

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, *AS AMENDED*

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 Any Ordinance or Resolution contrary to the intended end contained herein shall be repealed or replaced with the authority contained herein, without limitation.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.

RECORD OF ORDINANCES

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Passed _____, _____

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

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 – 4th Ward - term expiration 03/02/2022
375 W. Center St.

Rev. J. David Worthen 6th Ward - term expiration 12/31/2023
756 Villandry Dr.

TO PROVIDE REPRESENTATION FROM EACH OF THE CITY'S 6 WARDS, IN ADDITION TO THE ABOVE LISTED MEMBERS / REPRESENTATIVES, THE MAYOR SHALL APPOINT A REPRESENTATIVE FROM THE SECOND WARD AND THE THIRD WARD FOR A BEGINNING NUMBER OF 11 MEMBERS. THROUGH ATTRITION THE BOARD SHALL REDUCE TO 9 MEMBERS BY: WHEN DUPLICATIVE MEMBERS FROM THE SAME WARDS TERMS EXPIRE THAT MEMBER'S POSITION SHALL BE ELIMINATED TO ACCOMMODATE THE 2ND AND 3RD WARD REPRESENTATIVES FROM THE BEGINNING OF RE-CONSTITUTED PLANNING COMMISSION.

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.

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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

Ordinance No. _____

Passed _____, _____

Ordinance No. 2020-85

Passed _____, _____

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE FY 2019 CDBG GRANT PROJECTS AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion has been awarded a Community Development Block Grant funded FY 2019 Allocation which includes installation of sidewalks on Patten St. near the Patten St. Park, the demolition of nuisance structures and install basketball court Rotary Park, and

WHEREAS it is desirable to prepare specifications, solicit bids and award successful bidder for the projects during the winter months in order for construction be completed by the October 30, 2021 deadline,

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

Section 1. That the Service Director is hereby authorized and directed to prepare plans and specifications, and advertise for bids, and enter in to contract for the FY 2019 CDBG Projects

Section 2. That the cost of such projects will be paid for by the FY 2019 CDBG Allocation Grant (previously known as Formula Grant) not to exceed said grant, 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, due to the real and present need to move forward without delay to maximize the current grant utilization and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, 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

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

Ordinance No. 2020-86

Passed _____, _____

ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS INC. FOR ENGINEERING SERVICES NECESSARY FOR THE FY 2019 CDBG MARION OF 223-227 N. MAIN STREET PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, FY 2019 CDBG Allocation Grant for the Demolition of 223-227 N. Main Street will require engineering expertise of for safe demolition since it is immediately adjacent to two other structures, and

WHEREAS, the CT Consultants (CT) has submitted a proposal preparing specifications for at 223-227 N. Main Street for a total bid of \$10,500

WHEREAS, the FY 2019 CDBG Formula Allocation grant has \$80,000 budgeted for the City-wide demolition

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

Section 1. That the Director of Public Service be directed to enter a contract with CT Consultants, Inc. (CT) for professional services related to demolition projects in the amount of \$10,500.

Section 2. That said contract shall be payable from the Community Development Block Grant FY 2019 Formula Allocation grant

Section 3. It is desirable to start the work promptly given that the building is in dilapidated condition and is a potential safety risk to the nearby elementary school.

Section 4. That this ordinance is hereby declared 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 that it receives the affirmative vote of two-thirds of all members elected to Council: 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

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

Ordinance No. 2020-87

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

Engineering Department

101.1022.5102.08	Medical Insurance	3,300.00
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Non General Fund

SCMR

202.2006.5420.02	Paving Bonds	4,000.00
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202.2006.5406	Insurance Premium	1,000.00
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Storm Water

504.5007.5439.02	Principal	131,000.00
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Sanitary Sewer

502.5001.5439.02	Principal	73,000.00
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Internal Service

601.6000.5439.02	Principal	191,000.00
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LandFill

509.5006.5439.02	Principal	
2,000.00		

Aquatics Center

602.1026.5439.02	Principal	60,000.00
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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.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Tarina R. Rose
Clerk of Council

Ordinance No. 2020-88

Passed _____

ORDINANCE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES, SPECIFICALLY PROFESSIONAL MANAGEMENT OF THE CITY'S ELECTRIC AGGREGATION PROGRAM DUE TO THE REAL AND PRESENT NEED TO HAVE ON-GOING EXPERTISE IN REGARDS TO THE ELECTRIC GENERATION INDUSTRY, AND DECLARING AN EMERGENCY

WHEREAS, the Council did by previous Ordinance enable the ballot measure of whether or not the City of Marion should create an Opt-out electric aggregation program pursuant to O.R.C. 4928.20, and

WHEREAS, the Program referenced above has experienced great success and has saved the participants in excess of 2.5 million dollars, and

WHEREAS, there is a real and present need to continue the existing relationship with the City's expert professional management firm,

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

Section 1. The Council finds the citizens of the City to best be served by the entering into another Professional Management Service Agreement for the City's Electric Aggregation program and hereby authorizes and directs the Public Works Director to complete all documents necessary enter into an additional contract period for services to be provided to the City's Electric Aggregation Program,

Section 2. This Ordinance is hereby declared to be an emergency necessary for the welfare of the City of Marion and the inhabitants thereof due to the need to move as quickly as possible; and as such shall take effect and be enforce immediately upon it's passage by two thirds vote of all members elected and by approval of the Mayor, otherwise it shall become effective from and after the earliest period allowed by law.

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 RESOLUTIONS

Resolution No. 2020-36

Passed _____

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARION, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY

WHEREAS, the State Capital Improvement Program provides financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the City of Marion, Ohio is planning to make capital improvements for the S. Main Street Sewer Improvements (Project 21-1S), Boone Avenue Sewer Improvements (Project 21-2S), and Benton Place Sewer Improvements (Project 21-3S)

WHEREAS, the infrastructure improvements herein above described are considered to be a priority need for the community and are qualified projects under the OPWC programs,

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

Section 1: The Mayor is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

RECORD OF RESOLUTIONS

Resolution No. _____

Passed _____, _____

Section 3: That this resolution is hereby declared an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary to meet the State Issue 1 deadline; and as such, shall take effect and be in force immediately upon its passage and approval by the mayor, provided that it receives the affirmative vote of two-thirds of all members elected to Council: 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