10,000			10,000
S.A. Bond Retirement	55,738			55,738
Rotary Agency	50,000			50,000
<b>GRAND TOTAL</b>	<b>\$ 26,691,257.07</b>	<b>\$282,478</b>	<b>\$3,190,236.71</b>	<b>\$30,163,971.78</b>

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

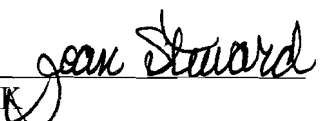
  
PRESIDENT OF COUNCIL

PASSED: December 30, 1996

APPROVED: December 31, 1996

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-1 A

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
CITY HALL JANITORIAL SERVICES AND DECLARING AN EMER-  
GENCY.**

*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 City Hall Janitorial Services.

**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 due to the current contract expiring in March of 1997; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 possible period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: January 13, 1997

APPROVED: January 14, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

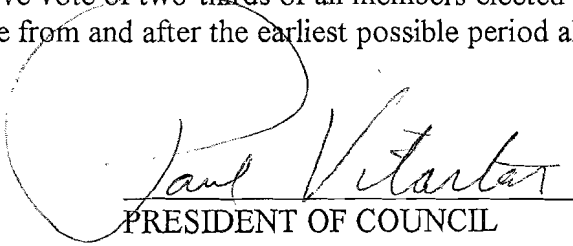
ORDINANCE NO. 1997-2

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE SAMPLING AND ANALYSIS OF THE MONITORING WELLS AT THE MARION CITY LANDFILL FOR A PERIOD OF (1) ONE YEAR WITH AN OPTION YEAR, AND DECLARING AN EMERGENCY.**

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

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids the Sampling and Analysis of the Monitoring Wells at the Marion City Landfill for a period of (1) one year with an option year.

**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 due to the first sampling required in March of 1997; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 possible period allowed by law.


  
PRESIDENT OF COUNCIL

PASSED: January 13, 1997

APPROVED: January 14, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997- 3

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO AGREEMENT WITH RUS OF LANCASTER FOR THE  
PURPOSE OF PROVIDING A UNIFORM SERVICE TO VARIOUS CITY  
EMPLOYEES, AND DECLARING AN EMERGENCY.**

*WHEREAS*, Ordinance 1996-147 authorized the Safety/Service Director to advertise for bids for a uniform rental service, and

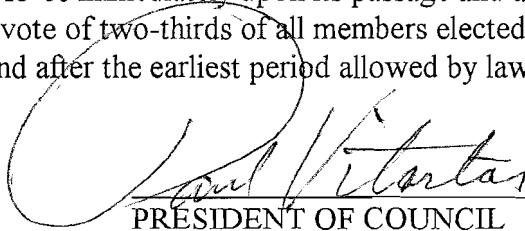
*WHEREAS*, RUS of Lancaster submitted what has been determined to be the lowest and best bid,

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

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with RUS of Lancaster for the purpose of providing a Uniform Service for various City employees.


**Section 2.** That the monthly cost of said contract shall be payable from the appropriate fund.

**Section 3.** That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City due to language negotiated in the current union contracts; and as such, shall take and be in force immediately upon its passage and approval by the 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 13, 1997

APPROVED: January 14, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997 - 4

ORDINANCE TO AMEND ORDINANCE NUMBER 1968-41 AND  
 ORDINANCE NUMBER 1969-183 OF THE PERSONNEL POLICIES OF THE CITY  
 OF MARION AS AMENDED, BY ESTABLISHING A "SICK LEAVE SELL BACK"  
 OPTION FOR ALL CURRENT PERMANENT NON - BARGAINING  
 EMPLOYEES OF THE CITY OF MARION.

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

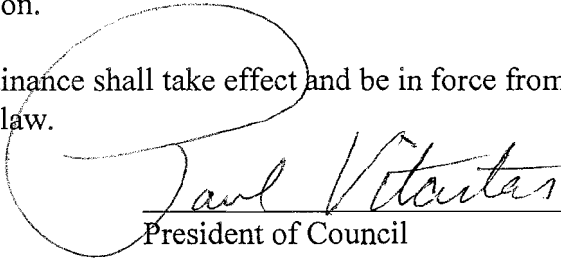
Section 1. That Section 23.17 be added to the Personnel Policies of the City of Marion as follows:

The No Fault Attendance Policy for Non- Bargaining Personnel shall include a sick leave sell back clause, the option shall be made as follows:

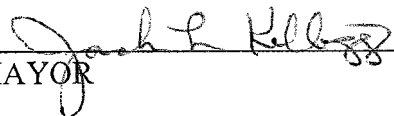
On December 1st of each year each employee may elect to sell back, in cash or compensatory time, up to forty (40) hours of sick leave providing that at least one hundred sixty (160) hours remains in the sick leave accumulation. For each hour of sick leave used in the preceding year. (December 1 to December 1) the sell back eligibility is reduced hour for hour.

Section 2. All sell-backs are to be deducted by the Auditor from the employees total sick leave accumulation.

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

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

PASSED: January 13, 1997  
 APPROVED: January 14, 1997

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1997 - 5

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1997.

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 \$12,880.22 as follows:

General Fund

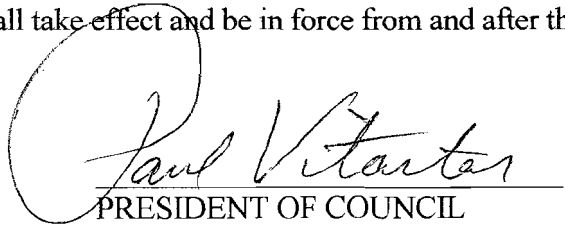
Parking Meters - Property Tax	101-06-615-240-000-381	\$ 41.94
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Airport Industrial Park Fund

Professional Services	410-04-539-230-000-320	\$ 10,000.00
Property Tax	410-04-539-240-000-381	<u>2,838.28</u>

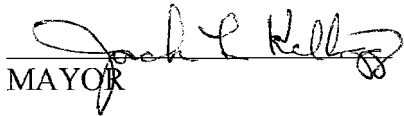
TOTAL		\$12,838.28
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

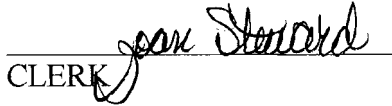
  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: January 13, 1997

APPROVED: January 14, 1997

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1997-6

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO AGREEMENT WITH RELCO SALES COMPANY FOR  
THE PURCHASE OF ONE (1) SOLAR MOBILE TRAFFIC MONITOR.**

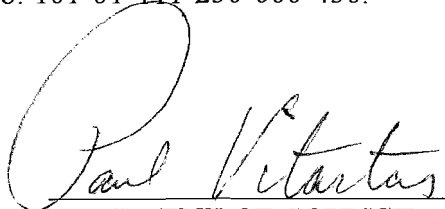
*WHEREAS*, Ordinance 1996-142 authorized the Safety/Service Director to advertise for bids for a Solar Mobile Traffic Monitor, and

*WHEREAS*, Relco Sales Company submitted what has been determined to be the lowest and best bid,

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


**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Relco Sales Company for the purchase of one (1) Solar Mobile Traffic Monitor.

**Section 2.** That the \$12,321.00 cost of said contract shall be payable from the police Department Capital Equipment Fund. Account No. 101-01-111-250-000-450.

  
PRESIDENT OF COUNCIL

PASSED: January 13, 1997

APPROVED: January 14, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



ORDINANCE NO. 1997- 7

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FIVE  
POLICE CRUISERS AND DECLARING AN EMERGENCY.**

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


**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for five (5) police cruisers.

**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 due to the current condition of the fleet; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 possible period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: January 13, 1997

APPROVED: January 14, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997- 8

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE BELLEFONTAINE AVE. - STONEWALL DR. SANITARY SEWER PROJECT, AND DECLARING AN EMERGENCY.**

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

**Section 1.** That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications and advertise for bids for the Bellefontaine Ave. - Stonewall Dr. Sanitary Sewer Project.

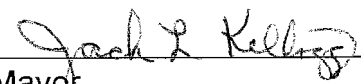
**Section 2.** That the cost of said contract shall be payable from the Sewer Revenue Fund.

**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 13, 1997

Approved: January 14, 1997

  
 \_\_\_\_\_  
 Mayor

Attest:

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

ORDINANCE NO. 1997- 9

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING OHIO GALVANIZING AND SURROUNDING PROPERTY IMMEDIATELY WEST, EAST & SOUTH OF THEM, LOCATED AT THE SOUTHWEST CORNER OF LEADER STREET & WEST FAIRGROUND STREET, FROM I-1 (LIMITED INDUSTRIAL DISTRICT) TO I-2 (GENERAL INDUSTRIAL DISTRICT). (Petitioner: Marion City Planning Commllssion)

WHEREAS, Ohio Galvanizing wishes to expand their current operation and Marion City Planning Commission is therefore seeking to rezone that property and surrounding property from I-1 (Limited Industrial District) to I-2 (General Industrial District), and

WHEREAS, Council finds that said real estate described in Section 1 below should re zoned from I-1 to I-2, and

WHEREAS, the Marion City Planning Commission at its meeting of December 3, 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 the property located at the southwest corner of Leader Street & West Fairground Street, being Ohio Galvanizing and surrounding property, and more particularly described as follows:

Commencing at the centerline intersection of West Fairground Street and Leader Street;

thence south along the centerline of Leader Street approximately 1335.98 feet to the south lot line of Outlot 348, map number 4;

thence west along the south lot line of Outlot 348, map number 4 approximately 885.95 feet to the Norfolk & Western Railroad Tracks;

thence north along the Norfolk & Western Railroad Tracks approximately 1335.98 feet to the centerline of West Fairground Street;

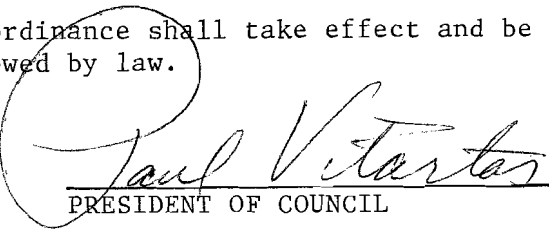
thence east along the centerline of West Fairground Street approximately 885.95 feet to the centerline intersection of West Fairground Street and Leader Street and the place of beginning.

Containing 26 acres, more or less.

and zoned I-1 (Limited Industrial District) be and is hereby rezoned I-2 (General Industrial 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: January 13, 1997  
APPROVED: January 14, 1997

  
MAYOR

ATTEST:

  
CLERK

Ordinance No. 1997 - 10

**ORDINANCE CREATING THE POSITION OF JUVENILE INTERVENTION  
SPECIALIST FOR THE MARION CITY POLICE DEPARTMENT AND  
DECLARING AN EMERGENCY.**

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

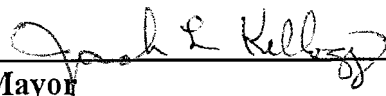
**Section 1.** That there is hereby created the position of Juvenile Intervention Specialist for the Marion City Police Department, and the job description for said position is attached hereto and incorporated herein by reference. Said position is contingent and dependent of receipt of said grant. \* (Changed - Council floor 1/13/97)

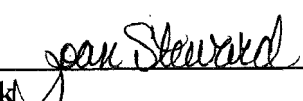
**Section 2.** That the salary for said position is attached hereto and incorporated by reference, and any increase in salary shall be tied into additional operational grants funded for the Juvenile Intervention Fund. Employee shall also receive City fringe benefits.

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

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

Passed: January 13, 1997  
Approved: January 14, 1997

  
\_\_\_\_\_  
Mayor

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

ORDINANCE NO. 1997-11

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A BILL FROM THE FIRE DEPARTMENT 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 a bill from the Fire Department 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."

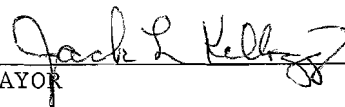
W.R. Patterson 101-01-131-230-000-370 \$6,157.00

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

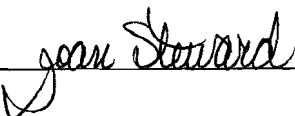
  
PRESIDENT OF COUNCIL

PASSED: January 13, 1997

APPROVED: January 14, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997- 12

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO RESURFACE (2) TENNIS COURTS AT KENNEDY PARK AND DECLARING AN EMERGENCY.**

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

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise to Resurface (2) Tennis Courts at Kennedy 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.

Mark C. McGuinness  
PRESIDENT OF COUNCIL Pro Tempore

PASSED: Jan. 27, 1997

APPROVED: Jan. 28, 1997

Jack L. Kelly  
MAYOR

ATTEST:

Tom Steward  
CLERK OF COUNCIL

ORDINANCE NO. 1997- 13

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR  
A (1) TON TRUCK WITH 12 FOOT STAKE BED AND HOIST  
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 1 Ton Truck with 12 foot Stake and Hoist.

**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.

*Mark C. Mequinness*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL Pro Tempore

PASSED: January 27, 1997

APPROVED: January 28, 1997

*Jack E. Kellogg*  
\_\_\_\_\_  
MAYOR

ATTEST:

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

ORDINANCE NO. 1997-14

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LASKARIS, JAMES AND EBLIN TO PURCHASE (1) COMPUTER SYSTEM FOR USE IN THE MARION CITY JAIL AND DECLARING AN EMERGENCY.

*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*, Laskaris, James and Eblin, 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 Laskaris, James and Eblin, to purchase (1) computer system for use in the Marion City Jail.

**Section 2.** That the cost of said contract shall be payable from the General Fund Account No. 101-01-112-250-000-450.

**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 due to the inadequacy of the current system, and as such, shall take effect and be in force immediately upon its passage and approval by the 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: January 27, 1997

APPROVED: January 28, 1997

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

ATTEST:

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



ORDINANCE NO. 1997-100

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

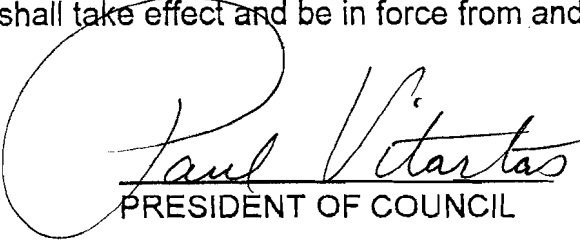
WHEREAS, County Environmental of Wyandot, submitted the only bid, therefore

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

  
PRESIDENT OF COUNCIL

PASSED: July 28, 1997

APPROVED: July 29, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997 - 101ORDINANCE TO AMEND MARION CODIFIED ORDINANCE  
914, SEWER SYSTEM IMPROVEMENT FUND, BY AMENDING  
SECTION 914.16.

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

Section 1. That Section 914.16 (C) now reading as follows:**"914.16 Compliance With Certain Conditions Prior to Extension**

(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."

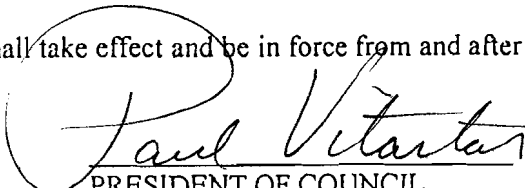
is hereby amended to read as follows:

**"914.16 Compliance With Certain Conditions Prior to Extension**

(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 AND FILING an annexation petition, when it is legally permissible to do so, PURSUANT TO THE REQUIREMENTS AND CONDITIONS CONTAINED IN SECTION C1 AND C2 HEREIN. 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 BY THE OWNER OF THE PROPERTY in the Office of the Marion County Recorder and shall be deemed to be an "equitable obligation that is binding upon all subsequent purchasers."

- (1) PROPERTY WHICH IS, AT THE TIME OF THE EXTENSION OF SEWER SERVICE, CONTIGUOUS TO THE CITY CORPORATION. THE OWNER OF THIS PROPERTY SHALL ANNEX THE LAND INTO THE CITY OF MARION.
- (2) PROPERTY WHICH IS, AT THE TIME OF THE EXTENSION OF SEWER SERVICE, NON-CONTIGUOUS TO THE CITY CORPORATION. THE OWNER OF THIS PROPERTY SHALL ANNEX THE LAND INTO THE CITY OF MARION WITHIN SIX (6) MONTHS OF THE DATE THAT SAID LAND BECOMES CONTIGUOUS. THE CITY, THROUGH ITS SAFETY/SERVICE DIRECTOR, MAY DISCONTINUE SANITARY SEWER SERVICE AT THE END OF THIS SIX (6) MONTH PERIOD IF THE PROPERTY IS NOT ANNEXED."

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 28, 1997  
APPROVED: July 29, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-102

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LIONEL CONSTRUCTION COMPANY, INC., ZANESVILLE, OHIO FOR THE 1997 STREET RESURFACING PROJECT , AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 1997-88 authorized the preparation of specifications and advertising for bids for the 1997 Street Resurfacing Project, and

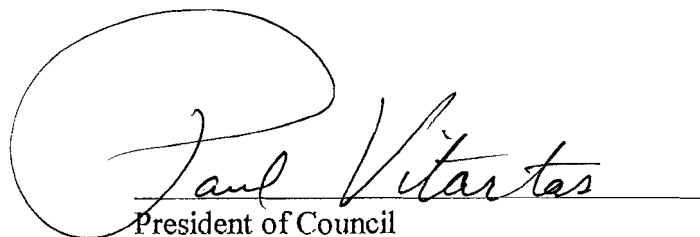
**WHEREAS**, Lionel Construction Company submitted the lowest and best bid of \$664,306.47,

**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 Lionel Construction Company, Inc. for the 1997 Street Resurfacing Project.

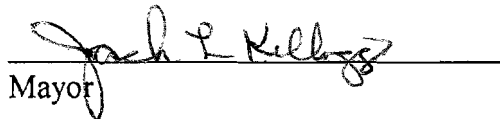
**Section 2.** That said contract shall be payable from an Ohio Public Works Commission (OPWC) Grant, The \$5.00 Permissive Auto Tax Fund, The State Highway Improvement Fund, and the Streets Resurfacing Fund (S.C.M & R.).

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

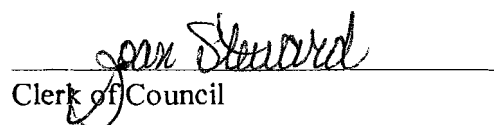
  
 \_\_\_\_\_  
 President of Council

Passed: July 28, 1997

Approved: July 29, 1997

  
 \_\_\_\_\_  
 Mayor

Attest:

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

ORDINANCE NO. 1997-103

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLEMING CONSTRUCTION COMPANY FOR THE ORCHARD STREET SIDEWALK PROJECT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to Ordinance No. 1997-83, the City of Marion received bids for the Orchard Street Sidewalk Project, and

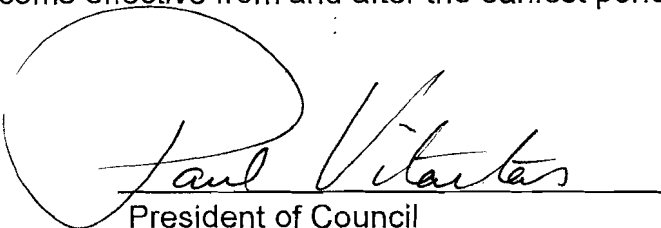
**WHEREAS**, Fleming Construction Company, Marion, Ohio submitted the lowest and best bid for said Project,

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

Section 1. That the Safety/Service Director be authorized and he is hereby directed to enter into contract with Fleming Construction Company for the Orchard Street Sidewalk Project.

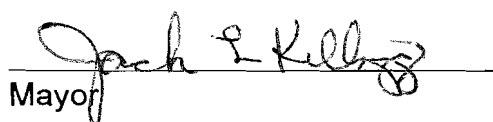
Section 2. That said contract shall not exceed \$28,000.00 and shall be payable from the Revolving Loan Fund.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that the completion date for said contract is September 26, 1997; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 28, 1997

Approved: July 29, 1997

  
 \_\_\_\_\_  
 Mayor

Attest:

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

ORDINANCE NO. 1997- 104

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1997.

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 \$315,963.57, as follows:

GENERAL FUND

INCOME TAX REFUNDS 101-07-744-270-712-720 \$ 30,000.00

SCMR FUND

\$5.00 AUTO TAX 207-06-612-230-000-530 \$ 2,753.16  
RESURFACING 207-06-612-230-000-531 79,000.00  
TOTAL SCMR FUND ..... \$ 81,753.16

STATE HIGHWAY FUND

RESURFACING 208-06-612-230-000-531 \$ 61,900.00  
SUPPLIES 208-06-613-240-000-420 (2,000.00)  
TOTAL STATE HWY.FUND ..... \$ 59,900.00

STREET IMPROVEMENT FUND

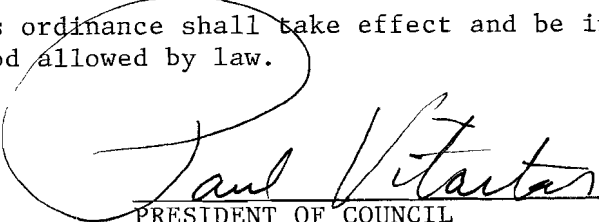
RESURFACING 460-06-020-230-000-531 \$ 128,000.00

WIC FUND

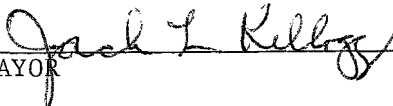
SALARIES 215-02-547-210-000-110 \$ 35,873.62  
BENEFITS 215-02-547-210-000-120 (2,824.08)  
TRAVEL 215-02-547-220-000-220 .06  
UTILITIES 215-02-547-230-000-310 10.00  
PRO. SERVICES 215-02-547-230-000-320 490.00  
LEASE 215-02-547-230-000-371 (6,300.00)  
SUPPLIES 215-02-547-240-000-420 483.46  
POSTAGE 215-02-547-240-000-423 300.00  
EQUIPMENT 215-02-547-250-000-450 (1,050.00)  
CONTINGENCY 215-02-548-270-000-624 (11,191.87)  
TOTAL WIC FUND ..... \$ 16,310.41

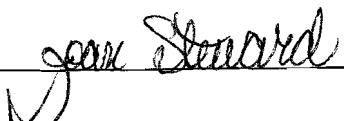
GRAND TOTAL.....\$315,963.57

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 28, 1997  
APPROVED: July 29, 1997

  
MAYOR

ATTEST:  
  
CLERK

ORDINANCE NO. 1997-105

**ORDINANCE ACCEPTING THE PLAT OF THE CLINTON VIEW FIRST ADDITION TO THE CITY OF MARION, OHIO AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Bruce Adams and Bruce Litzenberg, owners, have hereunto submitted to the Planning Commission of the City of Marion, a plat of eight (8) lots, numbered 1 through 8 in the Clinton View First Addition to the City of Marion, being a part of outlot 471 and part of Section 29, 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 construction of one (1) street known as Schuler Street; and

**WHEREAS**, on the 21st day of July, 1997, the Marion City Planning Commission re-approved said plat.

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

Section 1. That the plat of Bruce Adams and Bruce Litzenberg, owners, of eight (8) lots, numbered 1 through 8 in the Clinton View First Addition to the City of Marion, and the construction of Schuler Street (162.95'), being a part of outlot 471 and part of Section 29, Township 5 south, Range 15 east, City of Marion, County of Marion, State of Ohio, dated the 10th day of July, 1997, 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.

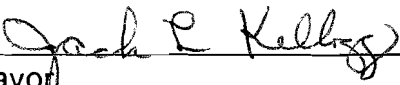
Section 2. That the acceptance of this plat of the Clinton View First Addition to the City of Marion shall be subject to the provisions of Ordinance No. 1973-108 pertaining to the underground facilities.

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.

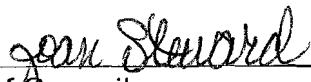
  
President of Council

Passed: July 28, 1997

Approved: July 29, 1997

  
Mayor

Attest:

  
Clerk of Council

ORDINANCE NO. 1997-106

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO  
ENTER INTO CONTRACT WITH SNIDER & ASSOCIATES, INC., PARMA  
HTS., OHIO 44130, FOR THE PURCHASE OF PLAYGROUND EQUIPMENT  
FOR PATTERSON PARK AND DECLARING AN EMERGENCY**

*WHEREAS, pursuant to Ordinance 1997-78, the Safety/Service Director was authorized to advertise for bids for the purchase of playground equipment for Patterson Street park.*

*WHEREAS, Snider & Associates, Inc., was one of three bids.*

*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 Snider & Associates, Inc., for the purchase of playground equipment for Patterson Street park.

**Section 2.** That the cost of said contract in the amount of \$18,587.75 shall be payable from the Parks Department Capital Equipment Fund 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 ordering of equipment, and as such, shall take effect and be in force immediately upon its passage and approval by the 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 11, 1997

APPROVED: August 12, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL - Pro-Tempore

ORDINANCE, PURSUANT TO OHIO REVISED CODE SECTION 709.14, AUTHORIZING ANNEXATION OF ITS' PROPERTY CONTIGUOUS TO THE EXISTING CORPORATION AND DIRECTING THE DIRECTOR OF LAW TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT IT, AND DECLARING AN EMERGENCY *(Dual Rail Industrial Park)*

WHEREAS, the City of Marion, through its' duly elected Council and Officers' has acquired approximately 431 acres, and

WHEREAS, Resolution 1997-22 expressed the Council's intention to create a dual rail industrial park, and

WHEREAS, Ordinance 1997-95 provided the necessary authorization for the purchase of the aforementioned 431 acres, and

WHEREAS, Ordinance 1997-99 provided for the financing and acquisition of the aforementioned acreage, and

WHEREAS, on the 8th day of August, 1997 the purchase was consummated and the City took title to said lands, and

WHEREAS, the Council finds that annexation of said lands is in the public interests of its' Citizens and the inclusion of these lands would benefit the City as a whole,

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

SECTION 1. The Council declares its' desire to annex into the existing municipal corporation the approximately 431 acres in the contiguous territory owned by the City, purchased pursuant to Council's previous directive and authorization as contained in Ordinances 1997-95 and 1997-99, and authorizes the annexation of said lands herein, and

SECTION 2. The Council authorizes and directs the City Director of Law to prosecute the proceedings necessary to effectuate the annexation of the approximately 431 acres into the municipal corporation and states the Director of Law shall be the City's agent and/or petitioner, and

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediate need for the expansion of the municipal corporation limits and immediate need for development of an industrial park for the benefit of the citizens and the community as a whole; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

*Paul Vitartas*  
PRESIDENT OF COUNCIL

PASSED: *August 11, 1997*

APPROVED: *August 12, 1997*

*Jack L Kellogg*  
MAYOR

ATTEST:  
*Senora Mays*  
CLERK OF COUNCIL *Pro-Tempore*



ORDINANCE NO. 1997-108

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR THE  
DEMOLITION OF GARAGE AT 496 E. FAIRGROUND STREET AND  
DECLARING AN EMERGENCY.

*WHEREAS*, J & J Renovations submitted the lowest and best bid,

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

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with J & J Renovations for the demolition of garage at 496 E. Fairground Street.

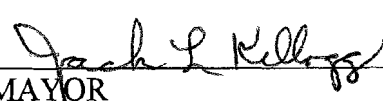
**Section 2.** That the \$799.00 cost of said contract shall be payable from the General Fund Account No. 101-07-716-230-000-323

**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: *August 11, 1997*

APPROVED: *August 12, 1997*

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL *Pro Tempore*

ORDINANCE NO. 1997-109

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

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

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

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

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

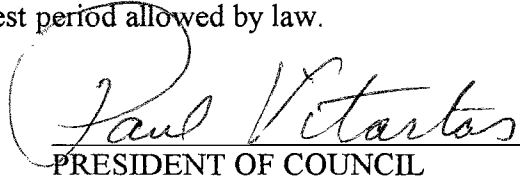
Section 2. That the Mayor is hereby authorized to apply for and, if awarded, enter into agreement with ODOT-AIMG to administer grants to implement said program for the City of Marion.

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

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

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

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

  
PRESIDENT OF COUNCIL

PASSED: August 11, 1997

APPROVED: August 12, 1997

  
MAYOR

  
CLERK OF COUNCIL - Pro-Tempore

ORDINANCE NO. 1997-110

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

WHEREAS, City Council recognizes the need for planning future expansion and growth at the Marion Municipal Airport, and

WHEREAS, 95% matching grant funds may be available through FAA, ODOT and the City Council supports the use of any such grant funds that may be available to assist in said airport planning;

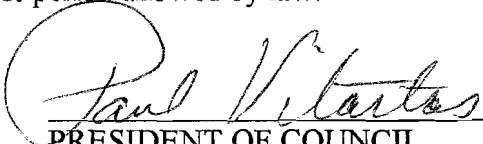
BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Council of the City of Marion hereby endorses and supports the ODOT, Division of Aviation, Airport Improvement Matching Grant Program for the City and authorizes the necessary funds to implement said program, payable in 1998, estimated at \$1,800.00 (one thousand, eight hundred dollars).

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

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

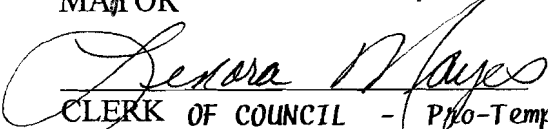
Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor,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

  
PRESIDENT OF COUNCIL

PASSED: August 11, 1997

APPROVED: August 12, 1997

  
MAYOR

  
CLERK OF COUNCIL - *Pro-Tempore*

ORDINANCE NO. 1997-111

**ORDINANCE AUTHORIZING THE SAFETY SERVICE  
DIRECTOR TO ADVERTISE FOR "STATEMENT OF  
QUALIFICATION" AIRPORT ENGINEERING SERVICES  
AND TO ENTER INTO AGREEMENT WITH THE SELECTED  
ENGINEER(S) AS A RESULT OF THE FAA GRADING AND  
SELECTION PROCESS, AND DECLARING AN EMERGENCY.**

WHEREAS, Marion City Council, in anticipation of receipt of FAA/ODOT grant funds in the coming 3 - 5 years, is required by such grants, from time to time, to request statements of qualification and select an Airport Engineer for grant future projects, and

WHEREAS, funds payable for services provided by the selected engineer(s) are made available by future, anticipated FAA/ODOT matching grants, with the prior approval and acceptance of grant funds by Marion City Council.

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

Section 1. City Council of Marion authorize the advertisement for "Request for Statement of Qualification" for Airport Engineering services.

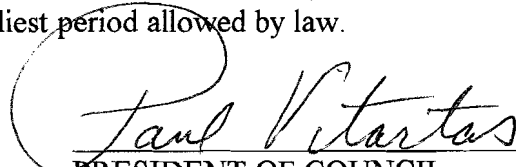
Section 2. City Council authorizes Mayor to enter into agreement with the Airport Engineer(s) selected as a result of the FAA recommended grading process.

Section 3. The Statement of Qualifications will pertain to future anticipated grants by the FAA/ODOT in the coming 3 - 5 years, Purchase of land, Rehabilitate Runways, Taxiways, Lighting, Construct terminal apron, Runway 6/24 extension/shift.

Section 4. This Engineering agreement does not encumber matching funds of the City of Marion without the awarding of said grants, acceptance and approval by the City Council of Marion.

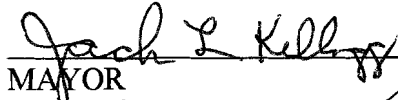
Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were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

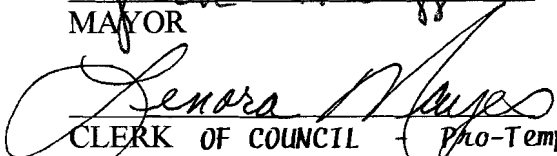
Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor,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

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

PASSED: August 11, 1997

APPROVED: August 12, 1997

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK OF COUNCIL *Pro-Tempore*

ORDINANCE NO. 1997 - 112

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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 \$918,727.60 as follows:

**EARLY INTERVENTION GRANT FUND**

Salaries	249-02-547-210-000-110	\$ 160.00
Benefits	249-02-547-210-000-120	40.00
Schooling	249-02-547-230-000-221	500.00
Utilities	249-02-547-230-000-310	200.00
Supplies	249-02-547-240-000-420	3,131.00
Postage	249-02-547-240-000-423	<u>320.00</u>
TOTAL		\$ 4,351.00

**WELLNESS BLOCK GRANT FUND**

Salaries	253-02-548-210-000-110	\$ 7,500.00
Benefits	253-02-548-210-000-120	2,000.00
Travel	253-02-548-220-000-220	800.00
Schooling	253-02-548-230-000-221	400.00
Supplies	253-02-548-240-000-420	1,876.60
Reimburse	253-02-548-270-000-720	<u>1,800.00</u>
TOTAL		\$ 14,376.60

**GENERAL FUND**

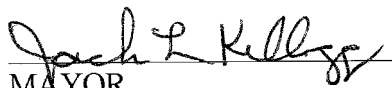
Land Acquisition	101-04-539-250-000-455	\$900,000.00
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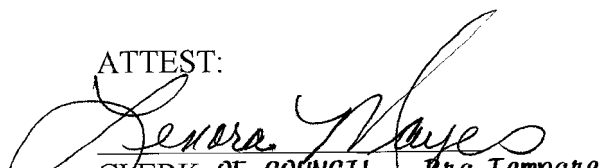
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: *August 11, 1997*

APPROVED: *August 12, 1997*

  
MAYOR

ATTEST:  
  
CLERK OF COUNCIL - *Pro-Tempore*

ORDINANCE NO. 1997-113

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PRECISION FIRE APPARATUS, INC. TO PURCHASE A NEW PUMPER AND RELATED EQUIPMENT FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.**

*WHEREAS*, Ordinance No. 1997-80 authorized the Safety/Service Director to prepare specifications and advertise for bids for a new pumper and related equipment for use at the Marion City Fire Department and

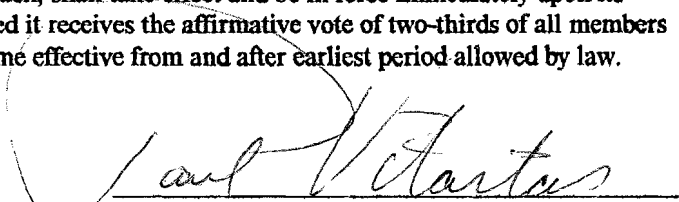
*WHEREAS*, Precision Fire Apparatus, Inc. submitted the best bid, therefore

**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 Precision Fire Apparatus, Inc., to purchase a new pumper and related equipment for use at the Fire Department.


**Section 2.** That the \$214,251.00 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: August 25, 1997

APPROVED: August 26, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-114

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH STEPP MANUFACTURING, FOR THE PURCHASE OF A TAR KETTLE FOR USE IN THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.**

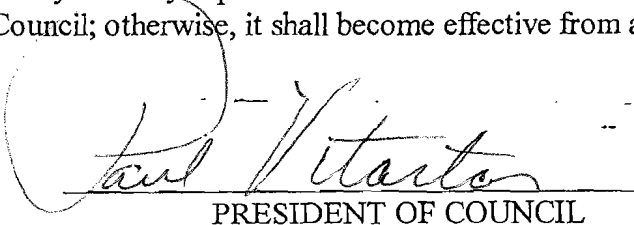
**WHEREAS**, this Council by passage of Ordinance No. 1991-136, requires approval of all capital expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio and

**WHEREAS**, Stepp Manufacturing submitted the best proposal for the purchase of a tar kettle, 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 Stepp Manufacturing, to purchase one Tar Kettle for use in the Streets 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 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 25, 1997

APPROVED: August 26, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997 - 115

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARKER HANNIFIN CORP. FOR FURNISHING FIRE PROTECTION TO ITS PLANT AT GREEN CAMP TOWNSHIP, MARION COUNTY, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, in the usual daily operation of the Safety Department and for the preservation of public property and safety, it is necessary to enter into a contract for fire protection with Parker Hannifin Corp., Cleveland, Ohio, for its plant at Green Camp Township, Marion County, Ohio.

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

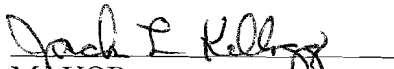
Section 1. That the Safety/Service Director of the City of Marion be and he is hereby authorized and directed to contract on behalf of the City of Marion, Ohio, with Parker Hannifin Corp. for furnishing fire protection to its plant at Green Camp Township, Marion County, Ohio, for a period of three (3) years beginning September 1, 1997 and ending August 31, 2000.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that the present contract expires September 1, 1997; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 25, 1997

APPROVED: August 26, 1997

  
MAYOR

ATTEST:

  
CLERK



ORDINANCE NO. 1997 - 116

ORDINANCE TO ACCEPT ANNEXED TERRITORY, CONTAINING  
431.254 ACRES OWNED BY THE CITY OF MARION, FOR THE  
PURPOSES OF DEVELOPMENT OF AN INDUSTRIAL PARK AND A  
MUNICIPAL RECREATION PARK, AND DECLARING AN  
EMERGENCY. (DUAL RAIL INDUSTRIAL PARK)

Whereas, a petition for the annexation of certain territory in the City of Marion was duly filed by Mark D. Russell, Law Director, as Agent for the City of Marion; and

Whereas, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio, on August 26, 1997; and

Whereas, the Board of County Commissioners has approved the annexation of the territory to the City of Marion as hereinafter described; and

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 Mark D. Russell, Law Director, Agent for the City of Marion, filed with the Board of County Commissioners of Marion County, Ohio on August 12, 1997, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and which the petition was approved for annexation to the City of Marion by the Board of County Commissioners on August 26, 1997, be and the same is hereby accepted. The territory is described as follows:

Situated in Part of Section 16 and Part of the Northeast Quarter and Southeast Quarter of Section 17, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio; Being a tract now or formerly owned by Eastern Fields, Inc. (O.R. 198 pg. 460); and being more particularly described as follows;

Beginning at an existing large survey nail and flasher located at the intersection of the North-South Half Section Line of Section 16 with the centerline of County Road 162 (also being the North Line of Section 16); thence along said centerline S 89 degrees 39' 15" E for a distance of 1305.54 feet to an existing large survey nail; thence continuing along said centerline N 89 degrees 26' 40" E for a distance of 1097.41 feet to an existing railroad spike on the West Right-of-Way Line of the Norfolk & Southern Railroad (width varies); thence along said West Right-of-Way Line S 33 degrees 38' 50" W for a distance of 3311.25 feet to a 1" dia. iron pin set; thence continuing along said West Right-of-Way Line Southwesterly along a curve to the left having a radius of 2894.80 feet for an arc distance of 1320.40 feet (chord S 20 degrees 34' 50" W 1308.99 feet) to a 1" dia. iron pin set; thence continuing along said West Right-of-Way Line N 89 degrees 59' 35" W for a distance of 47.92 feet to a 1" dia. iron pin set on the North-South Half Section Line of Section 16; thence continuing along said West Right-of-Way Line (also being the North-South Half Section Line of Section 16) S 0 degree 27' 05" E for a distance of 1325.13 feet to an existing railroad spike on the centerline of County Road 175 (also being the South Line of Section 16 and the North Corporation Line of the City of Marion); thence along said centerline N 89 degrees 52' 10" W for a distance of 2194.68 feet to an existing railroad spike on the East Right-of-Way Line of the CSX Railroad (width varies); thence along said East Right-of-Way Line N 29 degrees 56' 50" W (for basis of bearing, see Official Record 199 pg. 456, Marion County Recorder's Office) for a distance of 458.83 feet to a 1" dia. iron pin set on Grantor's West line; thence along Grantor's West line the following courses and distances: N 8 degrees 26' 50" W for a distance of 158.40 feet to a 1" dia. iron pin set; thence N 5 degrees 33' 10" E for a distance of 128.70 feet to a 1" dia. iron pin-set; thence N 14 degrees 40' 00" E for a distance of 679.42 feet to a point on the South Line of the North Half of the Southwest Quarter of Section 16 (said point being

referenced by a 1" dia. iron pin set S 35 degrees 26' 25" W at 37.02 feet); thence along said South Line S 89 degrees 30' 10" E for a distance of 118.80 feet to a point on Grantor's West line (said point being referenced by a 1" dia. iron pin set N 4 degrees 17' 50" E at 397.77 feet); thence along Grantor's West line N 0 degree 35' 55" W for a distance of 907.50 feet to a point on Grantor's South line (said point being referenced by a 1" dia. iron pin set S 13 degrees 57' 35" W at 31.10 feet); thence along Grantor's South line N 89 degrees 30' 10" W for a distance of 495.00 feet to a point on the East Line of Section 17; thence along said East Line N 0 degree 35' 55" W for a distance of 212.52 feet to a point on the former centerline of County Road 94 (said point being referenced by a 1" dia. iron pin set N 45 degrees 25' 35" W at 38.09 feet) (passing over a 1" dia. iron pin set at 2.00 feet); thence along said former centerline S 88 degrees 44' 45" W for a distance of 153.78 feet to a point; thence continuing along said former centerline N 7 degrees 06' 50" W for a distance of 174.48 feet to a point on the East-West Half Section Line of Section 17 (said point being referenced by a 1" dia. iron pin set N 7 degrees 06' 50" W at 2.00 feet) (passing over a 1" dia. iron pin set at 100.00 feet); thence along said East-West Half Section Line S 88 degrees 44' 45" W for a distance of 837.22 feet to a 1" dia. iron pin set on the East Right-of-Way Line of the CSX Railroad (width varies); thence along said East Right-of-Way Line N 29 degrees 56' 50" W for a distance of 557.18 feet to an existing railroad spike on the centerline of County Road 94 (also being the West Line of the East Half of the Northeast Quarter of Section 17); thence along said centerline N 0 degree 37' 00" W for a distance of 959.04 feet to an existing railroad spike on the North Line of the Southeast Quarter of the Northeast Quarter of Section 17; thence along said North Line N 88 degrees 11' 00" E for a distance of 1272.27 feet to an existing railroad rail post on the West Line of Section 16; thence along said West Line N 0 degree 25' 00" W for a distance of 1201.89 feet to an existing iron pipe on the centerline of County Road 162; thence along said centerline N 89 degrees 58' 40" E for a distance of 1956.37 feet to an existing railroad spike on Grantor's East line; thence along Grantor's East line S 0 degree 45' 40" E for a distance of 660.56 feet to a point on Grantor's North line (said point being referenced by an existing railroad rail post 0.94 feet North and 1.35 feet East); thence along Grantor's North line N 89 degrees 58' 40" E for a distance of 661.40 feet to a 1" dia iron pin set on the North-South Half Section Line of Section 16; thence along said North-South Half Section Line N 0 degree 45' 40" W for a distance of 660.56 feet to an existing large survey nail and flasher on the centerline of County Road 162 and the point of beginning.

Containing 431.254 acres more or less, of which 389.476 acres more or less are in Section 16 and 41.778 acres more or less are in Section 17, and being subject to legal highways, easements, restrictions, and agreements of record. This description prepared from a survey performed by Karla M. Smith, Registered Surveyor 7023, and dated July 25, 1997. All 1" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council of this City.

Section 2. That the territory be zoned and designated as a City I-2, General Industrial District, pursuant to O.R.C. 713.14 and all applicable sections of said title.

Section 3. That the Clerk of Council be and she is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

Section 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.

*Aimee Davis*  
PRESIDENT OF COUNCIL *Pro-tempore*

PASSED: August 28, 1997

APPROVED: August 28, 1997

*Jack R. Kellogg*  
MAYOR

ATTEST:

*Jenora Hayes*  
CLERK - *Pro-Tempore*

ORDINANCE NO. 1997 - 117

AN ORDINANCE REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY TO PETITION THE DIRECTOR OF THE OHIO DEPARTMENT OF DEVELOPMENT AND GIVING THE CONSENT OF THE CITY OF MARION TO AMEND THE CITY OF MARION'S URBAN JOBS AND ENTERPRISE ZONE AS PROPOSED IN EXHIBIT A ATTACHED HERETO, AND DECLARING AN EMERGENCY.

WHEREAS, on November 5, 1985, Clarence D. Pavlicki, Director, Ohio Department of Development, certified an Urban Jobs and Enterprise Zone for parts of the City of Marion, and

WHEREAS, the City of Marion desires now to amend the zone to delete land, add land and become a full authority zone, and

WHEREAS, the Ohio Enterprise Zone Act ("the Act"), under Ohio Revised Code Section 5709.61 through 5709.69 has authorized counties, with the consent and agreement of affected municipalities and townships therein, to designate areas as Enterprise Zones and to execute agreements with certain enterprises for the purpose of establishing, expanding, renovating or occupying facilities and hiring new employees and preserving jobs within said zones in exchange for specified local tax incentives granted by the county; and

WHEREAS, the City Council of the City of Marion ("The Council") upon due consideration desires to implement said Act and to designate an Enterprise Zone within the boundaries of the City to promote the economic welfare of said Municipality; and

WHEREAS, it is necessary for the Council to formally request from the County Commissioners of Marion County, Ohio, ("The Board") the inclusion of the Municipality in an Enterprise Zone proposal and to include such an ordinance in a petition to the Director of the Department of Development of the State of Ohio to certify the amended area described as such a zone; and

NOW THEREFORE BE IT ORDAINED that the City Council hereby authorizes the County to include the portion of the Municipality described in Exhibit A in the Enterprise Zone; and

BE IT FURTHER ORDAINED that the Clerk of the Board of County Commissioners of Marion County, Ohio is hereby authorized to include this ordinance in the petition to the Director of the Department of the State of Ohio.

Section 1. The Council finds and determines that designation of the zone pursuant to the Ohio Revised Code Section 5709.63 will promote the economic welfare of the residents of the Municipality by creating new jobs and retaining and preserving existing jobs and employment opportunities within such areas and is in the best interest of said Municipality; and

Section 2. The Council understands that the Board of County Commissioners is required by law to administer all Enterprise Zones and agreements within the County and will therefore appoint a designee to be responsible for 1) the establishment and operation of the Tax Incentive Review Council as specified in Ohio Revised Code Section 3709.85, 2) to ensure that the Enterprise Zone Agreements contain the information required in Ohio Revised Code Section 5709.631, including but not limited to a description of the project, the amount to be invested, the number of jobs created and/or retained, the annual new payroll associated with these jobs, and the specific percentage and term of the tax exemptions being granted toward real and/or personal property, 3) to forward copies of all Enterprise Zone Incentive Agreements to both the Ohio Department of Development and the Ohio Department of Taxation within fifteen days after the agreement is entered into, as specified in the Ohio Revised Code, 4) to notify affected school boards of proposed projects a minimum of fourteen days prior to formal local legislative consideration and to include comments by the school boards as part of the review process as required under Ohio Revised Code Section 5709.83, 5) to maintain a centralized record of all

aspects of the Zone, including copies of the agreements, a list of the members of the Tax Incentive Review Council, and a summary of the Tax Incentive Review Council's annual review of each agreement, and 6) to submit a comprehensive annual zone activities on or before March 31 of each year pursuant to Section 5709.68.

Section 3. The Council is requesting designation of an Enterprise Zone which includes all or part of the municipal corporation and meets the population, boundary and distress requirements to be certified as an Enterprise Zone under Section 5709.63.

Section 4. The Council requests from the Board of County Commissioners the power and duty to negotiate Enterprise Zone Agreements as permitted in Ohio Revised Code Section 5709.63 and that the Council agrees to negotiate agreements and to assist the Board of County Commissioners in the administration of the Enterprise Zone and will approve all agreements before submitting agreements to the Board of County Commissioners for approval; and

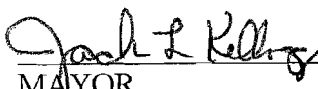
Section 5. The Council hereby agrees to the establishment of a Tax Incentive Review Council or Councils pursuant to Ohio Revised Code Section 5709.85 and will appoint two representatives to said Council within sixty days after the state development director certifies the Zone.

Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and for the further reason that it is necessary for the daily operation of the City and the expansion of economics and immediate job opportunities; 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.

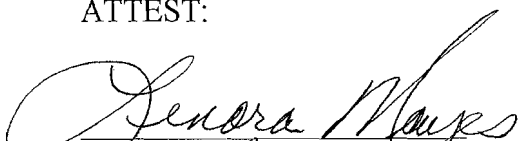
  
PRESIDENT OF COUNCIL *Pro-tempore*

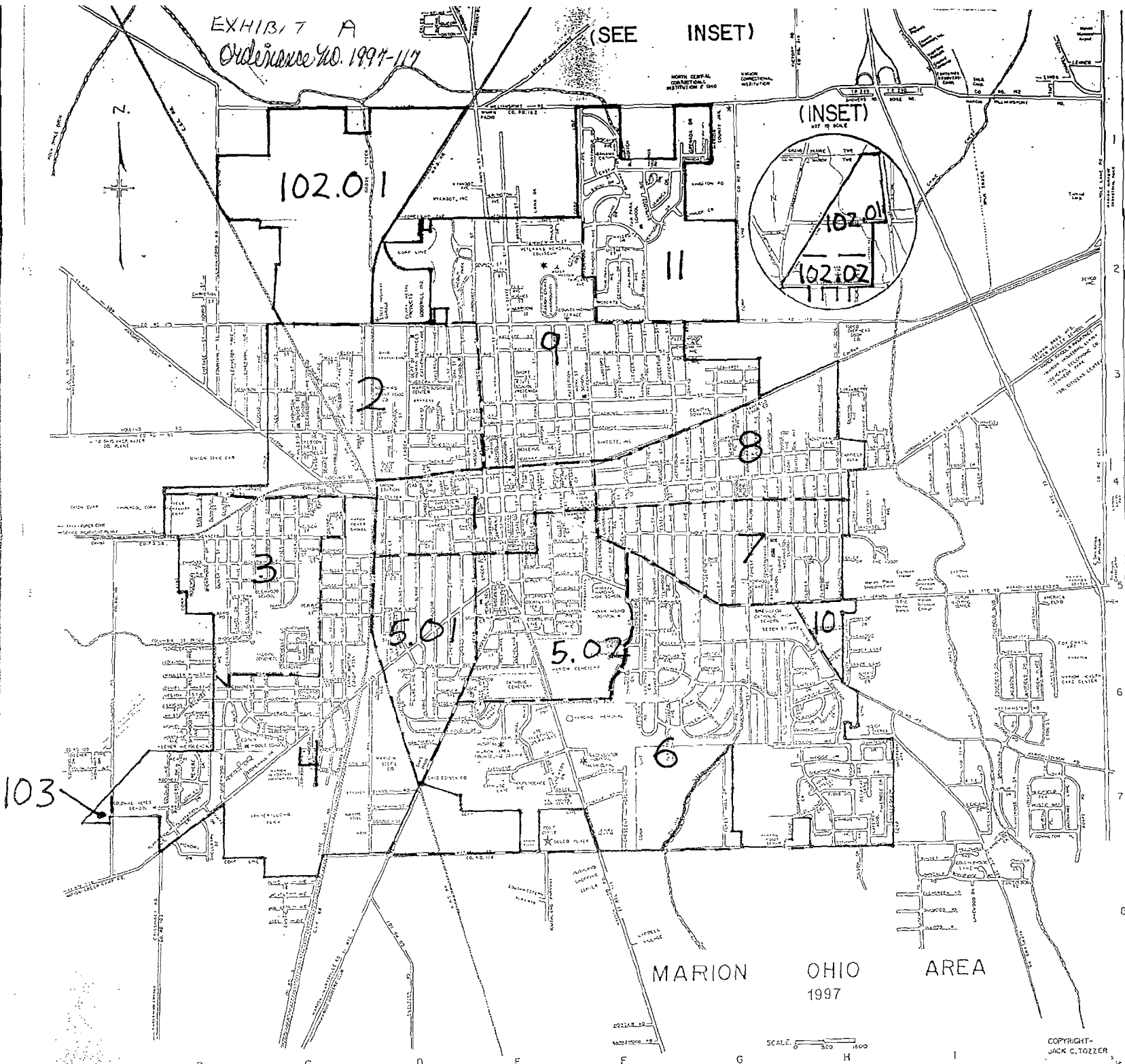
PASSED: August 28, 1997

APPROVED: August 28, 1997

  
MAYOR

ATTEST:

  
CLERK - *Pro-tempore*



**CITY OF MARION, OHIO  
ENTERPRISE ZONE MAP**

Legend:

- Municipal Boundary
- - - Census Tract Boundary
- ▭ Enterprise Zone

THE INTENT HEREIN TO SHOW ALL STREETS DEDICATED TO PUBLIC USE, HOWEVER THERE MAY BE SOME NOT PHYSICALLY CONSTRUCTED.

EXHIBIT B

ATTACHMENT TO ORDINANCE # Ordinance No. 1997-117

CITY OF MARION

PROPOSED ENTERPRISE ZONE will constitute a continuous boundary around the total City of Marion portions of Census Tracts 1, 2, 3, 4, 5.01, 5.02, 8, 9, 11, 102.01, and 10<sup>3</sup>.

More particularly the boundaries of the zone are as follows:

STARTING on the east side of Marion at a point in the center of East Church Street and Kensington Place; thence west on Church Street 6200 +/- feet to the center of the intersection with South Greenwood; then south on South Greenwood 700 +/- feet to a point in the center of the intersection with Mt. Vernon Avenue; then southeast on Mt. Vernon Avenue 800 +/- feet to the center of Brightwood Drive; then south 3800 +/- feet to the center of Vernon Heights Boulevard, then 1600 +/- feet west along Vernon Heights Boulevard to the center of Route #423 (Delaware Avenue); continuing west 2400 +/- feet along McKinley Park Drive and Edgewood Drive to the center of South Prospect Street, then along Prospect Street 4220 +/- feet south-southwest to Barks Road; then along Barks Road west 1770 +/- feet to White Oaks Road; then south on White Oaks Road 480 +/- feet to the southern boundary of Sawyer-Ludwig Park, then west along the southern boundary of Sawyer-Ludwig Park 1370 +/- feet, then north along the same park boundary 400 +/- feet, then west along the same park boundary 1210 +/- feet, then north along the same Park boundary 1450 +/- feet to the center of Bellefontaine Avenue; thence southwest along Bellefontaine Avenue 2010 +/- feet to a point in the western corporation boundary of the City of Marion; thence along the official western corporation boundary of the City of Marion as of July 1, 1985 in a generally northern direction, (but also including segments going west, south, northeast, east of about 22,000 +/- total feet) until reaching a point in the western corporation boundary intersecting West Fairground Street. Then continuing along the corporation boundary to include the complete official northern corporation boundary of the City of Marion as of July 1, 1985 a total of about 28,200 +/- total feet until reaching a point at the intersection of Liken's Chapel Road and East Fairground Street. Then west along

East Fairground Street a total distance of 1300 +/- feet to Grand Avenue; then south 1050 +/- feet, east 1850 +/-, south 890 +/- feet and northeast 2340 +/- feet along the official eastern corporation boundary of the City of Marion as of July 1, 1985 to a point in the center of Madison Avenue, thence south 3385 +/- feet along Madison and Kensington Place to Church Street to the place of beginning.

NOTE: Distance and directions in this description are approximate and not meant as an official survey description.

**EXCEPTING OUT THE FOLLOWING 5.35 ACRE PARCEL LOCATED IN ELGIN SCHOOL DISTRICT AND DESCRIBED AS FOLLOWS:**

Beginning at a point on the northwest corner of O.L. 709 Map 1 (Marion County Auditor Reference Number) and the right-of-way intersection of the southern and eastern rights-of-way lines of S.R. 95 and also a point on the western Marion City Corporation Limit as it existed August, 27, 1997; thence south along the western Marion City Corporation limit approximately 1053.82 feet; thence southeasterly along the western Marion City Corporation Limit approximately 32.84 feet to a point of deflection; thence southeasterly along the western Marion City Corporation Limit approximately 182.81 feet; thence northeasterly along the eastern lot line of O.L. 709 Map 1 approximately 1053.82 feet; thence west along the southern right-of-way line of S.R. 95 approximately 291.65 feet to the point of beginning. Containing 5.35 acres more or less.

**ADDING THE FOLLOWING 431.254 ACRES TO THE EXISTING MARION CITY ENTERPRISE ZONE AND DESCRIBED AS FOLLOWS:**

Situated in Part of Section 16 and Part of the Northeast Quarter and Southeast Quarter of Section 17, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio; Being a tract now or formerly owned by Eastern Fields, Inc. (O.R. 198 pg. 460); and being more particularly described as follows;

Beginning at an existing large survey nail and flasher located at the intersection of the North-South Half Section Line of Section 16 with the centerline of County Road 162 (also being the North Line of Section 16); thence along said centerline S 89 degrees 39' 15" E for a distance of 1305.54 feet to an existing large survey nail; thence continuing along said centerline N 89 degrees 26' 40" E for a distance of 1097.41 feet to an existing railroad spike on the West Right-of-Way Line of the Norfolk & Southern Railroad (width varies); thence along said West Right-of-Way Line S 33 degrees 38' 50" W for a distance of 3311.25 feet to a 1" dia. iron pin set; thence continuing along said West Right-of-Way Line Southwesterly along a curve to the left having a radius of 2894.80 feet for an arc distance of 1320.40 feet (chord S 20 degrees 34' 50" W 1308.99 feet) to a 1" dia. iron pin set; thence continuing along said West Right-of-Way Line N



89 degrees 59' 35" W for a distance of 47.92 feet to a 1" dia. iron pin set on the North-South Half Section Line of Section 16; thence continuing along said West Right-of-Way Line (also being the North-South Half Section Line of Section 16) S 0 degree 27' 05" E for a distance of 1325.13 feet to an existing railroad spike on the centerline of County Road 175 (also being the South Line of Section 16 and the North Corporation Line of the City of Marion); thence along said centerline N 89 degrees 52' 10" W for a distance of 2194.68 feet to an existing railroad spike on the East Right-of-Way Line of the CSX Railroad (width varies); thence along said East Right-of-Way Line N 29 degrees 56' 50" W (for basis of bearing, see Official Record 199 pg. 456, Marion County Recorder's Office) for a distance of 458.83 feet to a 1" dia. iron pin set on Grantor's West line; thence along Grantor's West line the following courses and distances: N 8 degrees 26' 50" W for a distance of 158.40 feet to a 1" dia. iron pin set; thence N 5 degrees 33' 10" E for a distance of 128.70 feet to a 1" dia. iron pin-set; thence N 14 degrees 40' 00" E for a distance of 679.42 feet to a point on the South Line of the North Half of the Southwest Quarter of Section 16 (said point being referenced by a 1" dia. iron pin set S 35 degrees 26' 25" W at 37.02 feet); thence along said South Line S 89 degrees 30' 10" E for a distance of 118.80 feet to a point on Grantor's West line (said point being referenced by a 1" dia. iron pin set N 4 degrees 17' 50" E at 397.77 feet); thence along Grantor's West line N 0 degree 35' 55" W for a distance of 907.50 feet to a point on Grantor's South line (said point being referenced by a 1" dia. iron pin set S 13 degrees 57' 35" W at 31.10 feet); thence along Grantor's South line N 89 degrees 30' 10" W for a distance of 495.00 feet to a point on the East Line of Section 17; thence along said East Line N 0 degree 35' 55" W for a distance of 212.52 feet to a point on the former centerline of County Road 94 (said point being referenced by a 1" dia. iron pin set N 45 degrees 25' 35" W at 38.09 feet) (passing over a 1" dia. iron pin set at 2.00 feet); thence along said former centerline S 88 degrees 44' 45" W for a distance of 153.78 feet to a point; thence continuing along said former centerline N 7 degrees 06' 50" W for a distance of 174.48 feet to a point on the East-West Half Section Line of Section 17 (said point being referenced by a 1" dia. iron pin set N 7 degrees 06' 50" W at 2.00 feet) (passing over a 1" dia. iron pin set at 100.00 feet); thence along said East-West Half Section Line S 88 degrees 44' 45" W for a distance of 837.22 feet to a 1" dia. iron pin set on the East Right-of-Way Line of the CSX Railroad (width varies); thence along said East Right-of-Way Line N 29 degrees 56' 50" W for a distance of 557.18 feet to an existing railroad spike on the centerline of County Road 94 (also being the West Line of the East Half of the Northeast Quarter of Section 17); thence along said centerline N 0 degree 37' 00" W for a distance of 959.04 feet to an existing railroad spike on the North Line of the Southeast Quarter of the Northeast Quarter of Section 17; thence along said North Line N 88 degrees 11' 00" E for a distance of 1272.27 feet to an existing railroad rail post on the West Line of Section 16; thence along said West Line N 0 degree 25' 00" W for a distance of 1201.89 feet to an existing iron pipe on the centerline of County Road 162; thence along said centerline N 89 degrees 58' 40" E for a distance of 1956.37 feet to an existing railroad spike on Grantor's East line; thence along Grantor's East line S 0 degree 45' 40" E for a distance of 660.56 feet to a point on Grantor's North line (said point being referenced by an existing railroad rail post 0.94 feet North and 1.35 feet East); thence along Grantor's North line N 89 degrees 58' 40" E for a distance of 661.40 feet to a 1" dia iron pin set on the North-South Half Section Line of Section 16; thence along said North-South Half Section Line N 0 degree 45' 40" W for a distance of 660.56 feet to an existing large survey nail and flasher on the centerline of County Road 162 and the point of beginning.

Containing 431.254 acres more or less, of which 389.476 acres more or less are in Section 16 and 41.778 acres more or less are in Section 17, and being subject to legal highways, easements, restrictions, and agreements of record. This description prepared from a survey performed by Karla M. Smith, Registered Surveyor 7023, and dated July 25, 1997. All 1" dia. iron pins set have a plastic identity cap with the following caption, "TLB & Associates."

ORDINANCE NO. 1997- 118

ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN MUNICIPAL REAL PROPERTY LOCATED WITHIN THE CITY OF MARION TO THE GREATER MARION COMMUNITY AREA NEW DEVELOPMENT ORGANIZATION, INC., AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY AGREEMENTS TO EFFECTUATE THE TRANSFER, INCLUDING AUTHORITY TO GRANT NECESSARY EASEMENTS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion acquired approximately 431 acres and is developing a certain portion of same as a dual rail industrial park with some portion to be developed and/or retained for recreational purposes, and

WHEREAS, in the further development of the aforementioned park the opportunity now exists to utilize certain acreage therein for a manufacturing firm and therein create jobs and associated economic development, and

WHEREAS, the Greater Marion Community Area New Development Organization, Inc., herein after referred to as "CAN DO" has the opportunity to arrange for the transfer of approximately 48.69 acres, as depicted on Exhibit A attached hereto, along with certain easements, options and rights of first refusal associated with said lands to LTV Steel Company, Inc., for the construction of a tubular steel manufacturing facility and related improvements, including the development of public roads, and

WHEREAS, the Council finds the creation and preservation of jobs, expansion of employment opportunities and improving the economic welfare of the people of the City of Marion, Ohio to be of the highest order and therefore authorizes the transfer of approximately 48.69 along with certain easements, options and rights of first refusal associated with said lands to CAN DO for a certain sum which then will be transferred to LTV Steel Company, Inc., for the construction of a tubular steel manufacturing facility and related improvements, and further finds the subject lands are no longer needed for public use,

WHEREAS, this development is in conformance with the powers afforded the City of Marion as contained in Article 8, section 13 of the State of Ohio Constitution and further authorized under O.R.C. 165.02 et al.

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

SECTION 1. The Council finds lands depicted on Exhibit <sup>A</sup>~~B~~ attached hereto and made a part hereof are no longer needed for any public use,

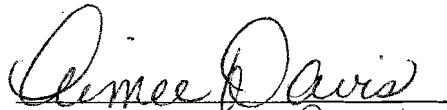
SECTION 2. The Council further finds said lands are best utilized in the further creation and preservation of jobs, the further expansion of employment opportunities and further improvement of the economic welfare of the people of the City of Marion, Ohio and therefore authorizes the Mayor to execute all necessary agreements in order to effectuate the sale and conveyance of the approximately 48.69 acres located within the City's Dual Rail Industrial Park, by Quit Claim Deed and Option to Purchase, Supplemental Option Agreement and Westerly Side Track Easement Agreements, to the Greater Marion Community Area New Development Organization, Inc., for the sum of \$ 150,000.00 an amount which is sufficient and satisfactory consideration, and including in this grant of authority the specific authority to grant any and all necessary easements and related options and or rights of first refusal to CAN DO by negotiation this being the method of disposition necessary to accomplish the City's objective for the development of said lands, with the requirement that said land be transferred to LTV Steel Company, Inc. for use as an industrial facility creating jobs in the Marion Community,

SECTION 3. The Council further finds the necessity to authorize the Mayor to execute a reasonable Cooperation Agreement providing in part for public road improvements and infrastructure and herein authorizes the Mayor to enter into said agreement with the approval, revisions, additions as may be required by the Director of Law to effectuate the end which this Council desires,

SECTION 4. This Council further 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 accompanying committees that resulted in those formal actions were in meetings open to the public, all in compliance with O.R.C. 121.22 et. al.,

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof; given the immediate need for the expansion of job opportunities and tax revenues and the immediate need for development of an industrial park for the benefit of the citizens and the community as a whole; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

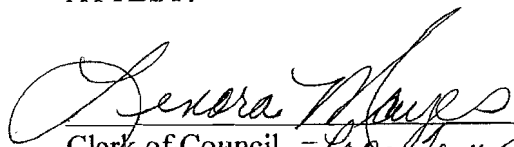
PASSED: August 28, 1997

  
President of Council *Pro-tempore*

APPROVED: August 28, 1997

  
Mayor

ATTEST:

  
Clerk of Council *Pro-Tempore*

ORDINANCE AUTHORIZING THE MAYOR TO CONVEY CERTAIN MUNICIPAL REAL PROPERTY LOCATED WITHIN THE CITY OF MARION BY QUIT - CLAIM DEED WITH REVERTER TO THE BOYS AND GIRLS CLUB OF MARION, AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO THE TRANSFER

WHEREAS, the City of Marion acquired the premises commonly referred to as 370 E. Mark St., Marion, Ohio from the now defunct Marion Northeast Neighborhood Center, Inc. in 1980, and

WHEREAS, the aforementioned property is currently being leased by the City of Marion to the Boys and Girls Club of Marion pursuant to a 1995 lease agreement, and

WHEREAS, said Boys and Girls Club has requested that the City transfer its' interests in said property to it, due in part to the Club intending to renovate and remodel said facility, and

WHEREAS, the proposal would aid in the City's urban development and/or urban renewal and further, said transfer is compliant with the conditions associated with the authority afforded the City's designated agent Community Improvement Corporation, herein after referred to as "C.I.C." as it furthers civic development, and

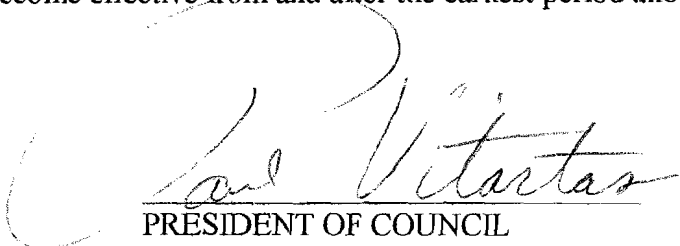
WHEREAS, the Council finds it to be in the best interests of its' citizens to include in this transfer a condition providing for reverter of the aforementioned lands if they, at any time, cease to be used as a public center in the form of a neighborhood community center or some use commonly associated therewith,

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

SECTION 1. The Council finds the development of its' young citizens to be of the highest order and the Council further finds the property owned by the City of Marion, Ohio located at 370 E. Mark St., Marion, Ohio and further described in Exhibit A on the reverse hereof, is no longer necessary for public use,

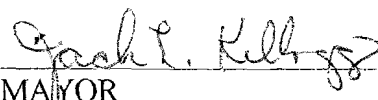
SECTION 2. The Council further authorizes the transfer of the aforementioned property with the accompanying conditions as set forth above, and does herein further authorize the Mayor to complete all documents necessary to complete said transfer, as same will aid in the City's urban development and/or urban renewal and is compliant with the conditions associated with the authority afforded the C.I.C.,

SECTION 3. This ordinance shall become effective from and after the earliest period allowed by law.


  
PRESIDENT OF COUNCIL

PASSED: October 13, 1997

APPROVED: October 14, 1997

  
MAYOR

ATTEST:

  
CLERK

"EXHIBIT A"

Commencing at a point forty-seven and one-half ( $47 \frac{1}{2}$ ) feet east of the northeast corner of the intersection of Patterson and Mark Streets in Marion, Ohio; thence north on a line parallel with the east line of Patterson Street one hundred (100) feet; thence east on a line parallel with the north line of Mark Street, forty-seven and one-half ( $47 \frac{1}{2}$ ) feet; thence South on a line parallel with the east line of Patterson Street one hundred (100) feet; thence west on the north line of Mark Street forty-seven and one-half ( $47 \frac{1}{2}$ ) feet to the place of beginning.

ORDINANCE NO. 1997-120

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR THE DEMOLITION  
A GARAGE AT 189 ST. JAMES, A BARN AT 181 SUPERIOR STREET  
AND A HOUSE AT 1029 BENNETT STREET AND DECLARING AN  
EMERGENCY.**

*WHEREAS*, the Safety/Service Director has declared three structures to be dangerous buildings according to Chapter 1360 of the Marion Codified Ordinances and,

*WHEREAS*, J & J Renovations submitted the lowest and best bid,

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

**Section 1.** That the Safety/Service Director be authorized to enter into contract with J & J Renovations for the demolition of a garage at 189 St. James, a barn 181 Superior Street, and a house at 1029 Bennett Street.

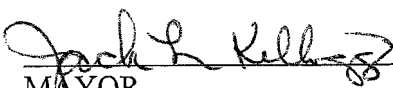
**Section 2.** That the cost of said contract shall be payable from the General Fund Account No. 101-07-716-230-000-323.

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

  
PRESIDENT OF COUNCIL

PASSED: September 8, 1997

APPROVED: September 9, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

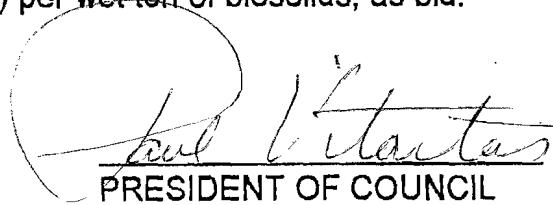
ORDINANCE NO. 1997-121ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH NEIDHART BROTHERS TRUCKING, INC.  
FOR THE LOADING, HAULING AND APPLICATION OF  
BIOSOLIDS FROM THE WATER POLLUTION CONTROL PLANT.

WHEREAS, Neidhart Brothers Trucking, Inc. submitted the lowest and best bid,

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


SECTION 1. That the Safety/Service Director be authorized and directed to enter into contract with Neidhart Brothers Trucking, Inc. for the Loading, Hauling and Application of Biosolids from the Water Pollution Control Plant.

SECTION 2. That the cost of said contract shall be payable from the Sewer Revenue Fund, Professional Services Account, 505-05-552-230-000-320. The contract will be for Eleven Dollars and Ninety Cents (\$11.90) per wet-ton of biosolids, as bid.

  
PRESIDENT OF COUNCIL

PASSED: September 8, 1997

APPROVED: September 9, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

FILE:ORD.

ORDINANCE NO. 1997-122A

ORDINANCE DESIGNATING DEPOSITORIES OF PUBLIC MONEYS OF THE CITY OF MARION, AND DECLARING AN EMERGENCY.

WHEREAS, applications have been received from eligible institutions to serve as depositories of the public moneys of the City of Marion, which applications are presently on file with this City and in the office of the City Treasurer thereof and which are hereby incorporated herein by reference, and it is therefore essential that action be taken on such applications as in this ordinance provided:

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

Section 1. That the applications to serve as depositories of the active moneys of this City which have been received from the financial institutions referred to below, all of which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including Chapter 135 of the Ohio Revised Code, and the following financial institutions are hereby designated as public depositories of the active moneys under the control of this City for the period from September 14, 1997, to and including September 13, 1999, provided, however, that none of such institutions shall be permitted to receive and have on deposit at any one time a greater amount of active deposits of moneys of this City than that specified in its application for the same. That, on the basis of the operating needs of this City, the first \$25,000.00 of such moneys subject to the control of this City shall, in accordance with Section 135.04 of the Ohio Revised Code, be deposited in the FAHEY BANKING COMPANY and that the active moneys of this City in excess of such sum of \$25,000.00 shall be deposited in such institutions in proportion to their respective award quotas as determined pursuant to such Section 135.04. Said institutions and the amount of deposit in each are as follows:

<u>DEPOSITORY OF ACTIVE MONEYS</u>	<u>PERCENT TO BE DEPOSITED</u>
National City Bank	14.743%
Bank One, Marion	36.161%
The Fahey Banking Company	10.424%
The Commercial Savings Bank	9.199%
The Marion Bank	17.556%
Americom Bank	11.917%

Section 2. That the applications to serve as depositories of the interim funds of this City which have been received from the finance institutions referred to below, all of which are hereby determined to be eligible institutions for the deposit of such moneys, are hereby found to be in conformity with law, including Chapter 135, Ohio Revised Code, and the financial institutions referred to below are hereby designated as public depositories of the interim moneys under the control of this City for the period from September 14, 1997 to and including September 13, 1999:

NAME OF INSTITUTION

- The Commercial Savings Bank
- The Fahey Banking Company
- Bank One, Marion
- National City Bank
- State Savings Bank
- The Marion Bank
- Americom Bank



Section 3. That the City Treasurer is hereby authorized to determine from time to time the amount of funds available for investment or deposit as interim moneys, to select the date or dates for investment or deposit of such interim moneys, and to select the classifications of obligations for the investment or deposit of such moneys as provided in Section 135.14, Ohio Revised Code, provided that if such moneys are determined to be deposited as interim deposits (evidenced by a certificate of deposit), in accordance with Division (C) of Section 135.14, the same shall be deposited with the financial institution specified above which offered to pay the highest permissible interest as nearly as practicable in proportion to the respective capital funds as defined in Section 135.01(C), Ohio Revised Code, taking into account, however, the amount of funds from time to time to be deposited, the amount required to be deposited to obtain the highest permissible interest rate, and the maturity dates and rights of redemption with respect to the respective deposits; and provided further that the Treasurer shall, within thirty days after classifying any public moneys as interim moneys, notify this Council of such classification and of the investment or deposits made pursuant to this Section.

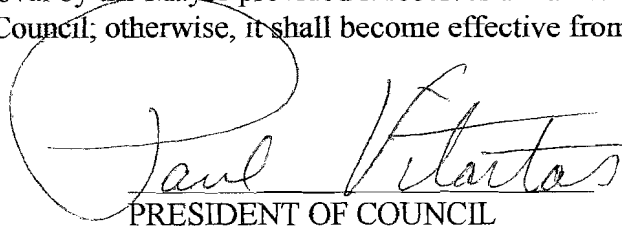
Section 4. That the award of public moneys herein made is subject to the provisions of Chapter 135 of the Ohio Revised Code, including the limitation imposed by, and the variations permitted by, Sections 135.03 and 135.20 thereof, respectively; and, subject to the provisions of such Chapters, deposits of moneys shall be made pursuant to this ordinance from time to time in accordance with the financial requirements of this City.

Section 5. That the City Treasurer is hereby directed to keep all such applications on file in her office.

Section 6. That the City Treasurer is hereby directed to forward certified copies of this ordinance to the financial institutions herein designated as public depositories of this City and the Mayor and the City Treasurer are hereby authorized and directed to execute on behalf of this City such memorandum agreements relating to the designation of such institutions as public depositories and the securing of deposits therein as are required, authorized or permitted by law.

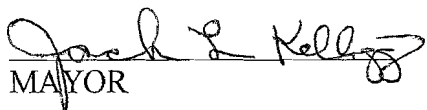
Section 7. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 8. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


  
PRESIDENT OF COUNCIL

PASSED: September 8, 1997

APPROVED: September 9, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-123

ORDINANCE ACCEPTING THE PLAT OF G&G HOMES, INC., OF 18 LOTS, NUMBERED 1 THROUGH 18 OF FAIR PARK 17TH 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 STREET THEREIN SHOWN, AND DECLARING AN EMERGENCY.

WHEREAS, G & G Homes, Inc., has hereunto submitted to the Planning Commission of the City of Marion, a Plat of 18 lots, numbered 1 through 18 in Fair Park 17th 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 one street known as Bermuda Drive,

WHEREAS, on the 1st day of July, 1997, 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 18 lots, numbered 1 through 18 in Fair Park 17th 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 May, 1997, and dedicated September 22, 1997, be and the same is hereby approved and accepted and dedicated to the public use of the street shown therein be and the same is hereby accepted and confirmed.

\*



President of Council Pro Tempore

Passed: September 22, 1997

Approved: September 23, 1997



Mayor

Attest:



Clerk of Council

\* **Section 2.** This Ordinance is hereby declared to be an emergency 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.

LAKES PROPERTY

ORDINANCE NO. 1997 - 124

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY BEING PART OF CARL H. FIRSTENBERGER'S SECOND SUBDIVISION AND PART OF FOREST HILL DRIVE LOCATED NORTH OF BARKS ROAD, AND KNOWN AS THE "LAKES PROPERTY", AND DECLARING AN EMERGENCY.

(LAKES PROPERTY)

Whereas, a petition for the annexation of certain territory in Marion Township was duly filed by John Neidhart, as Agent; (petitioners being Lois V. Lake and Patty Ann Tillman Mack):

Whereas, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio, on May 8, 1997; and

Whereas, the Board of County Commissioners has approved the annexation of the territory to the City of Marion as hereinafter described; and

Whereas, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on July 23, 1997; 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 John Neidhart, as Agent, and a majority owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on February 20, 1997, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and which the petition was approved for annexation to the City of Marion by the Board of County Commissioners on May 22, 1997, be and the same is hereby accepted. The territory is described as follows:

Being Lots 14633 - 14638 and Part of Forest Hill Drive in Carl H. Firstenberger's Second Subdivision, Part of the Southeast Quarter of Section 27, Part of the East Half of Section 34 and 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 monument located at the Southwest Corner of Vernon Heights Fourth Addition in Section 27; thence along the South Line of said Addition and Reichardt First Addition (also being the South Corporation Line of the City of Marion) N 87° 21' 46" E for a distance of 1322.75 feet to an existing iron pipe on the East Line of Section 27 (also being the West Line of Lot 13570 in Vernon Heights Fourth Addition and the West Corporation Line of the City of Marion); thence along said East Line S 4° 35' 00" E for a distance of 16.50 feet to a 7/8" dia. iron pipe set on top of stone found on the South Line of Vernon Heights Fourth Addition (also being the South Corporation line of the City of Marion and the North Line of Section 35); thence along the South Line of Vernon Heights Fourth and Seventh Additions N 87° 59' 23" E for a distance of 1102.47 feet to an "x" in concrete base of std. corner post found on the Northeast Corner of Lot 14634 and Carl H. Firstenberger's Second Subdivision (passing over the West Line of Lot 14635 in said Subdivision ~~(passing over the West Line of Lot 14635 in said Subdivision~~ ~~Subdivision at) 710.68 feet, the West Right-of-Way Line of Forest Hill Drive (now being 50 feet wide) at 860.68 feet and the West Line of said Lot 14634 in said Subdivision at 910.68 feet); thence along the East Line of said Carl H. Firstenberger's Second Subdivision S 0° 22' 40" E for a distance of 328.92 feet to an existing iron pipe on the Southeast Corner of Lot 14633 in said Subdivision (passing over the North Right-of-Way~~

Line of Forest Hill Drive (now 50 feet wide) at 149.67 feet and the North Line of said Lot 14633 at 199.69 feet); thence along the South Line of said Lot 14633 S 87° 48' 41" W for a distance of 231.39 feet to the Northeast Corner of Lot 14637 in said Carl H. Firstenberger's Second Subdivision (also being the West Right-of-Way Line of Forest Hill Drive passing over the East Right-of-Way Line of said Forest Hill Drive at 181.39 feet); thence along the West Right-of-Way Line of Forest Hill Drive S 2° 11' 19" E for a distance of 220.00 feet to a 1" dia. iron pin set on the Southeast Corner of Lot 146.38 in said Carl H. Firstenberger's Second Subdivision (passing over the North Line of said Lot 14638 at 110.00 feet and a 1" dia. iron pin set at 14.00 feet); thence along the south Line of said Lot S 87° 48' 41" W for a distance of 150.00 feet to a point on the West Line of said Carl H. Firstenberger's Second Subdivision (passing over a 1" dia. iron pin set at 130.00 feet); thence along said West Line S 2° 11' 19" E for a distance of 3.68 feet to a point on the centerline of QuQua Ditch (said point being referenced by a 1" dia. iron pin set S 2° 11' 19" E at 13.67 feet); thence along said centerline the following courses and distances; S 47° 59' 07" W for a distance of 744.77 feet to a point (said point being referenced by a 1" dia. iron pin set N 52° 15' 42" W at 9.97 feet); thence S 14° 01' 21" W for a distance of 1086.24 feet to a point (said point being referenced by a 1" dia. iron pin set N 67° 40' 13" W at 21.34 feet passing over the West Line of Section 34 at 513.26 feet); thence S 27° 21' 08" W for a distance of 296.03 feet to a point (said point being referenced by a 1" dia. iron pin set N 48° 13' 59" W at 19.43 feet); thence S 50° 51' 59" W for a distance of 266.66 feet to a point (said point being referenced by a 1" dia. iron pin set N 52° 42' 34" W at 11.36 feet); thence S 7° 52' 26" W for a distance of 159.51 feet to a small spike set on the East-West Half Section Line of Section 34 (also being the centerline of County Road 138); thence along said East-West Half Section Line S 87° 31' 04" W for a distance of 126.08 feet to a 1" iron pin set on Grantor's East line S 1° 38' 37" E for a distance of 30.00 feet to a small spike set on Grantor's South line; thence along Grantor's South line S 87° 31' 04" W for a distance of 660.00 feet to a point on the East Line of Professional Park Addition (also being the East Corporation Line of the City of Marion) extended; thence along said east line extended and the East Line of Professional Park Addition N 2° 01' 00" W for a distance of 1353.01 feet to a 5/8" dia. iron pin set inside iron pipe found (passing over an existing stone monument at 30.00 feet); thence continuing along said East Line N 1° 44' 38" W for a distance of 1337.99 feet to an existing stone monument on the Southwest Corner of Vernon Heights Fourth Addition and the point of beginning (passing over the South Line of Section 27 at 1321.49 feet).

Containing 94.098 acres more or less, of which 0.542 acre more or less is in Lot 14633, 0.648 acre more or less is in Lot 14634, 0.3512 acre more or less is in Lot 14635, 0.455 acre more or less is in Lot 14636, 0.379 acre more or less is in Lot 14637, 0.379 acre more or less is in Lot 14638, 0.776 acre more or less is in Forest Hill Drive Right-of-Way, 0.501 acre more or less is in Section 27, 75.376 acres more or less are in Section 34 and 14.540 acres more or less are in Section 35, and being subject to legal highways, easements, restrictions, and agreements of record. For basis of bearing, see Plat Book 5 pg. 94-95, Marion County Recorder's Office. This description prepared on November 8, 1996, by Karla M. Smith, Registered Surveyor 7023, from a survey performed by John J. Norris, Registered Surveyor 6835, and dated August 19, 1992.

All 5/8" dia. iron pins set have a plastic identity cap with the following caption, "Stults & Assoc." All 1" dia. iron pins set by Karla M. Smith, P.S. 7023, have plastic identity cap with the following caption, "TLB & Assoc."

Last Transfer: D.B. 400 pg. 556,  
D.B. 430 pg. 109

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council and have been for more than sixty days.

Section 2. That the Clerk of Council be and she is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk

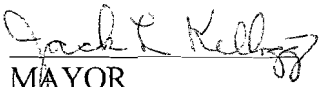
of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

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


  
PRESIDENT OF COUNCIL, PRO TEMPORE

PASSED: September 22, 1997

APPROVED: September 23, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 125

ORDINANCE DIRECTING AND AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A SETTLEMENT AGREEMENT AND DIRECTING AND AUTHORIZING THE AUDITOR TO PAY A SETTLEMENT RESOLVING OUTSTANDING LIABILITY AGAINST THE CITY OF MARION. AND DECLARING AN EMERGENCY.

WHEREAS, The City of Marion concedes no liability on its' behalf; and

WHEREAS, the City of Marion herein elects to settle the matter for a sum certain to reach a full, complete and final settlement of all legal issues and liabilities raised among and between all of the parties in this claim in the interests of expediency and reducing the costs of litigation.

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

Section 1. The City of Marion by its' Council hereby authorizes the Law Director to enter into a final settlement agreement resolving all claims against the City of Marion for a sum certain, pursuant to such terms and conditions as previously presented to the members of Council by the Law Director and upon the advice of Assistant City Law Director Donald Taube.


Section 2. The Auditor is authorized and directed to appropriate the necessary sum certain to provide for payment and resolution of all potential liability.

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

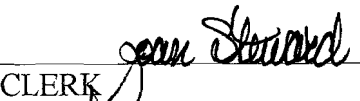
  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 22, 1997

APPROVED: September 23, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 126ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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 \$20,067.87 as follows:**WIC FUND F.Y. '98**

Salaries	215-02-548-210-000-110	\$ 39,000.00
Benefits	215-02-548-210-000-120	15,900.00
Travel	215-02-548-220-000-220	300.00
Utilities	215-02-548-230-000-310	2,100.00
Prof. Services	215-02-548-230-000-320	500.00
Equip. Maint.	215-02-548-230-000-360	500.00
Janitorial	215-02-548-230-000-424	930.00
Subscriptions	215-02-548-240-000-226	100.00
Supplies	215-02-548-240-000-420	1,270.00
Postage	215-02-548-240-000-423	500.00
FY 98 Contingency	215-02-548-270-000-624	<u>(45,137.13)</u>
	TOTAL	\$ 15,962.87

**E.I. FUND F.Y. '98**

Salaries	249-02-548-210-000-110	\$ 10,400.00
Benefits	249-02-548-210-000-120	2,825.00
Travel	249-02-548-220-000-220	300.00
Schooling	249-02-548-230-000-221	375.00
Utilities	249-02-548-230-000-310	600.00
Prof. Service	249-02-548-230-000-320	2,500.00
Supplies	249-02-548-240-000-420	425.00
Postage	249-02-548-240-000-423	50.00
Equipment	249-02-548-250-000-450	750.00
FY 98 Contingency	249-02-548-270-000-624	<u>(14,120.00)</u>
	TOTAL	\$ 4,105.00

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

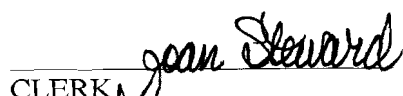
  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 22, 1997

APPROVED: September 23, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-127

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH QUALITY PLUS BUILDERS FOR THE DEMOLITION A GARAGE AT 161 N. SEFFNER AND DECLARING AN EMERGENCY.**

*WHEREAS*, the Safety/Service Director has declared the garage at 161 N. Seffner to be a dangerous building according to Chapter 1360 of the Marion Codified Ordinances and,

*WHEREAS*, Quality Plus Builders submitted the lowest and best bid,

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

**Section 1.** That the Safety/Service Director be authorized to enter into contract with Quality Plus Builders for the demolition of a garage at 161 N. Seffner St.


**Section 2.** That the \$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 further reason that if necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.


  
PRESIDENT OF COUNCIL PRO TEMPORE

PASSED: September 22, 1997

APPROVED: September 23, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



ORDINANCE NO. 1997 - 128

ORDINANCE ENTERING INTO AGREEMENT WITH SPECIAL COUNSEL FOR SPECIFIC SERVICES RELATING TO THE CITY'S LEASE AGREEMENT WITH MARION GENERAL HOSPITAL BOARD, INC., AND FOR AN EXPERT EVALUATION RELATING TO HEALTH CARE SERVICES IN THE MARION COMMUNITY, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion through it's Council is desirous of employing a special Counsel to advise in matters relating to Marion General Hospital Board, Inc., and

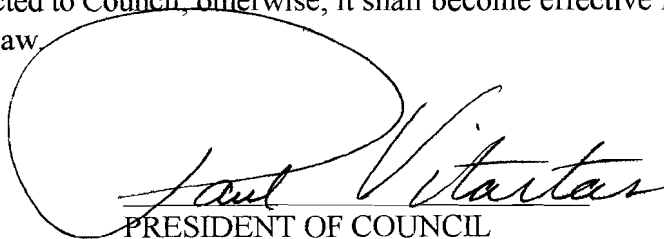
WHEREAS, City Council wishes to proceed with the matter as expeditiously as possible.

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

Section 1. The City of Marion, by its Council, hereby enters agreement with Ken Semimatore who shall provide services as specifically directed in relation to the City's lease with Marion General Hospital Board, Inc. and the City's current evaluation of the health care services in the community.


Section 2. The Auditor is authorized and directed to appropriate the necessary sum certain to provide for said employment, up to \$ 5,000.00, from Council's professional services account.

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

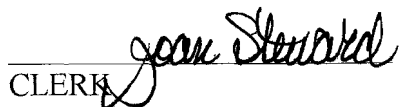
  
PRESIDENT OF COUNCIL

PASSED: **September 29, 1997**

APPROVED: **September 30, 1997**

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 129

ORDINANCE MAKING AN APPROPRIATION IN THE DUAL RAIL INDUSTRIAL PARK INFRASTRUCTURE FUND THE YEAR ENDING DECEMBER 31, 1997.

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

Section 1. That there be an appropriation made in the Dual Rail Industrial Park Infrastructure Fund in the amount of \$200,000.00 as follows:

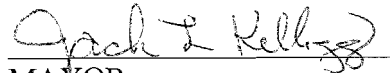
Professional Services	430-04-430-230-000-320	\$ 200,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


  
PRESIDENT OF COUNCIL

PASSED: October 13, 1997

APPROVED: October 14, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. ~~1997-130~~.....

**AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN  
A PRELIMINARY PROJECT TERM SHEET AND A FINAL LOAN  
AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF  
TRANSPORTATION FOR A STATE INFRASTRUCTURE BANK  
LOAN FOR ROAD IMPROVEMENTS IN AND NEAR THE DUAL  
RAIL INDUSTRIAL PARK AND DECLARING AN EMERGENCY.**

WHEREAS, The City of Marion needs to undertake \$2 Million in transportation improvements including a road of approximately one (1) mile in length in the Dual Rail Industrial Park; and

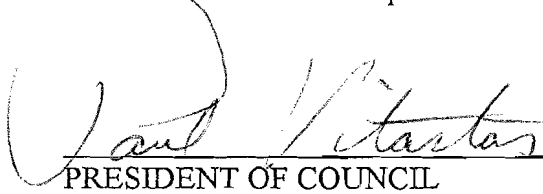
WHEREAS, the City of Marion will be entering into a Tax Increment Financing Agreement with LTV Steel and its subsidiaries which will generate funds to pay for infrastructure improvements; and

WHEREAS, the State of Ohio Department of Transportation has offered to loan the City of Marion \$2 Million with an estimated \$25,000 administrative fee for 15 years;

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


Section 1. The Mayor is authorized to sign a preliminary Project Term Sheet and Final Loan Agreement with the State of Ohio Department of Transportation for a State infrastructure bank loan for road improvements in and near the Dual Rail Industrial Park.

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 to start design of the road immediately; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 13, 1997

APPROVED: October 14, 1997

  
\_\_\_\_\_  
JACK L. KELLOGG, MAYOR

ATTEST:

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

ORDINANCE NO. 1997 - 131

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS THE RAILROAD RIGHT-OF-WAY AT 412 WATERLOO STREET AND FURTHER DESCRIBED AS SET FORTH BELOW, IN THE CITY OF MARION, OHIO FROM I-1 (LIMITED INDUSTRIAL DISTRICT) TO R-1C (SINGLE FAMILY DISTRICT - HIGH DENSITY). (Wayne Turner appl.)

WHEREAS, Council finds that the real property described in Section 1 below should be rezoned from I-1 (Limited Industrial District) to R-1C (Single Family District - High Density), and

WHEREAS, the Marion City Planning Commission has considered and approved the rezoning from I-1 to R-1C, 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 is known as the railroad right of way at 412 Waterloo Street. Mr. Turner was required by the Marion City Planning Commission to have his residence re-surveyed with a copy of the survey to be provided to City Council which he has failed to do.

The property known as 412 Waterloo Street being the former railroad right-of-way between the area of Waterloo and Pine Streets described as follows:

theretofore zoned I-1 (Limited Industrial District) is hereby zoned R-1C (Single Family District - High Density).

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

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

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

PASSED:

APPROVED:

*Approved 11/19/97  
9-0*

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK


ORDINANCE NO. 1997-132

**ORDINANCE APPROVING THE REMODELING OF THE KITCHEN AT FIRE STATION #1  
AT ESTIMATED COST OF \$6,200.00 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 approves the remodeling of the kitchen at Fire Station #1 with an estimated cost of \$6,200.00.

**Section 2.** That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it 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 13, 1997

APPROVED: October 14, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-133

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH STEGAL CONSTRUCTION (GENERAL CONTRACTOR), STEGAL CONSTRUCTION (WINDOWS), OWENS ELECTRIC (ELECTRICAL), UNIVERSAL REFRIGERATION (PLUMBING), AND PETE MILLER INC. (HVAC), FOR THE REHABILITATION OF THE YOUTH CENTER PROJECT NUMBER 97-148, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.**

*WHEREAS*, pursuant to Ordinance 1997-90, the Safety/Service Director was authorized to advertise for bids for the Youth Center Rehabilitation Project, and

*WHEREAS*, Stegal Construction (general contractor), Stegal Construction (windows), Owens Electric (electrical), Universal Refrigeration (plumbing), and Pete Miller Inc. (HVAC) submitted the lowest and best base bids.

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

**Section 1.** That the safety/Service Director be authorized and hereby directed to enter into contract with Stegal Construction (general contract & windows), Owens Electric (electrical), Universal Refrigeration (plumbing), and Pete Miller Inc. (HVAC) for the rehabilitation of the Youth Center.

**Section 2.** That the \$388,881 cost of said contract be payable from the Formula Grant Fund and Youth Center Fund.

**Section 3.** That there be additional appropriations made in the General Fund and Youth Center Fund as follows:

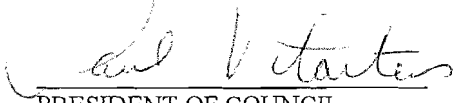
General Fund

Transfer to Youth Center Fund 101-09-745-270-000-697 \$175,000

Youth Center Fund

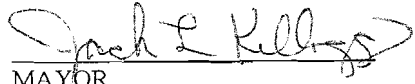
Capital Improvements 442-03-422-250-000-520 \$175,000

**Section 4.** That this ordinance be declared an emergency measure for the welfare and safety 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 passage and approval by the 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 15, 1997

APPROVED: Oct. 21, 1997

  
MAYOR

ATTEST

  
CLERK OF COUNCIL

**ORDINANCE NO. 1997-134**

ORDINANCE AUTHORIZING THE SAFETY/SERVICE  
DIRECTOR TO ENTER INTO CONTRACT WITH U.S CONCRETE  
OF UPPER SANDUSKY, OHIO, FOR CONTROLLED DENSITY FILL (CDF)  
TO BE USED AT THE  
WATER POLLUTION CONTROL PLANT.

**WHEREAS**, U.S. Concrete submitted the lowest and best bid of \$31.50/cu.yd.

**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 U.S. Concrete for Controlled Density Fill (CDF) to be used at the Water Pollution Control Plant.

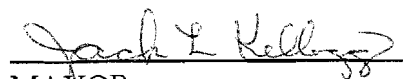
**Section 2.** That the contract shall be payable from the Sewer Fund, Supplies and Material Account No. 505-05-551-240-000-420.

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

  
PRESIDENT OF COUNCIL

PASSED: October 13, 1997

APPROVED: October 14, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

**ORDINANCE NO. 1997-135****ORDINANCE AUTHORIZING THE SAFETY/SERVICE  
DIRECTOR TO ENTER INTO CONTRACT WITH HURON  
LIME CO. HURON ,OHIO, FOR HIGH CALCIUM  
PEBBLE QUICK LIME TO BE USED AT THE  
WATER POLLUTION CONTROL PLANT.**

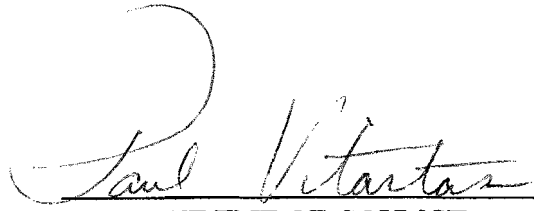
**WHEREAS**, Huron Lime Company submitted the lowest and best bid of \$56.70 delivered ton.

**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.

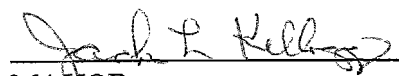
**Section 2.** That the contract shall be payable from the Sewer Fund, Supplies and Material Account No. 505-05-552-240-000-420.

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

  
PRESIDENT OF COUNCIL

PASSED: October 13, 1997

APPROVED: October 14, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



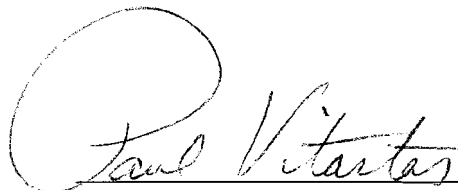
ORDINANCE NO. 1997-136

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO REMOVE TREES IN PUBLIC RIGHT OF WAY AT VARIOUS LOCATIONS IN THE CITY OF MARION AND DECLARING AN EMERGENCY.

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

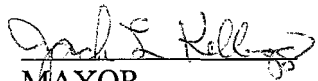
**Section 1,** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids to remove trees in public right of way at various locations in the City of Marion.

**Section 2,** That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for 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 13, 1997

APPROVED: October 14, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-137

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLOYD BROWNE ASSOC., INC. FOR ENGINEERING DESIGN SERVICES FOR THE INFRASTRUCTURE AT THE DUAL RAIL INDUSTRIAL PARK AND FINDING A REAL AND PRESENT EMERGENCY EXISTS AND THEREFORE DECLARING AN EMERGENCY.**

*WHEREAS*, the City of Marion was notified by the Marion City and County Regional Planning Department and CANDO (Community Area New Development Organization) that engineering on the infrastructure at the Dual Rail Industrial Park must be completed by February 1, 1998 and,

*WHEREAS*, a CANDO letter of agreement with LTV Steel promises that the roadway would be completed through the park by November of 1998, and

*WHEREAS*, the City of Marion has applied for a loan from the State of Ohio, Ohio Department of Transportation (ODOT) which requires the engineering phase of the project to be completed by February 1, 1998, and

*WHEREAS*, it is estimated that the engineering and approval phase of this project will take a minimum of 3 months, and

*WHEREAS*, advertising, selecting, and negotiating engineering services could take as much as 4 weeks, and

*WHEREAS*, the Council after deliberation and consideration finds there exists a true and present emergency arising in connection with the infrastructure engineering at the Dual Rail Industrial Park, therefore,

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

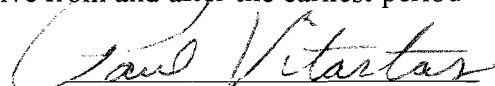
Section 1. There exists and present emergency arising in connection with the infrastructure engineering at the dual rail industrial park as was evidenced at the October 6, 1997 Finance Committee and again during the session of Council this 13th day of October 1997.

Section 2. The Safety/Service Director is hereby authorized and directed to enter into contract with an Floyd Browne Assoc., Inc. for the required engineering for the dual rail industrial park pursuant to O.R.C. 735.051.


Section 3. The Safety/Service Director shall negotiate a fair and equitable price for said engineering services not to exceed \$200,000.

Section 4. That said contract will be payable from the Dual Rail Industrial Park Infrastructure Fund.

Section 5. That his 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 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: October 13, 1997

APPROVED: October 14, 1997  
  
MAYOR

ATTEST:  
  
CLERK

ORDINANCE NO. 1997 - 138

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 1997.

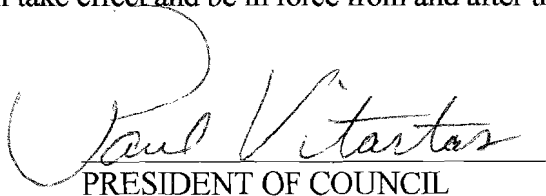
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That there be an additional appropriation made in the general fund in the amount of \$10,230.00 as follows:

**SENIOR CITIZENS DEPARTMENT**

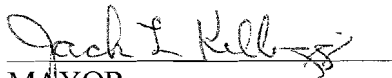
Capital Improvements                      101-03-424-250-000-520                      \$ 10,230.00

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

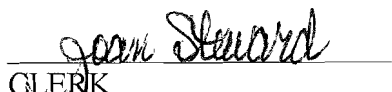
  
PRESIDENT OF COUNCIL

PASSED:      October 13, 1997

APPROVED:      October 14, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 139ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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 \$1,967,849.91 as follows:

**GENERAL FUND**

Transfer to Bond Ret.	101-09-745-270-000-710	\$ 924,620.00
Transfer to Cap. Improv.	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		\$ 964,620.00

**HOME HEALTH SERVICE FUND**

Reimbursements	248-02-221-270-000-721	\$ 2,500.00
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**G. O. BOND RETIREMENT FUND**

Note Principal	343-08-911-260-000-610	\$ 900,000.00
Note Interest	343-08-911-260-000-609	<u>23,250.00</u>
TOTAL BOND RETIREMENT FUND		\$ 923,250.00

**CAPITAL IMPROVEMENT FUND**

FY '97 Contingency	401-09-547-270-000-624	\$ 20,000.00
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**SOFTBALL FIELD IMPROVEMENT FUND**

Capital Improvements	420-03-421-250-000-250	\$ 6,700.00
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**HARDING CENTRE CONSTRUCTION FUND**

Rental Rehab	444-04-444-230-000-329	\$ 28,277.41
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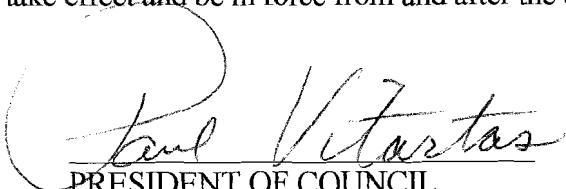
**STORM SEWER IMPROVEMENT FUND**

Professional Service	460-05-170-230-000-320	\$ 10,000.00
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**PROFESSIONAL PARK SANITARY SEWER FUND**

G.O. Bond Retirement	554-05-533-260-000-620	\$ 12,502.50
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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: October 13, 1997

APPROVED: October 14, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 140

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

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

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

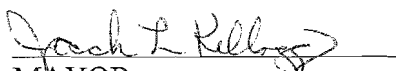
General Fund            \$3,500.00

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

  
PRESIDENT OF COUNCIL

PASSED: October 13, 1997

APPROVED: October 14, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-141

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH DANIEL McCOY FOR THE DEMOLITION OF 351 GLAD  
STREET AND J&J RENOVATIONS FOR THE DEMOLITION OF 202 BLAINE, 233 LEADER STREET,  
AND GARAGES AT 534 AVONDALE AVE. AND 379 COMMERCIAL STREET APPROPRIATING THE  
NECESSARY FUNDS AND DECLARING AN  
EMERGENCY.**

*WHEREAS*, the Safety/Service Director has declared 351 Glad Street, 202 Blaine Ave., 233 Leader Street, and garages at 534 Avondale, and 379 Commercial Street to be dangerous buildings according to Chapter 1360 of the Marion Codified Ordinances and,

*WHEREAS*, Daniel McCoy and J & J Renovations submitted the lowest and best bids,

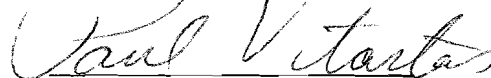
*BE IT ORDAINED* by the Council of the City of Marion, Marion County, Ohio:

**Section 1.** That the Safety/Service Director be authorized to enter into contract with Daniel McCoy for the demolition 351 Glad Street and J & J Renovations for the demolition of 202 Blaine, 233 Leader St., and garages at 534 Avondale and 379 Commercial St.

**Section 2.** That the \$17,950 cost of said contracts shall be payable from the General Fund Account No. 101-07-716-230-000-323.

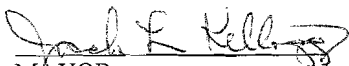
**Section 3.** That there be additional appropriations in the amount of \$8,000 to General Fund Account No. 101-07-716-230-000-323.

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

  
PRESIDENT OF COUNCIL

PASSED: October 27, 1997

APPROVED: October 28, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-142

ORDINANCE RE-ESTABLISHING THE SALARY AND BENEFITS FOR THE OFFICE OF THE CITY TREASURER OF MARION, OHIO, TO BECOME EFFECTIVE JANUARY 1, 1998.

WHEREAS, the annual salary for the City Treasurer has remained the same since January 3, 1988, as adjusted for cost-of-living, (\$4,620) and the terms of Ordinance No. 1976-131 are, therefore, no longer appropriate,

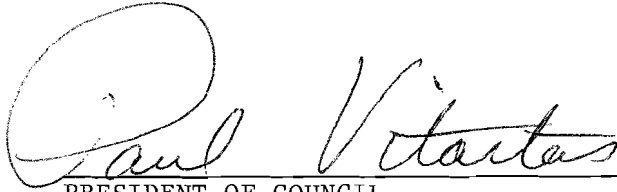
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That Ordinance No.1976-131 is hereby repealed in its entirety.

Section 2. That commencing on the first day of 1998, the annual salary for the office of City Treasurer shall be \$5,780, payable semi-monthly.


Section 3. That in addition to the compensation heretofore provided, the office of the City Treasurer shall be entitled to longevity benefits as provided for in Ordinance No. 68-41, as amended, and to the City P.E.R.S. contribution as provided by Ordinance No. 1985-99.

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: November 24, 1997

APPROVED: November 24, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-143

ORDINANCE MAKING APPROPRIATIONS IN THE STORM WATER  
UTILITY FUND FOR THE YEAR ENDING DECEMBER 31, 1997.

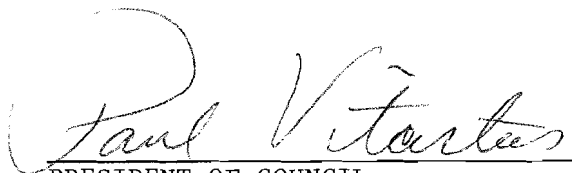
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF Marion, Marion County,  
Ohio:

Section 1. That there be appropriations made in the Storm Water  
Utility Fund in the amount of \$200,000.00 as follows:

STORM WATER UTILITY FUND


Prof. Services	509-05-554-230-000-320	\$ 20,000.00
Refunds	509-05-554-270-000-720	10,000.00
Reimbursements	509-05-554-270-000-721	<u>170,000.00</u>
		\$200,000.00

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

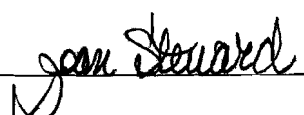
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: October 27, 1997

APPROVED: October 28, 1997

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK



ORDINANCE NO. 1997 - 144

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 52.789 ACRES IN MARION TOWNSHIP TO THE CITY OF MARION, AND DECLARING AN EMERGENCY. (NORTHWOODS HOME MANUFACTURING PARK)

WHEREAS, a petition for the annexation of certain territory in Marion Township was duly filed by Kenneth W. Parrish, as Agent; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio on July 29, 1997; 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 August 6, 1997; 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 Kenneth Parrish, and a majority 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 May 16, 1997, 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 31, 1997, be and the same is hereby accepted. The territory is described as follows:

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

Beginning at a 1" dia. iron pin set on the Northeast corner of the Northwest Quarter of said Section 15, said point being further located at the Northwest corner of Fair Park 9th Addition as recorded in Plat Book 5, page 113 in the Office of the Marion County Recorder;

Thence, along the West line of Fair Park 9th Addition - also being the North-South half section line of Section 15 South 00 degrees 22 minutes 00 seconds East for a distance of 1819.64 feet along the existing westerly Coproration Line to a 1" dia. iron pin set at the Northwest corner of Fair Park 8th Addition as recorded in Plat Book 5, page 43 in the Office of the Marion County Recorder (passing over an existing T-Bar at 30.00 feet and a 1" dia. iron pin set for reference at 1307.47 feet.

Thence along the West line of said Fair Park 8th Addition and Fair Park 7th Addition as recorded in Plat Book 5, page 5 in the Office of the Marion County Recorder also being the North-South half section line of Section 15 and the westerly Corporation Line South 00 degrees 23 minutes 00 seconds East for a distance of 827.40 feet to an existing iron pipe located on the East-West half section line of Section 15, also being the North Corporation Line of the City of Marion (passing over a 1" dia. iron pin set for reference at 231.65 feet and the North line of said Fair Park 7th Addition at 770.00 feet);

Thence along the East-West half section line of Section 15 and the North Corporation Line if the City of Marion South 89 degrees 23 minutes 50 seconds West for a distance of 1343.24 feet to an existing stone on the East line of North State Street 1st Addition as recorded in Plat Book 3, page 32 in the Office of the Marion County Recorder, said East line also being the East line of a 14 foot wide public alley;

Thence along the East line of said North State Street 1st Addition and said public alley North 00 degrees 21 minutes 39 seconds West for a distance of 842.26 feet to a 1" dia. iron pin set;

Thence North 89 degrees 50 minutes 00 seconds East for a distance of 600.00 feet to a 1" dia. iron pin set;

Thence North 00 degrees 21 minutes 39 seconds West for a distance of 1815.00 feet to a 1" dia. iron pin set on the centerline of County Road 162 (Marion-Williamsport Road), also being the North line of Section 15 and the existing Corporation Line (passing over a 1" dia. iron pin set for reference at 1785.00 feet);

Thence along the centerline of County Road 162 (Marion-Williamsport Road) - North line of Section 15 and the existing Corporation Line North 89 degrees 50 minutes 00 seconds East for a distance of 262.73 feet to a 1" dia. iron pin set;

Thence South 00 degrees 22 minutes 19 seconds East for a distance of 792.00 feet to a 1" dia. iron pin set (passing over a 1" iron pin set for reference at 30.00 feet);

Thence North 89 degrees 50 minutes 00 seconds East for a distance of 163.50 feet to a 1" dia. iron pin set;

Thence North 00 degrees 22 minutes 19 seconds West for a distance of 462.00 feet to a 1" dia. iron pin set;

Thence North 89 degrees 50 minutes 00 seconds East for a distance of 132.00 feet to a 1" dia. iron pin set;

Thence North 00 degrees 22 minutes 19 seconds West for a distance of 330.00 feet to a 1" dia. iron pin set on the centerline of County Road 162 (Marion-Williamsport Road) - North line of Section 15 and the existing Corporation Line (passing over a 1" dia. iron pin set for reference at 300.00 feet);

Thence along the centerline of County Road 162 (Marion-Williamsport Road) - North line of Section 15 and the existing Corporation Line North 89 degrees 50 minutes 00 seconds East for a distance of 184.50 feet to a 1" iron pin set and the point of beginning.

Containing 52.789 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 126, page 153 of the Deed Records of Marion County, Ohio.

This description was prepared from a original boundary survey made by Stults and Associates, Incorporated and dated March 3, 1994 and an annexation plat prepared by Stults and Associates, Incorporated and dated March 20, 1997.

The bearing South 00 degrees 22 minutes 00 seconds West is the same used for the West line of Fair Park 9th Addition and the North-South half section line of Section 15. All bearings were calculated from field observations.

All iron pins set are 30" long 1" solid iron pins with yellow plastic caps stamped "STULTS & ASSOC."

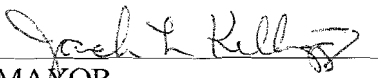
Section 2. The Clerk of Council is directed to make three copies of this ordinance to each of which shall be attached a copy of the petition for annexation, the map accompanying the petition for annexation, the transcript of proceedings of the Board of County Commissioners relating thereto, resolutions 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 for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

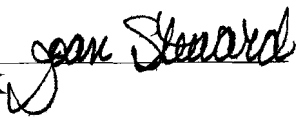
  
PRESIDENT OF COUNCIL

PASSED: October 27, 1997

APPROVED: October 28, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997- 145

ORDINANCE TO VACATE THE NORTH/SOUTH ALLEY ON THE SOUTH SIDE OF EAST FARMING STREET AND NORTH OF AN EXISTING EAST/WEST ALLEY LOCATED IN THE COLUMBIAN ADDITION TO THE CITY OF MARION. (APPLICANT - DON WELCH)

Whereas, in the opinion of this Council, there is good cause for vacating the north/south alley on the south side of East Farming Street in the Columbian Addition in the City of Marion, and

Whereas, the petition to vacate this alley was considered and approved by the Marion City Planning Commission at its meeting of September 2, 1997, 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, with the understanding that Mr. Welch will put gates at both ends for landscaping and will give Columbia Gas Company access;

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

Section 1. That the following described alley, to wit:

Tract 1 ~ 0.021 Acres

Being a part of a 12 foot wide alley located in Columbian Addition to the City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing iron pin (Tozzer monument) located at the intersection of the East right-of-way line of Greenwood Street (now 60.00 feet wide) with the South right-of-way line of Farming Street (now 49.00 feet wide);

Thence along the South right-of-way line of Farming Street North 90 degrees 00 minutes 00 seconds East for a distance of 257.90 feet to a 5/8" dia. iron pin set on the West right-of-way line of an existing 12 foot wide alley, in the Columbian Addition as recorded in Plat Book 2, Page 205;

Thence continuing along the South right-of-way line of Farming Street North 90 degrees 00 minutes 00 seconds East for a distance of 6.00 feet to a P.K. Nail set on the centerline of said alley;

Thence along the centerline of said alley South 02 degrees 15 minutes 35 seconds East for a distance of 150.00 feet to a P.K. Nail set;

Thence South 90 degrees 00 minutes 00 seconds West for a distance of 6.00 feet to a 5/8" dia. iron pin set on the West right-of-way line of said 12 foot wide alley;

Thence along the West right-of-way line of said 12 foot wide alley North 02 degrees 15 minutes 35 seconds West for a distance of 150.00 feet to a 5/8" dia. iron pin set on the South right-of-way line of Farming Street and the point of beginning.

Containing 0.021 acres (899.98 sq. ft.) more or less and subject to legal highways, easements, restrictions and agreements of record.

Grantor acquired title by instrument recorded in Plat Book 2, Page 205 in the Office of the Marion County Recorder.

This description was prepared from a survey made by Stults and Associates, Incorporated and date August 18, 1997.

The bearing North 90 degrees 00 minutes 00 seconds East used for the South right-of-way line of Farming Street was assumed. All other bearings were then calculated from field observations.

All 5/8" dia. iron pins set are 30" long rein. rods having yellow colored plastic caps stamped "Stults & Assoc."

and

Tract 2 ~ 0.021 Acres

Being a part of a 12 foot wide alley located in Columbian Addition to the City of Marion, Marion County, State of Ohio and being more particularly described as follows:

Commencing at an existing iron pin (Tozzer monument) located at the intersection of the East right-of-way line of Greenwood Street (now 60.00 feet wide) with the South right-of-way line of Farming Street (now 49.00 feet wide);

Thence along the South right-of-way line of Farming Street North 90 degrees 00 minutes 00 seconds East for a distance of 263.90 feet to a P.K. Nail set on the centerline of an existing 12 foot wide alley in the Columbian Addition as recorded in Plat Book 2, Page 205 and the point of beginning;

Thence continuing along the South right-of-way line of Farming Street North 90 degrees 00 minutes 00 seconds East for a distance of 6.00 feet to a point being referenced by an existing iron pin (Tozzer monument) North 02 degrees 15 minutes 35 seconds West at 0.21 feet of the East right-of-way line of an existing 12 foot wide alley and the Northwest corner of Lot 3436;

Thence along the East line of said alley South 02 degrees 15 minutes 35 seconds East for a distance of 142.00 feet to a 5/8" dia. iron pin set;

Thence South 46 minutes 07 minutes 48 seconds East for a distance of 11.53 feet to a point being referenced an existing iron pin (Tozzer monument) North 43 degrees 52 minutes 13 seconds East at 0.62 feet;

Thence South 90 degrees 00 minutes 00 seconds West for a distance of 14.00 feet to a P.K. Nail set on the centerline of said 12 foot wide alley:

Thence along the centerline of said 12 foot wide alley North 02 degree 15 minutes 35 seconds West for a distance of 150.00 feet to a P.K. Nail set on the South right-of-way line of Farming Street and the point of beginning;

Containing 0.021 acres (933.18 sq. ft.) more or less and subject to legal highways, easements, restrictions and agreements of record.

Grantor acquired title by instrument recorded in Plat Book 2, Page 205 in the Office of the Marion County Recorder.

This description was prepared from a survey made by Stults and Associates, Incorporated and date August 18, 1997.

The bearing North 90 degrees 00 minutes 00 seconds East used for the South right-of-way line of Farming Street was assumed. All other bearings were then calculated from field observations.

All 5/8" dia. iron pins set are 30" long rein. rods having yellow colored plastic caps stamped "Stults & Assoc."

be and is hereby vacated.


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

Section 3. 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 alley for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation of said alley 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.

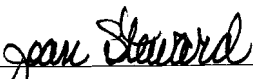
  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: November 24, 1997

APPROVED: November 24, 1997

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1997-146

**AN ORDINANCE APPROVING THE  
AMENDED DRAFT SOLID WASTE MANAGEMENT PLAN  
OF THE DELAWARE, KNOX, MARION, MORROW  
JOINT COUNTY SOLID WASTE MANAGEMENT DISTRICT**

*WHEREAS*, the Board of County Commissioners of Delaware, Knox, Marion and Morrow Counties have established the Delaware, Knox, Marion, Morrow Joint County Solid Waste Management District (the "District") and have established and convened a "Solid Waste Management Policy Committee" (the "Policy Committee") in accordance with Section 3734.54 of the Revised Code to amend the District's "Solid Waste Management Plan" (the "Amended Plan") for the District as required by Section 3734.54; and

*WHEREAS*, the Policy Committee completed a draft Amended Plan for the District and submitted that Amended Plan to the Director of the Ohio Environmental Protection Agency for preliminary review and comment in accordance with Sections 3734.54 and 3734.55 of the Revised Code; and

*WHEREAS*, the Policy Committee received the Director's written, non binding advisory opinion regarding the draft Amended Plan and established a public comment period and held a public hearing concerning the draft Amended Plan; and

*WHEREAS*, the Policy Committee, after consideration of comments and recommendations received concerning the draft Amended Plan, made certain modifications to the draft Amended Plan and has adopted and submitted to this legislative authority a copy of the draft Amended Plan for the District as so modified (the "Final Draft Amended Plan"); and

*WHEREAS*, this legislative authority is required by Division (B) of Section 3734.55 of the Revised Code to approve or disapprove the Final Draft Amended Plan within 90 days after receiving a copy of the Final Draft Amended Plan and has been requested to approve the Final Draft Amended Plan;

*NOW THEREFORE*, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARION, STATE OF OHIO:

**Section 1.** The Final Draft Amended Plan is hereby approved in the form submitted to this legislative authority and presently on file with the Clerk of this legislative authority.

**Section 2.** The Clerk of this legislative authority is hereby authorized and directed to mail or otherwise deliver promptly a certified copy of this Ordinance to the Policy Committee.

**Section 3.** 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 that resulted in those formal actions were in meetings open to the public in compliance with the law.

**Section 4.** That this Ordinance pursuant to Revised Code Section 731.30 and a two-thirds (2/3) vote of the full membership of this Council, 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 hereof, and for the further reason that it is necessary for the daily operation of the City to have the District timely submit its Amended Plan to the Director of the Ohio Environmental Protection Agency; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided however, that if it does not receive an affirmative vote of at least two-thirds (2/3) of all its members, then this Ordinance shall be effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL


PASSED: November 10, 1997 (Date)

VOTE TAKEN:       Ayes: 9  
                      Nays: 0

APPROVED: November 12, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997 - 147

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1997.

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

Section 1. That there be an additional appropriation made in various funds in the amount of \$229,415.31 as follows:

GENERAL FUND

Income Tax Refund	101-07-744-270-712-720	\$ 20,000.00
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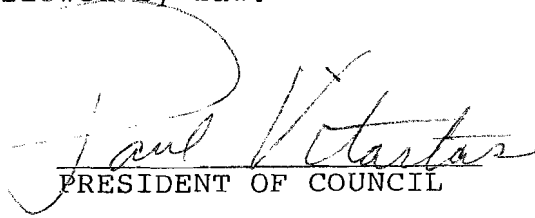
FY 97 FORMULA

Private Rehab Administration	275-04-547-230-000-322	\$ 87,000.00
Archit. Barrier Rem.	275-04-547-230-000-324	30,000.00
Fair Housing	275-04-547-230-000-335	30,000.00
Parks & Rec. Facil.	275-04-547-230-000-339	1,000.00
Public Service	275-04-547-230-000-341	30,000.00
	275-04-547-230-000-342	31,000.00
		<u>\$209,000.00</u>

HEALTH FUND


Trans. to WIC Fund	214-02-221-270-000-706	\$ 415.31
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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: November 10, 1997

APPROVED: November 12, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



*Amended by  
Ordinance 1998-33 071*

AN ORDINANCE AMENDING THE SPEED LIMIT ON VERNON HEIGHTS BOULEVARD.

WHEREAS, the Traffic Commission has recommended that various changes be made to Vernon Heights Boulevard within the City of Marion, Ohio, and

WHEREAS, THE Traffic Commission has recommended the speed limit be reduced from the current speed limit of 35 m.p.h. to 25 m.p.h., and

WHEREAS, it is necessary to reduce the traffic's speed.

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

Section 1. The speed limit on Vernon Heights Boulevard shall be 25 m.p.h. from Mt. Vernon Avenue to Delaware Avenue.

Section 2. This shall take precedence over §333.03(B)(3).

Section 3. 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: November 10, 1997

Approved: November 12, 1997

*Jack L. Kilgus*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK OF COUNCIL

ORDINANCE NO. 1997 -149

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 225 - 225 1/2 W. PLEASANT STREET IN THE CITY OF MARION, OHIO FROM R-3 (MULTI-FAMILY DISTRICT) TO C-1A (NEIGHBORHOOD SHOPPING DISTRICT).

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

WHEREAS, the Marion City Planning Commission has considered and denied the rezoning from R-3 to C-1A, 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 225 - 225 1/2 W. Pleasant Street and being more particularly described as follows:

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

Being Lot No. Two Thousand and Four (2004) in J. J. Hanes' Addition to Marion, Ohio.

Premises more commonly known as: 225 - 225 1/2 West Pleasant Street, Marion, Ohio 43302.  
Permanent Parcel No. 12-304010.0100

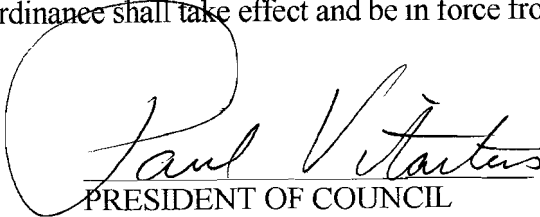
Said premises are conveyed subject to easements and restrictions of record, zoning regulations, taxes and assessments which shall be prorated as of the date of delivery of deed, using the last available tax duplicate.

Last Transfer: Deed Volume 550, Page 180 and Official Records Volume 305, Page 213

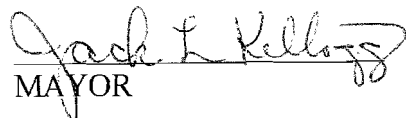
heretofore zoned R-3 (Multi-Family District) is hereby zoned C-1A (Neighborhood Shopping District).

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

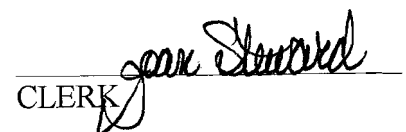
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: December 29, 1997  
APPROVED: December 30, 1997

  
MAYOR

ATTEST:

  
CLERK

**ORDINANCE NO. 1997-150**

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH STEVENS CONSTRUCTION, FOR SIGNAGE AT MARION MUNICIPAL AIRPORT AND MARION AIRPORT INDUSTRIAL PARK, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on January 27, 1997, by passage of Ordinance # 1997-17, Council authorized the Safety/Service Director to prepare specifications and advertise for bids for signage at the Airport and Airport Industrial Park, and

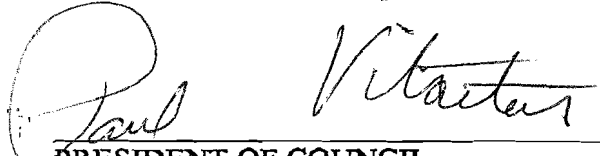
**WHEREAS**, based upon bid opening held November 6, 1997.

**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 Stevens Construction, Marion, Ohio.

**SECTION 2** That cost for signage at the Airport and Airport Industrial Park including landscaping at both sites will be \$21,249.00.

**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: November 24, 1997

APPROVED: November 24, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-151

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RON'S TREE SERVICE, MARION, OHIO, FOR THE TREE REMOVAL PROJECT, AND DECLARING AND EMERGENCY.**

**WHEREAS**, Ordinance No. 1997-136 authorized the preparation of specifications and advertising for bids for the Tree Removal Project, and

**WHEREAS**, Ron's Tree Service submitted the lowest and best bid of \$6,654.00,

**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 Ron's Tree Service for the Tree Removal Project.

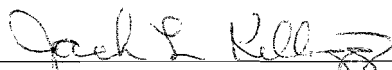
**Section 2.** That said contract shall be payable from the Tree Care Fund (101-07-743-230-000-316)

**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 of council; otherwise it shall become effective from and after the earliest period allowed by law.

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

Passed: November 24, 1997

Approved: November 24, 1997

  
\_\_\_\_\_  
Mayor

Attest:

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

ORDINANCE NO. 1997-152

ORDINANCE CONSENTING TO AND AUTHORIZING THE MAYOR  
 TO ENTER INTO A SECOND SUPPLEMENTAL LEASE  
 BETWEEN THE CITY OF MARION AND MARION GENERAL  
 HOSPITAL AND IN ADDITION CONSENTING TO AND AUTHORIZING  
 THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY  
 THE ADAMH BOARD AND THE MARION AREA COUNSELING/AND CENTER  
 DECLARING AN EMERGENCY

WHEREAS, the Marion Area Counseling Center is in need of additional space and has implemented a plan providing for an addition to the existing facility, and

WHEREAS, the City has by a previous lease, leased its' lands to the Marion General Hospital, Inc. who in turn sub-leased to the ADAMH/Marion Area Counseling Center by pervious agreement, and

WHEREAS, the Marion Area Counseling Center has requested the City provide for additional terms and conditions, including an extension of the existing lease, in order to allow for the quiet enjoyment, by the Counseling Center, of its' planned addition for a greater period of time than remains on the current lease, requiring second supplemental lease between the City and Marion General Hospital, Inc., and

WHEREAS, there exists uncertainty in the relationship between City of Marion and the Marion General Hospital, Inc. and its' sublessee Ohio Health and for that reason the Marion Area Counseling Center has requested the City also enter into another agreement with the Counseling Center and the A.D.A.M.H. Board providing for, in part, the assurance the Counseling Center can remain in its' facility if there is any nullification of the City's lease with Marion General Hospital, Inc. with an expressed provision therein providing for the City assuming no greater obligation than currently exists as to the physical plant and other shared utilities and systems, and

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

SECTION 1. The City finds a need to enter into a second supplemental lease between the City of Marion and Marion General Hospital, Inc. and herein authorizes the Mayor to enter into such an agreement, the form of which to be approved by the Law Director,

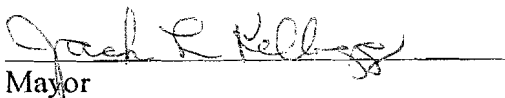
SECTION 2. The City finds a need to enter into an agreement with the Marion Area Counseling Center and the A.D.A.M.H. Board providing for, in part, the assurance the Counseling Center can remain in its' facility if there is any nullification of the City's lease with, Marion General Hospital, Inc. with an expressed provision therein providing for the City assuming no greater obligation than currently exists as to the physical plant and other shared utilities and systems and herein authorizes the Mayor to enter into such an agreement, the form of which to be approved by the Law Director,

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediate need for action so that the improvements may proceed without delay, which otherwise would significantly burden the project with additional cost and debt; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

PASSED: November 24, 1997

  
 President of Council

APPROVED: November 24, 1997

  
 Mayor

ATTEST:

  
 Clerk of Council

ORDINANCE NO. 1997-153

ORDINANCE ENACTING A MUNICIPAL BUILDING CODE BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING STRUCTURE AND SAFETY CODE, PART 13 OF THE CURRENT CODIFIED ORDINANCE BY THE CREATION AND ADOPTION OF SECTION 1330, ENTITLED BUILDING CODES, LICENSING AND REGISTRATION REQUIREMENTS, INCLUDING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE

WHEREAS, the Council for the City of Marion has found a need for the adoption of a Building Code within the Municipality, and

WHEREAS, considerable hearings and debate have been conducted refining the subject Code, and

WHEREAS, the Council wishes no further delay in the enactment of Code restrictions, regulations and accompanying rules, wherefore

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

Section 1. There shall be created, adopted and enacted a Building Code to be established under Part 13 of the existing Codified Ordinances and referred to as Section 1330 et. seq. providing for laws and regulations of construction, modification or improvements to certain structures, licensing of heating contractors, air conditioning contractors, electrical contractors and the registration of home improvement contractors and general contractors by and within the City of Marion, Ohio, to read as follows:

Section 1330.01 DEFINITIONS

PERMITS A certificate issued by the City or its' designee or agent permitting and allowing certain improvements to a property and without which said improvements may not be made. They shall be good for ONE (1) YEAR from the date of purchase, if work not completed in that time the permit shall be renewed or extended at the sole discretion of the issuer.

HOME OWNER A person owning or holding title to a parcel of real property. The person may perform any and all work on his own property without being licensed. However, the property owner must still obtain all the necessary permits, and is required to obtain all the proper inspections.

LICENSED CONTRACTOR - An individual or corporation doing business within the City of Marion, Ohio in the fields of electrical contracting or mechanical contractor including H.V.A.C. A duly licensed contractor must at all times to be qualified and possess and provide proof of, to the City, a Ten Thousand Dollar (\$ 10,000.00) surety bond, and in addition thereto possess and provide proof of liability insurance of at least Three Hundred Thousand Dollars (\$ 300,000.00)

REGISTERED CONTRACTOR - An individual or corporation doing business within the City of Marion, Ohio in the fields commonly referred to as General Contracting and/or Home Improvement. A duly licensed contractor must at all times to be qualified and possess and provide proof of, to the City, a Ten Thousand Dollar (\$ 10,000.00) surety bond, and in addition thereto possess and provide proof of liability insurance of at least Three Hundred Thousand Dollars (\$300,000.00)

ROOM ADDITION - any addition to habitable space or attachment to dwelling.

DWELLING - is any building which contains one or two or three "Dwelling units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

DWELLING UNIT - a single unit providing complete independent living facilities for one or more persons including permanent provisions for living.

APPLICATION FORMS - The document required for submission to the Safety/Service Director for the City or his/her Designee, Agent or Service Provider for consideration for a permit, license, or registration, as devised and approved by the Law Director

#### 1330.02 REQUIREMENTS

The following provisions are hereby established to govern the issuance and renewal of all licenses, registrations, and permits required by the City of Marion.

A) PURPOSE The purpose of this ordinance is to provide minimum standards for the licensing or registration of contractors to protect the health, safety, property, and welfare of the consumer, general public and the owners and occupants of buildings. The paramount intent of this contractor licensing/registration ordinance is to install licensing or registration for contractors. There is no intent to require a property owner to use a licensed or registered contractor for doing anything on existing structures unless it is equivalent to or more than a room addition. However, a secondary intent is to provide the property owner of existing structures the protection and "peace of mind" that can be attained through the use of this contractor licensing and registration system.

B) APPLICATION INFORMATION. Applications for all licenses, registrations, and permits required by ordinance shall be made in writing to the Safety/Service Director for the City or his/her Designee, Agent or Service Provider. Each application shall utilize the form as designated by the Safety/Service Director for the City, having been approved by the Law Director, including the following items: the name of the applicant; the permit, registration, or license desired; the location to be used, if any; the time covered; the fee to be paid; and such other information as may be needed or required by the City officials, or their designee, agent or service providers, charged with issuing the license, registration, or making the inspections required under it. Applications for license or registration shall be accompanied by a bond in a satisfactory form in the amount of ten thousand dollars (\$10,000.00) and executed by a satisfactory surety company authorized to transact business in this state as surety on the bond with the applicant as principal Obligor on the bond, and the person or persons who suffer damages, as Obligees, conditioned that the applicant shall faithfully perform the duties and in all things comply with the ordinance. In addition to a bond the applicant must also produce proof of satisfactory liability insurance in the amount of at least three hundred thousand dollars (\$ 300,000.00).

C) PERSONS SUBJECT TO LICENSE; OR REGISTRATION OR PERMIT. Any person who by himself, or through an Agent, employee or partner, holds himself out as being engaged in the business or occupation or solicits patronage therefore, actively or passively, or performs or attempts to perform any part of such business or occupations in the City for which there is required, under the Ordinances for the City of Marion to be licensed or is required to obtain a permit prior to conducting such business or occupation shall be required to obtain a license or permit from the City of Marion for the maintenance operation or conduct of his business, profession or performing any act connected therewith.

D) TESTING OF APPLICANTS Any person desiring to make application for a license under the provisions of this ordinance and who does not otherwise possess a license by another approved jurisdiction as provided elsewhere in this ordinance may become qualified by passing the appropriate test as designated by the City of Marion or if no test having been designated, applicant must show proof of successful completion and passage of the test certified and recommended for use by the State of Ohio. Upon receipt of such certification, formal application for a license may be made.

- E) **FORMS** Forms for all licenses, registrations, permits and applications therefore shall be prepared, kept on file, and supplied as needed by the Safety Service/Director or his designee, agent or service provider. The form submitted shall be that designated by the Safety/Service Director for the City or his/her Designee, Agent or Service Provider for use, as approved by the Law Director
- F) **SIGNATURES** Each license, registration, or permit issued shall bear the signature of the Safety Service/Director or his designee, agent or service provider.
- G) **INVESTIGATIONS** Where it is required by the Safety Service/Director or his designee, agent or service provider that an investigation be conducted regarding the history and past satisfaction of work performed by the applicant before the issuance of a license, registration or permit the Safety Service/Director or his designee, agent or service provider shall refer the application promptly to the proper officer for making the investigation and the investigation shall be conducted within a reasonable time. Said investigation may include the requirement that the applicant provide reports regarding various item, including but not limited past criminal offenses or complaints.
- H) **FEE PAYMENT AND DISPOSITION** All fees and charges for licenses, registrations, or permits shall be paid in full in advance at the time application is made. All fees received shall be timely deposited and credited to the proper line item account as designated by the City Auditor. Said fees shall be utilized first and foremost to cover the costs associated with the enforcement of this Code.
- I) **TERMINATION DATE** All licenses, registrations, and permits shall terminate on the last day of December of each year in which they were issued. Any permit issued during the month of December of any year shall be good until the last day of December of the following year.
- J) **CHANGE OF LOCATION** The location of any licensed or registered business or occupation or any permitted act may be changed provided ten (10) days notice thereof is given to the Safety Service/Director or his designee, agent or service provider, unless specifically provided otherwise by ordinance. Any failure to report a change in location shall result in an immediate forfeiture of the license, registration or permit. The Safety Service/Director or his designee, agent or service provider shall have no ability to prevent the change of location, excepting ordinary laws and applicable zoning regulations.
- K) **NUISANCES PROHIBITED** No business, whether licensed or not, shall be so conducted as to amount to a nuisance as determined by the Safety Service/Director or his designee, agent or service provider.
- L) **ENTRY FOR INSPECTION** Whenever inspections of the premises used for, or in connection with the operation of a licensed business or occupation are reasonably necessary to secure compliance with any ordinance provision or to investigate alleged violations thereof, it shall be the duty of the licensee, registrant, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the City or the Safety Service/Director or his designee, agent or service provider who is authorized or directed to make inspection at any reasonable time that admission is requested. Reasonable time shall be defined as those hours in which the occupation in which the person being inspected normally conducts his/her business.
- M) **ANALYSIS: FURNISHINGS SAMPLES** Whenever an analysis of any commodity or material is reasonably necessary to secure conformity with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee or registrant whose business is governed by such provision to give any authorized officer or employee of the City requesting the same, sufficient samples of such material or commodity for such analysis on request.



## N) REVOCATION OR SUSPENSION: HEARING.

1) Registration of any registrant under these licensing or registration requirements may be suspended or revoked by the Safety/Service Director for the City or his/her Designee, Agent or Service Provider for incompetency, dereliction of duty, violation of provisions contained within this section or the Code or fraudulent use of his registration either by the registrant or any person employed by him.

2) Any license, registration, or permit issued for a specified period of time may be revoked by the Safety Service/Director or his designee, agent or service provider, at any time during the life of such license, registration, or permit for any violation by the licensee, registrant, or permitted premises if it is found that a violation of any Ordinance of the City of Marion exists.

3) The revocation must be in writing and shall be served upon the licensee, registrant, or permitter by personal service or certified mail. Upon receipt of said revocation notice, the licensee, registrant, or permitter shall have ten (10) days in which to appeal to the Building Department Advisory Board in writing by filing a written notice of appeal with the Clerk of the Advisory Board. The Advisory Board shall consist of at least six (6) members each serving staggered three (3) year terms, each appointed by the Mayor for the City of Marion, Ohio and confirmed by the Council. The Advisory Board shall consist, if sufficient individuals are available to serve in the sole discretion of the appointing Mayor, persons performing the following professions: plumber, electrician, general contractor, homeowner, real estate agent, landlord.

Said Clerk shall notify the Chairman of the Advisory Board within three (3) days of receipt by her/ him of the notice of appeal. The Chairman of the Advisory Board shall within seven (7) days appoint a hearing panel composed of three members of the Advisory Board, which panel shall hold a hearing not later than twenty (20) days from the date upon which the licensee, registrant, or permittee received written notice of revocation from the Building Department. Said panel shall, within ten (10) days after hearing, either concur with or reverse the action of the Safety Service/Director or his designee, agent or service provider and shall notify the licensee, registrant, or permittee in writing of its determination.

M) POSTING LICENSE It shall be the duty of any person conducting a licensed or registered business in the City to keep his license or registration posted in a prominent public place on the premises used for such business at all time.

## 1330.03 LICENSING OF HVAC (HEATING & COOLING) CONTRACTORS

A) HVAC CONTRACTOR'S LICENSE REQUIRED No person shall offer or contract to perform the construction, installation, alteration, or repair of any heating unit, equipment or fixtures, for compensation, or represent himself either publicly or privately as being willing or able to perform such work, or undertake to perform such work within the City on premises not owned or actually occupied as a residence or place of business by him, unless he shall have been licensed by the City of Marion through its' Safety Service/Director or his designee, agent or service provider as a heating contractor. No person shall offer or contract to perform the construction, installation, alteration, or repair of any air conditioning unit, equipment or fixtures, except window air conditioning units for compensation, or represent himself either publicly or privately as being willing or able to perform such work or undertake to perform such work within the City on premises not owned or actually occupied as a residence or place of business by him, unless he shall have been licensed by the City of Marion through its' Safety Service/Director or his designee, agent or service provider as an air conditioning contractor. All work shall be in compliance with the Ohio Basic Building Code or Council of American Building Officials and meet Ohio EPA requirements.

ORD. 1997-153- page 5

B) LICENSE ISSUANCE, AND FEE HVAC (Heating & Cooling) contractor licenses shall be issued for each fiscal year, each expiring on the 31st day of December 31 in the year in which it was purchased, said license may be renewed for a subsequent fiscal year if the applicant is in good standing as determined by the Safety Service/Director or his designee, agent or service provider and under conditions hereinafter set forth and under such rules as the Safety Service/Director or his designee, agent or service provider may establish. The original or renewal license fee shall be thirty-five dollars (\$35.00) per year and shall not be subject to an pro-ration if purchased in-term of the fiscal year.

#### 1330.04 LICENSING OF ELECTRICAL CONTRACTORS

A) ELECTRICAL CONTRACTOR'S LICENSE REQUIRED No person shall offer to contract to perform the construction, installation, alteration or repair of any electrical wiring or electrical equipment excepting the installation and maintenance of electric elevators, for compensation, or represent himself either publicly or privately as being ready, willing or able to perform such work, or undertake to perform such work within the City on premises not owned or actually occupied as a residence or place of business by him unless he shall have been licensed by the City as an electrical contractor. All work shall be in compliance with the National Electric Code.

B) ISSUANCE; FEE Electrical Contractor licenses shall be issued for each fiscal year, each expiring on the 31st day of December 31 in the year in which it was purchased, said license may be renewed for a subsequent fiscal year if the applicant is in good standing as determined by the Safety Service/Director or his designee, agent or service provider and under conditions hereinafter set forth and under such rules as the Safety Service/Director or his designee, agent or service provider may establish. The original or renewal license fee shall be thirty-five dollars (\$35.00) per year and shall not be subject to an pro-ration if purchased in-term of the fiscal year.

#### 1330.05 REGISTRATION OF HOME IMPROVEMENT CONTRACTORS.

A) HOME IMPROVEMENT CONTRACTOR'S REGISTRATION REQUIRED. No person shall maintain, own, operate, or transact a home improvement business within the limits of the City unless registration is first obtained as hereinafter prescribed. For the purpose of this ordinance, "home improvement" shall mean the repair, replacement, remodeling, alteration, conversion, modernization, improvement or addition to any land or building, or that portion thereof which is used or designed to be used as a private residence or dwelling place for not more than three families; improvement of driveways, swimming pools, porches, garages, fallout shelters and other improvements to structures or upon land which is adjacent to a dwelling house. "Home improvement" shall not include the construction of a new residential dwelling or work done by a contractor in compliance with a guarantee of completion of a new building project, or the sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials. He/she must maintain at all times a satisfactory bond of not less than ten thousand dollars (\$10,000.00) the satisfaction of which shall be the sole discretion of the Safety Service/Director or his designee, agent or service provider.

B) ISSUANCE; FEE Electrical Contractor licenses shall be issued for each fiscal year, each expiring on the 31st day of December 31 in the year in which it was purchased, said license may be renewed for a subsequent fiscal year if the applicant is in good standing as determined by the Safety Service/Director or his designee, agent or service provider and under conditions hereinafter set forth and under such rules as the Safety Service/Director or his designee, agent or service provider may establish. The original or renewal license fee shall be thirty-five dollars (\$35.00) per year and shall not be subject to an pro-ration if purchased in-term of the fiscal year.

## 1330.06 REGISTRATION OF GENERAL CONTRACTORS

A) **GENERAL CONTRACTOR'S REGISTRATION' REQUIRED.** No person or company shall contract for or carry out a contract for the construction, installation, alteration, or repairing of any structural building, foundation, basement, or superstructure within the limits of the City of Marion or represent him/herself either publicly or privately as being willing or able to perform such work, unless he has been registered by the City of Marion as a general contractor. All work shall be in compliance with the Ohio Basic Building Code or the Council of American Building Officials Code as a applicable to the work.

B) **REGISTRATION FEE** General Contractors registrations shall be issued for each fiscal year, each expiring on the 31st day of December 31 in the year in which it was purchased, said registration may be renewed for a subsequent fiscal year if the applicant is in good standing as determined by the Safety Service/Director or his designee, agent or service provider and under conditions hereinafter set forth and under such rules as the Safety Service/Director or his designee, agent or service provider may establish. The original or renewal registration shall be thirty-five dollars (\$35.00) per year and shall not be subject to a pro-ration if purchased in-term of the fiscal year.

## 1330.07 APPLICATION FOR ALL LICENSES AND REGISTRATIONS

A) All applicants applying for the licenses or registrations under this ordinance 1330 et al. shall submit payment of the required fees and shall furnish the following information which shall be included on the licensing or registration applications.

If applicant is an individual

- (1) Name, address, D.O.B., and social security number of applicant.
- (2) A surety bond satisfactory to the City of Marion, made payable to the City of Marion in the amount of \$10,000 00,
- (3) A Copy of satisfactory liability insurance providing for coverage during all periods of performance in the amount not less than \$300,000.00, including all notice of renewals or terminations of coverages, subsequent to application
- (4) Qualifications of applicant.

If applicant is a corporation:

- (a) Name, address of the corporation place of business
- (b) Names and addresses of all interest holders and stock holders in said corporation,
- (c) Names and addresses of all corporate officers
- (d) A Copy of satisfactory liability insurance providing for coverage during all periods of performance in the amount not less than \$300,000.00, including all notice of renewals or terminations of coverages, subsequent to application
- (e) A surety bond, satisfactory to the City of Marion payable to the City of Marion in the amount of \$ 10,000.00
- (f) Qualifications of applicant.
- (g) Full and accurate name of corporation. Date and place of incorporation. Name of person taking examination if required. Federal and state tax identification numbers. Name and address of statutory agent.

If applicant conducts business under a trade or fictitious name, or is a partnership, the following additional information is required.

- (h) all names used by applicant within the past ten years
- (i) listing of all bankruptcy petition dates filed by applicant within past seven years
- (j) Full and complete trade name, Actual business address, The name of the person or persons doing business under such trade or fictitious name. Name of person taking examination if required.

1330.08

RESIDENTIAL BUILDING PERMIT COST

SINGLE FAMILY HOME (one Family Dwelling) \$250 plus .30¢ for each sq. ft. over 1,000 sq. ft. of gross floor area. (Includes each story, but not the garage.)\*  
 Residential package includes Structure Permit, Electrical Permit, HVAC Permit, Patio or Deck Permit (if called for on plans), Roofing, Siding, Window and Exterior Door Permits and Concrete Permits (driveway and sidewalk). Each extra electrical inspection will be \$25.

TWO FAMILY DWELLING \$350 plus .30¢ for each sq. ft. over 1,000 sq. ft. of gross floor area.  
 Residential package includes Structure Permit, Electrical Permit, HVAC Permit, Patio or Deck Permit (if called for on plans), Roofing, Siding, Window and Exterior Door Permits and Concrete Permits (driveway and sidewalk). Each extra electrical inspection will be \$25.

THREE FAMILY DWELLING \$450 plus .30¢ for each sq. ft. over 1,000 sq. ft. of gross floor area.  
 Residential package includes Structure Permit, Electrical Permit, HVAC Permit, Patio or Deck Permit (if called for on plans), Roofing, Siding, Window and Exterior Door Permits and Concrete Permits (driveway and sidewalk). Each extra electrical inspection will be \$25.

Permits for new construction will be sold only as a package to either the General Contractor or the Property Owner.

GARAGE \$35  
 Anything that is 150 sq. ft. or greater, or attached to existing structure.

NO BUILDING PERMITS NEEDED FOR YARD SHEDS UNDER 150 SQ. FT.

ROOM ADDITION \$75  
Room Addition - anything being attached to the existing structure or enclosing an attachment that is habitable must have a building permit.

DECK \$25  
 Deck (or patio) added to the plans of new structures or as a new addition to an existing structure. A deck over 200 sq. ft. requires a permit, or any deck that is over four (4) ft. high requires a permit regardless of size. A ground level patio does not require a building permit (but may still require a zoning permit).

\*EXAMPLE - Fee - 1,000 sq. ft. home = \$250  
 1,500 sq. ft. home = 400  
 2,000 sq. ft. home = 550

HVAC PERMIT (HEATING & COOLING) 25.00  
 HVAC Permit is for replacement and/or relocation of the HVAC unit and includes the 220 volt line but not to include duct work for room addition (duct work for room addition as long as there is no furnace or air conditioner change is included in the Room Addition Permit).

ELECTRICAL PERMIT FOR SERVICE UPGRADE 35.00

ELECTRICAL PERMIT FOR NEW ELECTRIC METER SERVICE 50.00

1330.09 RESIDENTIAL INSPECTION REQUIREMENTS

Inspections of improvements made in constructing, altering or adding to any building or structure is mandatory. The Builder is required to contact the Safety Service/Director or his designee, agent or service provider and submit a request for inspection at the following intervals.

BUILDINGS

Footer - after excavation and placing of forms or grades, but prior to placing concrete. Footer is to be 36" below grade from the top of the footer.

Foundation - after foundation is completed, anchors set, and waterproofed; but prior to backfilling or framing.

Framing - after all framing is complete, roof applied, and rough electrical and rough plumbing completed and inspected; but prior to any interior wall covering.

Final - after all construction is generally completed, but before occupancy approved.

ELECTRICAL

An occupancy permit will be issued when all items are finally

Temporary service connection - after temporary pole and appurtenances are set, but prior to electric company hook-up.

Rough electric - after all outlet boxes are installed, all wiring has been installed and all connections in the outlet boxes have been made up and properly bonded (this is for all conductors).

Permanent service connection - after panel, meter base and must (if overhead) have been connected and properly grounded.

Final electric - after all electrical fixtures and appliances are installed.

MECHANICAL

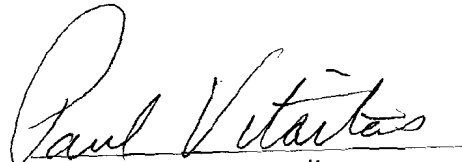
After heating and air conditioning is installed.

1330.10 Mobile, Manufactured, Modular, and Undustrialized unit

Units in a State Health Department approved mobile or manufactured home park shall be exempt. All other units, however, shall obtain an installation **permit and** be subject to all other permits for foundation, electric hookup, tie downs, etc. that are not covered by the H.U.D. or State of Ohio Building **Code permit for** the actual unit.

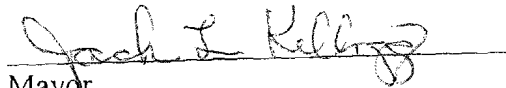
1330.99 PENALTY Whoever violates any of the provisions of this ordinance shall be deemed to be guilty of a Minor Misdemeanor and shall be fined not more than one hundred (\$100.00) Dollars for each day during which such violation continues after being served notice of such violation by the Safety Service/Director or his designee, agent or service provider. Each subsequent offense by the same license holder, registrant or permitted premises owner shall be deemed to be a misdemeanor of the Forth Degree punishable by a jail term upto 30days and a fine of not more than two hundred fifty (\$ 250.00) dollars.

SECTION 2. That this Ordinance shall become effective from and after the earliest period allowed by law.

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

PASSED: DECEMBER 29, 1997

APPROVED: DECEMBER 30, 1997

  
\_\_\_\_\_  
Mayor

ATTEST:

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

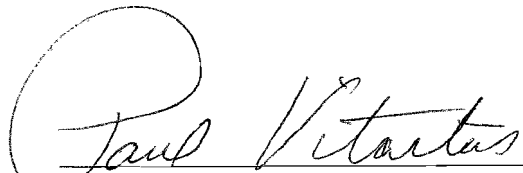
ORDINANCE NO. 1997 - 154ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE  
HEALTH FUND FOR THE YEAR ENDING DECEMBER 31, 1997.

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

Section 1. That there be an additional appropriation made in the Health Fund in the amount of \$71.50 as follows:

Transfer to WIC Fund	214-02-221-270-000-706	\$ 71.50
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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: November 24, 1997

APPROVED: November 24, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 155

ORDINANCE ENTERING INTO FURTHER AGREEMENT WITH SPECIAL COUNSEL FOR SPECIFIC SERVICES RELATING TO THE CITY'S LEASE AGREEMENT WITH MARION GENERAL HOSPITAL BOARD, INC., AND FOR AN EXPERT EVALUATION RELATING TO HEALTH CARE SERVICES IN THE MARION COMMUNITY, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion through it's Council is desirous of further employing a special Counsel to advise in matters relating to Marion General Hospital Board, Inc., and

WHEREAS, City Council wishes to continue to proceed with the matter as expeditiously as possible.

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

Section 1. The City of Marion, by its Council, hereby enters agreement with Ken Seminatore who shall provide services as specifically directed in relation to the City's lease with Marion General Hospital Board, Inc. and the City's current evaluation of the health care services in the community.

Section 2. That the Auditor is authorized and directed to appropriate the additional necessary sum certain to provide for said employment, up to \$15,000.00 from Council's professional services account.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and 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 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: December 8, 1997

APPROVED: December 9, 1997

  
MAYOR

ATTEST:

  
CLERK



ORDINANCE NO. 1997- 156

ORDINANCE AUTHORIZING THE CITY AUDITOR TO MAKE PAYROLL DEDUCTIONS FOR EMPLOYEE DEBT REPAYMENTS, AND DECLARING AN EMERGENCY.

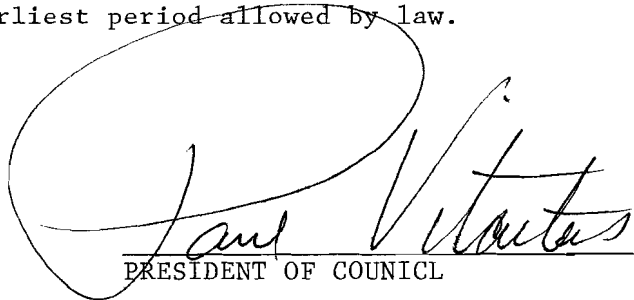
WHEREAS, the City Auditor has received a request to begin payroll deductions, and

WHEREAS, this Council must authorize all payroll deductions,

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

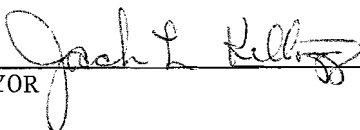
Section 1. That the City Auditor is hereby authorized to make payroll deductions for city employees' debt repayments when said employee has presented to the City Auditor a signed deduction agreement with a bonafide credit counseling service.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare and safety of the City of Marion and the inhabitants thereof; 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: December 8, 1997

APPROVED: December 9, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE 1997- 157

AN ORDINANCE PROVIDING FOR A WAIVER FROM  
THE REQUIREMENTS OF ORDINANCE NO. 1997-101  
FOR THE RIVER VALLEY BOOSTER CLUBS SANITARY  
TAP INTO THE CITY SANITARY SEWER SYSTEM GIVEN  
EXTENUATING CIRCUMSTANCES, AND DECLARING AN  
EMERGENCY

WHEREAS the River Valley Booster Club has requested that the City of Marion waive the obligations imposed by Ordinance 1997- 101 in order to allow for the connection of one sanitary sewer line from their proposed improvement located on the grounds of the River Valley Schools on Columbus - Sandusky Rd. N., and

WHEREAS the River Valley Schools have a pre-existing connection to the City Sewer System, this pre-dating the passage of Ordinance 1997-101, and are currently in good standing with the City regarding sanitary fees and associated charges, and

WHEREAS the River Valley Schools are a public entity devoted to serving the citizens of both Marion City and Marion County and the Booster Club is a benevolent service club, not-for-profit, dedicated to providing for the students and families of the River Valley Schools, and

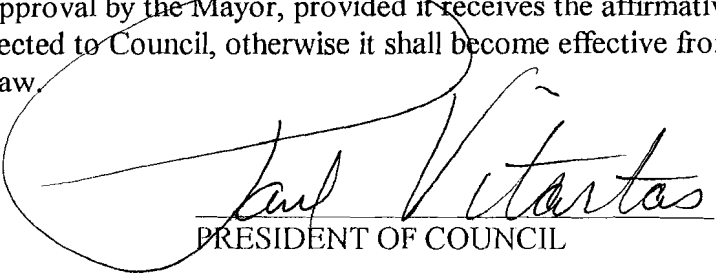
WHEREAS the waiver of the Obligations imposed under Ordinance 1997-101 would in this exclusive instance place no great additional burden upon the City's sanitary sewer system and further is considered only an additional tap upon a pre-existing service user,

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

SECTION 1. The River Valley Booster Club shall be entitled to a one-time waiver from the requirements of Ordinance 1997- 101 for the sole purpose of allowing the connection of one additional sanitary sewer line, upon the lands of the current service user, from their proposed improvement located on the grounds of the River Valley Schools on Columbus - Sandusky Rd. N. the responsibility for payment of service fees to be born by the River Valley Schools,

SECTION 2. The Council having specifically found the River Valley Booster Club to be in good standing with the City regarding sanitary fees and associated charges, and having found the School system and its' Booster Club, a benevolent service club not-for-profit, to be a public entity devoted to serving the citizens of both Marion City and Marion County,

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediate need for action so that the improvements may proceed without delay, which otherwise would significantly burden the project with additional cost and debt; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: December 8, 1997

APPROVED: December 9, 1997

  
MAYOR

ATTEST:

  
CLERK

AD CARE HEALTH SYSTEMS, INC.

Ordinance No. 1997 - 158

ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY FILED BY AD CARE HEALTH SYSTEMS, INC. AND CONTAINING 35.565 ACRES IN MARION TOWNSHIP TO THE CITY OF MARION.

Whereas, a petition for the annexation of certain territory in Marion Township was duly filed by David A. Tenwick, as Agent; and

Whereas, the petition was duly considered by the Board of County Commissioners of Marion County, Ohio, on September 16, 1997; and

Whereas, the Board of County Commissioners has approved the annexation of the territory to the City of Marion as hereinafter described; and

Whereas, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on October 7, 1997; 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 David E. Tenwick, as Agent, and a majority owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Marion County, Ohio on June 26, 1997, and which the petition prayed for annexation to the City of Marion, Ohio, of certain territory adjacent thereto as hereinafter described, and which the petition was approved for annexation to the City of Marion by the Board of County Commissioners on September 25, 1997, be and the same is hereby accepted. The territory is described as follows:

Situated in the Township of Marion, County of Marion, State of Ohio and being part of the Northeast Quarter of Section 33 and part of the Northwest Quarter of Section 34, Township 5 South, Range 15 East, and more particularly described as follows:

Commencing at a 1 inch iron pin in monument box found marking the intersection of the centerline of State Route 423 (Marion-Waldo Road) with the centerline of County Road 138b (Barks Road);

thence on an assumed bearing South 88 degrees 58 minutes 40 seconds West a distance of 1,986.36 feet along the south line of said Northwest Quarter and the centerline of County Road 138b (Barks Road) to a point marking the place of beginning referenced by a railroad spike found South 01 degrees 01 minutes 34 seconds East at 0.13 feet;

thence continuing South 88 degrees 58 minutes 40 seconds West a distance of 1,186.68 feet along the south line of said Northwest Quarter of Section 34 and the centerline of County Road 138b (Barks Road) to a railroad spike found marking the southwest corner of said Northwest Quarter of Section 34, passing over a railroad spike found at 300.00 feet;

thence South 89 degrees 02 minutes 49 seconds West a distance of 285.81 feet along the south line of said Northeast Quarter of Section 33 and the centerline of County Road 138b (Barks Road) to a 1 inch iron bolt found;

thence North 00 degrees 37 minutes 11 seconds West a distance of 1,047.61 feet to a stone found on the corporation line of the City of Marion, passing a 1 inch iron pin set at 20.00 feet;

thence North 88 degrees 26 minutes 22 seconds East a distance of 1,465.12 feet along said corporation line to a point, referenced by a 5/8 inch iron pin with cap marked "Stults & Assoc." found North 19 degrees 42 minutes 10 seconds East at 0.72 feet, passing over a 1 inch iron pin set marking the west line of said Northwest Quarter of Section 34 at 285.19 feet;

thence continuing along said corporation line South 01 degrees 01 minutes 34 seconds East a distance of 1,061.69 feet to a point marking the place of beginning, passing over a 5/8 inch iron pin found at 335.54 feet.

The above described tract contains 35.565 acres, more or less, with 6.876 acres located in said Northeast Quarter of Section 33 and 28.689 acres located in said Northwest Quarter of Section 34, based on a survey by Robert Lyn Makeever, P.E., P.S., Professional Surveyor Number 6828, dated January 30, 1997, but is subject to all highways, easements and restrictions of record.

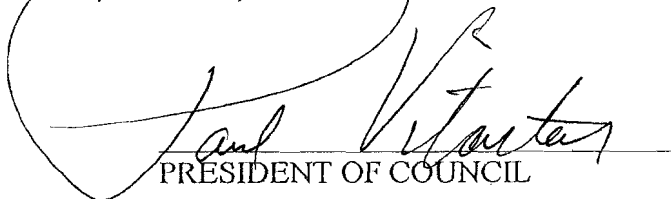
All one inch iron pins set are 30 inch long reinforcing rods with yellow plastic caps stamped "Makeever & Assoc." unless otherwise noted.

Prior Deed Reference: Official Record 340, PAGE 585  
Official Record 340, PAGE 591

The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council and have been for more than sixty days.

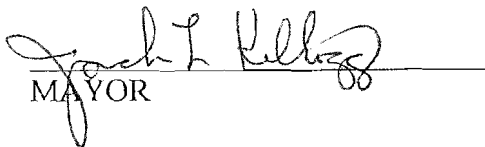
Section 2. That the Clerk of Council be and she is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

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

  
PRESIDENT OF COUNCIL

PASSED: December 8, 1997

APPROVED: December 9, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-159

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KUCERA INTERNATIONAL, INC. TO PROVIDE MAPPING SERVICES FOR THE INDUSTRIAL DEPOT SANITARY SEWER IMPROVEMENTS, IN THE CITY OF MARION, OHIO, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

**WHEREAS**, Ordinance 1996-24 established the project known as The Industrial Depot Sanitary Sewer Improvements; said project consisting of the replacement of an existing sanitary force main, north from the Industrial Depot on State Route 309 to the Marion Airport Industrial Park, and

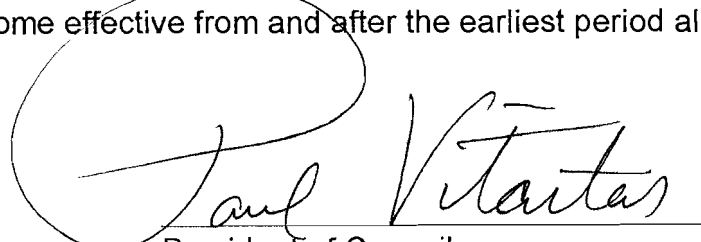
**WHEREAS**, Kucera International, Inc. of Willoughby, Ohio has tendered a proposal to provide the necessary survey and mapping services, the total cost for said product and service being \$3,600.00;

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

**Section 1.** The Safety/Service Director is directed and authorized to enter into contract with Kucera International, Inc. of Willoughby, Ohio to provide survey and mapping services, for the Industrial Depot Sanitary Sewer Improvements, the total cost for said services being \$3,600.00,

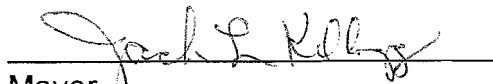
**Section 2.** That said contract shall be payable from the Industrial Depot Sanitary Sewer fund, Professional Services account, No. 464-05-100-230-000-320,

**Section 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof; given the immediate need for the completion of the Industrial Depot Sanitary Sewer 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 8, 1997

Approved: December 9, 1997

  
 \_\_\_\_\_  
 Mayor

Attest:

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

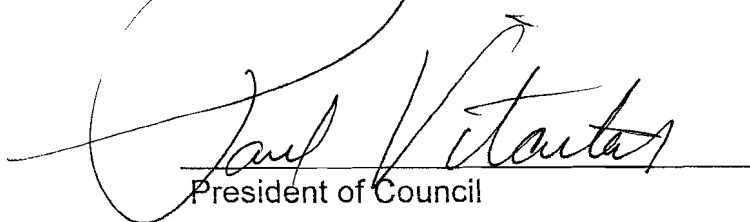
**ORDINANCE NO. 1997-160**

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR  
BIDS FOR THE INDUSTRIAL DEPOT SANITARY SEWER, AND  
DECLARING AN EMERGENCY.

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

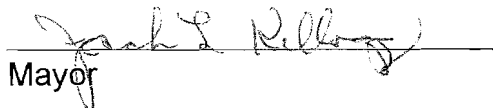
**Section 1.** That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications and advertise for bids for the Industrial Depot Sanitary Sewer.

**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 the City of Marion is required to meet project deadlines as established by the Ohio Public Works Commission, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

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

Passed: December 8, 1997

Approved: December 9, 1997

  
\_\_\_\_\_  
Mayor

Attest:

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

ORDINANCE NO. 1997- 161

## ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1997.

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 \$14,667.12 as follows:

FORMULA GRANT

FY95 Administration	275-04-54 <sup>6</sup> <del>5</del> -230-000-324	\$ 667.12
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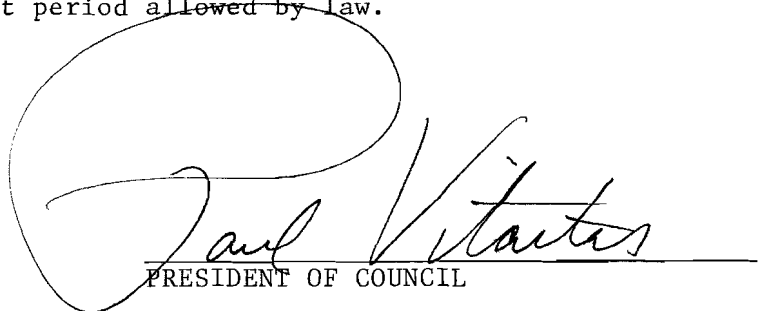
INDUSTRIAL DEPOT SANITARY SEWER

Professional Services	464-05-1 <sup>8</sup> <del>9</del> 0-230-000-320	\$7,000.00
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SEWER REPLACEMENT

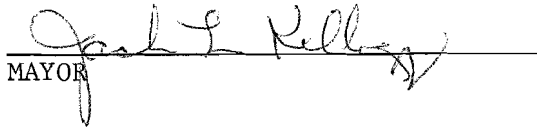
Transfer to Industrial Depot Sanitary Sewer	504-05-553-270-000-696	\$7,000.00
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Section 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

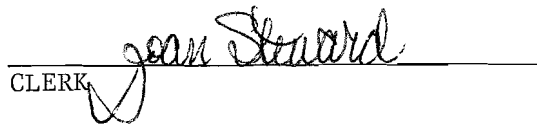
  
PRESIDENT OF COUNCIL

PASSED: December 8, 1997

APPROVED: December 9, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-162

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH PHOENIX FIRE SERVICE SYSTEMS  
TO PURCHASE 65 PASS DEVICES (PERSONAL ALERT SAFETY SYSTEMS) 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

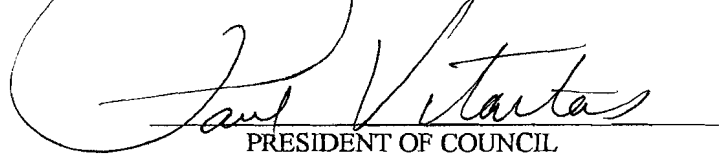
WHEREAS, Phoenix Fire Service Systems submitted the best proposal for the purchase of 65 PASS Devices (Personal Alert Safety Systems), therefore

**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 65 PASS devices (Personal Alert Safety Systems) for use at the Fire Department.

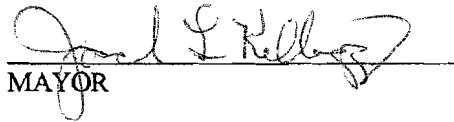
**Section 2.** That the \$6,850.00 cost of said contract shall be payable from the Fire Department Fund Account No. 101-01-131-250-000-450.

**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: December 8, 1997

APPROVED: December 9, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



ORDINANCE No. 1997 - 163

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND, AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT TO PROVIDE FOR SAME, AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42, and 5709.43 provide that this Council may describe public infrastructure improvements to be made which benefit certain parcels, declare improvements (as defined in O.R.C., Section 5709.40) with respect to such parcels of real property located in the City to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, in connection with the development of the LTV Steel Company, Inc. and Dual Rail Industrial Park Project, and with expected future development with commercial and manufacturing facilities, to be located on the individual parcels to be subdivided and developed within the approximately 47.805 acre area described in Exhibit A (the total 47.805 acre area being herein referred to as the "Property"), the City intends to make the public infrastructure improvements described in Exhibit B attached hereto (which public infrastructure improvements are herein referred to as the "Dual Rail Industrial Park Road Project") that once made will benefit the Property and each individual parcel within the Property; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code, and to authorize the Mayor to enter into an agreement to provide for same with LTV Steel Company, Inc.,

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

SECTION 1. The Dual Rail Industrial Park Road Project Improvements described in exhibit B hereto and to be made by the City are hereby designated as those public infrastructure improvements that benefit, or that once made will benefit, the Property and each individual parcel within the Property.

~~(that would first appear on the tax list and duplicate of real and public utility property)~~

SECTION 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, this Council hereby finds and determines that 100% of the increase in the assessed value of the Property and each individual parcel within the Property, subsequent to the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" as defined in said Section 5709.40) is a public purpose and 100% of said improvement is hereby declared to be a public purpose ~~for a period of 12 years and exempt from taxation commencing on the effective date of this Ordinance and ending on the date on which the City has collected into the Dual Rail Industrial Park Road Project Tax Increment Equivalent Fund herein after authorized a total payments in lieu of taxes paid by the owners with respect to the LTV Steel Company, Inc. Project being carried out by LTV, and other projects to be developed on the property in an amount sufficient to pay the balance of the City's cost of the Dual Rail Industrial Park Road Project Improvements, including without limitation the payment of principal and interest on the City's notes, bonds, or other obligations and any refunding obligations, issued to finance costs of The Dual Rail Industrial Park Road Project Improvements, and including reimbursement to the City for any funds temporarily advanced by the City to pay such Road Project Improvements costs, or to make such State loan repayments or such principal or interest payments, prior to receipt of said payments in lieu of taxes.~~

\*and exempt from real property taxation, which exemption period shall commence on the effective date of this Ordinance and said exemption shall extend thereafter for a period of 13 years, or said exemption period shall extend for such lesser period at

SECTION 3. As provided in Section 5709.42 of the Revised Code, the owners of the Improvements are hereby required to, and shall make, service payments in lieu of taxes to the County Treasurer on or before the final dates for payment of real property taxes, which service payments when distributed to the City by the County Treasurer shall be deposited in the Dual Rail Industrial Park Road Project Tax Increment Equivalent Fund established by section 4 hereof. The Mayor shall be authorized to execute on behalf of the City of Marion, Ohio the Tax Increment Financing Agreement between the City and LTV Steel Company, Inc. (the Agreement"), providing for among other things, the construction of the building improvements on the property or adjacent thereto or on the Property and payment of such service payments, in substantially the form as exists on the date of this Ordinance, together with such changes as are consistent with this Ordinance and that are approved by the Mayor, Auditor and Director of Law. This Council further hereby authorizes and directs the Mayor, the Director of Law, the Auditor, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to carrying out the Agreement, and to make such arrangements as are necessary and proper for payment by the owners of said service payments in lieu of taxes.

SECTION 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Dual Rail Industrial Park Road Project Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the service payments in lieu of taxes distributed to the City with respect to the Improvements on the Property and each individual parcel of the Property, by or on behalf of the County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the monies deposited in the Fund shall be used solely for the following purposes:

- (I) To pay costs of the Dual Rail industrial Park Project, and
- (ii) To pay the interest on and principal of bonds or notes, including refunding bonds or notes, issued by the City in order to finance the Dual Rail Industrial Park Road Project until such notes or bonds are paid full, and including reimbursement to the City for any funds temporarily advanced by the City to pay such costs, interest, or principal, prior to receipt of said service payments,

The Fund shall remain in existence so long as such service payments and income tax payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43; provided, however, that at the time of such dissolution any monies remaining in said Fund resulting from the collection of service payments in lieu of taxes from owners of the Improvements with respect to the Property shall be divided among the City, the City School System in amounts which are in the same proportion as the City's and School Districts' total real property tax levies for the tax year proceeding the year of dissolution of such fund, and such City amount shall be retained by the City and transferred to the General Fund of the City and the Schools funds transferred to the School System, and all monies which may remain in said Fund resulting from the collection taxes levied on the LTV Steel Company, Inc. Project and other projects developed or to be developed on the Property, shall be transferred over to the General Fund of the City.

Section 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of this Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after of passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Auditor shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

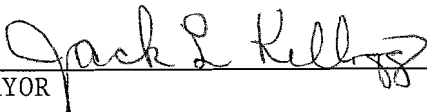
Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal action were in meetings open to the public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

SECTION 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Marion and for the further reason that this Ordinance is required to be immediately effective in order to provide for the funding of the above improvements so that such improvements may be constructed as quickly as possible, in order to provide necessary jobs and employment opportunities and improve the economic welfare of the people and generate vitally needed taxes and payments in lieu of tax revenues. Wherefore, this Ordinance shall be in full force and 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.

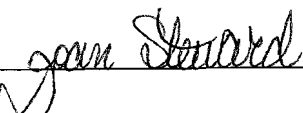
  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: January 26, 1998

APPROVED: January 27, 1998

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

B. MARION-WILLIAMSPORT ROAD

The Marion-Williamsport Road segment in question is 2790 feet east of the new industrial park road. Improvements will include pavement widening and grading improvements to the Norfolk & Southern Railroad crossing and possibly including a partial realignment of the Marion-Williamsport Road and Main Street intersection.

ORDINANCE NO. 1997- 164

## ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1997.

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

Section 1. That there be appropriation adjustments made in various funds in the amount of \$73,369.60 as follows:

GENERAL FUNDPolice

Salaries	101-01-111-210-000-111	\$10,000
Benefits	101-01-111-210-000-120	34,000
Schooling	101-01-111-230-000-221	( 3,000)
Special Training	101-01-111-230-000-222	( 1,000)
Prof.Service	101-01-111-230-000-320	( 2,298)
Service Contracts	101-01-111-230-000-321	( 5,000)
Insurance Premiums	101-01-111-230-000-380	30,000
Legal Ads	101-01-111-230-000-390	( 600)
Unclaimed Vehicles	101-01-111-230-000-550	( 2,000)
Motor Fuel	101-01-111-240-000-430	( 2,500)
3rd Grade Safety Belt	101-01-111-240-000-432	( 1,400)

Jail

Salaries	101-01-112-210-000-110	700
Benefits	101-01-112-210-000-120	1,425
Prisoner Hsg	101-01-112-230-000-352	( 1,500)
Prisoner Medical	101-01-112-230-000-353	( 4,000)
Equip. Maintenance	101-01-112-230-000-360	( 1,500)
Prisoner Sustenance	101-01-112-240-000-350	1,500

Dispatch

Salaries	101-01-113-210-000-110	14,825
Benefits	101-01-113-210-000-120	12,747
QrtMaster	101-01-113-210-000-140	( 1,500)
Service Contracts	101-01-113-230-000-321	( 3,500)

Fire

Salaries	101-01-131-210-000-111	(120,000)
Benefits	101-01-131-210-000-120	70,000

Recreation

Salaries	101-03-422-210-000-110	250
Benefits	101-03-422-210-000-120	1,750
Insurance Premiums	101-03-422-230-000-380	891

Economic Development

Prof. Service	101-04-539-230-000-320	(12,000)
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Parking Meters

Salaries	101-06-615-210-000-110	(17,180)
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Airport

Salaries	101-06-621-210-000-110	( 2,000)
Benefits	101-06-621-210-000-120	3,100
Land Bldg.Maintanance	101-06-621-230-000-370	( 1,100)

<u>Mayor</u>		
Salaries	101-07-710-210-000-110	3,000
Benefits	101-07-710-210-000-120	2,000
Travel	101-07-710-220-000-220	( 2,000)
Prof.Services	101-07-710-230-000-320	( 800)
Service Contracts	101-07-710-230-000-321	( 2,200)
<u>Auditor</u>		
Salaries	101-07-711-210-000-110	( 1,200)
Benefits	101-07-711-210-000-120	3,050
Schooling	101-07-711-230-000-221	( 2,155)
<u>Income Tax</u>		
Salaries	101-07-712-210-000-110	( 3,500)
Benefits	101-07-712-210-000-120	3,500
<u>Treasurer</u>		
Salaries	101-07-713-210-000-110	230
Benefits	101-07-713-210-000-120	75
<u>Law Director</u>		
Salaries	101-07-714-210-000-110	1,500
Schooling	101-07-714-230-000-221	( 1,000)
<u>Human Resources</u>		
Salaries	101-07-715-210-000-110	1,140
Benefits	101-07-715-210-000-120	( 750)
<u>Safety/Service</u>		
Salaries	101-07-716-210-000-110	950
Benefits	101-07-716-210-000-120	4,250
Demolition	101-07-716-230-000-323	( 5,200)
<u>Civil Service</u>		
Benefits	101-07-717-210-000-120	100
Prof.Services	101-07-717-230-000-320	( 100)
<u>Council</u>		
Salaries	101-07-721-210-000-110	275
Benefits	101-07-721-210-000-120	325
Service Contracts	101-07-721-230-000-321	( 600)
<u>Municipal Court</u>		
Salaries	101-07-731-210-000-110	( 8,000)
Benefits	101-07-731-210-000-120	10,000
Supplies	101-07-731-240-000-420	( 2,000)
<u>Engineering</u>		
Salaries	101-07-743-210-000-110	( 1,000)
Benefits	101-07-743-210-000-120	1,000
TOTAL GENERAL FUND.....- 0 -		

<u>SCMR</u>		
Salaries	207-06-612-210-000-110	33,000
Benefits	207-06-612-210-000-120	16,000
Insurance Premiums	207-06-612-230-000-380	( 4,954)
Resurfacing Projects	207-06-612-230-000-531	(23,185)
TOTAL SCMR FUND..... \$ 20,861		

COPS Fast  
 Salaries 211-01-111-210-000-111 \$10,000  
 TOTAL COPS Fast Fund..... \$10,000

GO Bond Retirement  
 Prof. Services 343-08-911-230-000-320 ( 1,183.50)  
 GO Note Interest 343-08-911-260-000-609 3,487.50  
 TOTAL G.O. Bond Retirement Fund ..... \$ 2,304

Sewer Revenue  
 MIR Benefits 505-05-551-210-000-120 8,500  
 Prof. Services 505-05-551-230-000-320 ( 4,400)  
 Insurance Premiums 505-05-551-230-000-380 ( 1,600)  
 Supplies 505-05-551-240-000-420 ( 2,500)  
 WPC Salaries 505-05-552-210-000-110 4,000  
 Benefits 505-05-552-210-000-120 10,000  
 Schooling 505-05-552-230-000-221 ( 5,000)  
 Insurance Premiums 505-05-552-230-000-380 ( 9,000)  
 TOTAL SEWER REVENUE FUND ..... - 0 -

Sanitation  
 Salaries 506-05-561-210-000-110 37,000  
 Benefits 506-05-561-210-000-120 1,300  
 TOTAL SANITATION FUND. .... \$38,300

Recycling  
 Salaries 508-05-564-210-000-110 ( 2,200)  
 Benefits 508-05-564-210-000-120 2,200  
 TOTAL RECYCLING FUND..... - 0 -

Police & Fire Pension  
 Tran. to Gen. Fund 735-09-821-270-000-790 1,904.60  
 TOTAL POLICE & FIRE PENSION FUND.....\$ 1,904.60


GRAND TOTAL..... \$73,369.60

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 29, 1997

APPROVED: December 30, 1997

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1997-165

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS ~~AND ENTER INTO CONTRACT~~ FOR (1) MOTOR VEHICLE FOR USE BY THE MUNICIPAL COURT BAILIFF, ~~AND DECLARING AN EMERGENCY.~~

WHEREAS, the 1989 Plymouth Reliant K is in a bad state of repair, has high mileage, and is an unsafe vehicle,

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

Section 1. That the Safety/Service Director is hereby authorized and directed to prepare specifications, advertise for bids and enter into contract for (1) motor vehicle for use by the Marion Municipal Court Bailiff.

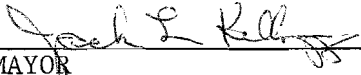
Section 2. That the 1989 Plymouth Valiant K, Serial #N3P3BK46K5KT969558, now in use by the Bailiff shall be traded in to the winning bidder.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that the present motor vehicle is unsafe; and as such, shall take effect and be in force immediately upon its passage and approval by the 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.

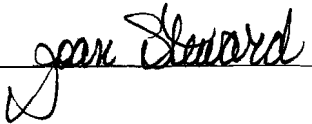
  
PRESIDENT OF COUNCIL

PASSED: December 29, 1997

APPROVED: December 30, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-15

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LASKARIS, JAMES AND EBLIN TO PURCHASE (2) COMPUTER SYSTEMS FOR USE IN THE JUVENILE INTERVENTION PROGRAM, AND DECLARING AN EMERGENCY.

**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**, Laskaris, James and Eblin, 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 Laskaris, James and Eblin, to purchase (2) computer systems for use in the Juvenile Intervention Program.

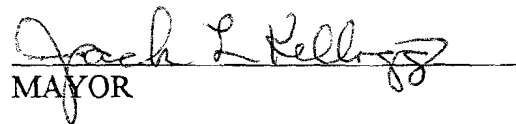
**Section 2.** That the \$5,722.98 cost of said contract shall be payable from the Juvenile Intervention Fund Account No. 212-01-111-250-000-450.

**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 due to production requirements of program, and as such, shall take effect and be in force immediately upon its passage and approval by the 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 24, 1997

APPROVED: February 25, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



*Section III amended  
by Ord. 1997-67*

**ORDINANCE NO. 1997-16**

**AN ORDINANCE ESTABLISHING AN EQUIVALENT RESIDENTIAL UNIT (ERU) SIZE AND USER CHARGE RATE IN ACCORDANCE WITH CHAPTER 915: STORM WATER DRAINAGE SYSTEM OF THE CITY OF MARION'S CODIFIED ORDINANCES.**

*WHEREAS,* the City Council of the City of Marion, Ohio has passed Ordinance No. 1996-148 establishing "Chapter 915: Storm Water Drainage System" of the City of Marion Codified Ordinances; and,

*WHEREAS,* in accordance with Sections 915.17 and 915.18 of said Chapter, the city is to establish an Equivalent Residential Unit (ERU), which measures the volume of storm water discharge, and a user charge rate per ERU.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARION, OHIO:**

SECTION I: That the City of Marion Equivalent Residential Unit (ERU) hereby represents two thousand seven hundred seventy eight (2,778) square feet.

SECTION II: That the user charge rate hereby be established as four and 16/100 dollars (\$4.16) per each ERU per month.

SECTION III: That qualified senior citizens and disabled persons receive a (50%) discount in regards to all Storm Drainage Utility Billings in accordance with the qualifying criteria set forth in Section 943.19 of the Marion Codified Ordinances.

SECTION IV: That the beginning date for the assessment of the Storm Drainage user charge is May 1, 1997

*[Signature]*  
PRESIDENT OF COUNCIL

PASSED: February 24, 1997

APPROVED: February 25, 1997

*[Signature]*  
MAYOR

ATTEST

*[Signature]*  
CLERK OF COUNCIL

*Published:  
The Marion Star  
March 21 + 28, 1997  
Joan Steward  
Clerk of Council*

**ORDINANCE NO. 1997-17**

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR AIRPORT SIGNAGE AT MARION MUNICIPAL AIRPORT AND THE AIRPORT INDUSTRIAL PARK.**

**WHEREAS**, modern professional signage for the Airport and Airport Industrial Park is needed to reflect growth and encourage economic development, therefore

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

**SECTION 1.** That Council authorize the Safety/Service Director to prepare specifications and advertise for bids for airport signage at Marion Municipal Airport and the Airport Industrial Park.

**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:** January 27, 1997

**APPROVED:** January 28, 1997

John L. Kilby  
**MAYOR**

**ATTEST:**

Jean Steward  
**CLERK OF COUNCIL**

**ORDINANCE NO. 1997-18**

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT TO ACCEPT ONE TEN UNIT T-HANGAR FROM PORT COLUMBUS AIRPORT AUTHORITY AND FURTHER ENTER AGREEMENT WITH KNOX COUNTY AIRPORT AUTHORITY OR CAMBRIDGE AIRPORT AUTHORITY FOR DISASSEMBLY AND TRANSPORTATION OF SAID HANGAR TO MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.**

**WHEREAS**, Marion Municipal Airport was awarded one ten unit T-hangar out of three that Port Columbus Airport Authority held a lottery for on January 6, 1997, and

**WHEREAS**, Port Columbus Airport Authority will authorize one contractor to disassemble and remove all three T-hangars for Marion, Knox and Cambridge, and

**WHEREAS**, currently Knox and Cambridge are contracting for the work required which will fulfill bid requirements for the City of Marion, and

**WHEREAS**, current estimates for disassembly and transport are expected to be \$25,000., the actual cost will be subject to the results of the Knox and Cambridge bid openings, and

**WHEREAS**, due to time restrictions and possible cost limitations it is understood that the aforementioned contracts may not be executed if it becomes evident that's cost or time limitations are prohibitive, therefore

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

**SECTION 1.** That Council authorize the Safety/Service Director to accept the one ten unit T-hangar from Port Columbus Airport Authority.

**SECTION 2.** That Council authorize the Safety/Service Director to enter into agreement with either Knox or Cambridge Airport Authority to disassembly and transport T-hangars to the Marion Municipal Airport.

**SECTION 3.** Additional appropriations of \$25,000. for the work in Section 2.

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

*Mark C. McGuinness*  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL Pro Tempore

PASSED: January 27, 1997

APPROVED: January 28, 1997

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

ATTEST:

*Gene Steward*  
 \_\_\_\_\_  
 CLERK OF COUNCIL

ORDINANCE NO. 1997-19

ORDINANCE APPROVING THE PURCHASE OF FOUR (4) BUSES FOR MARION AREA TRANSIT AND DECLARING AN EMERGENCY.

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

WHEREAS, Resolution No. 1996-17 authorized the City to participate in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program,

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

Section 1. That the Safety/Service Director is hereby authorized to enter into contract for the purchase of four (4) 12-2 LTV Vehicle (Buses) through the ODOT Cooperative Purchasing Program for Marion Area Transit.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of said City; and due to the grant expiring on February 28, 1997, and as such, shall take effect and be in force immediately upon its passage and approval by the 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: January 27, 1997

APPROVED: January 28, 1997

Jack P. Kelly  
Mayor

Attest:

Jean Steward  
Clerk

ORDINANCE NO. 1997 - 20

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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

Section 1. That there be appropriation adjustments made in various funds in the amount of a net addition of \$26,261.33 as follows:

General Fund

F. Y. 97 ODPS Grant	101-01-131-230-147-223	\$ 10,038.00
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CHIP Grant Fund

Administration	272-04-546-230-000-324	\$ (2,000.00)
Implementation	272-04-546-230-000-326	<u>5,000.00</u>

TOTAL CHIP GRANT		\$ (7,000.00)
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Formula Grant Fund

Administration	275-04-546-230-000-324	\$ (2,000.00)
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Airport Industrial Park Fund

Transfer to UDAG Loan Repayment Fund	410-04-539-270-000-709	\$ 25,223.33
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<b>GRAND TOTAL</b>		<b>\$ 26,261.33</b>
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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: January 27, 1997

APPROVED: January 28, 1997

*Jack L. Kelly*  
MAYOR

ATTEST:

*Jean Steward*  
CLERK

ORDINANCE NO. 1997-21

Ordinance to amend Ordinance No. 1969-29, (known as the Yarger Report), as amended, by establishing the position of Payroll Specialist in the City Auditor's Office, said position is within the United Steel Workers of America (USWA Local - 1949 Unit 2) within the service of the City of Marion at pay grade 20 with benefits.

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

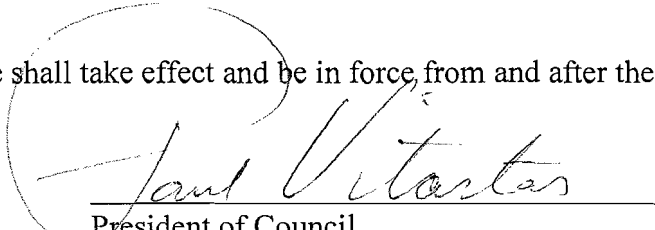
**Section 1.** That, whereas the City wishes to maintain a nearly equitable wage range congruent with the responsibilities of the position of Payroll Specialist, we hereby further amended Ordinance No. 1969-29 by granting a new position and grade to be added to the existing USWA grades as follows:

Position	Grade	Steps		
		A	B	C
Payroll Specialist	20	10.14	11.93	13.52

**Section 2.** That Ordinance No.1969-29, as amended, is hereby further amended by providing for this new position and grade of 20 to be added to the Yarger Report. With the Account Clerk II position to remain permanently unfilled in the City Auditor's office.

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

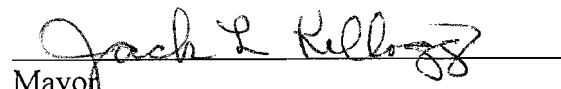
**Section 4.** That this Ordinance shall take effect and be in force, from and after the earliest period allowed by law.




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

Passed: February 24, 1997

Approved: February 25, 1997



\_\_\_\_\_  
Mayor

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

JOB TITLE: Payroll Specialist

Exempt (Y/N): No	JOB CODE:
SALARY LEVEL: 20	DOT CODE:
SHIFT: 1st	DIVISION: Finance
LOCATION: City Hall	DEPARTMENT: City Auditor
EMPLOYEE NAME:	SUPERVISOR: City Auditor Cramer
PREPARED BY: HR Director Spitzer	DATE: 01/15/97
APPROVED BY: City Auditor Cramer	DATE: 01/17/97

SUMMARY: Coordinates and performs the recording of hours of work, processing time records, compiling payroll statistics, maintaining payroll control records and calculating payrolls. Works independently, exercising good judgement in the application of prescribed procedures and regulations in routine matters.

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

Reviews personnel data for corrections of rates of pay, positions, departments, of newly hired workers and changes in wage rates, positions and departments of employees on the City payroll.

Inputs employee data into payroll computer system, and manual records, new or changed pay rates in payroll register or computer system files.

Performs and reviews the computation of pay according to City policy.

Performs and reviews the changes and increases for step, and longevity increases.

Reviews payroll summaries and time cards to ensure accuracy.

Issues written and oral instructions.

Examines work for exactness, neatness, and conformance to policies and procedures.

Studies and recommends procedural changes to improve efficiency of this position.

Adjusts errors and complaints.

SUPERVISORY RESPONSIBILITIES:

This is a partially self directed work environment.

USER-DEFINED:

Should have the ability to communicate effectively. Accuracy and neatness a must.

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:

Associate's degree (A. A.) or equivalent from two-year college or technical school; or five (5) years related experience and/or training; or equivalent combination of education and experience; or hold a certified Payroll Professional Certification from the American Payroll association.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, and governmental regulations. Ability to write reports, correspondence, and procedure manuals. Ability to effectively present information and respond to questions from managers, employees, and the general public.

MATHEMATICAL SKILLS:

Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area, circumference, and volume. Ability to apply concepts of basic algebra and geometry.

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:

Oversees the Tuition Trust Program, the US Savings Bond Program and the new Employee documents. Coordinates AFLAC Section 125 Program. Composes and types routine correspondence.

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; and talk or hear. The employee frequently is required to sit. The employee is occasionally required to stand; walk; 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 is occasionally exposed to risk of electrical shock.

The noise level in the work environment is usually moderate.

COMMENTS:

This position works closely with the Investment and Internal Auditor with immediate supervision from the Deputy City Auditor. The City Auditor is the direct supervisor of this position.

## ORDINANCE NO. 1997 - 22

**ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER) CREATING  
THE POSITION OF AIRPORT MAINTENANCE DIRECTOR; AND  
ESTABLISHING SALARY AND BENEFITS FOR SAID POSITION.**

WHEREAS, it has been determined that the position of Airport Maintenance Director has become necessary to manage and coordinate the maintenance of the Airport in the City of Marion, therefor

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

**Section 1.** That there is hereby created the position of Airport Maintenance Director for the City of Marion and that said position shall report to the Director of Aviation of the Marion Municipal Airport.

**Section 2.** That the pay grade for the Airport Maintenance Director position shall be pay grade 16 in the Non-Bargaining Unit. The position of *Maintenance Technician* will remain unfilled.

**Section 3.** That in addition to the compensation provided, the Airport Maintenance Director shall be entitled to the working conditions and employee benefits and policies and procedures, provided for all other non-bargaining full time employees.

**Section 4.** That the job description for said Airport Maintenance Director position is attached hereto and incorporated herein by reference and shall be 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.

*Mark C. McGuinness*  
\_\_\_\_\_  
**President of Council** Pro Tempore

Passed: January 27, 1997

Approved: January 28, 1997

*Jack L. Kellogg*  
\_\_\_\_\_  
**Mayor**

Attest:  
*Joan Howard*  
\_\_\_\_\_  
**Clerk**



ORDINANCE NO. 1997-23

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH JOHN HALLER FOR THE  
PURCHASE OF ONE (1) K-9 UNIT INCLUDING HANDLER TRAINING,  
AND DECLARING AN EMERGENCY.

**WHEREAS**, John Haller submitted the lowest and most responsive bid,

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

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with John Haller for the purchase of one (1) K-9 Unit including handler training.

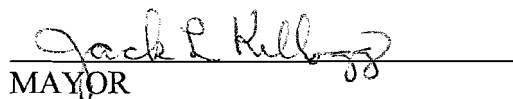
**Section 2.** That the \$7,000.00 cost of said contract shall be payable from the Law Enforcement Block Grant Fund No. 213-01-546-250-000-450.

**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 due to scheduling of training; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 10, 1997

APPROVED: February 11, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

**ORDINANCE NO. 1997-24**

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HAZMAT ENVIRONMENTAL, PROCTORVILLE, OHIO, AND TO APPROPRIATE FUNDS FOR THE REMOVAL OF ASBESTOS FROM THE FORMER HARDING FRESHMAN BUILDING GYM ON W. CHURCH STREET, PROJECT 97-1M, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 1996-88 authorized the preparation of plans, specifications and advertising for bids for the removal of asbestos from the former Harding Freshman Building Gym, in the City of Marion, Ohio, and

**WHEREAS**, Hazmat Environmental submitted the best and lowest responsive bid of \$41,675.00,

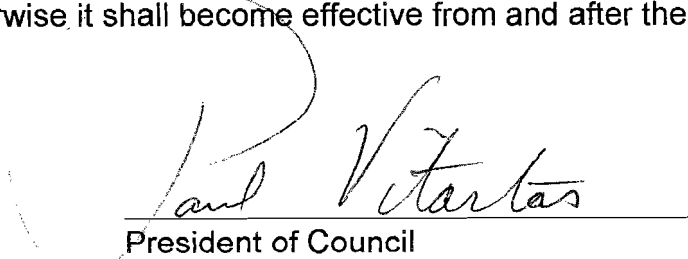
**BE IT ORDAINED BY** the Council of the City of Marion, Marion County, Ohio:

**SECTION 1.** That the Safety/Service Director be directed to enter into contract with Hazmat Environmental for the Removal of Asbestos from the former Harding Freshman Building Gym, Project 97-1M.

**SECTION 2.** That there be additional appropriations made in the amount of \$41,675 in the City Engineers Professional Services Fund (101-07-743-230-000-320).

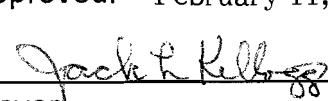
**SECTION 3.** That said contract shall be payable from the City Engineers Professional Services Fund.

**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.

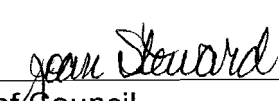
  
\_\_\_\_\_  
President of Council

Passed: February 10, 1997

Approved: February 11, 1997

  
\_\_\_\_\_  
Mayor

Attest:

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

ORDINANCE NO. 1997-25

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH H & H EXCAVATING FOR THE DEMOLITION OF 621 WALLACE COURT 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 621 Wallace Court.

**Section 2.** That the \$5,175.00 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: February 10, 1997

APPROVED: February 11, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-26

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH B & C COMMUNICATIONS FOR THE PURCHASE AND INSTALLATION OF ONE (1) ELECTRONIC WARNING SIREN AT FIRE STATION #1 AND APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

*WHEREAS*, Ordinance 1996-111 authorized the Safety/Service Director to advertise for bids for Electronic Warning Sirens, and

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

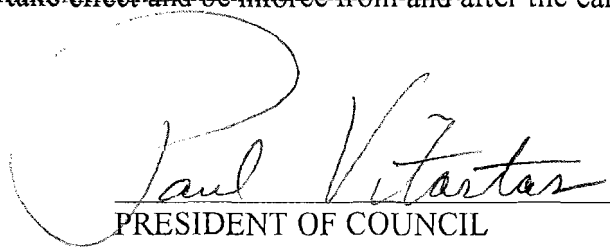
*BE IT ORDAINED* by the Council of the City of Marion, Marion County, Ohio:

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with B & C Communications for the purchase and installation of one (1) Electronic Warning Siren at #1 Fire Station.

**Section 2.** That the \$18,725.00 cost of said contract shall be payable from the Civil Defense Fund.

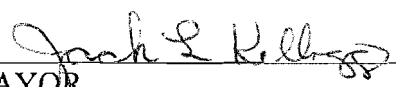
**Section 3.** That there be an appropriation in the amount of \$11,725.00 made in the General Fund Account No. 101-01-141-250-000-520.

\* ~~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: February 10, 1997

APPROVED: February 11, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

\* **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 the earliest period allowed by law.

Corrected on Council floor

ORDINANCE NO. 1997-27

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

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

Section 1. That Section 912.10 of Chapter 912.10 of the Chapter 912 of the Codified Ordinances, as amended and now reading in part as follows:

**"912.10 USER CHARGE"**

(a) User Charge

- (1) \$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;

is hereby amended to read as follows:

(a) User Charge

- (1) \$4.24 per monthly bill;
- (2) \$7.74 per bimonthly bill;
- (3) \$0.938 per 100 cubic feet for monthly bill;
- (4) \$0.938 per 100 cubic feet for bimonthly bill;

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

*[Signature]*  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

PASSED: March 10, 1997

APPROVED: March 11, 1997

*[Signature]*  
 \_\_\_\_\_  
 MAYOR

ATTEST:

*[Signature]*  
 \_\_\_\_\_  
 CLERK OF COUNCIL

*Published:*  
*The Marion Star*  
*March 21 + 28, 1997*  
*Joan Steward*  
*Clerk of Council*

ORDINANCE NO. 1997- 28

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1997.

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

Section 1. That there be appropriation adjustments made in various funds in the net amount of \$42,351.47, as follows:

GENERAL FUND

Airport Capital Improvements	101-06-621-250-000-520	(\$25,000.00)
Transfer to Local Law Enforcement Block Grant Fund	101-09-745-270-000-698	\$2,125.00
Transfer to Dare Grant Fund	101-09-745-270-000-699	\$49,520.00
Police Salaries	101-01-111-210-000-111	(\$50,322.00)
Police Benefits	101-01-111-210-000-120	(\$20,321.00)
	TOTAL GENERAL FUND.....	(\$43,998.00)

LAW ENFORCEMENT BLOCK GRANT FUND

Equipment	213-01-546-250-000-450	\$21,248.00
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D.A.R.E GRANT FUND

Salaries	216-01-111-210-000-111	\$50,322.00
Benefits	216-01-111-210-000-120	20,321.00
	TOTAL D.A.R.E GRANT FUND	\$70,643.00

SENIOR CITIZENS FUND

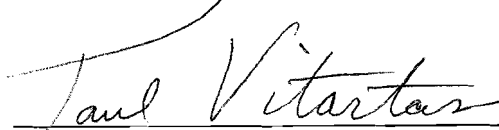
Administration	203-03-424-240-000-324	\$ 2,444.98
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CAPITAL IMPROVEMENT FUND


Storm Sewer Improvements	401-09-545-270-000-705	(\$3,299.50)
" " "	401-09-546-270-000-705	(\$3,587.75)
" " "	401-09-546-270-000-624	(\$1,099.26)
	TOTAL CAPITAL IMPROVEMENT FUND	(\$7,986.51)

GRAND TOTAL..... \$42,351.47


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

  
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 PRESIDENT OF COUNCIL

PASSED: February 10, 1997  
 APPROVED: February 11, 1997

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1997- 29

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ZOLL MEDICAL CORPORATION TO PURCHASE THREE & TRADING TWO DEFIBRILLATORS & SUPPORT EQUIPMENT 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*, Zoll Medical Corporation submitted the best proposal for the replacement of two defibrillators and the purchase of three new ones, 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 Zoll Medical Corporation, to purchase three (3) Model PD-1400 Defibrillators for use at the Fire Department.


**Section 2.** That the Safety/Service Director be authorized and is hereby directed to trade in two defibrillators, #00003714 (Asset Number 11295) and #00036884 (Asset Number 53050). That the \$9495.00 cost of said contract shall be payable from the Fire Department Fund Account No. 101-01-131-230-145-223 in the amount of \$4500.00 & 101-01-131-250-000-450 in the amount of \$4995.00.

**Section 3.** That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and 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 24, 1997

APPROVED: February 25, 1997

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

ORDINANCE NO. 1997- 30

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

*WHEREAS*, pursuant to Ordinance 1997-7, the Safety/Service Director was authorized to advertise for bids for the purchase of five (5) Police Vehicles, and


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

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

**Section 1.** That the Safety/Service Director be authorized and is hereby authorized to enter into contract with Mathews Kennedy Ford Lincoln Mercury, Inc., for the purchase of five (5) police vehicles at \$20,654.00 each.

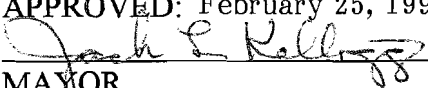
**Section 3.** That the cost of said contract in the amount of \$103,270.00 shall be payable from the Police Department Capital Equipment Fund 101-01-111-250-000-450.

**Section 4.** That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the current condition of fleet is deteriorated; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 24, 1997

APPROVED: February 25, 1997

  
\_\_\_\_\_  
MAYOR

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



ORDINANCE NO. 1997-31

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH R. A. BORES EXCAVATING, INC., BELLEVUE, OHIO, AND TO APPROPRIATE FUNDS FOR THE BELLEFONTAINE/STONEWALL DRIVE SANITARY SEWER, PROJECT 97-2S, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 1997-08 authorized the preparation of plans, specifications and advertising for bids for the Bellefontaine Avenue/Stonewall Drive Sanitary Sewer, Project 97-2S, in the City of Marion, Ohio and

**WHEREAS**, R. A. Bores Excavating, Inc. submitted the best and lowest bid of \$15,405.75,

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

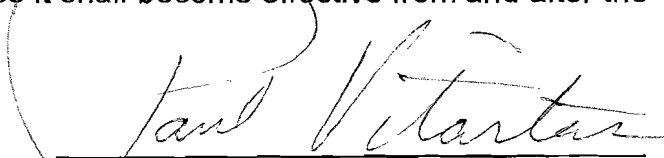
**SECTION 1.** That the Safety/Service Director be directed to enter into contract with R. A. Bores Excavating, Inc. for the Bellefontaine Avenue/Stonewall Drive Sanitary Sewer, Project 97-2S.

**SECTION 2.** That there be additional General Fund appropriations made in the amount of \$15,405.75 in the City Engineers Capital Improvements Fund (101-07-743-250-000-520).

**SECTION 3.** That said contract shall be payable from the City Engineers Capital Improvements Fund.

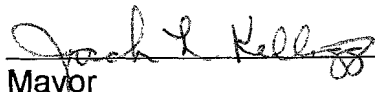
**SECTION 4.** That when funds become available in the Sewer Revenue Fund, said expenditure shall be reimbursed to the General Fund by the Sewer Revenue Fund.

**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 its passage and approval by the 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 24, 1997

Approved: February 25, 1997

  
\_\_\_\_\_  
Mayor

Attest:

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

ORDINANCE NO. 1997- 32

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 1997.

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

Section 1. That there be appropriation adjustments made in various funds in the net amount of (\$57,535.00) as follows:

TRANSIT FUND

Equipment 502-06-547-250-000-450 \$6,215.00

SEWER REVENUE FUND

Transfer to Utility Billing 505-05-552-270-000-717 (\$28,000.00)

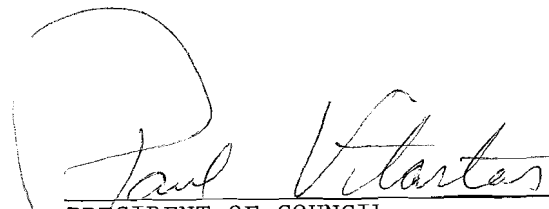
SANITATION FUND

Transfer to Utility Billing 506-05-561-270-000-717 (\$32,000.00)

RECYCLING FUND


Transfer to Utility Billing 508-05-564-270-000-717 ( \$3,750.00)

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

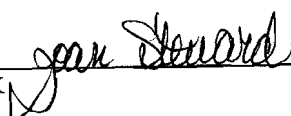
  
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PRESIDENT OF COUNCIL

PASSED: February 24, 1997

APPROVED: February 25, 1997

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK

ORDINANCE NO. 1997- 33

ORDINANCE TO VACATE A 15-FOOT WIDE NORTH-SOUTH ALLEY BETWEEN LOTS 5722 & 5723 ON THE NORTH SIDE OF EAST MARK STREET IN THE GEBHARDT SUBDIVISION TO THE CITY OF MARION. (Petitioner: Max Sewald)

WHEREAS, in the opinion of this Council, there is good cause for vacating a 15-foot wide north-south alley between Lots 5722 & 5723 on the north side of East Mark Street, and

WHEREAS, the petition by Max Sewald to vacate this alley was unanimously approved by the Marion City Planning Commission at its meeting of January 7, 1997, 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 a 15-foot wide north-south alley bordered by Lot 5723 on the east side and Lot 5722 on the west side, a 15-foot east-west alley to the north and Mark Street on the south, in the Gebhardt subdivision,

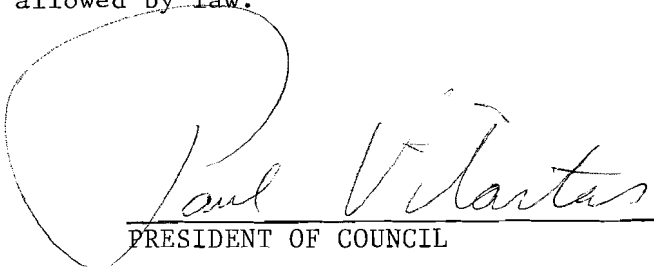
be and is hereby vacated.

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

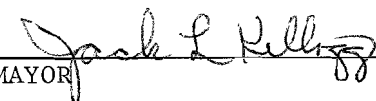
Section 3. That nothing in this ordinance shall be construed to affect any right-of-way or easement now held by the City of Marion, in, under, over or across the above mentioned property for sewer purposes or for use by any public utility operating under a franchise with the City of Marion, and the vacation 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.

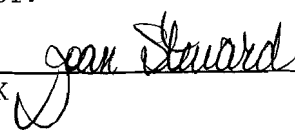
Section 4. That the Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

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: February 24, 1997  
APPROVED: February 25, 1997

  
MAYOR

ATTEST:  
  
CLERK


ORDINANCE NO. 1997-34

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF FIFTEEN (15) SETS OF FIRE FIGHTERS GEAR AND DECLARING AN EMERGENCY.**

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

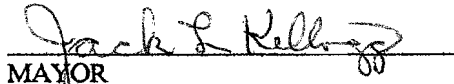
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the purchase of fifteen (15) sets of firefighter gear.

**Section 2.** That this ordinance is hereby declared 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 10, 1997

APPROVED: March 11, 1997

  
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MAYOR

ATTEST:

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

**ORDINANCE NO. 1997-35**

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH QUANTERRA ENVIRONMENTAL  
SERVICES FOR ANALYTICAL SERVICES AT MARION CITY SANITARY  
LANDFILL AS REQUIRED BY EPA FOR A PERIOD OF ONE (1) YEAR  
WITH AN OPTION YEAR AND DECLARING AN EMERGENCY.

*WHEREAS*, Ordinance 1997-2 authorized the Safety/Service Director to advertise for bids for Analytical Services at Marion City Sanitary Landfill as required by EPA for a period of one (1) year with an option year, and

*WHEREAS*, Quanterra Environmental Services 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 Quanterra Environmental Services for Analytical Services at the Marion City Sanitary Landfill.

**Section 2.** That the cost of said contract in the amount of \$21,906.50 shall be payable from the Landfill Monitoring Fund Account 507-05-563-230-000-320.

**Section 3.** That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and due to current contract expiration; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 10, 1997

APPROVED: March 11, 1997

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

ORDINANCE NO. 1997-36

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

*WHEREAS*, Ordinance 1997-1A authorized the Safety/Service Director to advertise for bids for Janitorial Services for the Municipal Building, and

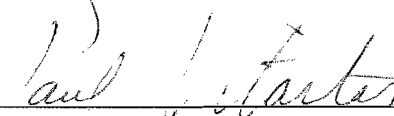
*WHEREAS*, Baker Maintenance submitted the lowest bid,

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

**Section 2.** That the \$11,850.00 cost of said contract shall be payable from the General Fund Account No. 101-07-741-230-000-424.

**Section 3.** That this ordinance is hereby declared to be an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and due to current contract expiration; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 10, 1997

APPROVED: March 11, 1997

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

ORDINANCE NO 1997-37

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MILLER IMPLEMENT COMPANY, FOR THE PURCHASE OF ONE (1) 1967 FORD MODEL 5000 TRACTOR FOR THE RECREATION DEPARTMENT AND DECLARING AN EMERGENCY.

*WHEREAS*, Miller implement Company, submitted the lowest bid,

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

**Section 1.** That the Safety/Service Director be and is hereby authorized to enter into contract with Miller Implement Co., for the purchase of one (1) 1967 Ford Model 5000 Tractor for the Recreation Department.

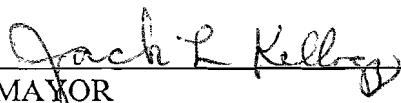
**Section 2.** That the cost of said contract in the amount of \$9,900 shall be payable from the Recreation Department Capital Equipment Account 101-03-422-250-000-450.

**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 due to the need to prepare softball diamonds, and as such, shall take effect and be in force immediately upon its passage and approval by the 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 10, 1997

APPROVED March 11, 1997

  
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MAYOR

ATTEST:

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

ORDINANCE NO. 1997- 38**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY, INC., FOR THE PURCHASE OF ONE (1) 1 TON TRUCK AND DECLARING AN EMERGENCY.**

*WHEREAS*, pursuant to Ordinance 1997-13, the Safety/Service Director was authorized to advertise for bids for the purchase of one (1) 1 Ton Truck with Bed and Hoist, and

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

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

**Section 1.** That the Safety/Service Director be and is hereby authorized to enter into contract with Mathews Kennedy Ford Lincoln Mercury, Inc., for the purchase of one (1) 1 Ton Truck, with Bed and Hoist, per the bid.

**Section 2.** That the cost of said contract in the amount of \$23,157.00 shall be payable from the Parks Department Capital Equipment Account 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 due to the manufacturers build out date as such, shall take effect and be in force immediately upon its passage and approval by the 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.

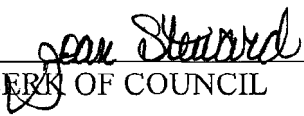
  
PRESIDENT OF COUNCIL

PASSED: March 10, 1997

APPROVED March 11, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL



ORDINANCE NO. 1997 - 39

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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 \$15,750.00 as follows:

General Fund

Eng. Professional Services    101-07-743-230-000-320                      \$ 750.00

State Block Grant Fund

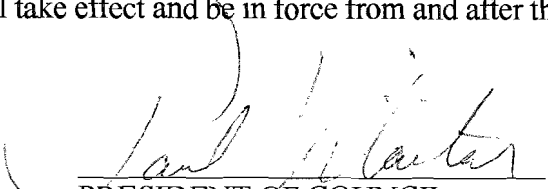
Home Repairs                      205-03-547-230-000-322                      \$ 12,060.00  
Administration                  205-03-547-230-000-324                      1,340.00

Total State Block Grant Fund    \$13,400.00

Rental Rehab Fund

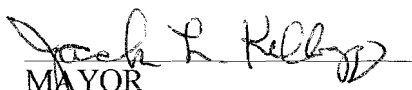
Emergency Rehab                  273-04-539-230-000-328                      \$ 1,600.00

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:    March 10, 1997

APPROVED:    March 11, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 40

ORDINANCE AMENDING MARION CODIFIED ORDINANCE CHAPTER  
943 (DOMESTIC REFUSE AND RUBBISH COLLECTION).

WHEREAS, the present Chapter 943.01, Definitions, does not contain a sufficient definition for "Services".

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

Section 1. That Chapter 943.01, Definitions, be revised, amended and restated as follows:

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

is hereby amended to read as follows:

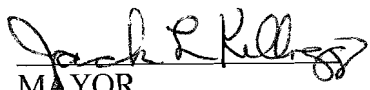
"SERVICES. An implied contract exists where by conduct each party acts as if an express agreement had been reached. An implied contract exists when the municipality offers SANITATION OR RECYCLING SERVICES TO A DOMESTIC RESIDENCE OR HOUSEHOLD AND THE DOMESTIC RESIDENCE OR HOUSEHOLD FAILS TO PROVE TO THE SATISFACTION OF THE SAFETY/SERVICE DIRECTOR THAT THEY ARE DISPOSING OF THEIR DOMESTIC REFUSE AND RUBBISH IN SOME OTHER LAWFUL MANNER."

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

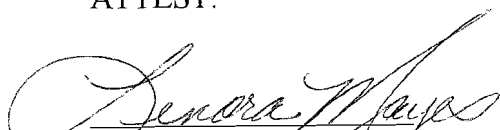
  
PRESIDENT OF COUNCIL

PASSED: *April 14, 1997*

APPROVED: *April 15, 1997*

  
MAYOR

ATTEST:

  
CLERK - PRO-TEMPORE

ORDINANCE NO. 1997 - 41

ORDINANCE TO AUTHORIZE THE MAYOR TO SETTLE ALL PENDING LITIGATION AND CLAIMS AGAINST THE CITY OF MARION BY MANSFIELD ASPHALT AND PAVING COMPANY AND AUTHORIZING THE CITY AUDITOR TO APPROPRIATE THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, litigation is presently pending in the Marion County Common Pleas Court involving certain claims by a litigant seeking compensatory damages against the City of Marion; and

WHEREAS, The City of Marion concedes no liability on its' behalf; and

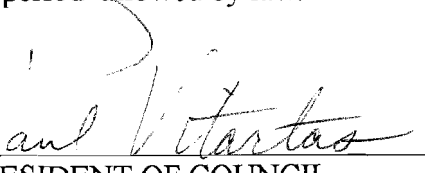
WHEREAS, the City of Marion herein elects to settle the matter for a sum certain to reach a full, complete and final settlement of all legal issues and liabilities raised among and between all of the parties in this litigation in the interests of expediency and reducing the costs of litigation.

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

Section 1. The City of Marion by its' Council hereby authorizes the Mayor to settle and enter into a final settlement of all claims against the City of Marion by Mansfield Asphalt and Paving Company for a sum certain, pursuant to such terms and conditions as previously presented to the members of Council by the Law Director and upon the advice of Assistant City Law Director Donald Taube., and further authorizing the Auditor to appropriate necessary funds; and\*

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 to settle all claims immediately to avoid further litigation costs to the City; and as such, shall take effect and be in force immediately upon it's passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

\*Amended on Council floor 3/10/97

  
PRESIDENT OF COUNCIL

PASSED: March 10, 1997

APPROVED: March 11, 1997

  
MAYOR

ATTEST:

  
CLERK

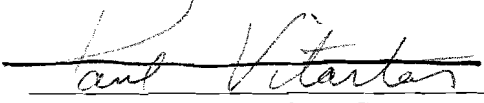
ORDINANCE NO. 1997 - 42

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EXCLUSIVE OPTION TO PURCHASE, FOR THE COST OF ONE DOLLAR (\$1.00), A CERTAIN PROPERTY LOCATED WITHIN THE CITY FOR AN AMOUNT NOT TO EXCEED A SUM CERTAIN PURSUANT TO O.R.C. 717.01, AND DECLARING AN EMERGENCY.

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

Section 1. The Mayor is hereby authorized to enter into an exclusive option to purchase a certain property located within the City of Marion for an amount not to exceed a sum certain, the cost of said option being one dollar (\$1.00), this after the Council having found said purchase is necessary to serve the best interests of the citizens of Marion and pursuant to O.R.C. 717.01.

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 best interests of the citizens of Marion; and as such, shall take effect and be in force immediately upon it's passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

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

PASSED:

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

DEFEATED - 3/10/97

ORDINANCE NO. 1997 - 43

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE CONTRACT FOR THE PURCHASE OF THE REAL PROPERTY KNOWN AS 217 W. CENTER STREET PURSUANT TO O.R.C. 717.01, THE TOTAL COST NOT TO EXCEED \$70,000.00 AND AUTHORIZING THE AUDITOR TO APPROPRIATE THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

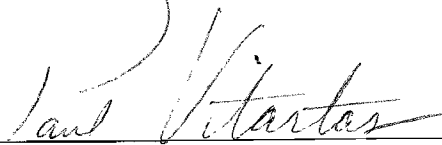
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Council having found the necessity present to warrant the purchase of real property located within the City of Marion, pursuant to O.R.C. 717.01.

Section 2. The Mayor is hereby authorized to enter into a purchase contract for the purchase of real property known as 217 W. Center Street, the cost not to exceed \$70,000.00.

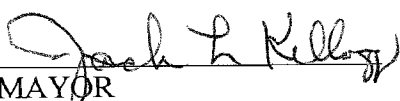
Section 3. The Auditor is hereby authorized and directed to make the necessary appropriations to effectuate the purchase.

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 best interests of the citizens of Marion; and as such, shall take effect and be in force immediately upon it's passage and approval by the 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.

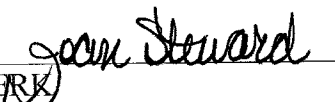
  
PRESIDENT OF COUNCIL

PASSED: March 10, 1997

APPROVED: March 11, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-44

**ORDINANCE DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE AUDITOR OF MARION, COUNTY, OHIO AND TO APPROPRIATE THE ADDITIONAL FUNDS TO PROVIDE AERIAL PHOTOGRAPHY AND MAPPING OF THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Marion, Ohio is seeking professional photogrammetric services, both photography and mapping, and

**WHEREAS**, the Marion County Auditor will be entering into an agreement with Kucera International, Inc., Willoughby, Ohio to provide the necessary photography and mapping of the City of Marion, Ohio.

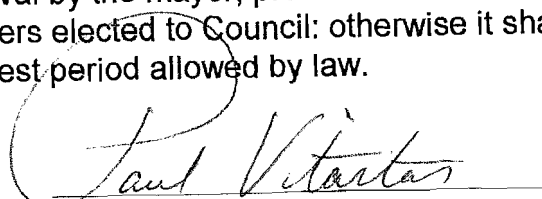
**BE IT ORDAINED** by the Council of the City of Marion, Marion County, Ohio:

**SECTION 1.** that the Mayor is hereby directed to enter into an agreement with the Auditor of Marion County, Ohio for the sum of \$12,291.00 to provide aerial photography and mapping of the City of Marion, and fringe areas.

**SECTION 2.** That the \$12,291.00 cost to the City to enter into this agreement shall be payable from the General Fund 101-07-743-230-000-320, and said funds are hereby appropriated..


**SECTION 3.** That when funds become available in the Storm Water Utility Fund, said expenditure shall be reimbursed to the General Fund by the Storm Water Utility Fund.

**SECTION 4.** That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and for the further reason that the ground surveys necessary for the aerial photography must be completed in March, 1997 and as such, shall take effect and be in force immediately upon its passage and approval by the 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.

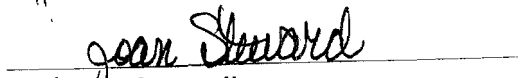
  
 President of Council

Passed: March 10, 1997

Approved: March 11, 1997

  
 Mayor

Attest:

  
 Clerk of Council

ORDINANCE NO. 1997-45

**ORDINANCE DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE AUDITOR OF MARION COUNTY, OHIO AND TO APPROPRIATE THE ADDITIONAL FUNDS TO SHARE THE COST OF CONSULTING SERVICES FOR AERIAL PHOTOGRAPHY AND MAPPING OF THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Marion, Ohio is seeking professional photogrammetric services, both photography and mapping, and

**WHEREAS**, the Marion County Auditor has entered into an agreement with TDC Group, Dayton, Ohio to provide consulting services for securing a photogrammetric contract for Marion County, and

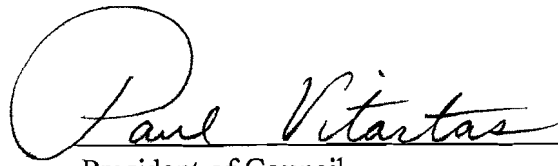
**WHEREAS**, the City of Marion, Ohio desires to use the consulting services of TDC Group for their portion of the photogrammetric contract.

**SECTION 1.** That the Mayor is hereby directed to enter into an agreement with the Auditor of Marion County, Ohio for the sum of \$4,950.00 to provide consulting services for aerial photography and mapping of the City of Marion, and fringe areas.

**SECTION 2.** That the \$4,950.00 cost to the City to enter into this agreement shall be payable from the General Fund 101-07-743-230-000-320, and said funds are hereby appropriated.

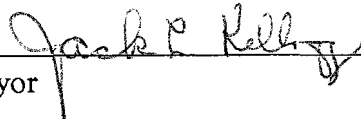
**SECTION 3.** That when funds become available in the Storm Water Utility Fund, said expenditure shall be reimbursed to the General Fund by the Storm Water Utility Fund.

**SECTION 4.** That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and for the further reason that the aerial photography must be completed by April 15, 1997 and as such, shall take effect and be in force immediately upon its passage and approval by the 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 31, 1997

Approved: April 1, 1997

  
 \_\_\_\_\_  
 Mayor

Attest:

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

ORDINANCE NO. 1997- 46

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HARVEY EQUIPMENT, VAN WERT, OHIO FOR THE PURCHASE OF ONE JCB 510-40TELESCOPIC MATERIAL HANDLER TO BE USED AT THE WATER POLLUTION CONTROL PLANT. AND DECLARING AN EMERGENCY

WHEREAS, Harvey Equipment Company submitted the lowest and best bid of \$74,800.00.

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

Section 1. That the Safety/Service Director to be authorized and is hereby directed to enter into contract with Harvey Equipment for One JCB 510-40 Telescopic Material Handler to be used at the Water Pollution Control Plant.

Section 2. That the contract shall be payable from the Capital Equipment Fund 505-05-552-250-000-450.

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 so that the stacking of solids in the storage building may proceed; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

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

PASSED:

APPROVED:

*deputed March 31, 1997*

\_\_\_\_\_  
MAYOR

ATTEST:

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



ORDINANCE NO. 1997- 47

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH CHICAGO GEAR/D.O. JAMES CORPORATION  
FOR THE REBUILDING OF FIVE (5) GEARBOXES  
AT THE WATER POLLUTION CONTROL PLANT  
AND DECLARING AN EMERGENCY

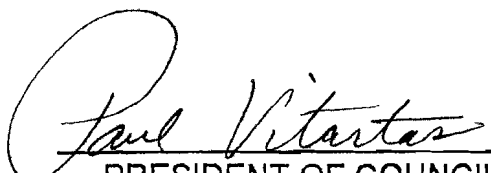
**WHEREAS**, Chicago Gear/D.O. James Corporation submitted the lowest and best bid of \$128,570.00.

**BE IT ORDAINED** by 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 Chicago Gear/D.O. James Corporation for the rebuilding of five (5) gearboxes at the Water Pollution Control Plant.

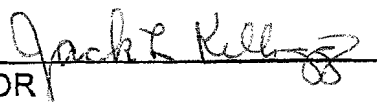
**Section 2.** That the contract shall be payable from the Sewer Replacement Fund Maintenance of Equipment 504-05-553-230-000-360.

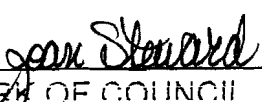
**Section 3.** That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason these gearboxes are at the heart of the treatment system and it is imperative that they be maintained; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 31, 1997

APPROVED: April 1, 1997

  
MAYOR

ATTEST:  
  
CLERK OF COUNCIL

ORDINANCE NO. 1997-48

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CARTER LUMBER, FOR THE PURCHASE OF A STORAGE BUILDING FOR USE AT THE MARION RECYCLING DEPARTMENT AND DECLARING AN EMERGENCY.**

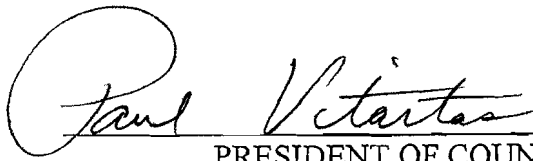
WHEREAS, this Council by passage of Ordinance No. 1991-136, requires approval of all capital expenditures exceeding \$2,500.00 except for expenditures necessary for the health and safety of the citizens of the City of Marion, Marion County, Ohio and

WHEREAS, Carter Lumber submitted the best proposal for the purchase of a storage building for Recycling Bins, 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 Carter Lumber, to purchase one Storage Building for use in the Recycling 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 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 31, 1997

APPROVED: April 1, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-49

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SOUTH PORT EQUIPMENT CO. INC. TO PURCHASE ONE 960 SERIES BERMING MACHINE FOR USE AT THE MARION 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, South Port Equipment Co. Inc. submitted the best proposal for the purchase of the berming equipment, therefore

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

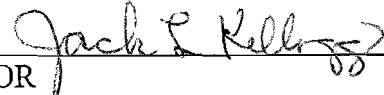
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with South Port Equipment Co. Inc., to purchase one Berming Machine for use in the Streets Department.

**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 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 31, 1997

APPROVED: April 1, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997- 50

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS TO  
CARPET THE THIRD 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~~<sup>third</sup> 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: March 31, 1997

APPROVED: April 1, 1997

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

**ORDINANCE NO. 1997- 51**

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 379, AFL-CIO, AND DECLARING AN EMERGENCY.

*WHEREAS*, Marion City Council will now ratify and approve the bargaining agreement between the City of Marion and the IAFF, Local 379, AFL-CIO, to be effective April 1, 1997 for three (3) years ending March 31, 2000, and.

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

**Section 1.** That Council hereby ratifies and approves the bargaining agreement between the City of Marion and the International Association of Firefighters (IAFF), Local 379, AFL-CIO, for three (3) years, April 1, 1997 through March 31, 2000.

**Section 2.** That Council hereby appropriates the funds necessary to implement said collective bargaining agreement, effective April 1, 1997, as provided to Council, in writing, by the City Auditor on March 31, 1997.

**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: March 31, 1997

APPROVED: April 1, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-52

ORDINANCE ACCEPTING THE PLAT OF THE HENSEL/ZACHMAN 2nd 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 fifteen (15) lots, numbered 1 through 15 in the Hensel-Zachman 2nd 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 three (3) streets known as Toulon Avenue, Forest Lawn Drive and Harvey Drive; and


WHEREAS, on the 1st day of April, 1997, the Planning Commission of the City of Marion re-approved said plat.

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

Section 1. That the plat of Hensel-Zachman Development, Inc., owner, of fifteen (15) lots, numbered 1 through 15 in the Hensel/Zachman 2nd Subdivision to the City of Marion, and the extension of Toulon Avenue, Forest Lawn Drive, and Harvey Drive, being a part of Section 35, Township 5 South, Range 15 East, City of Marion, County of Marion, State of Ohio, dated the 29th day of November, 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 2nd Subdivision to the City of Marion shall be subject to the provisions of Ordinance No. 1973-108 pertaining to the underground facilities.

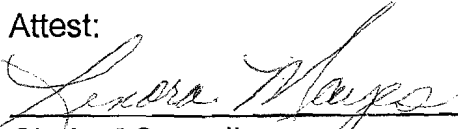
Section 3. That this ordinance is hereby declared to be an emergency measure for the immediate preservation of the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all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

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

Passed: *April 14, 1997*

Approved: *April 15, 1997*

  
\_\_\_\_\_  
Mayor, Jack L. Kellogg

Attest:  
  
\_\_\_\_\_  
Clerk of Council, *Pro Tempore*

ORDINANCE NO. 1997 - 53

ORDINANCE AMENDING MARION CODIFIED ORDINANCE 333.03  
(B)(2), MAXIMUM SPEED LIMITS; ASSURED CLEARED DISTANCE  
AHEAD.

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

Section 1. That Chapter 333.03 (B)(2) of the Codified Ordinances, now reading in part as follows:

“(B) It is prima-facie lawful, in the absence of a lower limit declared pursuant to this section by the Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

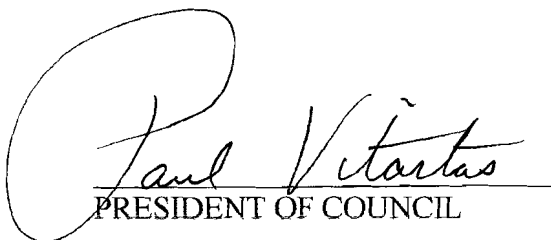
- (2) Twenty-five miles per hour in all other portions of the municipality, except on state routes outside business districts, through highways outside business districts and alleys.”

is hereby amended to read as follows:

“(B) It is prima-facie lawful, in the absence of a lower limit declared pursuant to this section by the Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

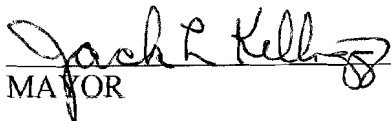
- (2) Twenty-five miles per hour in all other portions of the municipality, except on state routes outside business districts, through highways outside business districts, THOROUGHFARES WITHIN CITY PARKS and alleys.”

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

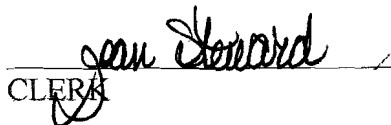
  
PRESIDENT OF COUNCIL

PASSED: May 12, 1997

APPROVED: May 13, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 54

ORDINANCE AMENDING MARION CODIFIED ORDINANCE 333.03 (B)(6), MAXIMUM SPEED LIMITS; ASSURED CLEARED DISTANCE AHEAD.

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

Section 1. That Chapter 333.03 (B)(6) of the Codified Ordinances, now reading in part as follows:

“(B) It is prima-facie lawful, in the absence of a lower limit declared pursuant to this section by the Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

- (6) Fifteen miles per hour on all alleys within the municipality.”

is hereby amended to read as follows:

“(B) It is prima-facie lawful, in the absence of a lower limit declared pursuant to this section by the Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:


- (6) Fifteen miles per hour on all alleys within the municipality AND THOROUGHFARES WITHIN CITY PARKS.”

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 12, 1997

APPROVED: May 13, 1997

  
MAYOR

ATTEST:

  
CLERK



ORDINANCE NO. 1997 - 55

ORDINANCE AMENDING MARION CODIFIED ORDINANCE 917.04,  
CHARGES FOR EMPTYING CLEANING TRUCKS.

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

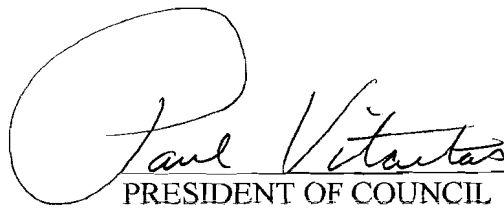
Section 1. That Chapter 917.04 of the Codified Ordinances, now reading in part as follows:

"Septic tank cleaning trucks may be emptied at the waste water treatment plant at times and places specified by the Director of Public Safety/Service. The charge for such service shall be \$10 per 1,000 gallons or fraction thereof. The Director may sell books of tickets for this purpose. All funds so collected shall be deposited in the Sewer Revenue Fund."

is hereby amended to read as follows:

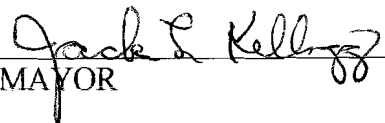
"Septic tank cleaning trucks may be emptied at the waste water treatment plant at times and places specified by the Director of Public Safety/Service. THE CHARGE FOR THIS SERVICE SHALL BE AS POSTED BY THE DIRECTOR OF PUBLIC SAFETY/SERVICE. All funds collected shall be deposited in the Sewer Revenue Fund."

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 12, 1997

APPROVED: May 13, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-56

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BENDER COMMUNICATIONS TO OUTFIT NEW POLICE CRUISERS FOR USE IN THE MARION CITY 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

*WHEREAS*, Bender Communications, submitted the best proposal for outfitting cruisers, therefore,

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

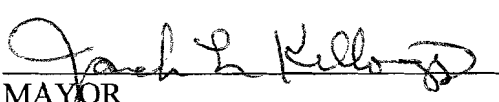
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Bender Communications, to outfit new police cruisers for use in the Marion City Police Department.


**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 expected arrival of cruisers in April, 1997; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 14, 1997

APPROVED: April 15, 1997

  
MAYOR

ATTEST:  
  
CLERK OF COUNCIL, PRO-TEMPORE

ORDINANCE NO. 1997-57

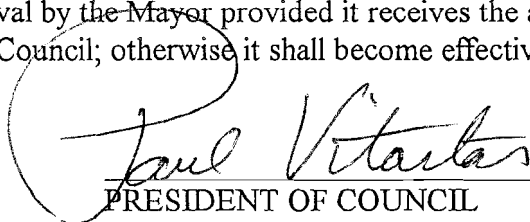
**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO  
SELL BY PUBLIC AUCTION A 1994 FORD CROWN VICTORIA THAT  
IS UNFIT AND NO LONGER NEEDED IN THE POLICE DEPARTMENT  
AND DECLARING AN EMERGENCY.**

*WHEREAS*, the 1994 Ford Crown Victoria is unfit and no longer needed in the operation of the Marion City Police Department.

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

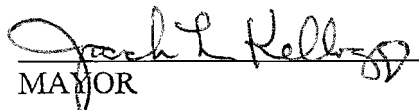
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to Sell by Public Auction a 1994 Ford Crown Victoria (Serial No.2FALP71W7RX136456) that is unfit and no longer needed in the operation of the Marion City Police Department.

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

  
PRESIDENT OF COUNCIL

PASSED: *April 14, 1997*

APPROVED: *April 15, 1997*

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL, PRO-TEMPORE

ORDINANCE NO. 1997-58

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KUCERA INTERNATIONAL, INC. FOR MAPPING SERVICES WITHIN THE CITY OF MARION, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 1996-148 created a Storm Water Utility establishing rates and fees related there to and there exists a need to survey and map the entire City of Marion, Ohio to enable the proper establishment of a fair and just ERU as provided in 1997-16, and

WHEREAS, Kucera International, Inc. of Willoughby, Ohio has tendered a proposal to provide the necessary survey and mapping services, the total cost for said product and service being \$ 80,016.00, and

WHEREAS, the Storm Water Utility user fee account does not have sufficient funds to provide for this immediate need in start-up costs and therefore the Council finds a need and desire appropriate and advance the necessary funds from the General Fund, dependent upon the commitment of the reimbursement of the same to the General Fund when the funds are available in the Storm Water Utility Fund,

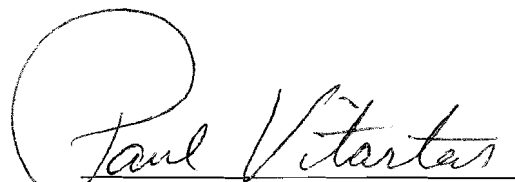
BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Safety/Service Director is directed and authorized to enter into contract with Kucera International, Inc. of Willoughby, Ohio to provide survey and mapping services, including but not limited to: one set of contact prints and photo index to same, mapping and calculation of non-residential impervious surfaces, vertical ground control survey and production of 2' contours for 17 square miles and hardcopy mylar plots of digital orthophotos amounting to approximately 87 sheets, the total cost for said products and services being \$ 80,016.00,

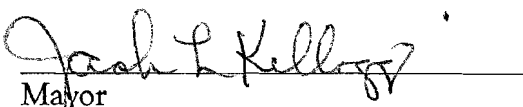
SECTION 2. That there is hereby appropriated \$ 80,016.00 in the General Fund Account No. 101-07-743-230-00-320. This appropriation in form of an advance to the Storm Water Utility is made dependent upon the commitment of the reimbursement of the same to the General Fund when the funds are available in the Storm Water Utility Fund from user fees.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediate need for the information so that the newly created Storm Water Utility is enabled to properly assess its' user fee upon commercial users within the City of Marion and further given the fact that we are currently in the rainy 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.

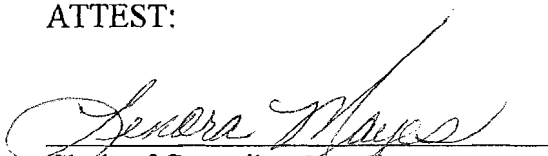
PASSED: April 14, 1997

  
President of Council

APPROVED: April 15, 1997

  
Mayor

ATTEST:

  
Clerk of Council, *Pro-Tempore*

ORDINANCE NO. 1997 - 59ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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

Section 1. That there be appropriation adjustments made in various funds in the amount of \$(27,223.00) as follows:**GENERAL FUND**

Transfer to Health Fund	101-09-745-270-000-711	\$ (60,000.00)
Transfer to Swimming Pool Fund	101-09-745-270-000-714	5,000.00
Engineering Capital Improvement	101-07-743-250-000-520	<u>2,000.00</u>

TOTAL GENERAL FUND		\$(53,000.00)
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**HEALTH FUND**

Blight Control	214-02-222-230-000-427	\$ 10,000.00
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**PREVENTIVE HEALTH BLOCK GRANT FUND**

Salaries	254-02-547-210-000-110	\$ 8,736.00
Benefits	254-02-547-210-000-120	3,118.00
Travel	254-02-547-220-000-220	300.00
Schooling	254-02-547-230-000-221	400.00
Professional Services	254-02-547-230-000-320	1,500.00
Supplies	254-02-547-240-000-420	376.00
Postage	254-02-547-240-000-423	<u>200.00</u>

TOTAL PREVENTIVE HEALTH FUND		\$ 14,630.00
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**SWIMMING POOL FUND**

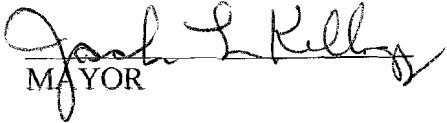
Benefits	516-03-423-210-000-120	\$ 1,147.00
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<b>GRAND TOTAL</b>		<b>\$(27,223.00)</b>
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: *April 14, 1997*APPROVED: *April 15, 1997*

  
MAYOR

ATTEST:

  
CLERK, PRO-TEMPORE

ORDINANCE NO. 1997 - 60

AN ORDINANCE ACCEPTING THE PROPOSAL OF THE NS, CSX, PUCO, AND ODOT/ORDC FOR THE IMPROVEMENT AND CLOSURE OF A CERTAIN GRADE CROSSING IN THE CITY OF MARION, OHIO AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO DO SAME.

WHEREAS, to provide consent for the permanent closure to vehicle traffic of a public grade crossing as recommended by the Public Utilities Commission of Ohio (PUCO), the Ohio Department of Transportation (ODOT)/Ohio Rail Development Commission (ORDC), CSX Transportation (CSX), Norfolk Southern (NS);

WHEREAS, a proposal has been made to change the character of Columbia Street by prohibiting through traffic over the at-grade, CSX/NS crossing thereby benefitting the safety of the traveling public, and;

WHEREAS, if vehicular traffic at the grade crossing is discontinued, CSX/NS, PUCO, and ODOT/ORDC have agreed to arrange for the accommodation, funding, installation of improvements to the City of Marion's (CITY) highway system, and;

WHEREAS, the CITY agrees with the foregoing and desires to provide its consent to permit permanent closure of the aforementioned public grade crossing subject to the terms and conditions set forth herein, and;

WHEREAS, the proposal has been submitted to the CITY and CITY finds the proposal to be in the best interest of the community and will enhance the safety of the traveling public and will result in needed and substantial improvements to the CITY's highway system;

NOW, THEREFORE, BE IT ORDAINED by the Council of the CITY, Marion County, Ohio, at least a majority of its members concurring:

Section 1. That this Council hereby declares it to be in the public interest that the consent of the CITY be and hereby given to CSX and NS to construct the herein described improvements in accordance with plans, specifications and estimates as approved by the Director of ODOT and the City Engineer.

Section 2. That this Council hereby authorizes and approves changing the character of Columbia Street by barricading and prohibiting traffic across the at-grade railroad crossing traversing the street.

Section 3. That this Council hereby accepts the offer of CSX, NS, PUCO, and ODOT/ORDC to provide funding to make safety improvements to the CITY's highway system by reconstructing the CSX and NS Silver Street grade crossing (CSX-228 722 R, NS-481 538 V) surfaces with a high type surface within one year from passage of this ordinance.

Section 4. The CITY agrees to perpetuate and maintain all advance warning signs and pavement markings on the approaches to the at-grade crossings in conformance with the Ohio Manual of Uniform Traffic Control Devices, as adopted under section 4511.11 of the Ohio Revised Code. The CITY further agrees to provide for the maintenance of highway traffic during the construction of the improvements by either closing the road with no signed detour or by designating a temporary detour with all necessary incidentals and assuming and bearing the cost of erecting, maintaining and removing signs and barricades required to close the crossing and detour traffic.

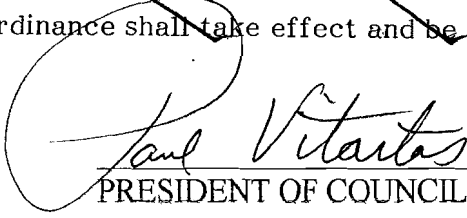
Section 5. That the City administration is hereby authorized to execute any and all documents and to do all other things they deem necessary to effectuate the purposes of this Legislation, including entering into any contractual agreements with CSX, NS, PUCO, and ODOT/ORDC.

Section 6. The CITY hereby agrees that ODOT/ORDC shall be and is saved harmless from any and all damages or claims thereof arising from or growing out of the certification or obligation made or agreed to hereinabove.

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

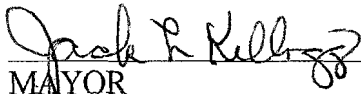
Section 7. This ordinance is hereby declared to be an emergency measure by reason of the need for expediting the planning and construction of the aforesaid improvement, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, and upon its acceptance and approval by the Director ODOT it shall become a binding agreement on the CITY and the Director.

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

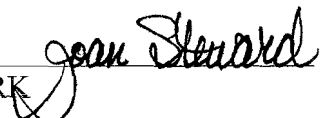
  
PRESIDENT OF COUNCIL

PASSED: May 12, 1997

APPROVED: May 13, 1997

  
MAYOR

ATTEST:

  
CLERK

I hereby certify that the foregoing is a true and correct copy of the Ordinance No. 1997-60 passed May 12, 1997.

  
CLERK OF COUNCIL

Accepted and Approved:

Attest \_\_\_\_\_

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

ORDINANCE NO. 1997-61

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD ASPHALT PAVING COMPANY, MANSFIELD, OHIO, FOR THE KENNEDY PARK TENNIS COURT IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 1997-12 authorized the preparation of specifications and advertising for bids for the Kennedy Park Tennis Courts Improvements Project, and

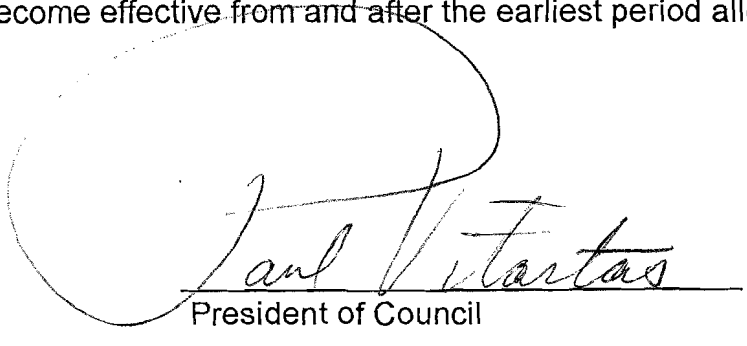
**WHEREAS**, Mansfield Asphalt Paving Company submitted the lowest and best bid of \$14,242.00,

**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 Mansfield Asphalt Paving Company for the Kennedy Park Tennis Courts Improvements Project.

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

**Section 3.** That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof, and for the further reason that the courts should be completed for summer usage: and as such, shall take effect and be in force immediately upon its passage and approval by the 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 28, 1997

Approved: APRIL 29, 1997

  
Mayor

Attest:

  
Clerk of Council



ORDINANCE NO. 1997-62

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH MACKAY TELEPHONE SYSTEMS, INC.  
TO PURCHASE A TELEPHONE SYSTEM AND SOME TELEPHONE EQUIPMENT  
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*, Mackay Telephone Systems, Inc. submitted the best proposal for the replacement of the current telephone system, 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 Mackay Telephone Systems, Inc., to purchase a new telephone system for use at the Fire Department.

**Section 2.** That the \$3,960.00 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: APRIL 28, 1997

APPROVED: APRIL 29, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997 - 63

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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

Section 1. That there be appropriation adjustments made in various funds in the net amount of \$3,833.46 as follows:

**GENERAL FUND**

Revenue Sharing	101-04-539-230-712-751	\$21,433.46
Transfer to Parks Fund	101-04-745-270-000-708	<u>30,400.00</u>

TOTAL GENERAL FUND		\$51,833.46
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**SEWER REVENUE FUND**

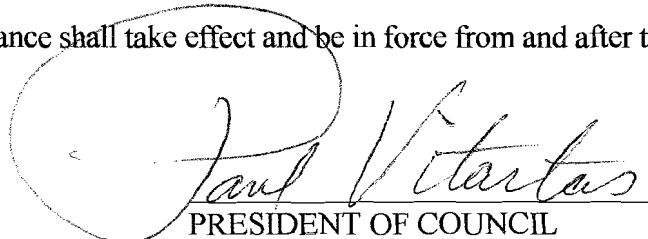
Sewer M&R Equipment	505-05-551-250-000-450	\$(65,000.00)
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**STREET CUT DEPOSIT TRUST FUND**

Excavation Bond Refund	730-09-816-270-000-267	\$ 15,000.00
Pavement Bond Refund	730-09-816-270-000-268	10,000.00
Trust Expense	730-09-816-270-000-731	<u>(8,000.00)</u>

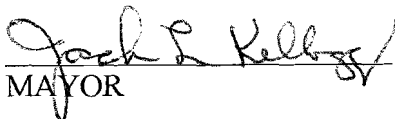
TOTAL STREET CUT DEPOSIT TRUST FUND		\$ 17,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


  
PRESIDENT OF COUNCIL

PASSED: April 28, 1997

APPROVED: April 29, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-64

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF  
(2) TWO 1990 LODAL RECYCLING TRUCKS THAT ARE UNFIT AND NO LONGER  
NEEDED IN THE RECYCLING DEPARTMENT.**

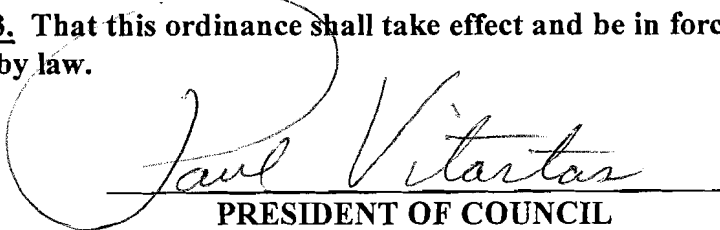
WHEREAS, the two 1990 Lodal Recycling trucks are unfit and no longer needed in the operation of the Marion City Recycling Department.

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

Section 1. That the Safety/Service Director be authorized and is hereby directed to dispose of the 2-1990 Lodal Recycling trucks that are unfit and no longer needed in the operation of the Marion City Recycling Department, (Serial No. IL9EG67B9LK006300 & IL9EG67B0LK006301) in accordance with ODNR Grantee obligations and Ohio Revised Code 1502.04 and 1502.05.


Section 2. That and proceeds from a sale of this equipment shall be deposited in the recycling fund and can only be used for purposes defined in section 1502.05, Parts A through K.

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

  
PRESIDENT OF COUNCIL

PASSED: APRIL 28, 1997

APPROVED: APRIL 29, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

**ORDINANCE NO. 1997- 65**

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO ENTER INTO CONTRACT WITH HARVEY EQUIPMENT, VAN WERT, OHIO  
FOR THE PURCHASE OF ONE JCB 510-40TELESCOPIC MATERIAL HANDLER  
TO BE USED AT THE WATER POLLUTION CONTROL PLANT.  
AND DECLARING AN EMERGENCY

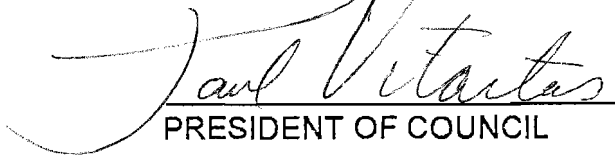
**WHEREAS**, Harvey Equipment Company submitted the lowest and best bid of \$74,800.00.

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

**Section 1.** That the Safety/Service Director to be authorized and is hereby directed to enter into contract with Harvey Equipment for One JCB 510-40 Telescopic Material Handler to be used at the Water Pollution Control Plant.

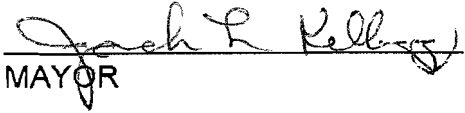
**Section 2.** That the contract shall be payable from the Capital Equipment Fund 505-05-552-250-000-450.

**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 so that the stacking of solids in the storage building may proceed; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: APRIL 28, 1997

APPROVED: APRIL 29, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997 - 66

ORDINANCE AMENDING MARION CODIFIED ORDINANCE 915.18,  
USER CHARGE ELEMENTS AND DETERMINATION, AS AMENDED  
IN ORDINANCE NO. 1996-149.

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

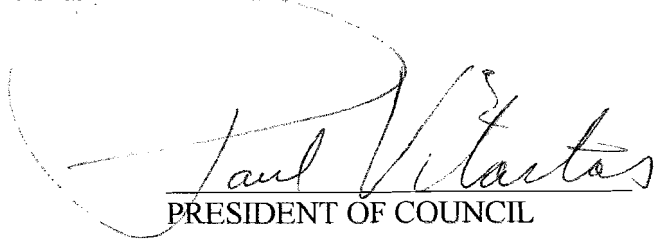
Section 1. That Section 915.18 of the Codified Ordinances, as amended in Ordinance No. 1996-149, should be amended to include Section 915.18(I):

**“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.

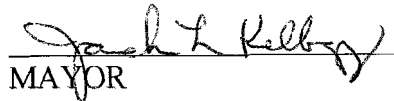
(I) MINIMUM CHARGE - THE STORM WATER DRAINAGE CHARGE SHALL NOT BE LESS THAN THAT AMOUNT EQUAL TO ONE ERU. THIS MINIMUM CHARGE APPLIES TO ALL USERS.”

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: APRIL 28, 1997

APPROVED: APRIL 29, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 67

ORDINANCE AMENDING ORDINANCE NO. 1997-16, ESTABLISHING AN EQUIVALENT RESIDENTIAL UNIT (ERU) SIZE AND USER CHARGE RATE IN ACCORDANCE WITH CHAPTER 915: STORM WATER DRAINAGE SYSTEM OF THE CITY OF MARION'S CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

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

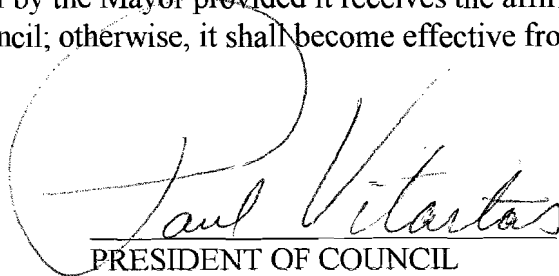
Section 1. In order to ensure a fair, just and equitable rate is assessed in the implementation of the City's Storm Water Utility, Ordinance No. 1997-16 now reading in part as follows:

"Section IV: That the beginning date for the assessment of the Storm Drainage user charge is May 1, 1997."

is hereby amended to read as follows:

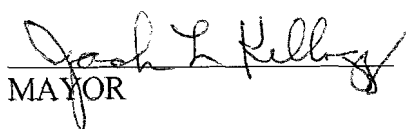
"Section IV: That the beginning date for the assessment of the Storm Drainage user charge is MAY 26, 1997."

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

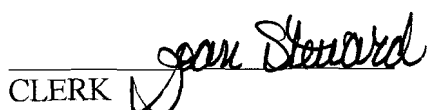
  
PRESIDENT OF COUNCIL

PASSED: APRIL 28, 1997

APPROVED: APRIL 29, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 68

ORDINANCE AMENDING MARION CODIFIED ORDINANCE 137.01  
COMPOSITION WITHIN CHAPTER 137: DIVISION OF POLICE AND  
DECLARING AN EMERGENCY

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

Section 1. That Chapter 137.01 of the Codified Ordinances,  
now reading as follows:

137.01 COMPOSITION

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

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

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

Except for overtime pay, the Chief of Police shall be eligi-  
ble for all other benefits for which a Captain in the Marion  
Police Department is eligible. ('70 Code, 137.01)(Am. Ord. 94-29,  
passed 3-28-94)

is hereby amended to read as follows:

137.01 COMPOSITION

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

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

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

DEFEATED - APRIL 28, 1997

Except for overtime pay, the Chief of Police shall be eligible for all other benefits for which a Major in the Marion Police Department is eligible.('70 Code, 137.01)(Am. Ord. 94-29, passed 3-28-94)

For the efficient operation of the Marion Police Department, the structure of rank and number of supervisors within the department shall be as follows;

Chief of Police(one position)  
Major(three positions authorized)  
Lieutenants(twelve positions authorized)

There shall be a maximum of forty-one patrol officers through December 31, 1997, which shall increase to a maximum of forty-five patrol officers on January 1, 1998 and shall increase to a maximum of forty-nine patrol officers on January 1, 1999. However, these maximum number of patrol officer positions shall be entirely dependent upon the proper appropriations made by the Council of the City of Marion and said positions may be reduced by Council if funding is not available.

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

-----  
PRESIDENT OF COUNCIL

PASSED:

APPROVED:

-----  
MAYOR

ATTEST:

-----  
CLERK OF COUNCIL



ORDINANCE NO. 1997 - 69ORDINANCE AMENDING MARION CODIFIED ORDINANCE 137.01,  
COMPOSITION WITHIN CHAPTER 137: DIVISION OF POLICE, AND  
DECLARING AN EMERGENCY.

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

Section 1. That Chapter 137.01 of the Codified Ordinances, now reading in part as follows:

“137.01 COMPOSITION

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

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

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

Except for overtime pay, the Chief of Police shall be eligible for all other benefits for which a Captain in the Marion Police Department is eligible. (‘70 Code, § 137.01) Am. Ord. 94-29, passed 3-28-94)”

is hereby amended to read as follows:

“137.01 COMPOSITION

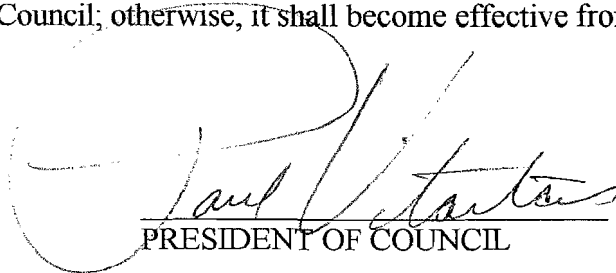
The Division of Police shall be composed of a Chief of Police and such other officers and personnel as Council shall from time to time determine.

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

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

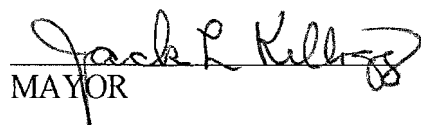
Except for overtime pay, the Chief of Police shall be eligible for all other benefits for which a MAJOR in the Marion Police Department is eligible. (‘70 Code, § 137.01) Am. Ord. 94-29, passed 3-28-94)”

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.

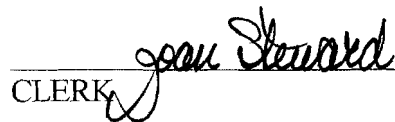
  
PRESIDENT OF COUNCIL

PASSED: May 27, 1997

APPROVED: May 28, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997 - 70

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, AS AMENDED, TO REESTABLISH THE NUMBER OF PERSONNEL TO BE EMPLOYED IN THE POLICE DEPARTMENT OF THE CITY OF MARION, AND DECLARING AN EMERGENCY.

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

Section 1. That Regulation III, Section 5, of Ordinance No. 1969-29, as amended, and now reading as follows:

"Section 5. That from and after August 15, 1995, the personnel of the Police Department shall consist of one (1) Chief, four (4) Captains, ten (10) Sergeants, and forty-two (42) Patrolmen; so that total personnel equals fifty-seven (57)."

is hereby amended to read as follows:

"Section 5. That from and after \_\_\_\_\_, the personnel of the Police Department shall consist of one (1) Chief, three (3) Majors, twelve (12) Lieutenants. In addition, there shall be a maximum of forty-one patrol officers through December 31, 1997, which shall increase to a maximum of forty-five patrol officers on January 1, 1998 and shall again increase to a maximum of forty-nine patrol officers on January 1, 1999. However, these maximum number of patrol officers' positions shall be entirely dependent upon the proper appropriations made by the Council of the City of Marion and said positions may be reduced by Council if funding is not available."

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

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

PASSED:

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

*defeated 11/24/97*

ORDINANCE NO. 1997-71

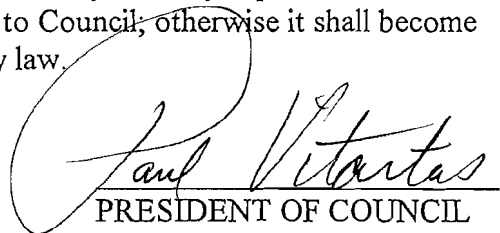
**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A RECORDING SYSTEM TO BE PLACED IN VARIOUS LOCATIONS IN CITY HALL, AND DECLARING AN EMERGENCY.**

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

*WHEREAS*, there is a real need to maintain compliance with the 'Sunshine Laws' known as the Open Meetings Act, Public Records Act, and Personal Information Act as defined in section 149 of the Ohio Revised Code.

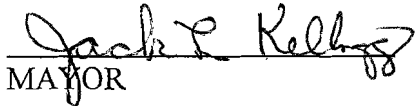
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for a recording system to be placed in the Municipal Court/Council Chambers, Community Room, and Mayor's Conference Room.

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

  
PRESIDENT OF COUNCIL

PASSED: May 12, 1997

APPROVED May 13, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-72

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KUCERA INTERNATIONAL, INC. TO PROVIDE MAPPING SERVICES FOR THE STORM SEWER IMPROVEMENTS, PHASE 5 PROJECT IN THE CITY OF MARION, OHIO, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 1996-148 created a Storm Water Utility establishing rates and fees related there to and there exists a need to survey and map two (2) streets as shown on the Storm Water Utility Master Plan, Executive Drive and Littleton Street, and

WHEREAS, Kucera International, Inc. of Willoughby, Ohio has tendered a proposal to provide the necessary survey and mapping services, the total cost for said product and service being \$5,625.00, and


WHEREAS, the Storm Water Utility user fee account does not have sufficient funds to provide for this immediate need in start-up costs and therefore the Council finds a need and desire to advance the necessary funds from the General Fund, dependent upon the commitment of the reimbursement of the same to the General Fund when there is a surplus available in the Storm Water Utility user fee account,

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

SECTION 1. The Safety/Service Director is directed and authorized to enter into contract with Kucera International, Inc. of Willoughby, Ohio to provide survey and mapping services, for the Storm Sewer Improvements, Phase 5 (Executive Drive and Littleton St.), the total cost for said services being \$5,625.00,

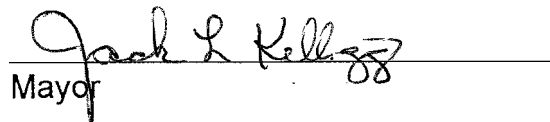
SECTION 2. The Auditor is authorized to advance the necessary funds from the General Fund to the Storm Water Utility, this advance being made dependent upon the commitment of the reimbursement of the same to the General Fund when there is a surplus available in the Storm Water Utility user fee account,

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof; given the immediate need for the completion of this Storm Water Utility 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.

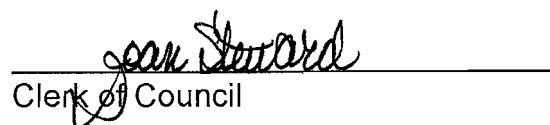
  
 \_\_\_\_\_  
 President of Council

Passed: May 12, 1997

Approved: May 13, 1997

  
 \_\_\_\_\_  
 Mayor

Attest:

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

ORDINANCE NO. 1997-73

**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. 1997-34 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

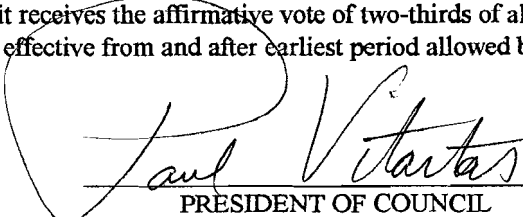
*WHEREAS*, Phoenix Fire Service Systems submitted the only bid, therefore

**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 Phoenix Fire Service Systems, to purchase 15 sets of fire fighters gear for use at the Fire Department.

**Section 2.** That the \$14,085.00 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 12, 1997

APPROVED: May 13, 1997

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

ORDINANCE NO. 1997 - 74

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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 \$8,928.86 as follows:

General Fund

## Civil Service

Professional Services	101-07-717-230-000-320	\$ 4,000.00
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Rental Rehab Fund

Emergency Rehab	273-04-539-230-000-328	\$ 4,758.00
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FY95 Formula Grant Fund

Administration	275-04-545-230-000-324	\$ 173.86
Emergency Rehab	275-04-545-230-000-328	<u>(3.00)</u>

TOTAL FORMULA GRANT FUND		\$ 170.86
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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 12, 1997

APPROVED: May 13, 1997

  
MAYOR

ATTEST:

  
CLERK

**ORDINANCE NO. 1997- 75**

**ORDINANCE TO AMEND SECTION 1 OF ORDINANCE NO. 1996-76, AS AMENDED FROM ORDINANCE 1970-122, 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 1 of Ordinance No. 1996-76, as amended and now reading as follows:

"That the salaries of said employees in said positions shall be as follows:

<b>TITLE</b>	<b>STEP</b>	<u>1st Yr.</u> <b>A</b>	<u>2nd Yr.</u> <b>B</b>	<u>3rd Yr.</u> <b>C</b>	<u>4th Yr.</u> <b>D</b>	<u>5th Yr.</u> <b>E</b>
<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."

is hereby amended to read as follows:

**\*hourly compensation**

"That the ~~salaries~~ of said employees in said positions shall be as follows:

<b>TITLE</b>	<b>STEP</b>	<u>1st Yr.</u> <b>A</b>	<u>2nd Yr.</u> <b>B</b>	<u>3rd Yr.</u> <b>C</b>	<u>4th Yr.</u> <b>D</b>	<u>5th Yr.</u> <b>E</b>
<i>Front Gate Attendant (Cashier)</i>		4.48	4.63	4.78	4.94	5.09
<i>Concession Stand Attendant</i>		4.48	4.63	4.78	4.94	5.09
<i>Lifeguard with WSI</i>		5.65	6.15	6.40	6.65	6.90
<b>* The following salaried position shall be paid the following per season:</b>						
<i>Asst. Pool Manager</i>		2,545.00	2,687.00	2,830.00	2,973.00	3,126.00
<i>Pool Manager</i>		2,775.00	2,925.00	3,075.00	3,200.00	3,350.00



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."

**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:

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

**\*AMENDED ON COUNCIL FLOOR - MAY 12, 1997**

DEFEATED - JUNE 23, 1997

ORDINANCE NO. 1997-76

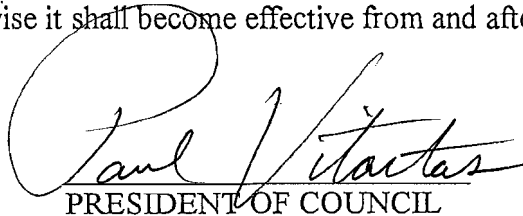
**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A NEW ROOF ON THE HARDING FRESHMAN GYM, AND DECLARING AN EMERGENCY.**

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

*WHEREAS*, there is a real need place the roof on the Harding Freshman Building due to the current leaking and ultimate renovations of the entire building.

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the replacement of the Harding Freshman Gym Roof.

**Section 2.** That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for further reason that the roof is currently leaking water onto the gym floor; and as such, shall take effect and be in force immediately upon its passage and approval by the 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 12, 1997

APPROVED May 13, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-77

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO  
PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A  
CONCESSION STAND/PRESS BOX AT GARFIELD PARK AND DECLARING  
AN EMERGENCY.**

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

**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for a Concession Stand/Press Box at Garfield 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: May 27, 1997

APPROVED: May 28, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997 -78

**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR PLAYGROUND EQUIPMENT FOR PATTERSON PARK AND DECLARING AN EMERGENCY.**

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

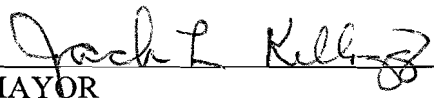
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for Playground Equipment at Patterson Park.

**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: May 27, 1997

APPROVED: May 28, 1997

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

ORDINANCE NO. 1997-79

**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OFFICE CITY TO REPLACE THE CARPET ON THE THIRD FLOOR OF CITY HALL AT PER OPTION "B" OF THE SPECIFICATIONS AND APPROPRIATING THE NECESSARY FUNDS.**

*WHEREAS*, Ordinance 1997-50 authorized the Safety/Service Director to advertise for bids for the purchase and installation of carpet on the third floor of City Hall.

*WHEREAS*, Office City submitted the best bid.

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

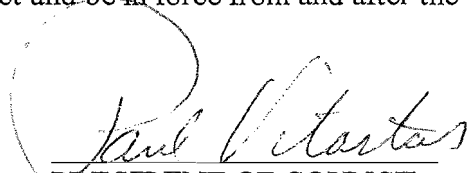
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to enter into contract with Office City per option "B" of the specifications for the replacement of carpet on the third floor of City Hall.

**Section 2.** That the \$45,821.40 cost of said contract shall be payable from the City Hall Maintenance Fund.

**Section 3.** That there be an additional appropriation in the amount of \$21,000.00 made to the City Hall Maintenance Fund Account No. 101-07-741-230-000-~~520~~.

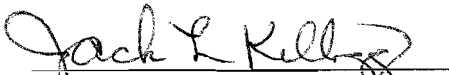
37

**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: May 27, 1997

APPROVED: May 28, 1997

  
MAYOR

ATTEST:


  
CLERK OF COUNCIL

ORDINANCE NO. 1997-80**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A  
NEW PUMPER AND RELATED EQUIPMENT AND DECLARING AN EMERGENCY.**

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

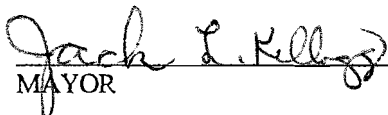
**Section 1.** That the Safety/Service Director be authorized and is hereby directed to prepare specifications and advertise for bids for the purchase of a new pumper and related equipment.

**Section 2.** That this ordinance is hereby declared an emergency measure for the welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it 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 27, 1997

APPROVED: May 28, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997 - 81

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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 \$60,541.00 as follows:

Health Fund

Professional Services	214-02-221-230-000-320	\$ 5,080.00
Supplies	214-02-221-240-000-420	3,861.00
Equipment	214-02-221-250-000-450	350.00

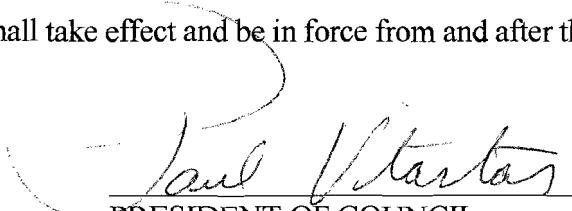
General Fund

Transfer to Parks Fund	101-09-745-270-000-708	\$ 10,250.00
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Parks Fund

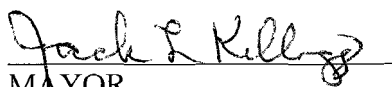
ODNR Project	221-03-421-250-547-520	\$ 41,000.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

PASSED: May 27, 1997

APPROVED: May 28, 1997

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CLERK

ORDINANCE NO. 1997- 82 \*amended on Council floor

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 slum 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.

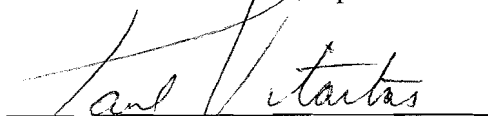
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

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

1. Downtown Rehabilitation	\$117,000	Palace roof - \$40,000	
2. Transitional Housing	\$ 31,000	Palace-handicap.\$22,000	
3. Emergency Home Repair	\$ 30,000	Uhler Bldg.-windows - \$47,000	
4. Fair Housing	\$ 1,000	Union Station -doors	8,000
5. Environmental Review/Audit/Admin.	\$ 30,000	BALDAUF PARK	\$30,000
TOTAL	\$209,000	TRANSITIONAL HOUSE.	\$31,000
		FAIR HOUSING	\$ 1,000
		ENVIRONMENTAL REVIEW,	
		AUDIT & ADMINIST.	\$30,000


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

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

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

PASSED: June 9, 1997

APPROVED: June 10, 1997

  
 \_\_\_\_\_  
 MAYOR

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



ORDINANCE NO. 1997- 83

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE REPLACEMENT OF THE SIDEWALK ON THE EAST SIDE OF ORCHARD STREET FROM WEST CENTER ST. TO WEST CHURCH ST.: APPROPRIATING FUNDS IN THE CDBG SMALL BUSINESS REVOLVING LOAN FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of Marion is desirous of replacing a deteriorated sidewalk on Orchard Street, and

WHEREAS, the City of Marion, County of Marion and the State of Ohio have worked to encourage the renovation of the Harding Hotel property adjacent to the sidewalk, and

WHEREAS, the State of Ohio will allow the City of Marion to petition the Ohio Department of Development to allow the City to use the Revolving Loan Fund for an infrastructure Grant, therefore,

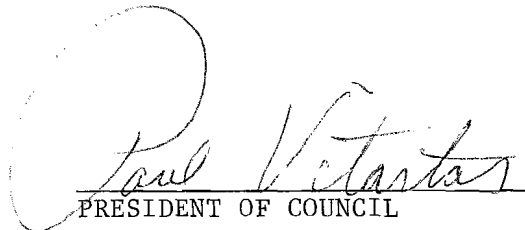
BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the Safety/Service Director be authorized and is hereby directed to prepare specifications, advertise for bids and enter into contract for the replacement of the sidewalk on the East side of Orchard Street from West Center St. to West Church St.

Section 2. That said contract shall be completed only if the application to the Ohio Department of Development allowing the City to use the Revolving Loan Fund for said replacement is approved.

Section 3. That there is hereby appropriated \$28,000.00 in the Revolving Loan Fund Account 274-04-539-250-000-337.


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: May 27, 1997

APPROVED: May 28, 1997

  
MAYOR

ATTEST:  
  
CLERK

ORDINANCE NO. 1997- 84

ORDINANCE AMENDING ORDINANCE No. 1969-29 (YARGER) AS AMENDED BY REPEALING ORDINANCE No. 1996-19 THEREBY ELIMINATING THE POSITION OF COMPUTER MANAGER, ELIMINATING THE SALARY AND BENEFITS FOR SAID POSITION

WHEREAS, Ordinance 1996-19 now reading in part: " 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." did create the position of Computer Manager due to the necessity at that time for such a position,

and

WHEREAS, the Council now finds said position to be unnecessary and the repeal of the previous Ordinance to be in the best interests of the City of Marion,

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

Section 1. Ordinance 1996-19 now reading in part: " 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." is hereby repealed in its' entirety and the position of Computer Manager is hereby eliminated.

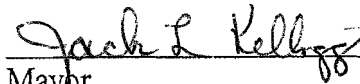
Section 2. Ordinance 1969-29, as amended, is hereby amended to reflect the elimination of the position of Computer Manager, including the elimination of the positions' job description, which shall be removed from the personnel classification schedule, its' pay grade and its' salary range.

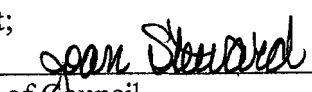
Section 3. All unearned compensation and unearned benefits related to the eliminated position shall be held in their respective account until further direction by this Council.

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

  
\_\_\_\_\_  
President

Passed; June 9, 1997  
Approved: June 10, 1997

  
\_\_\_\_\_  
Mayor

Attest;  
  
\_\_\_\_\_  
Clerk of Council

ORDINANCE NO. 1997-85

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR THE DEMOLITION OF GARAGE AT 206 W. CHURCH STREET AND DECLARING AN EMERGENCY.


*WHEREAS*, J & J Renovations submitted the only qualified 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 garage ar 206 W. Church Street.

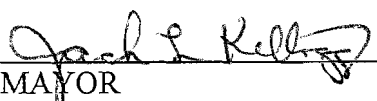
**Section 2.** That the \$3,200.00 cost of said contract shall be payable from the General Fund Account No. 101-07-716-230-000-323

**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: June 9, 1997

APPROVED: June 10, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997 - 86ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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

Section 1. That there be appropriation adjustments made in various funds in the amount of \$(26,887.00) as follows:**GENERAL FUND**

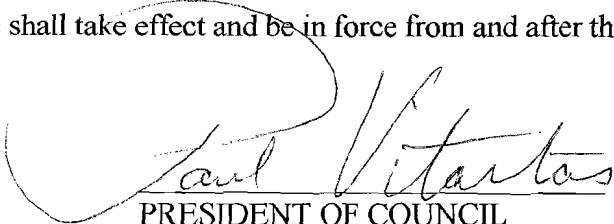
Salaries	101-01-111-210-000-110	\$ 23,500.00
Benefits	101-01-111-210-000-120	7,300.00
Professional Services	101-01-111-230-000-320	<u>3,450.00</u>

TOTAL GENERAL FUND		\$ 34,250.00
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**JUVENILE INTERVENTION FUND**

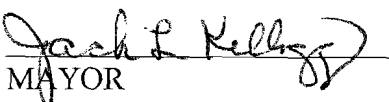
Salaries	212-01-111-210-000-110	\$(25,000.00)
Benefits	212-01-111-210-000-120	(10,487.00)
Professional Services	212-01-111-230-000-320	(17,850.00)
Equipment	212-01-111-250-000-450	<u>(7,800.00)</u>

TOTAL JUVENILE INTERVENTION FUND		\$(61,137.00)
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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: June 9, 1997

APPROVED: June 10, 1997


  
MAYOR

ATTEST:


  
CLERK

ORDINANCE NO. 1997-87

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE STORM SEWER IMPROVEMENTS PROJECT, PHASE 5 (EXECUTIVE DRIVE AND LITTLETON STREET), AND DECLARING AN EMERGENCY.

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

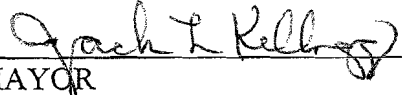
**Section 1.** That the Safety/Service Director is hereby authorized and directed to prepare plans and specifications and advertise for bids for the Storm Sewer Improvements Project, Phase 5 (Executive Drive and Littleton Street).

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

  
PRESIDENT OF COUNCIL

PASSED: June 23, 1997

APPROVED: June 25, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-88

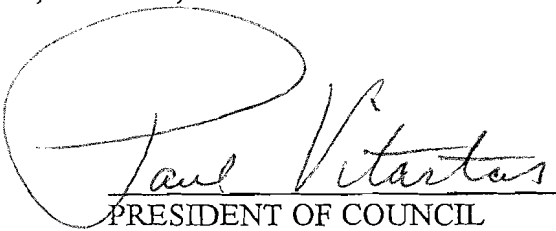
ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 1997 STREET RESURFACING PROGRAM, PROJECT 97-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

*WHEREAS*, the City of Marion, Ohio has been awarded a \$128,000 resurfacing grant from the Ohio Public Works Commission to finance a portion of the 1997 Street Resurfacing Program.

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

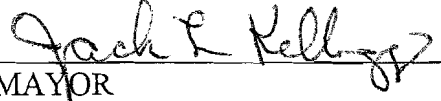
**Section 1.** That the Safety/Service Director be directed to prepare plans and specifications and advertise for bids for the 1997 Streets Resurfacing Program.

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

  
PRESIDENT OF COUNCIL

PASSED: June 23, 1997

APPROVED: June 25, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-89

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PETE MILLER, INC. FOR THE REPLACEMENT AND INSTALLATION OF A NEW ROOF ON THE YOUTH CENTER AND DECLARING AN EMERGENCY

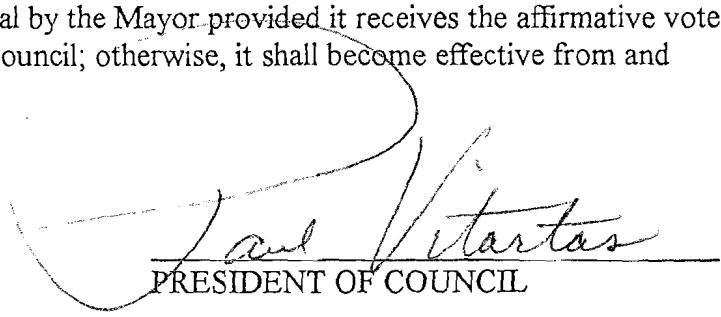
WHEREAS, Pete Miller, Inc. submitted the lowest and best bid of \$19,620.00

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 Pete Miller, Inc. for the replacement and installation of a new roof on the Youth Center.

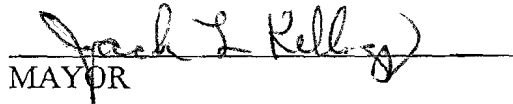
Section 2. That the contract shall be payable from the Formula Grant Fund 275-04-546-230-000-344.

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 the C.D.B.G. grant period ends December 31, 1997; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: June 23, 1997

APPROVED: June 25, 1997

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

ORDINANCE NO. 1997-90

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE YOUTH CENTER REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance # 1996-91 authorized the Mayor to apply a C.D.B.G Small Cities Formula Grant allocating \$139,000 for the rehabilitation of the Former Harding Gymnasium into a Youth Center, and

WHEREAS the City of Marion was awarded the FY '1996 Small Cities CDBG Formula Grant, and

WHEREAS, in Ordinance #1996-91 the City of Marion also committed up to \$120,000 of local funds for the Youth Center Project, and

WHEREAS the roof was bid separately from the remainder of the Youth Center Rehabilitation Project, and

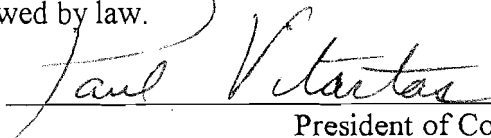
WHEREAS, the cost of the roof repairs were bid at \$19, 620, leaving \$119,380 of the CDBG grant to be used for the Youth Center Rehabilitation Project, and

BE IT ORDAINED, 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 Youth Center Rehabilitation Project.


Section 2. That the cost of such contract shall be payable from the C.D.B.G. Fund and General Fund.

Section 3. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the immediate preservation of the inhabitants thereof and for the further reason that the C.D.B.G grant period ends December 31, 1997; 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.

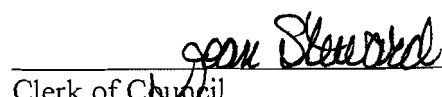
  
\_\_\_\_\_  
President of Council

Passed: June 23, 1997

Approved: June 25, 1997

  
\_\_\_\_\_  
Mayor

Attest:

  
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Clerk of Council



ORDINANCE NO. 1997-91

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AGREEMENT WITH DICTAPHONE CORPORATION FOR THE PURCHASE OF A MULTI-CHANNEL DIGITAL AUDIO RECORDING AND TRANSCRIPTION SYSTEM, AND DECLARING AN EMERGENCY.

*WHEREAS*, Dictaphone Corporation submitted the lowest and best bid of \$71,555. and;

*WHEREAS*, City Council wishes to appropriate an additional \$3,000 for a compatible personal computer system in the Clerk of Councils office.

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

**Section 1.** That the Safety/Service Director be authorized to enter into contract with Dictaphone Corporation for the purchase of a multi-channel digital audio recording and transcription system, and declaring an emergency.

**Section 2.** That the cost of such contract shall be payable by appropriating the funds as follows:

General Fund	101-07-741-250-000-450	\$28,044.25
Court Computerization Fund	210-07-731-250-000-450	\$46,510.75

**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.

*Paul Vitaras*  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: June 23, 1997

APPROVED: June 25, 1997

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

ATTEST:

*Joan Stewart*  
\_\_\_\_\_  
CLERK OF COUNCIL

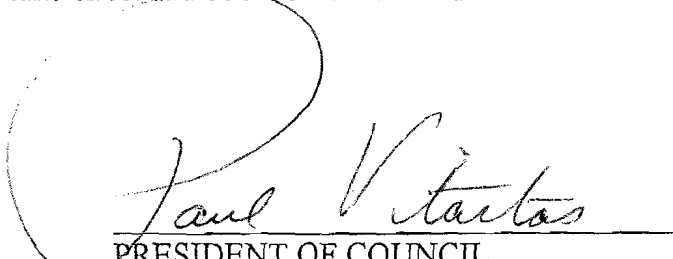
ORDINANCE NO. 1997-92

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR  
 TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS <sup>FOR</sup> A TRAFFIC  
 SIGNAL PRE-EMPTION SYSTEM TO COVER THE DOWNTOWN AREA.

*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 a traffic signal pre-emption system to cover the downtown area.

**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 23, 1997

APPROVED: June 25, 1997

  
 MAYOR

ATTEST:

  
 CLERK OF COUNCIL

## ORDINANCE NO. 1997- 93

ORDINANCE TO AMEND ORDINANCE NO. 1969-29, AS AMENDED,  
TO REESTABLISH THE NUMBER OF PERSONNEL TO BE EMPLOYED  
IN THE POLICE DEPARTMENT OF THE CITY OF MARION, AND  
DECLARING AN EMERGENCY.

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

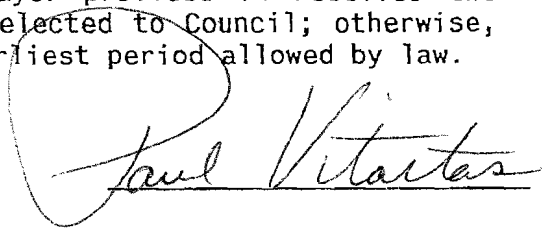
Section 1. That Regulation III, Section 5, of Ordinance No. 1969-29, as amended, and now reading as follows:

"Section 5. That from and after August 15, 1995, the personnel of the Police Department shall consist of one (1) Chief, four (4) Captains, ten (10) Sergeants, and forty-two (42) Patrolmen; so that total personnel equals fifty-seven (57)."

is hereby amended to read as follows:

"Section 5. That from and after July 1, 1997, the personnel of the Police Department shall consist of one (1) Chief, four (4) Majors, twelve (12) Lieutenants. In addition, there shall be a maximum of forty-one patrol officers through December 31, 1997, which shall increase to a maximum of forty-four patrol officers on January 1, 1998, and shall again increase to a maximum of forty-eight patrol officers on January 1, 1999. However, these maximum number of patrol officers' positions shall be entirely dependent upon the proper appropriations made by the Council of the City of Marion and said postions may be reduced by Council if funding is not available."

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



PRESIDENT OF COUNCIL

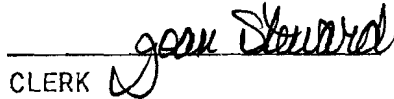
PASSED: June 23, 1997

APPROVED: June 25, 1997



MAYOR

ATTEST:



CLERK

ORDINANCE NO. 1997 - 94ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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 \$386,116.00 as follows:General Fund

Ec. Dev. Prof. Services	101-04-539-230-000-320	\$ 12,000.00
Trans. To Youth Ctr. Fund	101-09-745-270-000-697	112,500.00
Trans. To Parks Fund	101-09-745-270-000-708	7,558.00
Transfer to SCMR	101-09-745-270-000-718	<u>80,000.00</u>

TOTAL GENERAL FUND		\$212,058.00
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SCMR Fund

Resurfacing Projects	207-06-612-230-000-531	\$ 80,000.00
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Parks Fund

Insurance Premium/Ded.	221-03-421-230-000-380	\$ 7,558.00
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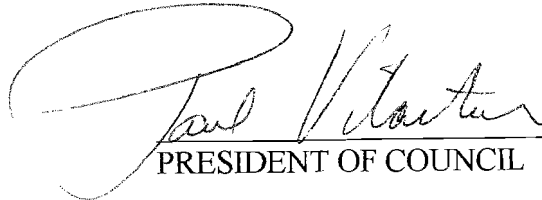
Revolving Loan Fund

Revolving Loans	274-04-539-230-000-333	\$(26,000.00)
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Youth Center Fund

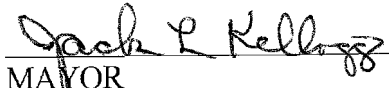
Capital Improvements	442-03-422-250-000-520	\$112,500.00
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Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

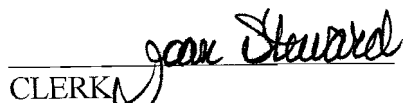
  
PRESIDENT OF COUNCIL

PASSED: June 23, 1997

APPROVED: June 24, 1997

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 1997-95

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AGREEMENT WITH PORTER, WHITE AND COMPANY, INC. FOR THE PURCHASE OF AN OPTION TO PURCHASE REAL PROPERTY AND FURTHER AUTHORIZING THE MAYOR TO EXERCISE SAID OPTION AND PURCHASE THE APPROXIMATELY 431 ACRES, LOCATED WITHIN THE COUNTY OF MARION, FROM EASTERN FIELDS, INC., FOR THE DEVELOPMENT OF A DUAL-RAIL INDUSTRIAL PARK, INCLUDING THE AUTHORIZATION TO OBTAIN THE NECESSARY FUNDS TO COMPLETE THE TRANSACTION AND APPROPRIATING FROM SAID FUNDS THE NECESSARY AMOUNTS, AND DECLARING AN EMERGENCY

WHEREAS, the Council has expressed its' intent to develop a dual-rail industrial park, located within the County of Marion, Ohio, by its' Resolution 1997-22 , and

WHEREAS, the Council has been granted the authority to purchase real property, O.R.C. 717.01 and the Council now finding the below listed real property to be necessary and desirable for the people of the City of Marion, and

WHEREAS, the City of Marion, through the Greater Marion Community Areal New Development Organization, Inc., (CANDO!), has the opportunity to obtain this specific real property from Eastern Fields, Inc. by acquiring an option to purchase from Porter, White and Company, Inc., and

WHEREAS, said land is prime for development as a dual-rail industrial park and provide Marion with a unique competitive advantage in attracting industry and the accompanying jobs and economic benefits that go along with such a development, and further Marion's designation as a Labor Surplus City by the Ohio Department of Development, and

WHEREAS, there exists grant monies available for such a proposed rail industrial park from the State of Ohio, Department of Development, and Marion's CANDO has committed to making application for said monies, and

WHEREAS, the Council finds it desirable to borrow the necessary funds for the purchase of the above property, and

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

SECTION 1. The Mayor is directed and fully authorized to enter into agreement to purchase, accept or receive from Porter, White and Company, Inc. the option to purchase approximately 431 acres of real property located within Marion County, Ohio from Eastern Fields, Inc. for development as a dual-rail industrial park

SECTION 2. The Mayor is directed and fully authorized to complete the purchase of the real property referred to above,

SECTION 3. The Mayor and the Auditor are directed and fully authorized to borrow all necessary funds to complete the purchase of the real property referred to above,

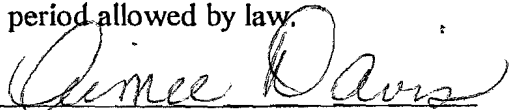
SECTION 4. The Council further finds and determines all formal actions concerning and relating to the passage of this Ordinance were taken in an open meeting and that all deliberations that resulted in formal action were in meeting s open to the public, all in compliance with O.R.C. 121.22. Any notes sold shall be sold at not less than par plus accrued interest at private sale in accordance with the law and the provisions of this Ordinance. 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 or instruments to consummate the transaction contemplated by this Ordinance. Any proceeds from the sale of any note, 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. 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. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City of Marion, 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 officer, 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 that 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 5. The Clerk of Council is directed to deliver a certified copy of this Ordinance and the certificate of award signed pursuant to Section 4 of this Ordinance to the County Auditor,


SECTION 6. 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 4) 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 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary to develop employment opportunities and foster growth in industrial sites this resolution shall take effect and be enforced immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

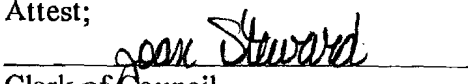
  
President Pro Tempore

Passed: July 7, 1997

Approved: July 8, 1997

  
Mayor

Attest;

  
Clerk of Council

ORDINANCE NO. 1997-96

ORDINANCE APPROVING THE RENOVATION OF THE FRONT ENTRANCE OF THE MARION SENIOR CENTER LOCATED ON HARDING HIGHWAY EAST AND AUTHORIZING THE AUDITOR TO APPROPRIATE ADDITIONAL FUNDS and DECLARING AN EMERGENCY

WHEREAS, City Council requires the approval of any expenditure in excess of \$ 2,500 and,

WHEREAS, there exists an immediate need to renovate the front entrance to the Marion Senior Center building located on Harding Highway East, and

WHEREAS, the opportunity exists to use CDBG monies from Marion County's allocation, however, said improvement must take place and be completed this year, and

WHEREAS, a proposal has been made to use funds already in the Senior Center's capital improvement fund, however, given initial construction estimates there is a need to allocate an additional sum in the amount of \$ 2,000 to said line item, and

WHEREAS, the Council finds the proposal and request to be warranted and beneficial to the citizens of Marion,


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

SECTION 1. The Council approves the expenditure in excess of \$ 2,500 for the proposed renovation to the front entrance of the Marion Senior Center located on Harding Highway East, to be made from the Senior Center's capital improvement fund,

SECTION 2. The Council authorizes and directs the City Auditor to allocate an additional \$ 2,000.00 from the City's General Fund to the Senior Center's Capital Improvement Fund, 101-03-424-250-000-520,

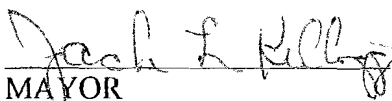
SECTION 3. The Council further authorizes the Senior Center's Director to enter into agreement to take advantage of the available CDBG monies, including contracting with Marion County to complete the project using those funds available in the Capital Improvement Fund,

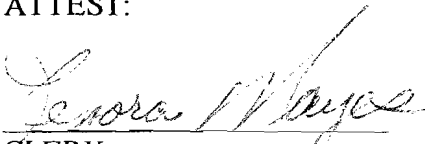
SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the immediate need to complete the specifications and bid the project for completion in this fiscal year in order to take advantage of CDBG monies awarded to this project by the County of Marion and as such shall take effect and be in force immediately upon its' passage and approval by the 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 14, 1997

APPROVED: July 15, 1997

  
MAYOR

ATTEST:  
  
CLERK Pro-Tempore

ORDINANCE NO. 1997-97

ORDINANCE AUTHORIZING THE AUDITOR MAKE AVAILABLE TO THE HARDING CENTRE PROJECT THE \$ 142,916 CURRENTLY BEING HELD AS RETENTION MONIES UNDER THE 12/19/96 LOAN AGREEMENT, AUTHORIZING THE AMENDMENT OF THE LOAN AGREEMENT TO INCLUDE AN ADDENDUM PROVIDING FOR SAME, APPROVING MARION COUNTY BEING PAID OFF FIRST AND APPROVING THE PAYING DOWN OF THE OHIO EDISON CONSTRUCTION LOAN and DECLARING AN EMERGENCY

WHEREAS, City Council by prior Ordinance approved the lending to the Harding Centre Project and authorized the execution of the 12/19/96 Loan Agreement, and

WHEREAS, the agreement provided for a Retention Fund to be held by the Auditor, pursuant to section 3.7 in the amount of \$ 142,916, and

WHEREAS, a request has been made on behalf of the Harding Centre Group, by George Smith, its' General Partner, to make available the aforementioned monies, to be used on the project, and

WHEREAS, the request included permission from Council to payoff the County of Marion prior to the City of Marion and to reduce the Ohio Edison construction loan, both in order to save monies and avoid additional financing costs, and

WHEREAS, the Council finds the requests to be warranted and beneficial to the citizens of Marion,

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

SECTION 1. The Council authorizes the Auditor to release and make available those monies being held in the Retention Fund, as contained in the 12 /19/96 Loan Agreement, in the amount of \$ 142,916, to the Harding Centre Project and authorizes the amendment to the said Loan Agreement to provide for same,

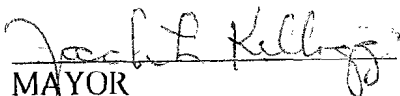
SECTION 2. The Council authorizes and approves the County of Marion being paid first and further authorized and approves that the Ohio Edison construction loan be reduced,

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: given the project is nearing completion and the construction period is ending and there is an immediate need to pay those outstanding construction contracts to enable permanent financing to take place and as such shall take effect and be in force immediately upon its' passage and approval by the 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.

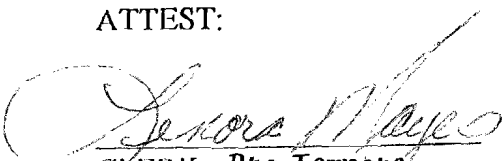
  
PRESIDENT OF COUNCIL

PASSED: *July 14, 1997*

APPROVED: *July 15, 1997*

  
MAYOR

ATTEST:

  
CLERK *Pro-Tempore*



ORDINANCE NO. 1997 - 98ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN  
VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER  
31, 1997.

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

Section 1. That there be appropriation adjustments made in various funds in the amount of \$5,000.00 as follows:

**GENERAL FUND**Data Processing

Salaries	101-07-718-210-000-110	\$(19,834.01)
Benefits	101-07-718-210-000-120	(4,967.44)
Travel	101-07-718-220-000-220	(500.00)
Schooling	101-07-718-230-000-221	(2,000.00)
Dues	101-07-718-230-000-225	(100.00)
Prof. Services	101-07-718-230-000-320	(3,557.50)
Service Contracts	101-07-718-230-000-321	(2,500.00)
Subscriptions	101-07-718-240-000-226	(453.00)
Supplies	101-07-718-240-000-420	(736.79)
Equipment	101-07-718-250-000-450	<u>(7,470.10)</u>

TOTAL		\$(42,118.84)
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City Council

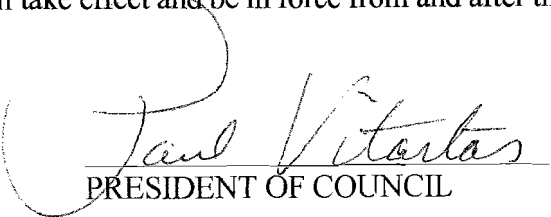
Prof. Services	101-07-721-230-000-320	\$ 42,118.84
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TOTAL GENERAL FUND		0.00
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**HEALTH FUND**Inspection

Weed Control	214-02-222-230-000-426	\$ 5,000.00
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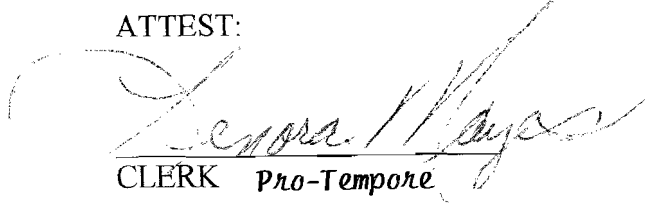
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

  
PRESIDENT OF COUNCIL

PASSED: *July 14, 1997*APPROVED: *July 15, 1997*

  
MAYOR

ATTEST:

  
CLERK *Pro-Tempore*

## ORDINANCE NO. 1997-99

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A \$900,000 NOTE, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING LAND FOR THE DEVELOPMENT OF AN INDUSTRIAL PARK AND A MUNICIPAL RECREATION PARK, AND DECLARING AN EMERGENCY. *Dual-Park*

WHEREAS, the Auditor has certified that the estimated life or period of usefulness of that improvement described in Section 1 is at least five years, the estimated maturity of the Bonds described in Section 1 is 30 years; and the maximum maturity of the Note described in Section 3, to be issued in anticipation of the Bonds is 20 years; and

WHEREAS, Article VIII, Section 13 of the Ohio Constitution provides that the creation or preservation of jobs and economic opportunities and the improvement of the economic welfare of the people of the State of Ohio (the State) are in the public interest and a proper public purpose; and

WHEREAS, the acquisition of land for the development of an industrial park would create jobs and economic opportunities and improve the economic welfare of the people of the City and the State;

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

Section 1. It is determined that the acquisition of land for the development of an industrial park will create jobs and economic opportunities and improve the economic welfare of the people of the City and the State.

Section 2. Pursuant to Article VIII, Section 13 of the Ohio Constitution and Chapter 133 of the Revised Code, it is permissible for the City to issue bonds or notes in anticipation of such bonds for the purpose of acquiring land for (a) the development of an industrial park to create or preserve jobs and economic opportunities and improve the economic welfare of the people of the City and the State, provided that moneys raised by taxation shall not be obligated or pledged for the payment of such bonds or notes, and (b) the development of a municipal recreation park.

Section 3. It is necessary to issue taxable bonds of this City in the aggregate principal amount of \$900,000 (the Bonds) for the purpose of acquiring land for the development of an industrial park and a municipal recreation park.

Section 4. The Bonds shall be dated approximately August 1, 1998, 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 30 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 5. It is necessary to issue and this Council determines that a taxable note in the aggregate principal amount of \$900,000 (the Note) shall be issued in anticipation of the issuance of the Bonds. The Note shall bear interest at the rate of seven and three-quarters percent (7-3/4%) 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.

Section 6. The debt charges on the Note shall be payable in lawful money of the United States of America, and shall be payable, without deduction for services of the City's paying agent, at the principal Marion office of National City Bank of Columbus (the Paying Agent). The Note shall be dated August 1, 1997 and shall mature on August 1, 1998. The Note shall be prepayable, in part or in whole, without penalty or premium, at the option of the City at any time prior to maturity as provided in this Ordinance. Prepayment prior to maturity shall be

made by deposit with the Paying Agent the portion of the principal amount of the Note with accrued interest thereon to the date of prepayment. The City's right of prepayment shall be exercised by mailing a notice of prepayment stating the date of the prepayment and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser (as defined in Section 8 of this Ordinance) not less than seven days prior to the date of that deposit unless that notice is waived by the Original Purchaser. If money for payment is on deposit with the Paying Agent on the specified payment date following the giving of that notice (unless the requirement of that notice is waived as stated above), interest on the principal amount prepaid shall cease to occur on the prepayment date. Upon the request of the Auditor, the Original Purchaser shall: (i) if the entire principal amount of the Note then outstanding is prepaid, arrange for the delivery of the Note to the designated paying agent for prepayment and surrender and cancellation, or (ii) if less than the entire principal amount of the Note then outstanding is prepaid, arrange for the delivery of the Note to the designated paying agent for prepayment and surrender and exchange for a Note, without charge to the Original Purchaser, in the principal amount of the Note not prepaid, which Note shall be dated, mature and bear the same interest rate as the surrendered Note.

Section 7. The Note 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 Note shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon its face the purpose, in summary terms, for which it is issued and that it is issued pursuant to this Ordinance.

Section 8. The Notes shall be sold at not less than par plus accrued interest to National City Bank of Columbus (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Auditor shall cause the Note to be prepared, and have the Note signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Note 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 9. The proceeds from the sale of the Note, 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 Note is being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 10. 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 Note shall, to the extent necessary, be used to pay the debt charges on the Note at maturity and are pledged for that purpose.

Section 11. The Note is a special obligation of the City, and the payment of and interest on the Note and the Bonds are payable solely from Nontax Revenues. "Nontax Revenues", as used herein, means all money of the City not raised by taxation, to the extent available for such purposes, including, but not limited to the following (a) grants from the United States of America or the State; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fees deposited in the City's General Fund from properly imposed licenses and permits; (d) fines and forfeitures which are deposited in the City's General Fund; (e) investment earnings in the City's General Fund which are credited to the City's General Fund; (f) investment earnings of other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) rental income which is deposited in the City's General Fund; and (i) gifts and donations. The City covenants that any proceeds from the sale or lease of the land acquired with proceeds of the Note shall be used to pay or prepay the debt charges on the Note. Notwithstanding anything in this Ordinance or the Note to the contrary, the Note is a special obligation of the City and does not represent or constitute a general obligation debt or pledge of the faith and credit on taxing powers of the City, and the holder of the Note shall have no right to have taxes levied by the City for payment of the principal of or any interest on the Note, but the Note is payable solely from Nontax Revenues of the City. Nothing herein or in the Note, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent it is authorized by law to do so, any other resources for the payment of debt charges on the Note.

Section 12. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Note in order to make it a legal, valid and binding special obligation of the City have been performed and have been met, or will at the time of delivery of the Note have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Note.

Section 13. 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 Note, which is necessary to permit the immediate acquisition of the land for its annexation to the City for the development of the industrial park and the municipal recreation park; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: July 28, 1997

Paul Vitarter  
President of Council

Approved: July 29, 1997

Jack L. Kelley  
Mayor

Attest: Joan Steward  
Clerk of Council