

Ordinance No. 2020-75 Passed _____, _____

ORDINANCE AUTHORIZING THE CREATION OF A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) WITHIN DOWNTOWN MARION

ORDINANCE NO. 75-2020 creating and designating an outdoor refreshment area within the City of Marion; establishing requirements to ensure public health and safety within the designated area; and declaring an emergency.

WHEREAS, R.C. § 4301.82 permits the City of Marion to create and approve an application for a “Designated Outdoor Refreshment Area” (“DORA”) within its corporate limits; and

WHEREAS, Mayor Scott Schertzer has submitted and filed an application with Marion City Council in compliance with R.C. § 4301.82(B), in order to have certain property designated as an outdoor refreshment area; and

WHEREAS, notice concerning this application has been published in compliance with R.C. § 4301.82(C) and (F)(2); and

WHEREAS, the purpose of a DORA is to create potential for more entertainment and social options for residents of the City and others; and

WHEREAS, Council has reviewed this application and determined that the application is in compliance with R.C. §4301.82(B), and that the contemplated DORA would be in compliance with R.C. §4301.82(D).

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

Section 1. That pursuant to R.C. §4301.82, there is hereby established and designated the Downtown Marion Designated Outdoor Refreshment Area (the “Marion DORA”) with the boundaries of the area, including the street addresses, as described in the application being attached hereto as Exhibit A and incorporated herein.

Section 2. That it is hereby found and determined by Marion City Council for the purpose to ensure the public health and safety within the area that: (1) there will be sufficient signage designating the boundaries of the area; (2) the hours of operation for the area; (3) the number of personnel needed to ensure public safety in the area; (4) the sanitation plan that will help maintain the appearance and public health of the area; and (5) the number of personnel needed to execute the sanitation plan, as identified in Exhibit A, are approved, adopted, and incorporated herein.

Section 3. That all beer, wine, and intoxicating liquor in the Marion DORA shall be served solely in plastic bottles or other plastic containers, as further described in Exhibit A.

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Section 4. That Council hereby finds and determines that: the business, artistic, cultural and entertainment establishments located within the Marion DORA will be enhanced hereby; the Marion DORA will encompass no fewer than four (4) qualified liquor permit holders; the uses of land within the proposed Marion DORA are in accord with the Zoning Code requirements of the City of Marion; and the hours and rules of the Marion DORA set forth in Exhibit A and incorporated herein, will ensure public health and safety. Council reserves the right to modify the public health and safety requirements as needed pursuant to state law.

Section 5. That each rule, requirement, and standard set forth in Exhibit A and incorporated herein is necessary to ensure the public health and safety, and the same is hereby adopted in its entirety, and Council therefore approves the application filed with it.

Section 6. That pursuant to R.C. §4301.82(I), Council shall periodically review the operation of the Marion DORA, and shall either approve the continued operation of the DORA or dissolve the area. The initial review of the Marion DORA shall occur five (5) years after its creation, and subsequent reviews of continued operation (if any), shall occur within five (5) years of each renewal. Subject to notice requirements, Council reserves the right, pursuant to state law, to dissolve all or part of the Marion DORA at any time.

Section 7. That the Mayor, Director of Public Service, Director of Finance, Director of Law, and other City officials, as appropriate, be and are hereby authorized to execute, certify, and/or furnish other such documents and do all other actions as are necessary to establish the Marion DORA referred to in Section 1, and which are incidental to carrying out the purpose of this ordinance.

Section 8. That the Clerk of Council is hereby directed, upon adoption of this ordinance, to provide notice as required by R.C. §4301.82 of the establishment of this Downtown Marion DORA to the Superintendent of the Ohio Department of Commerce Division of Liquor Control, and to the investigative unit of the Department of Public Safety.

Section 9. That notwithstanding any other provision of the Codified Ordinances of the City of Marion, any ordinance (or part thereof) that conflicts with the purposes of the Marion DORA shall not be applicable to activity within the DORA. If any provision of this ordinance is subsequently adjudicated as invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remaining portions of this ordinance.

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Section 10. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety for the reason that immediate passage of this ordinance is necessary to allow adequate time for state approval and issuance of DORA designations as soon as possible, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2020-77

Passed _____, _____

ORDINANCE OF THE COUNCIL OF THE CITY OF MARION OHIO, UTILIZING AUTHORITIES GRANTED BY OHIO REVISED CODE, REPLACING THE BOARD OF ZONING APPEALS WITH CITY PLANNING COMMISSION, AMENDING ALL NECESSARY CODIFIED ORDINANCES/ RESOLUTIONS IT HAVING DETERMINED A REAL AND PRESENT NEED TO FURTHER STREAM LINE LOCAL GOVERNMENT AND DECLARING AN EMERGENCY

Whereas, the Council for the City of Marion, Ohio and the City's Administration have observed a real and present need to further streamline and refine local government processes, and

Whereas, there is determined to be a real and present need to replace the current Board of Zoning Appeals with the ORC statutory authority passing to the City Planning Commission, and

Whereas, the Council has determined the people of the City of Marion are best served by enabling the aforementioned change to better serve and streamline local government,

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

Section 1. Council finds it in the best interest of the citizens of Marion to replace the Board of Zoning Appeals, utilizing all authorities provided the municipality under Ohio Revised Code, as same is found to be a real and present need for the benefit of the City and its inhabitants. This determination based upon Councilmembers investigation and findings, personal observations and debate in regard to the present need to enhance local government processes.

Section 2. Council hereby amends all prior adopted Ordinances, Resolutions, including but not limited to all Codified Ordinances to accomplish the end result determined by it to be necessary at this time. To wit, every prior reference, power, authority, charge, grant, obligation or responsibility previously placed with the Board of Zoning Appeals shall be transferred, bestowed, obligated, enabled, passed, placed with the City of Marion Ohio Planning Commission. All reference previously made to the Board of Zoning Appeals shall upon the effective date of this Ordinance be replaced with: City of Marion Planning Commission. Any Ordinance or Resolution contrary to the intended end contained herein shall be repealed or replaced with the authority contained herein, without limitation. The Clerk shall modify all necessary section of Marion's Codified Code to conform herewith, with the assistance of the City Law Director.

Section 3. Council further finds it necessary to re-constitute the current City Planning Commission. Upon the effective date of this Ordinance the City of Marion Planning Commission shall be comprised of:

The Mayor, the Director of Public Service, the President of the Board of Park Commissioners, a city resident from each Ward within the City as recommended by the Mayor and confirmed by the Council.

Each resident's term shall be for six (6) years, however to create staggered terms the first term of those members listed below shall expire on the dates listed. Resident members shall initially be as listed below.

On the effective date of this Ordinance, the following six (6) resident Ward Members shall hold the following positions:

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Tom White – 5th Ward - term expiration 12/31/2024
311 E. Washington St.

Sharon Russell – 4th Ward - term expiration 12/31/2024
598 Irey Ave.

Andy Cumston – 1st Ward - term expiration 03/02/2022
1269 Bermuda Dr.

Robert Berry – 6th ward - term expiration 12/31/2023
670 Brightwood Dr.

Ryan Hord – term expiration 03/02/2022
375 W. Center St.

Rev. J. David Worthen - term expiration 12/31/2023
756 Villandry Dr.

Section 4. Authorities enabling this determination and action can be found in, but are not limited to, to any extent: ORC 713.11 et al, ; ORC 713.11, in relevant part: “ *...Such administrative powers and functions may be delegated by the legislative authority to the planning commission or board.*”; Including, but not limited to 713.15.:

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 declaration as determined after debate by the Council to be a real and present need for the benefit of the health, welfare, regulation and local , enforcement/police power of the residents of the City of Marion, 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 member elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Approved: _____

President of Council

Mayor Scott Schertzer

Attest:

Clerk of Council

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

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Ordinance No. 2020-82

Passed _____

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE BELOW LISTED ACCOUNTS ENDING DECEMBER 31, 2020, TO COVER CURRENT COST AND FUTURE PAYMENTS

Whereas, the Auditor has advised that there is a need for additional appropriation for the accounts listed below

THEREFORE, BE IT ORDAINED by Council of the City of Marion, Marion County, Ohio: Section 1. The following appropriation be made

General Fund (Additional General Fund Dollars)		
Senior Center		
101.1006.5102.08	Medical Insurance	4,700.00
101.1006.5102.14	Dental Insurance	70.00
Auditor's		
101.1010.5418	refunds	22,500.00
Non General Fund		
Capital Improvements		
401.4000.54444	Capital Contingency	33,053.45
Police		
260.1000.5101.01	Regular Salaries	25,000.00
260.1000.5101.03	Salaries overtime	8,000.00
260.1000.5102.03	OPERS	4,000.00
260.1000.5102.05	Police Pension	18,000.00
260.1000.5102.08	Medical Insurance	26,000.00
260.1000.5442	Capital Equipment	35,450.00
260.1000.5102.12	Health Savings Account	4,500.00
260.1000.5102.14	Dental Insurance	600.00
Fire		
270.1002.5101.01	Regular Salaries	5,000.00
270.1002.5101.02	Uniform Salaries	900,000.00
270.1002.5101.03	Salaries overtime	4,000.00
270.1002.5102.01	Medicare	12,000.00
270.1002.5102.12	Health Savings Account	7,984.99

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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.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

RECORD OF ORDINANCES

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Ordinance No. 2020-83

Passed _____, _____

ORDINANCE AMENDING ORDINANCE 2020-81 MAKING AN ADDITIONAL APPROPRIATION IN THE CAPITAL CONTINGENCY FUND TO PROVIDE FUNDING FOR THE CITY OF MARION, OHIO WORKING CAPITAL GRANT PROGRAM, FOR ELIGIBLE BUSINESSES FOR YEAR ENDING DECEMBER 31, 2020.

WHEREAS, the City of Marion has received funding under the CARES Act, and

WHEREAS, the City of Marion wishes to make **up to** \$100,000.00 available to eligible businesses to help with expenses caused DURING by the COVID pandemic based on the related ordinance passed for that purpose, and,

WHEREAS, the City of Marion will appropriate the following funds for that purpose **and those funds will be reimbursement from CARES Act Fund 275**

BE IT ORDAINED by the Council of the City of Marion, Marion County Ohio
Section 1. That the following appropriation, be made as follows:

Capital Improvement

Capital contingency	401.4000.5444	UP TO \$100,000.00
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Section 2. ~~The Council in order to fund said Working Capital Grant Program does hereby de appropriate the sum of, up to, \$ 100,000.00 from Ordinance 2020-76, more particularly from Section _____ item _____. Any monies not distributed under the Working Capital Grant Program pursuant to this appropriation Ordinance shall be enabled to be expended for qualifiable expenses under Cares Act 3 by the Administration under Ordinance 2020-76.~~

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

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2020-84

Passed _____, _____

ORDINANCE AUTHORIZING THE MAYOR AND AUDITOR TO ENTER INTO AN AGREEMENT TO SUBORDINATE THE HARDING CENTER ED CDBG LOAN AND UDAG LOAN, TO DELAY PAYMENT OF BOTH LOANS, AND TO REQUIRE A PERSONAL GUARANTEE SIGNATURE BE ADDED TO BOTH LOANS, AND DECLARING AN EMERGENCY

WHEREAS, The City of Marion tirelessly with multiple partners, including, but not limited to, Marion County, the Ohio Housing Finance Agency, the Ohio Department of Development (now ODSA), Marion HAND, Marion-Crawford (now Ohio Heartland) Community Action Commission, and numerous investors to undertake the renovation of the long vacant Harding Hotel for housing and commercial space, and

WHEREAS, In 2013, with the building losing money, having vacant space, needing several hundred thousand dollars in repairs, and behind in loan payments, Marion City, Marion County, OHFA, and the Ohio Department of Development (ODSA) approved of the purchase by Lois Fisher and Associates, under the name STARFISH BUILDING, LLC, of the property with restructured financing, and

WHEREAS, The promised repairs and other repairs were made, local marketing filled vacant space, the first mortgage to the City \$600,000 and County \$300,000 were paid off, the second mortgage to the City RLF \$30,000 and County RLF \$70,000 were paid off, and payments had started to the UDAG RLF (3rd mortgage) and CDBG ED Loan (4th mortgage) with payments current, but now the building has sustained a major structural west wall problem causing a public safety issue and considerable financial drain on the property, and

WHEREAS, The 3rd (\$100,000) and 4th (\$400,000) mortgages are now the 1st mortgage with a balance of \$98,701.00 and 2nd mortgage with a balance of \$301,867.00, and

WHEREAS, after several Council Committee meetings and constructive problem- solving efforts, the owner Lois Fisher representing STARFISH BUILDING, LLC and Council find it advantages to subordinate the two remaining loans to a private construction repair loan, and defer payments in return for the personal signature of Lois J. Fisher, then

BE IN ORDAINED by the City of Marion, Marion County, Ohio,

Section 1. The Mayor and Auditor are hereby authorized to enter into and agreement with STARFISH BUILDING LLC and Lois J. Fisher personally, to subordinate the UDAG 1st mortgage and ED CDBG loan 2nd mortgage to a commercial construction repair loan, to defer for up to ten (10) years the principal payments of both loans, requiring interest payments at two (2) percent on the UDAG loan, having no interest (0%) on the ED CDBG loan, and, in return, requiring the UDAG and ED CDBG to become both a liability of STARFISH BUILDING, LLC, and Lois J. Fisher, personally.

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Section 2. Due to the closing of Orchard Street hurting several businesses, the potential safety concerns of additional deterioration, and thus the need for timely construction financing and building repair, the above is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and shall take effect and be enforced immediately upon its passage by two thirds vote of all members elected and by approval of the Mayor, otherwise it shall become effective from and after the earliest period allowed by law.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council