

Ordinance No. 2020-73

Passed _____, _____

ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN BY IMPLEMENTING ALL NECESSARY TRAFFIC CONTROL DEVICES ASSOCIATED WITH TRAFFIC CALMING, PATTERNS, PARKING AND SAFETY MEASURES ON S. MAIN ST. WITHIN THE CITY, INCLUDING BUT NOT LIMITED TO THOSE CONTAINED ON EXHIBIT A ATTACHED HERETO

WHEREAS, the Traffic Commission on September 21, 2020 determined it to be necessary and in the best interests to amend the Traffic Control Map by implanting certain changes to traffic control devices associated with traffic calming, patterns, parking and safety measures on S. Main St. within the City, and

WHEREAS, the Public Works Director has provided a detailed schematic of the intended changes associated with the traffic calming implementation, which is attached as Exhibit A.

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

SECTION 1. The Council determines it to be necessary to amend the City's Traffic Control Plan/Map regarding to certain changes to traffic control devices associated with traffic calming, patterns, parking and safety measures on S. Main St. within the City. This finding of the Traffic Commission and the Council after due deliberation, based in part upon the recommendation of the City Public Works Director. Therefore, the Public Works Director and the Safety Director are directed to place the necessary traffic control devices, markings and implements upon said section of S. Main St. and N. Main St within the City of Marion, Ohio. And, thereafter, to amend the City Traffic Control Map, as amended.

SECTION 2. This Ordinance shall take effect on the earliest date allowed by law.

President of Council

Approved

Mayor Scott Schertzer

ATTEST:

Clerk of Council

RECORD OF ORDINANCES

Ordinance No. _____	Passed _____, _____
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Ordinance No. 2020-74

Passed _____, _____

ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN TO PROVIDE FOR A TEMPORARY TRAFFIC PATTERN AND CONTROL DEVICES CHANGE ASSOCIATED WITH JEFFERSON ST.

WHEREAS, the Traffic Commission on September 21, 2020 determined it to be necessary and in the best interests to amend the Traffic Control Map to address seasonal congestion associated with the fall harvest and the facility located on E. Mark St., Marion, Ohio,

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

SECTION 1. The Council determines it to be necessary to amend the City's Traffic Control Plan/Map to account for seasonal congestion associated with the fall harvest and deliveries to the facility on E. Mark St., Marion, OH.. Specifically, directing the Public Works Director and Safety Director take all steps necessary to remove parking on the west side of Jefferson St. from Mark St. to Center St and alter the Stop signs at the intersection of Jefferson and Wilson Ave. consistent with the parameters approved by the Traffic Commission at its' September 21, 2020 meeting. These seasonal changes shall remain in place until the Safety Director determines there is no longer a need associated with the seasonal congestion. This Ordinance shall enable the Public Works Director and Safety Director to implement these provisions on a re-occurring annual basis based on need.

SECTION 2. This Ordinance shall take effect on the earliest date allowed by law.

President of Council

Approved

Mayor Scott Schertzer

ATTEST:

Clerk of Council

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____ *Passed* _____, _____

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.

Ordinance No. _____

Passed _____, _____

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.

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

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. 2020-76

Passed _____, _____

ORDINANCE MAKING AN ADDITONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020.

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

WHEREAS, the funds are used as a reimbursement for the COVID related expenses, and

WHEREAS, the City of Marion has received an additional sum of \$1,293,070.61, and

WHEREAS, the City of Marion has also reimbursed various funds from the COVID Fund and said funds need to be appropriated for its intended use.

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

Section 1. That the following appropriations and adjustment be made as follows:

COVID

Refunds and Reimbursements	275.2084.5418	\$1,293,070.61
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GENERAL FUND

City Hall

Land & Building Maintenance	101.1021.5408	\$ 40,000.00
Professional Services	101.1021.5402	\$ 40,000.00
Supplies	101.1021.5502	\$ 80,000.00
Janitorial Services	101.1021.5414	\$ 10,000.00
Total General Fund		\$ 170,000.00

RECORD OF ORDINANCES

Ordinance No. _____ Passed _____, _____

Capital Improvement		
Capital Contingency	101.1008.5406	\$ 495,000.00
Total Capital Fund		\$ 495,000.00

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

APPROVED: _____
Todd Schneider
President of Council

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

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:

Ordinance No. _____

Passed _____, _____

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

Sharon Russell – 4th Ward - term expiration 12/31/2024
598 Ireys 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

Form 6220S

Ordinance No. 2020-78

Passed _____, _____

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATION, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE LINCOLN PARK STADIUM RESTORATION AND REHAB PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the Marion City Parks Department has been awarded a grant in the amount of \$392,000.00 for the restoration and rehab of the Lincoln Park Stadium, and

WHEREAS, the plans and specifications have been completed and the city is now able to proceed with bidding the project, and

WHEREAS, given the timeline of the grant and impending winter weather, the city is in need of proceeding with the award of the successful bidder to fully utilize the grant within the grant timelines.

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

Section 1. That the Service Director is hereby authorized to prepare specifications, advertise for bids and enter into contract with the successful bidder upon thorough review and scoring in accordance with the grant.

Section 2. That the cost of said project will be paid from the appropriated funds within the Parks Capital Improvement and not to exceed said grant funds.

Ordinance No. _____

Passed _____, _____

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 given the current grant utilization date quickly approaching and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

Ordinance No. 2020-~~85~~ 79 TR

Passed _____, _____

ORDINANCE AUTHORIZING AND ENACTING THE CITY
OF MARION, OHIO WORKING CAPITAL GRANT PROGRAM,
AND DECLARING AN EMERGENCY

WHEREAS, the Federal Government has authorized and provided for State and Local governments to assist with certain necessary expenses directly related to the National Pandemic, and

WHEREAS, the COVID-19 Pandemic has hit all businesses, governments and other institutions extremely hard providing social, economic, and environmental challenges, and

WHEREAS, the attached Working Capital Grant Program has been developed to provide temporary relief to offset the costs incurred related to the Pandemic,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARION, STATE OF OHIO, THAT:

SECTION 1. This council hereby authorizes and enacts the Working Capital Grant Program, as attached hereto and made a part thereof in Exhibit "A". The Program shall be consistent with all Federal Regulations and State laws. And, shall be consistent with the Program Rules and Procedures as contained in Exhibit A attached hereto and made a part hereof as if fully re-written herein.

SECTION 2. The Council approves the sum of \$100,000.00 for the program with said costs to be paid from the CARES Act Fund 275.

Ordinance No. _____

Passed _____, _____

SECTION 3. 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 implement the Program without further delay as same has been determined 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.

Todd Schneider

President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose

Clerk of Council

Ordinance No. _____

Passed _____, _____

EXHIBIT A

**City of Marion, Ohio
Small Business Grant
Information & Guidelines**

Amount

Eligible businesses may apply for a one-time grant based upon the number of employees under a Tier.

- Tier 1 – 1 to 5 employees up to \$1,000.00
- Tier II – 6 to 10 employees up to \$1,500.00
- Tier III – 11 or more employees up to \$2,500.00

Applicants should be aware that this grant may be considered income for tax reporting purposes.

Administration

This program will be administered by the Marion City Auditors Office.

Eligibility

Any business or non-profit organization needing assistance is encouraged to apply. Only complete and legible applications will be reviewed. Qualified applicants shall meet the following criteria:

1. Business/non-profit must have been impacted by the State-mandated closures that began on March 15, 2020 due to COVID-19.
2. Business/non-profit must be located within the City of Marion, Ohio.
3. No corporation which has a corporate registration based in a State other than Ohio shall be eligible. No corporation with assets greater than 1 million dollars shall be eligible.
4. Business/non-profit must be current with local, state, and federal jurisdictions with respect to taxes, fees, utility payments, and be in compliance with Marion Public Health safety and health guidelines.
5. The applicant must submit for reimbursement actual cost spent between March 1, 2020 and the date of this application. The grant will be issued only as reimbursements for qualified expenses. The business must submit receipts or proof of purchases, along with payment verification (cancelled checks, credit card statement, etc.) with this application.
6. Qualified expenses:
 - a. PPE (Personal Protective Equipment) – facial coverings, masks, glove, face shields, goggles, etc.
 - b. Social Distancing barriers and signage (sneeze guards)
 - c. Enhanced disinfectant supplies, hand sanitizer, etc.
 - d. Rent, utility, and mortgage payments

Applications will be reviewed as they are received. Grants will be awarded until funds are exhausted

RECORD OF ORDINANCES

Ordinance No. _____ *Passed* _____, _____

Equal Opportunity Statement: It is the policy of City of Marion, Ohio not to discriminate against any applicant for grant assistance because of age, color, sex, disability, national origin, race, religion, or veteran status.

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

City of Marion, Ohio Small Business
Grant Application Deadline
November 10, 2020

Completed applications must be either dropped off in person at the Marion City Auditors Office, Marion City Hall, 233 West Center Street, Marion, Ohio 43302 prior to the deadline.

- All Applications must include supporting documentation:
- 1. COVID-19 expense related receipts and payment verification.
 - 2. A completed W-9
 - 3. Additional documents/photos to support application

Full Legal Name of Business	
Business "dba" Name (if Applicable)	
Federal Employer ID#	
Local Business Address	
Business Owner / Applicant Name	
Applicant Home Address	
Applicant Email	
Applicant Phone #	
Primary Industry	<input type="checkbox"/> Retail <input type="checkbox"/> Service <input type="checkbox"/> Restaurant <input type="checkbox"/> Hotel <input type="checkbox"/> Manufacturing <input type="checkbox"/> Other
Business Real Property Status	<input type="checkbox"/> Owned <input type="checkbox"/> Leased
How Many Employees	
Amount Requested: Maximum amounts: Tier 1 – 1 to 5 employees up to \$1,000.00 Tier 2 – 6 to 10 employees up to \$1,500 Tier 3 – 11 or more employees up to \$2,500	
Indicate Who to Make Grant Check Payable to and What Address it Should be Mailed to:	

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Has your business applied for other programs? (select all)	<input type="checkbox"/> None	<input type="checkbox"/> Payment Protection Program
	<input type="checkbox"/> Economic Impact Disaster Program	<input type="checkbox"/> Other SBA
	<input type="checkbox"/> Loan	<input type="checkbox"/> SharedWork Ohio Assistance
	<input type="checkbox"/> Personal or Business Loan	<input type="checkbox"/> Other Grants or Assistance

The Authorized Representative of the Grantee certifies to all of the below by initialing next to each one.

_____ The dollar amount for which the applicant has requested has not been submitted to other agencies for funding or has not been funded by other agencies.

_____ I understand that if the funds were knowingly used for unauthorized purposes, the federal government may pursue recovery of amounts and/or civil or criminal fraud charges.

_____ The applicant has accurately verified the payments for the eligible expenses for the amount requested.

_____ The applicant understands that this grant is a reimbursable grant and only those expenses submitted with receipts will be reimbursed up to the maximum amount based on the Tier.

_____ The applicant is current with all local taxes and is located in the City of Marion for the principal place of business.

Applicant _____

Date _____

RECORD OF RESOLUTIONS

BARRETT BROTHERS - DAYTON, OHIO

Form 6301

Resolution No. 2020-35 Passed _____,

RESOLUTION AUTHORIZING THE CITY AUDITOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE OHIO TREASURER'S OFFICE TO ADMINISTER A STABLE ACCOUNT PLAN FOR DIRECT DEPOSIT EARNINGS OF QUALIFYING CITY OF MARION EMPLOYEES

WHEREAS, the Council hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting, and that all the deliberations of this Council and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

WHEREAS, the State of Ohio has enacted Ohio Revised Code Sections 113.50 through 113.56 (as amended from time to time, the "Act"), which authorized the creation of the Ohio ABLE Program (the "STABLE Account Plan") administered by the Treasurer and offered directly to the public; and

WHEREAS, the STABLE Account Plan is a specialized savings and investment account for people with disabilities that allows them to save and invest money without losing eligibility for certain means-tested benefits, such as Medicaid and Supplemental Security Income ("SSI"); and

WHEREAS, City Auditor Robert Landon offers his full support for the STABLE Account Plan for qualifying City of Marion, Ohio employees and their family members, and will institute direct deposit earnings of participants.

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby:

Section 1. The Council authorizes Auditor Robert Landon to enter into a Memorandum of Understanding with the Ohio Treasurer's Office to administer a STABLE Account Plan for direct deposit earnings of qualifying City employees and their family members. A copy of said Memorandum is attached hereto and incorporated herein.

Section 2. This Resolution shall take effect on the earliest period allowed by law.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council

RECORD OF RESOLUTIONS

BARRETT BROTHERS - DAYTON, OHIO

Form 6301

<i>Resolution No.</i> _____	<i>Passed</i> _____,_____