

RECORD OF PROCEEDINGS

Minutes of **MARION CITY COUNCIL – SPECIAL MEETING**

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on January 2, 2001

(YEAR)

ROLL CALL – Seven Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – President Kochheiser led the invocation.

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

President Kochheiser advised the members that the first item to be addressed would be the new business then address the old business. President Kochheiser also advised the members that there would a fourth item added to the agenda as forwarded from the Public Utilities Committee. He advised that the ordinance would be numbered 2001-2 to address the Electric Aggregation Professional Services.

New Business:**ORDINANCE NO. 2001-1****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, 2001.**

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-2**ORDINANCE AUTHORIZING THE SAFETY/SERVICE 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.**

The legislations title received its first reading. There was a 3-0 vote from the Public Utilities Committee and a 2-0 vote from the Finance Committee to place on the agenda.

Pursuant to the rules of Council and with adequate notice being provided by the Marion City Law Director, Mr. Mark Russell during the regular meeting of Marion City Council held December 26, 2000 and pursuant to the rules regarding a special meeting of the Council the item was added to the agenda.

Mr. Hatch moved to add the item to the agenda, Mr. Cumston seconded and Mr. Thomas provided the third.

Mr. Hatch moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Hatch moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

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Old Business:**ORDINANCE NO. 2000-155**

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH QUALITY MASONRY OF MARION FOR THE RENOVATION OF THE COMMUNITY ROOM AND DECLARING AN EMERGENCY.

The legislation's title received its second reading. There was a 3-0 vote from the Airport, Lands & Buildings Committee and a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2000-156

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC., FOR THE REPLACEMENT OF THE SANITARY SEWER AND STORM SEWER LOCATED ON NORTH GREENWOOD STREET AND FINDING A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SAFETY PURSUANT TO O.R.C. 735.051 AND DECLARING AN EMERGENCY AS AMENDED.

The legislation's title received its second reading. There was a 3-0 vote from the Streets & Sewers Committee and a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

Committee Dates –

January 16, 2001

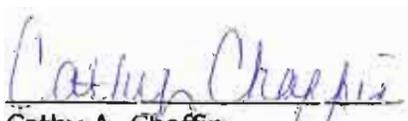
6:15 p.m. Zoning & Annexation

6:30 p.m. Finance Committee

7:00 p.m. Municipal Services, Parks & Recreation

With no further business to come before council, President Kochheiser adjourned the meeting.


 Mr. Keith A. Kochheiser
 PRESIDENT OF COUNCIL


 Cathy A. Chaffin
 CLERK OF COUNCIL

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(YEAR)

ROLL CALL – Seven Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – President Kochheiser led the invocation.

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR DECEMBER 26, 2000 – President Kochheiser inquired of the members if they have read the minutes and if there were any additions or corrections.

Mr. Cumston moved to accept the Summary of Proceedings for December 26, 2000 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR DECEMBER 26, 2000 APPROVED.

SUMMARY OF COUNCIL PROCEEDINGS FOR SPECIAL MEETING HELD JANUARY 2, 2001 – President Kochheiser inquired of the members if they have read the minutes and if there were any additions or corrections.

Mr. Cumston moved to accept the Summary of Proceedings for January 2, 2001 with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR JANUARY 2, 2001 APPROVED.

New Business:

RESOLUTION NO. 2001-1

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$6,000.00 IN CASH ADVANCES TO THE SMART PROGRAM FUND FROM THE GENERAL FUND AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

ORDINANCE NO. 2001-3

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

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised the members that this would provide payment for the additional salt needed for the Streets Department.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-4

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE LTV TIF FUND FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-5

ORDINANCE CREATING MARION CITY CODE SECTION 109.03 ENTITLED "LIVING WAGE REQUIREMENTS" ADOPTING THE NECESSARY LAWS TO ADMINISTER AND ENFORCE SAME WITHIN THE CITY OF MARION, OHIO.

There was a 2-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda with no recommendation.

Mr. Schertzer moved to allow debate on the Ordinance with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: Mrs. Davis.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION OPEN FOR DEBATE.

Mr. Schertzer moved to allow non-city residents to speak on the Ordinance with Mr. Thomas seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Davis, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED NON-CITY RESIDENTS PERMITTED TO SPEAK.

Mr. Thomas advised the members that he introduced the legislation and with extensive discussion in committee there had been several modifications to the legislation. Some of the adjustments were: to include regular part time employees with more than 24 hours; exclude primary and secondary students that have not graduated or emancipated. Mr. Thomas further advised that some of the questions posed had been addressed and that now he felt that the disagreements were philosophical. Mr. Thomas further stated that the belief of the Chamber and CANDO is that if the ordinance was to pass it would kill economic development. Mr. Thomas advised that Mr. Pete Gerkin from the Toledo City Council is here this evening and he has asked him to speak to council regarding the Living Wage Ordinance that was passed in Toledo in July of last year and further that it has not killed economic development but has helped.

Mr. Peter Gerkin, Toledo City Council at Large. Mr. Gerkin advised the members that this is a process that is very familiar to him as they addressed this same issue over the past year and a half. Many of the same arguments that council will hear are those that have taken place in other areas such as Baltimore, Duluth, Los Angeles County and New York and that they are alive and doing well. Mr. Gerkin advised that this is a difficult process. He advised that the City of Toledo developed a Task Force to address this legislation and through several months of meetings and modification the Ordinance was endorsed by the Mayor of the City of Toledo. He noted that the City of Toledo is a different but in the end the council voted unanimously to enact the legislation.

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He advised that the Task Force was comprised of several different persons Mr. Thomas advised that several further advised the members that included faith based organizations, economic development people, Chamber of Commerce and labor based organizations. Economic Development is important to each city. The competition is great, however, to invest taxpayer dollars in jobs that do not pay above the poverty level it is not a wise investment. He advised that this is a global market with a competitive market. Many non believers of the ordinance had stated that costs would rise and development would stop. At the time the living wage was about to be enacted, they were contacted by Convergence (Product Warranty Call centers) with a prospect of bringing 900 jobs to the city. Of the 900 jobs, 100 did not pay the living wage. As the sponsor and author of the ordinance he faced fear of loosing the company. After dialogue with Convergence, the company agreed to raise the wages to the living wage and received the tax abatement. For the 100 people in the community they received a raise and a hand up.

The second example is a full service grocery store. Farmer Jacks wanted a tax abatement, but the work force did not qualify even though they were union jobs. After discussion with the company that would invest 25 million dollars in the community they decided to come without the tax abatement. Mr. Gerkin advised that each community has many services to offer i.e., police, fire and work force. Living Wage will only improve quality of life in the community. He stated that companies will tell you they will not come without the handouts, tax abatements etc., but they will. Mr. Gerkin advised the members that there was another company SOHO Foods and they were going to expand and add an additional 75 jobs. They did not meet the requirements, after discussion they decided to raise the wages. Mr. Gerkin further advised that as a city council member he has the obligation to report back to the community the good and bad and tell of the companies if any turn away. 50 communities in the United States have passed the living wage and that the felt the living wage can work.

Mrs. Davis inquired as to the length of time it took to pass the legislation. Mr. Gerkin advised in the neighborhood of eight to nine months. Mrs. Davis inquired as to the size of Toledo and how the legislation is enforced. Mr. Gerkin advised that the population of Toledo is approximately 300,000 and that with enforcement there is a Living Wage review Committee. Employers must notify the employees two times per year that they are eligible under the Ordinance. If the employee does not feel that they meet the requirements the employee reports this first to the employer and second to the committee.

Mrs. Davis inquired as to the contracts with the city and if the living wage affects everyone involved in the company or just those working on the project. Mr. Gerkin advised that it is just those working on the project. Mrs. Davis inquired if this would affect city leased property. Mr. Gerkin advised it does not. Mrs. Davis inquired as to the number of contracts the City has with contractors inside and outside the city. Mr. Gerkin advised that the City of Toledo has 1200 contracts but it is unknown the number inside and outside of the city. He advised that the contract prices have not raised beyond the standard inflation and that some contractors have stated that this levels the playing field when bidding and provides a more stable work force. He further advised that the Toledo's Ordinance is \$10,000.00 and over 50 employees and 110% of poverty level. Mr. Gerkin further advised that the history of the living wage is not over seven years but that with this legislation it would stabilize the workforce and lesson the cost of training new employees because of retention of current employees.

Mr. Toni Marconi, 460 Brightwood Drive advised the members that he felt this was a philosophical issue. He stated that all legitimate work has dignity and that as a community we ask for the services but are not willing to pay a wage to support themselves. He stated that it is morally and ethically wrong. Mr. Marconi advised that this is a coming together of the community and that as in education we have better expectations which provides better performance and that this is common sense. Mr. Marconi stated encouraged the members to research the site

www.acorn.com.

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Ms. Rosalee Marvin, 490 Toledo Avenue, advised the members that the City should pay the living wage if they are going to request it of others. Mrs. Davis advised that the ordinance does call for the city to pay its employees the living wage.

Mr. Thomas state that he would like to respond to some of the questions of Mrs. Davis. He advised that in section 109.03.03 A addresses the concern of whoever works on the contract or project and that 109.03 04 address the committee and who sits on the committee to oversee the ordinance.

Mr. Thomas advised that he had a meeting with the chamber and offered to put together a committee to look at the ordinance and that as of today he has had no response. Mr. Thomas further stated that he is comfortable with the ordinance as it is written and would ask that each council member support the ordinance. Mr. Thomas stated that there has been talk of the LTV situation and the Drypers situation and that this ordinance and nothing council has done had any effect on these companies. He stated that he has been in the labor movement for 33 years and that business never want government intrusion unless they call and ask for it. Mr. Thomas told of the example where the steel industry wanted the government intrusion to stop the import of steel.

There was a dialogue of discussion between Mrs. Davis and Mr. Thomas regarding the enforcement of the ordinance. Mrs. Davis inquired as to whether or not a new person would be hired to handle the concerns. Mr. Thomas advised that the Living Wage Review Committee is comprised of the Law Director, Safety/Service Director, President Pro-Tempore and others and that they would oversee the ordinance.

Mr. Jerry Davis, 757 Vernon Heights Blvd., read two articles from the Wall Street Journal. The first dated December 26, 2000. Mr. Davis advised that this is not going to solve the problem and that Worthington Industries will take Marion off the A List.

Mr. Richard Parker, 481 Delaware Avenue, advised the members that he works for a multi-million dollar company and that this ordinance would not help him or anyone else he will not make any more money. He did agree that everyone should be paid a good wage but that this was not the right way to do it.

Mr. Schertzer advised the members that he would like to request a first reading only.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

Correspondence - None.

Matters not on the Agenda – Mr. Scott Schertzer inquired of the administration as to the legislation that was passed approximately a year ago with respect to the burned out structures. Mr. Schertzer asked for an update on the structures. Mayor Kellogg advised that he would get the information to Mr. Schertzer.

Committee Dates –

- January 16, 2001
- 6:00 p.m. Streets & Sewers
- 6:15 p.m. Zoning & Annexation
- 6:30 p.m. Finance Committee
- 7:00 p.m. Municipal Services, Parks & Recreation
- 7:20 p.m. Airport, Lands & Buildings.

With no further business to come before council, President Kochheiser adjourned the meeting.


 Cathy A. Chaffin
 CLERK OF COUNCIL


 Mr. Keith A. Kochheiser
 PRESIDENT OF COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10146

Held City Hall – Council Chambers at 7:30 p.m. on January 22, 2001, _____ (YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – President Kochheiser led the invocation.

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR JANUARY 8, 200 – President Kochheiser inquired of the members if they have read the minutes and if there were any additions or corrections.

Mr. Cumston moved to accept the Summary of Proceedings for January 8, 2001 with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR JANUARY 8, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-5.

ORDINANCE CREATING MARION CITY CODE SECTION 109.03 ENTITLED "LIVING WAGE REQUIREMENTS" ADOPTING THE NECESSARY LAWS TO ADMINISTER AND ENFORCE SAME WITHIN THE CITY OF MARION, OHIO.

The legislation's title received its second reading. There was a 2-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda with no recommendation.

Mr. Thomas moved to allow debate on the Ordinance with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE OPEN FOR DEBATE.

Mr. Schertzer moved to allow non city residents to speak with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Hatch.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ITEM APPROVED.

DISCUSSION:

Ms. Gladys Henson -Ward 3- inquired as to why Mr. Thomas would want the living wage to pass. She stated that she was a die hard union member and that she used to work for Tecumseh, but for the increased wages demanded, Tecumseh closed its doors. Mr. Thomas explained that this ordinance relates to how we spend our tax dollars and covers the contracts tax abatements.

Ms. Henson stated that this would drive business out of town. Mr. Thomas told of the example in the City of Toledo. He stated that one company that was below the living wage agreed to raise the wages to 9.02 for the tax abatement, while the second company, an inner city grocery store did not want to pay the wage and came anyway without a tax abatement. Mr. Thomas advised that he has not found instances that companies have not come because of the living wage and that it is a scare tactic that you will run businesses out. Mr. Thomas and Ms. Henson agreed they had a difference of opinion.

Mr. Hatch requested that the comments from the floor are addressed to council and not one member. President Kochheiser advised the audience to direct all comments to council.

Mr. John DeVore, 608 Mary St. advised that he has aspirations of being on council and encouraged the members to ask what their constituents are saying.

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He advised that he researched Acorn and with the living wage passage the communities passing had an average population of 168,000. Mr. Devore stated that Marion's population is approximately 35,000. He also stated that the City of LA pays 7.50 but with passage of this ordinance the City is requesting wages of 9.02/hour in which does not fit.

Ralph Hill stated to the members that he is for this, he is fed up with industry taking advantage of the residents of Marion. He stated that taxes have doubled in the last five years, he pays for it and now industry does not want to pay.

Toni Marconi-460 Bright Wood Drive, stated that he is committed to the idea. He stated that people who want to make a living wage through education training etc. He also stated that he disagreed that it would hurt unskilled labor. And also advised the members that if one company would take Marion off the A list then maybe the company should not be on our list. The strong and privileged take care of themselves share the wealth and now is the time to act.

Penny Richardson- 3rd Ward- advised that she found out about meeting at chamber open meeting and that she was asked to keep an open mind. With that Ms. Richardson advised that she personally sent e-mails or calls to 25 other cities inquiring on the living wage and that her research shows that this does have adverse affect. She stated that low wage workers are not the sole income earners, less than ¼ do have job skills, 34% illiterate, 4 out of 10 could not follow the simple tasks. She stated that there is a lot of misinformation and misconception of living wage. She advised that this only targets a few low wage earners. She encouraged the members to vote no and set up an Earned income tax credit that benefits all the low income. Ms. Richardson advised that she is concerned with increase costs to the city, eliminating competitive bidders. She stated that she would like to see a hand up, not hand out

Mr. Dave Claborn, 595 Virginia Avenue stated that he visited the Detroit Chamber of Commerce Web Page. He stated that contained within the web page there was a list of commonly asked questions relating to the living wage. He illustrated the amount of pages the most commonly asked questions consisting of approximately nine pages normal print. He stated that he did not believe that it would an idle threat that companies would place a black mark on the City. He encouraged the members to allow the market and free enterprise dictate. Mr. Claborn advised that he has spoke with several different companies and that they advised they would not expand operations in Marion with the living wage.

Senator Larry Mumper, 6th Ward, stated that a lot of good points have been made. Senator Mumper provided some of the history of Marion in the 50's, 60's, 70' through to the 90's. He stated that the image of Marion was one of labor problems but no longer. Senator Mumper encouraged the members to allow the market to dictate.

Mr. Jerry Davis, 757 Vernon Heights Blvd., advised that the truck industry is cutting production by 40% and that Dana Corporation makes the axles for the trucks and therefore they would feel the impact. He read an article from the January 20th Columbus Dispatch which stated that more layoffs were sure to come. He also advised that the living wage would put another layer of regulations. He encouraged members to vote no.

Ms. Mary Neault, formerly from the City of Detroit inquired as to how many business' with over 50 employees have come to Marion in the last five years and how many have left. Ms. Neault encouraged the members to make Marion more attractive as they drive into and through town.

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Mr. Rich Ramey, Tri-Rivers Instructor, advised that he is an engineering instructor and has about 8 to 10 graduating. The majority of the students start out at \$6.00 to \$9.00 per hour. He advised that he remembers when there were no jobs in the 80's and that no one would pay for students with no experience. He advised that they will work up to pay but not to start.

Jennifer Zucker, 340 Thew Avenue, advised that she is employed at Holbrook, Manter and Rogers. The firm had sent a letter to council in which she read into the record. The companies position is that this would hurt business and that they want Marion to be the best they can be but they are against the living wage.

Dan Lehner, 6th Ward, stated that no one wants anyone to live in poverty and that the living wage ordinance assumes that there is one wage earner per family. Mr. Lehner discussed the cost of living in Marion versus Los Angeles, Chicago etc., and that this would cost the city alone \$108,000.00. He further advised that he visited the Acorn Website and stated that the living wage ordinance is backed by no one other than the labor unions. Mr. Lehner encouraged the members to reflect the wishes of their constituents.

Mr. Russell Cupp, Congress Street, advised that he is no fan of the Star but that the Editorial that discouraged passage. He advised that right now Marion is high on the list and that now is not the time.

Mr. Dave Stralzka, 1110 Chaumont, stated that there have been no studies conducted. He did his own research on the living wage and found that the Baltimore Study was fabricated. He stated that three things would happen if it passed: 1. Increased Cost; 2. Some Workers would Benefit; 3. Increase in Unemployment.

Mr. Don Slayman of the National AFLCIO advised that many religious organizations support the living wage along with many other groups. He stated that according to the FLSA the poverty level has stayed the same even though the economy is doing well. He stated that 55 cities that have adopted the ordinance are doing better. 68% of the people earn minimum wage and that the market is creating \$6.00 to \$7.00 per hour forcing family members to work 2 or 3 jobs to make ends meet. The cost of a low wage environment is a decline in family values. He advised that we should not use tax dollars to give to companies with tax abatements. That the tax dollars should be contributed to the community.

Mr. Kerr Murray, Chaumont Drive, advised that in Fort Wayne, Indiana Tax Abatements attracted a large GM Company to locate. Now the town is a boomtown. He advised that he has not done a lot of research but he would like to see everyone make as much money as they can but would like to see the City Officials head in the right direction.

Mr. Ted Graham, 3575 Mautz Yager Road, advised that he was amazed that the labor movement needed to bring in an outside person to speak on the issue. He advised that he does not understand why Marion. He further stated that this is a political football and would be a travesty to Marion.

Mr. Toni Marconi stated that good companies pay above the minimum. He further stated that problem with the economics are that there are no guarantees.

Mr. Ted Graham stated that it is easy to say no to Marion and the companies will disappear. Mr. Graham advised that Mr. Bill Armbruster of Worthington Industries won't consider Marion with the living wage. Mr. Graham also stated that Ms. Richardson had a good point with the Earned Income Credit and that the city already has the authority on Tax Abatements.

Held City Hall – Council Chambers at 7:30 p.m. on January 22, 2001, Page Four (YEAR)

Mr. John Boblenz, 982 Yorkshire, stated that Marion has been good to him and that he has been working harder to bring business to Marion. Mr. Boblenz encouraged the members to allow the market to dictate and that with all of the scares from Cancer, Pollution, Flies etc.

Mr. Terry Litteral, 725 Michigan Avenue, stated that he has heard the talk of starting out at a lower wage and working their way up. Mr. Litteral stated that we all deserve to make a living and to stop taking our money. At \$7.00 per hour that's not a living wage. Mr. Litteral told of an example where a person he knows works 40 hours per week and still goes to the welfare office for food stamps because they can't afford to feed themselves on that wage.

Mr. Hill stated that Mr. Claborn lives on Virginia Avenue and is doing well; Companies have robbed the poor.

Ms. Penny Richardson stated that she has been where they have been, divorced with three kids a fulltime job and two part-time jobs. She stated that her way out was with the assistance of Title 20 and Food Stamps but that she went back to school for the education she needed to succeed.

Mr. Dave Claborn advised the members that with a 50% tax abatement Marion offers, companies receiving the abatement invested 142 Million and employs 560 residents. He stated that he wished he did not have to negotiate to sell Marion but without the Tax Abatement Program they would look elsewhere. He stated that Ashland offers a 60% tax abatement.

Mr. Butch Wylie, 633 West Lawn Drive, stated that this is positive of all the companies. If they are paying over the 9.02 an hour then they receive tax abatements.

Marcy Neault, 325 Summit Street, she thanked the gentleman from Columbus that spoke for labor and the living wage. She also stated that the everyone should benefit not a few.

Ivan Stithem, 1235 Fairwood Avenue, stated that he is the former 2nd Ward Councilman and that the Democratic constituents in the 2nd Ward want the legislation. He further stated that he is a 35 year labor person and thanked and praised Mr. Thomas and the individuals who support the living wage. He stated that working people should make a living, the economy is good and has been for the last 8 years.

Mr. Thomas advised that he wished to clear up a statement from the last meeting in which he stated that during the meeting at the Chamber Office he thought were representing the Chamber and they were not. He was mistaken. Mr. Thomas further advised that this ordinance has a broad base of support. He further stated that asked Mr. Slayman to come in and talk about the Ordinance. He stated that the Chamber of Commerce brought in out of town people also such as Bill Snyder and others from Columbus and Mansfield. Mr. Thomas further stated that there has been modifications and an exemption for organized labor as requested by a company at the Committee and that labor did not add the exemption. Other exemptions include kids in high school. Mr. Thomas stated that with respect to the editorial in the Star opposing the legislation, they are 0 for 2. When the issue of the building codes came about, business' supported that but now they want out. Mr. Thomas stated that everyone should look at the social conscience of the lower wage earner. Mr. Thomas stated that he firmly supports the ordinance and that maybe it should be called a living poverty instead of a living wage. Mr. Thomas further encouraged council to pass the ordinance.

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Ms. Nancy Kinney, 424 Brightwood Drive, stated that she has seen poverty and that with this ordinance council is putting the horse before the cart. As a single parent she knows how hard it is to make it and that Penny Richardson has some good points. Ms. Kinney advised that she is against the living wage.

Mr. Schertzer advised that he is requesting a second reading.

There being no further discussion, Mr. Thomas moved for a five minutes recess with Mr. Cumston seconding. By a verbal vote all members voted in approval.

COUNCIL RECONVENES:

New Business:

RESOLUTION NO. 2001-2

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPLY TO MARION COUNTY COMMISSIONERS FOR MONIES DERIVED FROM THE AUTOMOBILE LICENSE TAX, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas advised that this would allow for the application of the \$5.00 permissive auto tax.

Mr. Thomas moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

ORDINANCE NO. 2001-6

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

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-7

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

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

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(YEAR)

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-8

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that the monies were for the new Dispatch Center.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-9

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

The legislation's title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to adopt with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-10

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR VARIOUS CAPITAL EQUIPMENT AND IMPROVEMENT ITEMS.

The legislation's title received its first reading. There was 2-0 vote from the (Finance Committee to place on the agenda.

City Hall – Council Chambers at 7:30 p.m. on January 22, 2001, Page Seven

(YEAR)

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-11

ORDINANCE DECLARING A SPECIFIC PARCEL OF REAL PROPERTY OWNED BY THE CITY OF MARION TO BE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND AUTHORIZING THE MAYOR TO CONVEY SAME TO THE MARION COUNTY PARK DISTRICT WITH CONDITIONS AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 2-0 vote from the Airport, Lands & Buildings Committee to place on the agenda. Mrs. Pinnick advised the members that this was for a 4 acre parcel of land off Holland Road and that Mr. Jack Telfer and Mr. Ted Babich were present if there were any questions.

Mr. Cumston inquired as to the possibility of the land not be used if there would be a reverter clause as a condition. Mr. Babich advised it would, but that the County Park District intends on developing a nature center on the parcel.

Dr. Gilsdorf inquired as to the soil and pollution and the extent of the city's liability. Mr. Osborn advised that with the required testing and monitoring there would be a fence around the perimeter of the two wells. He further stated that the soil content has never been tested and that all water tested is okay. Mr. Osborn also advised that there is 3 feet of cap on the landfill. Dr. Gilsdorf stated that he is concerned that there would be another River Valley situation.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Pinnick seconding.

Mr. Russell stated that the issue of the monitoring and soil is a good issue but that in the agreement the Park District takes the land with the liability and the reverter clause. Mr. Babich advised that the Park is in agreement.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-12

ORDINANCE AMENDING THE EXISTING ZONING CODE SECTION 1143.013 (A) (2), PERMITTED USES – C-3 CENTRAL CORE BUSINESS DISTRICT FOR THE CITY OF MARION, OHIO.

There was a 2-0 vote from the Zoning & Annexation Committee to place on the Agenda. Mrs. Blevins requested that this legislation receive its first reading with a Public Hearing to be held on February 26th, 2001.

Mr. Ken Lengieza advised that this would allow for residential housing on the 1st floor of downtown which would not occupy more than 50% of the floor.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

Held City Hall – Council Chambers at 7:30 p.m. on January 22, 2001, Page Eight

(YEAR)

President Kochheiser gave the Report of Council.

Mayor Kellogg read the 2001 State of the City Address

Correspondence - None.

Matters not on the Agenda – Mr. Charles Martin of Forest Lawn Drive, spoke to the members regarding the Marion General Hospital Ownership. He advised that time is running out for the city residents to reclaim control. He advised that Ohio Health is in financial trouble and have moved more services to Grant Hospital. He stated that as of March 31, 2000 operating expenses of 2.1 Million exceed the income. Mr. Martin stated that the hospital has lost beds and state that they blame the Medicare cutbacks. Mr. Martin stated that there was an error in the letter to the editor in which he stated the deadline is April. The deadline is July 31, 2001. Mr. Martin called for further investigation and encouraged the members to remove Ohio Health and reclaim Marion General Hospital.

Committee Dates –

Mr. Thomas advised that he had made some changes in the Committee assignments. He advised that each member did receive a list this evening. Mr. Schertzer called for a point of order in which he referred to a letter he sent stating that he enjoys his chairmanship of the Jobs & Economic Development and Legislation, Codes and Regulations and he does not desire to change. He stated that last January when the assignments were made he thought that they were for the two year term. Mr. Schertzer referred to Rule 14 of the Council Rules. Mr. Schertzer recited a portion of Rule 14 in which upon reorganization and not the filling of vacancies.

Mr. Thomas stated that Rule 14 states that not later than 30 days and that this is not a reorganization and that he was merely relying on previous precedent.

Mrs. Davis advised that she can recall voting to replace the Pro Tempore due to a vacancy occurring, but not to change committees in the middle of the term.

Mr. Russell advised that essentially he would be rendering an opinion without the use of the code because there is no provision in the codified ordinance to refer to. He stated that Council cannot come to a stalemate and that the Majority Leader must have the power to fill vacancies. However, to reorganize that leaves question. Mr. Cressor voluntarily came to the members and asked if they wanted to change their committee assignments. Mr. Russell further stated that given the interpretation of the rules and precedent it would be his opinion that to change committees would take a majority vote of the members.

Mr. Thomas moved to approve with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins. NAYS: Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ITEM DEFEATED.

COMMITTEE DATES:

February 5, 2001

5:30 p.m. Public Utilities

6:00 p.m. Airport, Lands & Buildings

6:15 p.m. Legislation, Codes & Regulations

6:30 p.m. Finance Committee

6:45 p.m. Municipal Services, Parks & Recreation

7:00 p.m. Jobs & Economic Development

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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(YEAR)

Mr. Thomas stated that there is still a problem with the committees. Mr. Russell advised that in this situation he would suggest filling the vacancies.

With no further business to come before council, President Kochheiser adjourned the meeting.


Mr. Keith A. Kochheiser
PRESIDENT OF COUNCIL


Cathy A. Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on February 12, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – President Kochheiser led the invocation.

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR JANUARY 22, 2001 – President Kochheiser inquired of the members if they have read the minutes and if there were any additions or corrections.

Mr. Cumston moved to accept the Summary of Proceedings for January 22, 2001 with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR JANUARY 22, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-5.

ORDINANCE CREATING MARION CITY CODE SECTION 109.03 ENTITLED "LIVING WAGE REQUIREMENTS" ADOPTING THE NECESSARY LAWS TO ADMINISTER AND ENFORCE SAME WITHIN THE CITY OF MARION, OHIO.

The legislation's title received its third reading. There was a 2-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda with no recommendation.

Mr. Thomas moved to amend the Ordinance to replace the words Living Wage with Working Family with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman, Dr. Gilsdorf, Mrs. Davis.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

The Clerk read the Ordinance into the record as amended:

ORDINANCE CREATING MARION CITY CODE SECTION 109.03 ENTITLED "WORKING FAMILY ORDINANCE" ADOPTING THE NECESSARY LAWS TO ADMINISTER AND ENFORCE SAME WITHIN THE CITY OF MARION, OHIO, AS AMENDED.

Mr. Thomas moved to adopt with Mr. Cumston seconding.

Mr. Schertzer thanked everyone for the input and discussion regarding the Ordinance. He stated that during his teaching of American History there was a lesson on the Constitution. He advised that in the Constitution his obligation is to do the best for the welfare of all the people. He advised that in the interests of the welfare of the people, there are things that the City can do for all. Some examples provided were to raise the city employees wages including the transit workers and that this should be done without an ordinance. Mr. Schertzer further advised that with respect to the Tax Abatements the City already has the ability to say not but that the ultimate decision is up to the County Commissioners. Mr. Schertzer further stated that a lot has been said on both sides and if there is a potential of hurting economic development he could not support the legislation. Mr. Schertzer further stated that Marion is the smallest community to look at the legislation and that there are not enough information and studies that have been completed. Mr. Schertzer further encouraged the members to take more time and review the issues.

Mr. Cumston stated that with this legislation the tax abatements would not be grand fathered in, this would address new tax abatements. Mr. Cumston further stated that there needs to be a policy on tax abatements to ensure compliance and with the use of tax dollars that the companies are paying a fair wage. Mr. Cumston advised that in the last five years from 1995 to 2000, the city has spent 3.86 million dollars in infrastructure for the Dual Rail Park, Airport Industrial Park and Northwest

**RECORD OF PROCEEDINGS
MARION CITY COUNCIL**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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Held _____ (YEAR)

Interceptor Sewer and that the city has never stood in the way of economic development. Mr. Cumston stated that this legislation helps to ensure a return on the investment by paying a fair wage. He further stated that companies are welcomed with open arms and that with each tax abatement companies are asked what they will pay. Mr. Cumston stated that some will say to allow free enterprise to dictate but that this is still taxpayer money and a return for the investment should be secured. Mr. Cumston further advised that Marion should not be the last to implement a program or piece of legislation and that Marion should lead. Mr. Cumston encouraged the members to look at the way the money is being spent and from a purely financial standpoint, look at the level of return.

Mrs. Blevins advised that this is the moral and decent thing to do and that she is in support of the legislation.

Mr. Hatch that this legislation is the responsible thing to do and that he supports this legislation.

Mr. Thomas advised that in the article written by Mr. Dave Claborn regarding tax abatements and the rate of pay given. Mr. Thomas advised that Mr. Claborn stated that the average wage is \$15.00 per hour for all employees, but that consideration should be given that upper management is included in which they make a higher wage that the line workers. Mr. Thomas further stated that some of the line workers and laborers are making only \$8.00 per hour not \$15.00 per hour. Mr. Thomas advised that earlier it was mentioned to provide an earned income tax credit and for an individual making \$11,000 per year with the credit it would take them to \$22,000 per year and that the extra monies come from our tax dollars. Mr. Thomas provided some budget numbers from the State of Ohio in which the amount of tax credit is now at a little over one million dollars. Mr. Thomas advised that companies should be paying a portion of these funds. Mr. Thomas further stated that no one has been run out of town and that the \$9.02 per hour is not enough. He advised that even at the \$9.02 per hour a family of four is eligible for food stamps.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins. NAYS: Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION DEFEATED.

President Kochheiser called for a five minute recess.

COUNCIL RECONVENES:

ORDINANCE NO. 2001-12

ORDINANCE AMENDING THE EXISTING ZONING CODE SECTION 1143.013 (A) (2), PERMITTED USES – C-3 CENTRAL CORE BUSINESS DISTRICT FOR THE CITY OF MARION, OHIO.

There was a 2-0 vote from the Zoning & Annexation Committee to place on the Agenda. Mrs. Blevins requested that this legislation receive its second reading with a Public Hearing to be held on February 26th, 2001.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

RESOLUTION NO. 2001-3

RESOLUTION AUTHORIZING PARTICIPATION IN OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on February 12, 2001, Page Three

(YEAR)

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2001-4

RESOLUTION SUPPORTING THE DEVELOPMENT OF AFFORDABLE RENTAL HOUSING IN MARION, OHIO.

The legislations title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Schertzer advised the members that this is for the building formerly known as the Kresge Building and currently called the Busby Building.

Mr. Schertzer moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2001-5

RESOLUTION ESTABLISHING THE DROP-IN PROGRAM FUND.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this is a program through the Recreation Department and in cooperation with the Police Department and Juvenile Court this program would help with at risk youth.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2001-6

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$5,000.00 IN CASH ADVANCES TO THE DROP-IN PROGRAM FUND FROM THE GENERAL FUND, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this would provide funding for the program and that these funds would be reimbursed.

Mr. Cumston moved to suspend the rules of council with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

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Held _____, (YEAR)

RESOLUTION NO. 2001-7

RESOLUTION ESTABLISHING THE CARDIO HEALTH FUND.

The legislation title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

ORDINANCE NO. 2001-13

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislation title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-14

ORDINANCE APPROVING THE PURCHASE FOR ONE (1) BUS FOR MARION AREA TRANSIT THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM.

The legislation title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this would allow for the purchase of one bus for the Transit Department.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-15

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE (1) BUS PREVIOUSLY UTILIZED BY THE MARION AREA TRANSIT SYSTEM AND DECLARING SAME IS NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE.

The legislation title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

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(YEAR)

Mr. Cumston moved to suspend the rules of council with Mrs. Blevins seconding. Mr. Cumston advised that this would allow for the disposal of the used bus. Mr. Osborn advised that this would be done through public auction.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-16

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR DEMOLITION OF A GARAGE AT 285 WEST COLUMBIA STREET, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-17

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SEVERN TRENT SERVICES FOR ANALYTICAL SERVICES AT THE MARION CITY LANDFILL FOR A PERIOD OF ONE (1) YEAR WITH AN OPTION YEAR, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-18

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY IN ORDER TO ENTER INTO CONTRACT WITH FIRST ENERGY SERVICES FOR THE PROVISION OF ELECTRICITY FOR THE CITY OF MARION AGGREGATION PROGRAM HAVING FOUND A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SAFETY PURSUANT TO O.R.C. 735.051 AND DECLARING SAME AN EMERGENCY.

City Hall – Council Chambers at 7:30 p.m. on February 12, 2001, Page Six.

Held _____

(YEAR)

The legislation's title received its first reading. There was a 3-0 vote from the Public Utilities Committee to place on the agenda.

Mr. Hatch moved to suspend the rules of council with Mrs. Davis seconding. Mr. Cumston inquired as to whether or not this would include an opt out provision with no fee. Mr. Russell advised it did. Mr. Russell further advised the members that the plan would have two public hearings on the 26th of February, 2001.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Hatch moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-19

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUIT-CLAIM DEED CONVEYING UNIMPROVED PORTIONS OF OAKLAND BOULEVARD, GLENDALE AVENUE, MAPLE LANE, PLAYGROUND, AND ALLEY LOCATED ON SILVER STREET SCHOOL GROUNDS TO THE MARION CITY BOARD OF EDUCATION, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Airport, Lands & Buildings Committee to place on the agenda. Mr. Russell advised that each member should have a copy of the revised Legal Description. Mr. Russell further advised that the reasons for the change is that the County Engineer had requested changes in the legal description with respect to the pin sets. Mr. Russell further advised that he would ask that council amend the Ordinance to replace the legal description with the updated version.

Mrs. Davis moved to amend the Ordinance to replace the legal description with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

The Clerk read the title into the record as amended.

Mrs. Pinnick moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Pinnick moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE THREE POWERCAM IV VIDEO CAMERAS FOR USE IN POLICE CRUISERS IN THE POLICE DEPARTMENT.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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Held

(YEAR)

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-21

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

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-22

ORDINANCE AUTHORIZING AN DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE SKATEBOARD PARK PROJECT, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mayor Kellogg advised the members that he added this item to the agenda. Mayor Kellogg further advised that this item was overlooked when in committees and that this would come back before council for contract approval. Mr. Cumston thanked everyone for their work on the project.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

President Kochheiser gave the Report of Council.

Mayor Kellogg read the 2001 State of the City Address

Correspondence - None.

Matters not on the Agenda – Mr. Russell gave the Law Directors Report and advised the members that if there were any questions regarding the Office to please contact him. Mr. Russell thanked his staff, council and the administration.

Committee Dates –

Mr. Thomas advised that he had made some changes in the Committee assignments and that each member has been provided a copy.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16148

City Hall – Council Chambers at 7:30 p.m. on February 12, 2001, Page Eight
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Mrs. Davis stated that she had a question regarding the committees of Information Systems and Public Utilities if they were being condensed into one committee. The Clerk advised that in the typing with the committee members for each being the same the committees were typed together but that they are separate.

Mrs. Davis further advised that for the record she objects to the new assignments with three Democrats being on Finance and no Republicans.

Mr. Schertzer advised that earlier when the assignments were brought before council he did object and that he understands that during the term of council each chair is merely a custodian and not ours to keep. He further advised that he has enjoyed his chairmanship of the Jobs & Economic Development Committee but looks forward to the challenges of the Zoning & Annexation Committee.

Mr. Schertzer moved to accept the new assignments with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman, Dr. Gilsdorf, Mrs. Davis.

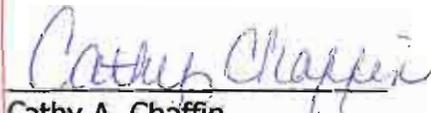
WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE COMMITTEE ASSIGNMENTS APPROVED.

COMMITTEE DATES:

February 20, 2001
5:30 p.m. Public Utilities
6:00 p.m. Airport, Lands & Buildings
6:30 p.m. Finance Committee
7:00 p.m. Legislation, Codes & Regulations
7:10 p.m. Zoning & Annexation

With no further business to come before council, President Kochheiser adjourned the meeting.


Mr. Keith A. Kochheiser
PRESIDENT OF COUNCIL


Cathy A. Chaffin
CLERK OF COUNCIL

Held City Hall – Council Chambers at 7:30 p.m. on February 26, 2001, _____

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – President Kochheiser led a silent prayer. After the moment of Silent Prayer, Mayor Kellogg stood in objection to not saying the Lord's Prayer. Mayor Kellogg advised the members that he did not appreciate the silent prayer and saw nothing wrong with the Lord's Prayer. Mr. Toni Marconi inquired as to when he would be permitted to address the comment. President Kochheiser advised that the proper time would be matters not on the agenda.

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR FEBRUARY 12, 2001 – President Kochheiser inquired of the members if they have read the minutes and if there were any additions or corrections.

Mr. Cumston moved to accept the Summary of Proceedings for February 12, 2001 with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR FEBRUARY 12, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-12

ORDINANCE AMENDING THE EXISTING ZONING CODE SECTION 1143.013 (A) (2), PERMITTED USES – C-3 CENTRAL CORE BUSINESS DISTRICT FOR THE CITY OF MARION, OHIO.

The legislation's title received its third reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda.

PUBLIC HEARING: President Kochheiser opened the public hearing. Mr. Ken Lengieza advised that this matter came from the City Planning Commission. He further advised that this would clarify the R-2 and R-3 Zoning restrictions and allow for residential development on the first floor of no more than 50 percent.

There being no other persons to speak on the matter President Kochheiser closed the public hearing.

Mr. Schertzer moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

New Business:

ORDINANCE NO. 2001-23

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 226 PATTEN STREET IN THE CITY OF MARION FROM C-2 (COMMUNITY SHOPPING DISTRICT) TO AN R-1C (SINGLE FAMILY DISTRICT – HIGH DENSITY).

The legislation's title received its first reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer advised the members that this matter is scheduled for a public hearing on March 26, 2001 and further requested a first reading only.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE RECEIVED ITS FIRST READING.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

MAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on February 26, 2001, Page Two

Field

(YEAR)

ORDINANCE NO. 2001-24**ORDINANCE AMENDING MARION CODIFIED ORDINANCE SECTIONS 1123.01, ADDING THE DEFINITION OF YARD-SIDE (STREET SIDE CORNER LOT) AND YARD-REAR (STREET SIDE CORNER LOT); AND AMENDING SECTION 1151.065 (C) TO INCLUDE RESTRICTIONS RELATING TO FENCE HEIGHTS ON SIDE AND REAR LOTS LOCATED ON CORNER LOTS.**

The legislation's title received its first reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Ken Lengieza advised the members that this legislation would define a side yard on a corner lot and would set the fence heights for the same. Mr. Lengieza further requested a public hearing to be held March 26, 2001. Mr. Cumston advised that he would like to have the Clerk place a notice in the newspaper for the hearing.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE RECEIVED ITS FIRST READING AND A PUBLIC HEARING WOULD BE HELD MARCH 26, 2001.

ORDINANCE NO. 2001-25**ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 570 WEST CENTER STREET IN THE CITY OF MARION FROM I-2 (GENERAL INDUSTRIAL DISTRICT) TO A C-4 (CENTRAL FRAME BUSINESS DISTRICT).**

The legislation's title received its first reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer advised the members that this would change the zoning for a portion of the old Marion Power Shovel and that there would be a public hearing on March 26, 2001.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-26**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE ONE (1) GERMAN SHEPARD MALE DOG FOR THE MARION POLICE DEPARTMENT'S CANINE PROGRAM, AND DECLARING AN EMERGENCY.**

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-27**ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.**

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Held

City Hall – Council Chambers at 7:30 p.m. on February 26, 2001, Page Three

(YEAR)

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-28

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PC CONNECTION FOR THE PURCHASE OF A TRAINING PROJECTOR TO BE USED AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-29

ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE OF THE CITY OF MARION AGGREGATION PROJECT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Public Utilities Committee to place on the agenda.

Mr. Hatch moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Hatch moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-30

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC., FOR THE PURCHASE OF THREE (3) VEHICLES FOR THE POLICE DEPARTMENT AND WITH WALSTON MOTORS FOR THE PURCHASE OF TWO (2) POLICE VEHICLES; THE NECESSARY EQUIPMENT FOR THESE VEHICLES, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that these vehicles were listed as a part of the 2001 Capital Improvement items.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on February 26, 2001, Page Four

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(YEAR)

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-31

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO EXECUTE AN EASEMENT TO WILBUR AND LUCILLE ANDERSON THE RIGHT TO USE CERTAIN CITY OWNED PROPERTY SITUATED IN THE CITY OF MARION, COUNTY OF MARION AND STATE OF OHIO, AND BEING ADJACENT TO LOT NUMBERS 4409, 4410 AND 4411 IN CLARK DIX'S FIRST ADDITION TO THE CITY OF MARION, OHIO.

The legislations title received its first reading. There was a 2-0 vote from the Airport, Lands & Buildings Committee to place on the agenda. Mr. Thomas advised the members that this was for a permanent easement for a property located on Wilson Avenue to take care of the encroachments on the alley; one foot for the garage, 1.7 feet for the house and an awning easement. He further advised that this did not bother the flow of traffic. Dr. Gilsdorf stated that his understanding was that the easement would be for the life of the building. Mr. Thomas advised that this was correct.

Mr. Thomas moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to adopt with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-32

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RON'S TREE SERVICE, MARION, OHIO FOR THE 2001 TREE REMOVAL AND TRIMMING PROJECT, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. Mr. Schertzer further confirmed that this would not remove the streetscape trees in downtown. Mr. Carlyle advised it would not, just trimming would be done in the streetscape areas. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

Correspondence - None.

Held City Hall – Council Chambers at 7:30 p.m. on February 26, 2001, Page Five, (YEAR)

Matters not on the Agenda – Mr. Toni Marconi, 460 Brightwood Drive spoke to the members regarding the prayer. Mr. Marconi advised that he felt that the Lord's Prayer was not appropriate and that it would and could alienate other sects of religion. Mr. Marconi advised that he understands the meanings, reasons and the desires of Council to do good. He stated that this a multicultural society and with good intentions it could have an opposite effect. Mr. Marconi requested that Council replace the Lord's Prayer with a moment of silence. Mr. Marconi further stated that a moment of silence would allow all persons to worship in their own way and would bring the community together. He further stated that he is a universalist and that he felt included and thanked the members of council for inclusion.

Mrs. Jo Gilsdorf, 600 Vernon Heights Blvd. Stated that everyone has a god that they could substitute for in the prayer. She further stated that the main reason for her objection was that one person made the decision for all and that there should a consensus. Mr. Hatch advised that he agrees with both, Mr. Marconi and Mrs. Gilsdorf and that this could alienate some but that his concern is that this is the start of a problem that would mushroom and that it would not be a violation for a silent prayer.

Dr. Gilsdorf stated that in a effort to cure a problem, it may have caused a further problem. He stated that we live in a representative democracy and the majority wanted the freedom of religion.

Mrs. Pinnick stated that she appreciated the different congregations that came to council as it brings other congregations are represented. Mrs. Pinnick further stated that her husband is of the Native American Spirituality, and after the last council meeting she asked him if the prayer offended him and he advised it did not and that he merely said his own prayer. Ms. Rosalee Marvin encouraged the members to continue the prayer. Mrs. Davis advised that she has family and friends of other religious denominations who are not offended by the Prayer. Mrs. Davis further advised that she felt it was great that Council does the Prayer and that creation under god means everyone's god. Ms. Martha Fillipic, 460 Brightwood Drive stated that many are Christian and believe in Jesus Christ but that it should not be performed at a civic meeting. She stated that council has the authority to change.

Mayor Kellogg stated that this is his 24th year and that there has always been prayer and that he could not run the city without prayers everyday. He further stated that in this time no one has ever questioned the prayer. Mr. Cumston stated that prayer is important to him and that he has strong beliefs about his faith. Mr. Cumston thanked Mr. Marconi for having the courage to bring this forward. Mr. John Chapman thanked the Mayor for his stand and stated that as divided as we can be on other issues there is power in speaking out and encouraged the prayer to continue. Mr. Hatch advised that he felt council as a whole needs to make a decision. Mr. Hatch also touched on the separation of church and state. Mr. Thomas stated that he would like to go back to previous practice.

President Kochheiser stated that some of the reasons for not have different ministers is that they have not come forward. Mayor Kellogg offered to bring in others to lead the prayer.

Mr. Marconi stated that it is obvious that there are others like him, he just happens to be outspoken. He further stated that different religions do not have god in their faith but that council must permit even the non believer. Mr. Marconi thanked the members. Mr. Schertzer thanked Mr. Marconi for coming forward on the issue. He further stated that he would like to see the practice continued of the prayer with no disrespect to others.

Dr. Gilsdorf advised that currently there is a discussion about meeting with the hospital in closed session, and he would like to see the discussion in an open meeting. He further stated that there have been rumors that some members of the board have not been able to speak and that he would like to hear from them.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on February 26, 2001, Page Six

Held

(YEAR)

Mr. Schertzer thanked the other members of council for their assistance and participation in the Bowl for Kids Sake.

Committee Dates –

March 5, 2001

5:30 p.m. Jobs & Economic Development

6:00 p.m. Public Utilities

6:30 p.m. Finance Committee

7:00 p.m. Legislation, Codes & Regulations

March 20, 2001

5:30 p.m. Jobs & Economic Development

With no further business to come before council, President Kochheiser adjourned the meeting.



Mr. Keith A. Kochheiser
PRESIDENT OF COUNCIL



Cathy A. Chaffin
CLERK OF COUNCIL

Held City Hall – Council Chambers at 7:30 p.m. on March 12, 2001, _____ (YEAR)

ROLL CALL – Eight Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer.

Mrs. Davis moved to excuse Mrs. Pinnick with Mr. Cumston seconding. By a verbal vote all members voted in approval.

PRAYER – Reverend Doug Ford led the invocation.

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR FEBRUARY 26, 2001 – President Kochheiser inquired of the members if they have read the minutes and if there were any additions or corrections.

Mrs. Blevins moved to accept the Summary of Proceedings for February 26, 2001 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR FEBRUARY 26, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-23

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 226 PATTEN STREET IN THE CITY OF MARION FROM C-2 (COMMUNITY SHOPPING DISTRICT) TO AN R-1C (SINGLE FAMILY DISTRICT – HIGH DENSITY).

The legislation's title received its second reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested that the legislation receive its second reading with a public hearing on March 26th, 2001.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

ORDINANCE NO. 2001-24

ORDINANCE AMENDING MARION CODIFIED ORDINANCE SECTIONS 1123.01, ADDING THE DEFINITION OF YARD-SIDE (STREET SIDE CORNER LOT) AND YARD-REAR (STREET SIDE CORNER LOT); AND AMENDING SECTION 1151.065 (C) TO INCLUDE RESTRICTIONS RELATING TO FENCE HEIGHTS ON SIDE AND REAR LOTS LOCATED ON CORNER LOTS.

The legislation's title received its second reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested that the legislation receive its second reading with a public hearing on March 26th, 2001.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

ORDINANCE NO. 2001-25

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 570 WEST CENTER STREET IN THE CITY OF MARION FROM I-2 (GENERAL INDUSTRIAL DISTRICT) TO A C-4 (CENTRAL FRAME BUSINESS DISTRICT).

The legislation's title received its second reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested that the legislation receive its second reading with a public hearing on March 26th, 2001.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

City Hall – Council Chambers at 7:30 p.m. on March 12, 2001, Page Two

Held _____

(YEAR)

New Business:

RESOLUTION NO. 2001-8

RESOLUTION ESTABLISHING AND RECONFIRMING THE INTENT TO PAY THE TOTAL ASSESSMENT FEES, UP TO \$532,971.15, AND ANY FUTURE MAINTENANCE FEES AS ALLOWED BY THE OHIO REVISED CODE SECTION 6131, LEVIED AGAINST PROPERTY OWNERS WITHIN THE CITY OF MARION, OHIO FOR THE CLEANING OF THE QUQUA DITCH.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised the members that the funds would be paid from the Storm Water Utility Fund. Mr. Cumston also advised that the Committee had discussed a request for representation on the Ditch Commission.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer advised the members that he did speak with the County Commissioners and that he felt representation would not be a problem. President Kochheiser inquired as to whether or not it would be good to have a letter sent. Mr. Thomas inquired as to whether or not the representatives could reside in the watershed. Mr. Russell advised the members that he did issue an opinion and in the opinion the representative could not reside in the district. Mr. Cumston advised that it was his understanding that they were to reside in the district for the purposes of maintenance. Mr. Russell stated that there may have been some confusion in that there could be an entity created to make recommendations to the County Engineer for maintenance but not representation on the Ditch Commission.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2001-9

RESOLUTION STATING THE COUNCIL OF MARION, OHIO'S PROTEST AND OPPOSITION TO THE OHIO DEPARTMENT OF JOB & FAMILY SERVICES CLOSURE OF THE MARION OFFICE AND COMMUNICATING SAME TO THE GOVERNOR AND OUR ELECTED AND APPOINTED REPRESENTATIVES AND DECLARING AN EMERGENCY.

Mayor Kellogg advised the members that he would like to add this Resolution to the agenda. Mayor Kellogg further stated that Mr. Thomas had consulted with him earlier on adding the item and he is in full support. Mr. Thomas moved to add with Mr. Cumston seconding and Mrs. Davis providing the third.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ITEM ADDED TO THE AGENDA.

Mr. Thomas moved to suspend the committee consideration with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE COMMITTEE CONSIDERATION SUSPENDED.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to adopt with Mr. Cumston.

Mr. Cumston stated that it is important to the Community to keep the office open in Marion and for council to support issues such as this and he hopes they will reconsider. Mr. Thomas stated that he takes a strong position on this issue and if the office closes there would not only be a loss of jobs but that training would be

Held City Hall – Council Chambers at 7:30 p.m. on March 12, 2001, Page Three

(YEAR)

taken out of town. President Kochheiser inquired as to a closing date. Mr. Thomas stated there is no closing date at this time, but that 56 facilities are expected to close. Mr. Schertzer stated that government should be user friendly and if the office were to close it would place a burden on the community. Mayor Kellogg stated that he is glad to see this brought forward and he will do everything he can to help. Mayor Kellogg thanked Mr. Thomas. Mr. Hatch stated that all training would be done in Tiffin if the office closed. Mr. Chapman stated that one of the most important roles of the office is to have face to face contact. Mrs. Davis stated that she felt all of the members were in agreement and that Marion used to be the county seven counties came to and that she would like to see the facility remain open.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

ORDINANCE NO. 2001-33

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PHIL LEAK CO. FOR THE PURCHASE OF A FLOOR LIFT FOR THE MAINTENANCE GARAGE AT 981 W. CENTER STREET AND DECLARING AN EMERGENCY.

The legislations title received its first reading there was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this is 15,000 lb lift and that this was a budgeted item.

Mr. Cumston moved to suspend the rules of council with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-34

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this was to purchase a new computer for the Mayors Office and that the old system is inadequate for the needs.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-35

ORDINANCE TO ACCEPT THE AMENDED PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, CONTAINING 20.479 ACRES.

The legislations title received its first reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested a 1st reading.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on March 12, 2001, Page Four

Held _____

(YEAR)

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-36

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED EAST OF THE CITY OF MARION, CONTAINING 147.096 ACRES OWNED BY THE MARION CITY BOARD OF EDUCATION.

The legislation's title received its first reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested a 1st reading.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

Matters not on the Agenda – Mr. Lawrence Boganwright, 720 Darius advised that he would like to see something done with respect to what is shown on television. He also stated that when he was walking down a track under the Columbia Street Overpass, the track was cracked and a train could have derailed. He stated that he brought this matter to the attention of the appropriate persons and the track was fixed. He further stated that it is a privilege to vote and there were problems of where to vote in the last election because of the precinct change. He further stated that he would like to see the skateboard park for the young.

Mr. Brian Hempstead, 855 Harvey Drive thanked the Mayor for standing up for the prayer. He stated that in following tradition the minority is not necessarily the way to go. He further advised that if he was on council he would have been offended. Mr. Hempstead provided three main points in favor of spoken prayer: 1) The Lord's Prayer is appropriate when someone from the Ministerial Society is not available; 2) The affiliations quoted by the Star were with the ACLU in some manner and that the comments were biased and 3) the Bill of Rights along with the 1st Amendment to the Constitution support the ideology of God.

Mr. Mark Jancar, 945 Harvey Drive advised the members that he had an informal petition circulated and that over 150 Harding High School Students did not find it appropriate to begin the meetings with prayer and asked the Council to reconsider.

Mr. Robert Armstrong, 660 E. Fairground Street, stated that everyone has a god given right to pray anytime anywhere.

Mr. Greg Masteller, 609 Blaine Avenue advised that in the case of Marsh v. Chambers the Courts found prayer to be constitutional. Mr. Masteller condemned those who try to destroy. He advised that America is a Christian nation and encouraged everyone to look at the history and see why there are paid Chaplains.

Ms. Martha Filipic, 460 Brightwood Drive stated that there are some misconceptions and confusion. She stated that she is not against public spoken prayer. She advised that she is a Unitarian Universalist and that this is a sensitive issue. She advised that she and her husband Toni Marconi were suggesting a silent prayer. She further stated that when there was a silent prayer they felt included and not excluded. She further stated that there are many who have not come forward that feel the same way. She further asked for a non denominational, non sectarian prayer.

Reverend Doug Ford, 640 Ireby Avenue stated that he serves as a pastor and that his faith is Evangelical – Pentecostal. He advised that he had always felt that everyone's relationship with God is personal. He stated that he does not mind sharing and supports public prayer. Rev. Ford stated that he does not agree with Mr. Marconi's position but he can understand. Reverend Ford spoke of inclusion and unity and suggested that the Council offer the prayer if someone is uncomfortable they could leave the room. Kyle, 1055 Amboise Drive stated that his belief is that prayer is a blessing not a hassle and that he felt the Harding High School students did not know what they were signing.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on March 12, 2001, Page Five

(YEAR)

Mr. Wayne Fowler, 980 Underwood Drive stated that prayer is important and that our culture has been under attack in recent year. He stated that values are taken seriously and encouraged the members to be logical and reasonable.

Dustin Williams, 589 South Prospect Street, stated that the students at Harding did know what they were signing. Ms. Davis, 508 Park Blvd., in an emotional statement, advised the members of a moment that touched her when the entire senior class prayed. She further stated that she was raised with prayer.

Mr. Toni Marconi, 460 Brightwood Drive advised that he wants to see the prayer expanded to be more inclusive and that he was merely requesting a change, not a removal of prayer. Mr. Marconi advised that since he has spoke about the issue he has received threats against his property and that he was merely requesting inclusion. Mr. Marconi thanked Reverend Ford for the Prayer and stated that this was the closest to him feeling included since the silent prayer. Mr. Marconi stated that he would like to see a civic and civil discussion about this issue. Mr. Marconi further inquired as to council forming a committee to address the issue.

Mr. Tom Brammel, 357 Summit, advised that he is neutral on the subject of religion and that he knows and respects Mr. Marconi's views on religion. Mr. Brian Hempstead, 855 Harvey Drive, stated that the ministerial society welcomes every sect. Mrs. Kathy Hempstead apologized to Mr. Marconi and stated that God gave us no rights and that we are privileged. Mrs. Hempstead again apologized to Mr. Marconi for the threats that he has received. Mr. Schertzer thanked the Ministerial Society for coming forth. He stated that it is unfortunate and that he had hoped the community can be unified.

Mr. Hatch inquired as to whether or not there are plans to bring in other sects such as Rabbi's etc. Mayor Kellogg advised that he would do everything in his power to do so.

Mr. Johnny Browning, 258 Silver Street stated that he was present on behalf of himself and other skateboarders and inquired as to where they can skateboard without getting into trouble. Mr. Hank Ward, 408 Columbia Street also inquired as to where they can skate. He stated that they do not damage property but the Courthouse has move obstacles to do tricks. Mr. Browning stated that he would like to design the park themselves to where they could go from one thing to another.

Mrs. Brewer thanked the skateboarders for coming. She advised that the skateboard park has been in the works for over a year now. She provided a copy of a computer illustration to show the tentative park layout. Ms. Brewer stated that two to three weeks ago the Ordinance was approved to spec and bid. She then advised that the bid opening took place on March 2, 2001 and that she would have loved to have the skateboarders design the park she felt that experts needed to be involved. Ms. Brewer stated that once the company has been selected the park should be built in the next four to six weeks. Chief Bell advised that skateboarding cannot be done on private property or in the street. Mrs. Davis advised that they can skate on any public property. Mayor Kellogg advised as long as they behave and not cause problems for others.

Mrs. Davis further suggested that the skateboarders in attendance sit down with Ms. Brewer and discuss the issues further.

Mr. Cumston spoke to the members regarding the Community Outreach meeting he attended at Marion Correctional Institute. He advised that he is working with the Warden on hosting a council meeting at the facility. Mr. Cumston praised the Warden for her hard work and for the community outreach.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on March 12, 2001, Page Six

(YEAR)

Committee Dates –

March 20, 2001

5:30 p.m. Jobs & Economic Development

6:00 p.m. Traffic Commission

6:30 p.m. Finance Committee

7:00 p.m. Legislation, Codes & Regulations

7:15 p.m. Municipal Parks & Recreation

7:30 p.m. Zoning & Annexation

7:35 p.m. Streets & Sewers

With no further business to come before council, President Kochheiser adjourned the meeting.


Mr. Keith A. Kochheiser
PRESIDENT OF COUNCIL


Cathy A. Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC. FORM NO. 15148

City Hall – Council Chambers at 7:30 p.m. on March 26, 2001

Held _____

(YEAR)

ROLL CALL – Eight Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

Mrs. Davis moved to excuse Dr. Gilsdorf with Mr. Cumston seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Pro Tempore Thomas declared Dr. Gilsdorf excused.

PRAYER – Elder Charles Smith led the invocation.

PLEDGE OF ALLEGIANCE – President Pro Tempore Thomas led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR MARCH 12, 2001

Mr. Cumston moved to accept the Summary of Proceedings for March 12, 2001 with Mr. Hatch seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT PRO TEMPORE THOMAS DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR MARCH 12, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-23

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 226 PATTEN STREET IN THE CITY OF MARION FROM C-2 (COMMUNITY SHOPPING DISTRICT) TO AN R-1C (SINGLE FAMILY DISTRICT – HIGH DENSITY).

The legislations title received its third reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda.

PUBLIC HEARING: There being no persons to speak in favor or in opposition, President Pro Tempore Thomas closed the public hearing.

Mr. Schertzer moved to approve with Mrs. Davis seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-24

ORDINANCE AMENDING MARION CODIFIED ORDINANCE SECTIONS 1123.01, ADDING THE DEFINITION OF YARD-SIDE (STREET SIDE CORNER LOT) AND YARD-REAR (STREET SIDE CORNER LOT); AND AMENDING SECTION 1151.065 (C) TO INCLUDE RESTRICTIONS RELATING TO FENCE HEIGHTS ON SIDE AND REAR LOTS LOCATED ON CORNER LOTS.

The legislations title received its third reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda.

PUBLIC HEARING: Mr. Terry Litteral, 725 Michigan Avenue, inquired as to whether or not the legislation related to just fences. Mr. Russell advised it did but hedges are included also. Ms. Rosalee Marvin, 490 Toledo Avenue, inquired as to whether or not this would include alley intersections. Mr. Russell advised it would. Mr. Ken Lengieza illustrated the changes to the members. He further advised that the Planning Commission had considered this and voted in favor of the changes. Mr. Literal further inquired if this affected existing fences. Mr. Lengieza advised it did not. Mr. Hatch stated that he is not in favor of the legislation as it is only being applied to the residential and that with businesses it would not be applied to and therefore place an unnecessary restriction on property owners.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10138

City Hall – Council Chambers at 7:30 p.m. on March 26, 2001, Page Two

Held _____

(YEAR)

There being no other persons to speak in favor or in opposition, President Pro Tempore Thomas closed the public hearing.

Mr. Schertzer moved to approve with Mrs. Pinnick seconding.

DISCUSSION: Mr. Thomas inquired as to the requirements for businesses and fencing. Mr. Lengieza advised that with commercial business, that can bring fences in line with the building. Mr. Osborn advised that they can have a 6 ft. fence so long as it is transparent or does not cause problems. He further stated that there are some exceptions. Mrs. Davis advised the members that there is a privacy fence located on the corner of Marion Avenue and Windsor that blocks the view if you are driving and that this would be a safety issue. Mr. Cumston inquired as to how many issues there were in a years time. Mr. Osborn advised that maybe 3 or 4 but that the Board of Zoning is looking for direction.

The role call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Hatch.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-25

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY AT 570 WEST CENTER STREET IN THE CITY OF MARION FROM I-2 (GENERAL INDUSTRIAL DISTRICT) TO A C-4 (CENTRAL FRAME BUSINESS DISTRICT).

The legislations title received its third reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda.

PUBLIC HEARING: There being no persons to speak in favor or in opposition, President Pro Tempore Thomas closed the public hearing.

Mr. Schertzer moved to approve with Mr. Cumston. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-35

ORDINANCE TO ACCEPT THE AMENDED PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, CONTAINING 20.479 ACRES.

The legislations title received its second reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested a 2nd reading.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

ORDINANCE NO. 2001-36

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED EAST OF THE CITY OF MARION, CONTAINING 147.096 ACRES OWNED BY THE MARION CITY BOARD OF EDUCATION.

The legislations title received its second reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested a 2nd reading.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

New Business:

Held City Hall – Council Chambers at 7:30 p.m. on March 26, 2001, Page Three

(YEAR)

RESOLUTION NO. 2001-10

RESOLUTION SETTING FORTH THE COUNCIL'S INTENT TO ESTABLISH A SERIES OF "COUNCIL TO COMMUNITY II" MEETINGS, AND DECLARING AN EMERGENCY. The legislations title received its first reading. There was a 2-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to adopt with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-11

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES UP TO \$30,000.00 TO THE VIOLENCE AGAINST WOMEN FUND FROM THE GENERAL FUND. The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-12

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES UP TO \$64,000.00 TO THE AIRPORT IMPROVEMENT FUND FROM THE GENERAL FUND. The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to adopt with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RESOLUTION APPROVED.

ORDINANCE NO. 2001-37

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE NORTHSIDE SIDEWALKS AND DELAWARE AVENUE SIDEWALK PROJECT 00-1M. The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mrs. Blevins moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

City Hall – Council Chambers at 7:30 p.m. on March 26, 2001, Page Four

Held _____,

(YEAR)

Mrs. Blevins moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-38

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE MCKINLEY LAKE IMPROVEMENTS PROJECT.

The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mrs. Blevins moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Blevins moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-39

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE AVONDALE AVENUE SANITARY AND STORM SEWER REPLACEMENT AND CATALINA DRIVE STORM SEWER PROJECT 00-1S.

The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mrs. Blevins moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Blevins moved to adopt with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-40

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE MARION WILLIAMSPORT ROAD IMPROVEMENTS PROJECT 00-1P AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mrs. Blevins moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Blevins moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

Held City Hall – Council Chambers at 7:30 p.m. on March 26, 2001, Page Five

(YEAR)

ORDINANCE NO. 2001-41

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE REED AVENUE SANITARY AND STORM SEWER REPLACEMENT PROJECT 00-2S AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mrs. Blevins moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Blevins moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-42

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RESOURCE INTERNATIONAL, INC., FOR PHASE I OF AN ENVIRONMENTAL SITE ASSESSMENT FOR THE CENTRAL GARAGE PROJECT AT 981 WEST CENTER STREET.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-43

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BOHL EQUIPMENT COMPANY, MARION, OHIO FOR THE PURCHASE OF A HYSTER 5,000 POUND FORKLIFT TRUCK TO BE USED AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Davis moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-44

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MIDWESTERN RAMP SUPPLY, LLC, CINCINNATI, OHIO FOR THE SKATEBOARD PARK PROJECT, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

City Hall – Council Chambers at 7:30 p.m. on March 26, 2001, Page Six

Held

(YEAR)

Mr. Cumston moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-45

ORDINANCE APPROVING THE DEMOLITION AND REMOVAL OF TWO BUILDINGS LOCATED AT SAWYER LUDWIG PARK.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to amend the ordinance to add the Emergency Clause. Mr. Schertzer seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE AMENDED.

The Legislations title was read as amended.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-46

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF (1) HEAVY DUTY ¾ TON PICKUP TRUCK FOR THE SANITATION/RECYCLING DEPARTMENT.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-47

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A CARGO VAN FOR THE STREETS DEPARTMENT.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Held City Hall – Council Chambers at 7:30 p.m. on March 26, 2001, Page Seven

(YEAR)

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-48

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF (1) HEAVY DUTY ¾ TON PICKUP TRUCK FOR THE SANITATION DEPARTMENT. The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-49

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-50

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ARCHITECTS JESTER, JONES, SCHIFER & FELTHAM FOR DESIGN SERVICES AND COST ESTIMATES FOR AN ADMINISTRATION BUILDING AT MARION MUNICIPAL AIRPORT.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on March 26, 2001, Page Eight

Held

(YEAR)

ORDINANCE NO. 2001-51

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED SOUTH OF FLEETWOOD AVENUE IN THE FLEETWOOD ADDITION TO THE CITY OF MARION, OHIO.

The legislation's title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mrs. Blevins requested a 1st reading.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-52

AN ORDINANCE TO MODIFY THE TRAFFIC CONTROL MAP SPECIFICALLY IN REGARD TO CENTER STREET WITHIN THE DOWNTOWN, TO PROVIDE FOR DIAGONAL PARKING AND OTHER MODIFICATIONS AS DIRECTED BY THE CITY ENGINEER.

The legislation's title received its first reading. There was a 7-0 vote from the Traffic Commission to place on the agenda. Mrs. Blevins requested a 1st reading. Mr. Cumston advised that he had received a couple of calls and they were concerned that Center Street would become a two way street. Mr. Osborn advised that it would not be two way but two lane with the next testing date of April 6th. Mr. Schertzer advised that he received calls that were mostly in favor of the change. However, he did state that he has a safety concern with cars backing into the street and suggested a longer test. Mrs. Davis inquired that if they do approve this can they take it back to three lanes if they need to. Mr. Carlyle advised the members that they could take it back to three lanes but with the paving they would need to grind off the lines. Mr. Lengieza advised that the April 6th test will be a severe test to see if this will work, however, if they do not paint the lines the concern would be over the cones on a dark rainy evening. He further advised that he drove the test area and it did not cause him any problems during the times he drove.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-53

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED WEST OF THE CITY OF MARION, CONTAINING 12.917 ACRES OWNED BY THE MARION CITY BOARD OF EDUCATION.

The legislation's title received its first reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested a 1st reading.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-54

ORDINANCE ACCEPTING THE TERMS AND CONDITIONS IMPOSED BY THE STATE DEPARTMENT OF TRANSPORTATION TO PERFORM A FEASIBILITY STUDY FOR THE CONSTRUCTION OF A GRADE SEPARATION LOCATED ON SR 309 (HARDING HIGHWAY) AT THE CSX RAIL CROSSING AND DECLARING AN EMERGENCY.

Mr. Cumston moved to add this item to the agenda. Mr. Hatch provided the second and Mrs. Blevins provided the third.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE LEGISLATION ADDED TO THE AGENDA.

Mr. Cumston moved to suspend the committee consideration with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Held City Hall – Council Chambers at 7:30 p.m. on March 26, 2001, Page Nine

(YEAR)

Mr. Schertzer moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

Matters not on the Agenda – Mrs. Davis inquired as to when the repairs were to start on the State Street overpass. Mr. Carlyle stated that at this time it is not known but that he would contact the State and advise.

Committee Dates –

April 2, 2001

5:30 p.m. Jobs & Economic Development

5:45 p.m. Public Utilities

6:30 p.m. Finance Committee

7:00 p.m. Airport, Lands & Buildings

With no further business to come before council, President Pro Tempore Thomas adjourned the meeting.



Cathy A. Chaffin
CLERK OF COUNCIL


Mr Keith A. Kochheiser
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on April 9, 2001

(YEAR)

ROLL CALL – Eight Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer.

Mr. Schertzer moved to excuse Mrs. Pinnick with Mrs. Davis seconding. By a verbal vote all members voted in approval.

Whereupon, President Kochheiser declared Mrs. Pinnick excused.

PRAYER – Reverend Ken Durtsche led the invocation.

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR MARCH 26, 2001

Mr. Cumston moved to accept the Summary of Proceedings for March 26, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR MARCH 26, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-35

ORDINANCE TO ACCEPT THE AMENDED PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, CONTAINING 20.479 ACRES.

The legislation's title received its third reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda.

Mr. Schertzer moved to approve with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-36

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED EAST OF THE CITY OF MARION, CONTAINING 147.096 ACRES OWNED BY THE MARION CITY BOARD OF EDUCATION.

The legislation's title received its third reading. There was a 2-0 vote from the Zoning & Annexation Committee to place on the agenda.

Mr. Schertzer moved to approve with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-51

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED SOUTH OF FLEETWOOD AVENUE IN THE FLEETWOOD ADDITION TO THE CITY OF MARION, OHIO.

The legislation's title received its second reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas requested a 2nd reading.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

ORDINANCE NO. 2001-52

AN ORDINANCE TO MODIFY THE TRAFFIC CONTROL MAP SPECIFICALLY IN REGARD TO CENTER STREET WITHIN THE DOWNTOWN, TO PROVIDE FOR DIAGONAL PARKING AND OTHER MODIFICATIONS AS DIRECTED BY THE CITY ENGINEER.

DAYTON LEGAL BLANK, INC. FORM NO. 19148

Held City Hall – Council Chambers at 7:30 p.m. on April 9, 2001, Page Two

(YEAR)

The legislations title received its second reading. There was a 7-0 vote from the Traffic Commission to place on the agenda. Mr. Thomas moved to have debate with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION OPEN FOR DEBATE.

Mr. Thomas asked Mr. Osborn for an update on the test that was conducted April 6th. Mr. Osborn advised that the test was performed between the hours of 7:00 a.m. to 4:00 p.m. He advised that there was a lot of use during this time and was surprised to see that it worked fairly well. Mr. Osborn advised that the Mayors Office received four calls against the diagonal parking and that the only backup was from 3:45 p.m. to 4:00 p.m. Mr. Thomas inquired as to whether or not the traffic was backed up to another street. Mr. Osborn stated that one car may have been stuck in the intersection for approximately 30 to 45 seconds but for the most part it was okay. Mr. Thomas inquired as to when the congestion occurred how the diagonally parked vehicles were able to back out. Mr. Osborn advised that people were being courteous and that there was enough of a break in the traffic to allow the vehicles to back safely. Mr. Cumston advised that he received a couple of calls and inquired if the third lane could be used as a merge lane. Mr. Osborn advised that with an extended van or large vehicle the third lane could not be used as a merge lane. Mr. Cumston inquired as to whether or not there could be a length restriction placed on the spots to allow for the third lane to be a merge lane. Mr. Osborn advised that they will be looking at the compact car parking with the Engineers recommendations.

Mrs. Davis advised that she went to the City of Upper Sandusky on Thursday to watch the traffic pattern. She advised that she also spent four hours in Marion watching the traffic and that some of the same concerns being raised were also her concerns. She advised that none of the concerns were valid and that it worked in Marion. Mrs. Blevins advised that she received a call from one resident concerned with safety with all of the semi trucks coming through downtown. Mr. Osborn stated that everyone needs to be careful and that during the tests people were careful and courteous and it worked. Mr. Chapman asked Mr. Lengieza to provide some thoughts in comparing Marion to Mt. Vernon, Ohio where they have diagonal parking with an extra wide lane for the parking. Mr. Lengieza advised that in downtown Mt. Vernon there is diagonal parking where four state highways come to the center. He advised that the lanes are extra wide and allows for backup of traffic. Blevins requested a 1st reading. Mr. Lengieza further stated that the fault of the test was the angles. When the markings are completed, they may be at a 70% angle or a 60% angle which makes a huge difference when parking and backing out. Mr. Hatch advised that he spoke to one person who advised that a couple of the other communities with diagonal parking have truck routes or by passes and that Marion is putting the horse before the cart. Mr. Lengieza advised that the truck count with Mt. Vernon is 900 per day and with Marion 500 per day and that the third lane would still be kept for turning. Mrs. Davis again emphasized that there were the same concerns and questions she had but after viewing the test, she did not see these problems.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

ORDINANCE NO. 2001-53

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED WEST OF THE CITY OF MARION, CONTAINING 12.917 ACRES OWNED BY THE MARION CITY BOARD OF EDUCATION. The legislations title received its second reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested a 2nd reading.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

New Business:

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on April 9, 2001, Page Three, _____ (YEAR)

RESOLUTION NO. 2001-13

RESOLUTION ESTABLISHING THE ANTI-DRUG PATROL FUND.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this fund would be repaid from the grant received and would pay for overtime of the police officers.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-55

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OHIO EDISON COMPANY FOR THE INSTALLATION OF STREET LIGHTS ON BROOKSIDE DRIVE AND APPROPRIATING THE NECESSARY FUNDS.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this would pay for the new street lights for the roadway to the new school.

Mr. Cumston moved to suspend the rules of council with Mrs. Davis seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Thomas seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-56

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to amend the Ordinance to add the sum of \$2,700.00 for the Reed Avenue Sewer Project with Mr. Thomas seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

The Legislations Title was read as amended.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

City Hall – Council Chambers at 7:30 p.m. on April 9, 2001, Page Four

Held _____ (YEAR)

Matters not on the Agenda – Mr. Sulu Kelley, 285 W. Columbia Street, advised the members that he supports the Mayor's position on prayer. He also stated that with officers recent accident, he personally examined the scene and that the fence post was pulled out of the ground and in order to do this the officer would have been traveling at least 55 mph and that the expectation would be at least 75 mph. Mr. Kelley advised that on Bennett Street there is a blind curve and inquired if the members knew he almost hit a child. He requested that the members appoint a Citizens Review Board to review the accident. President Kochheiser reminded the members that there is a good article in the City and County Magazine dealing with accessibility.

Mr. Schertzer inquired as to what the process is for cleaning catch basins. Mr. Osborn advised that there is a cleaning schedule and that Bill Hamby takes care of the cleaning. He further advised that there are over 4400 catch basins and that usually 100 per month are cleaned. Mr. Osborn encouraged anyone to call if there is a catch basin that needs cleaned.

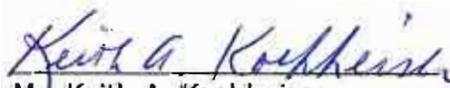
Mr. Schertzer advised that while reading in the paper there is a new grant available for the fire department and inquired of Chief Gruber as to any information he may have. Chief Gruber advised that there is 100 million dollars for the year 2002 and that there are six guidelines there are looking for including fire prevention and the elderly. Mr. Schertzer inquired as to equipment if this would pay. Chief Gruber advised that it would not purchase any equipment as when the grant is divided out they are looking more at departments that have nothing such as volunteer fire departments. If all departments receive a portion of the grant they may be eligible for about \$3,000.00.

Committee Dates –

April 16, 2001
 5:30 p.m. Public Utilities
 6:30 p.m. Finance Committee
 7:00 p.m. Legislation, Codes & Regulations
 7:15 p.m. Streets & Sewers
 7:30 p.m. Jobs & Economic Development

With no further business to come before council, President Kochheiser adjourned the meeting.


 Cathy A. Chaffin
 CLERK OF COUNCIL


 Mr. Keith A. Kochheiser
 PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10138

Held City Hall – Council Chambers at 7:30 p.m. on April 23, 2001

(YEAR)

ROLL CALL – Seven Members Answered – Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

Mr. Schertzer moved to excuse Mrs. Blevins and Mr. Thomas with Mr. Cumston seconding. By a verbal vote all members voted in approval.

Whereupon, President Kochheiser declared Mrs. Blevins and Mr. Thomas excused.

PRAYER – Mayor Jack Kellogg led the invocation.

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR APRIL 9, 2001

Mr. Cumston moved to accept the Summary of Proceedings for April 9, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR APRIL 9, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-51

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED SOUTH OF FLEETWOOD AVENUE IN THE FLEETWOOD ADDITION TO THE CITY OF MARION, OHIO.

The legislation's title received its third reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

PUBLIC HEARING - President Kochheiser opened the hearing. There being no proponents or opponents, President Kochheiser closed the hearing.

Mrs. Pinnick moved to approve with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-52

AN ORDINANCE TO MODIFY THE TRAFFIC CONTROL MAP SPECIFICALLY IN REGARD TO CENTER STREET WITHIN THE DOWNTOWN, TO PROVIDE FOR DIAGONAL PARKING AND OTHER MODIFICATIONS AS DIRECTED BY THE CITY ENGINEER.

The legislation's title received its third reading. There was a 7-0 vote from the Traffic Commission to place on the agenda.

Mr. Cumston moved to open the legislation for debate with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE OPEN FOR DEBATE.

DISCUSSION: Mr. Cumston advised the members that he had received a letter from Mr. Bender and Mr. Carlyle. He stated that his main concern is with a drop zone and blind spots that occur while backing. Mr. Cumston stated that he would like to see designated drop zones. Mr. Carlyle advised that they can prohibit large vehicles from parking in certain areas, however, drop zones were not addressed at this time. Mr. Lengieza advised that with the diagonal parking there is additional parallel parking and that he agrees with Mr. Cumston that with deliveries this can cause only one lane to be available for thru traffic.

Held City Hall – Council Chambers at 7:30 p.m. on April 23, 2001, Page Two

(YEAR)

Mrs. Davis inquired as to whether or not the plan can come back to the Streets & Sewers Committee. Mr. Carlyle advised that yes it could come before the Traffic Commission. Mr. Hatch inquired as to what other modifications as stated in the Ordinance were there. Mr. Russell advised that the language was used to allow Mr. Carlyle to mark for loading and unloading along with what types of vehicles can park where. Dr. Gilsdorf stated that without the details, he felt that Council would be passing something without knowing what they are passing.

Mr. Cumston suggested that this matter be tabled until Council is aware of the details, however, Mr. Cumston inquired as to the ODOT time schedule. Mr. Osborn advised that it would be close but that it should be enough time. Mr. Schertzer stated that this legislation is not new to Council and that if there were concerns over the diagonal parking they should have been brought forward sooner. He further stated that the City should take a proactive role and that the diagonal parking is good for downtown. Mrs. Davis suggested holding a traffic commission meeting and then a special council meeting if necessary. Mr. Carlyle advised that the painting would not be done until the end of May. Mr. Cumston stated that he would support a special meeting if need be.

There being no further discussion, President Kochheiser closed the debate.

Dr. Gilsdorf moved to table the legislation. Mr. Russell advised that the proper motion would be to table to a date certain. Dr. Gilsdorf moved to table the legislation until May 14, 2001 with Mr. Cumston seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis. NAYS: Mrs. Pinnick, Mr. Schertzer.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE TABLED UNTIL MAY 14, 2001.

ORDINANCE NO. 2001-53

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED WEST OF THE CITY OF MARION, CONTAINING 12.917 ACRES OWNED BY THE MARION CITY BOARD OF EDUCATION.

The legislation's title received its third reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda.

Mr. Schertzer moved to approve with Mrs. Davis seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

New Business:

ORDINANCE NO. 2001-57

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO EXECUTE AN EASEMENT TO GRACE SYMANSIC, FORMERLY GRACE KRANER, FOR THE RIGHT TO USE CERTAIN CITY OWNED PROPERTY SITUATED IN THE CITY OF MARION, COUNTY OF MARION AND STATE OF OHIO, AND BEING ADJACENT TO LOT NUMBER 6873 IN CHRISTINE BOLANDER'S FIRST ADDITION TO THE CITY OF MARION, OHIO.

The legislation's title received its first reading. There was a 2-0 vote from the Streets & Sewers Committee to place on the agenda.

Mrs. Pinnick moved to suspend the rules of council with Mr. Schertzer seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Pinnick moved to approve with Mrs. Davis seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on April 23, 2001, Page Three

Held

(YEAR)

ORDINANCE NO. 2001-58

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE NORTH/SOUTH ALLEY SITUATED SOUTH OF CHURCH STREET, NORTH OF KENNEDY COURT, EAST OF WINDSOR STREET AND WEST OF ORCHARD STREET, IN THE CITY OF MARION, OHIO, APPLICANT, THE SALVATION ARMY.

The legislations title received its first reading. There was a 2-0 Streets & Sewers Committee to place on the agenda with no recommendation. Mr. Cumston advised that he with some of the neighbors and the Salvation Army and that they will be working out the details with traffic flow. Mrs. Pinnick requested a first reading.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-59

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED SOUTH OF FLEETWOOD AVENUE, NORTH OF MICHIGAN AVENUE, EAST OF JEFFERSON STREET AND BEING THE WESTERN ONE HALF PORTION OF SAID ALLEY, IN THE FLEETWOOD ADDITION TO THE CITY OF MARION, OHIO.

The legislations title received its first reading. There was a 2-0 Streets & Sewers Committee to place on the agenda. Mrs. Pinnick requested a first reading.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-60

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.

The legislations title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Chapman advised the members that there is an additional \$20,000.00 to spend and requested that the legislation received its first reading. Mr. Schertzer inquired as to the additional \$20,000. Mr. Lengieza advised that it is already in the Ordinance and that 51% of the funds must be used for low income. Mr. Chapman advised that he is glad to see key areas targeted with the funds.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-61

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that the additional funds were needed for the Reed Avenue Project.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

Held City Hall – Council Chambers at 7:30 p.m. on April 23, 2001, Page Four

(YEAR)

ORDINANCE NO. 2001-62**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BABE CHARAPP FORD FOR THE PURCHASE OF A YEAR 2000 FORD CROWN VICTORIA PURSUANT TO O.R.C. 125.04 AND DECLARING AN EMERGENCY.**

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this would replace the vehicle that was in an accident and that the price is \$3,595 over what insurance is paying.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-63**ORDINANCE DIRECTING AND AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A SETTLEMENT AGREEMENT, FURTHER DIRECTING AND AUTHORIZING THE AUDITOR TO PAY THAT AMOUNT DISCUSSED FUNDING SAME NECESSARY IN ORDER TO RESOLVE OUTSTANDING LIABILITY AGAINST THE CITY OF MARION AND DECLARING AN EMERGENCY.**

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this would settle a pending lawsuit with the City and requested a first reading only.

Dr. Gilsdorf stated that he has heard comments from residents whereby the company who sued the City are coming door to door and being vulgar and rude to the residents. Mr. Schertzer stated that the company has exploited our Ordinance and that this is a form of legal blackmail and that he would like to make sure everyone knows how to protect themselves from this happening in the future. Mrs. Davis stated that she is upset and that she had received phone calls regarding the company reps being rude and vulgar.

Mr. Cumston stated that he would ask that the members wait for comment until the lawsuit is settled and that he does not want to damage the issue.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-64**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HURON LIME CO. FOR THE PURCHASE OF HIGH CALCIUM PEBBLE QUICKLIME TO BE USED AT THE WATER POLLUTION CONTROL PLANT.**

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Schertzer seconding. The role call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on April 23, 2001, Page Five

(YEAR)

ORDINANCE NO. 2001-65**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING CO., INC. FOR THE REED AVENUE SANITARY AND STORM SEWER REPLACEMENT, PROJECT 00-2S, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-66**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITIONS OF 667 NORTH STATE STREET, 363 SOUTH PROSPECT STREET, 218 EDWARDS STREET, 224 SHORT STREET AND 454 GRANT STREET THAT HAVE BEEN DECLARED DANGEROUS BUILDINGS IN ACCORDANCE WITH CHAPTER 1360 OF THE MARION CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.**

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Cumston inquired as to the homes on Grant and Short Street and if Mr. Osborn and Mr. Russell had met with the property owner. Mr. Osborn advised that last Thursday he met with Mr. McMurray and that he did not feel that he understands what it is going to take to fix the properties, however, that the ordinance is a spec and bid and it will take 30 days. Mr. Cumston inquired as to whether or not Mr. McMurray is aware of the time frame. Mr. Russell advised that Mr. McMurray is present in the audience and that he encouraged each member to view the properties. Mr. Schertzer advised that this has been a long time coming for these properties and that there is a much longer list. He stated that he hopes Mr. McMurray can repair the homes.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

Matters not on the Agenda – Mrs. Jo Gilsdorf, 600 Vernon Heights Blvd., stated that she had two main concerns: 1) with respect to Ordinance No. 2001-63, will there be a list of residents maintained and provided to solicitors that they do not want to be visited after 7 p.m. and 2) 2001-65 – the west side of Vernon Heights Blvd. is like driving on a roller coaster and asked if there was anyway of keeping some of the funds in escrow to be sure this does not happen in other areas.

Dr. Gilsdorf moved to go into Executive Session to discuss Marion General Hospital with Mrs. Davis seconding. Mr. Schertzer inquired as to the matter for discussion and that Executive Session should be used to discuss litigation or personnel matters. All other matters should go before committee.

City Hall – Council Chambers at 7:30 p.m. on April 23, 2001, Page Six

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Dr. Gilsdorf stated that it is his understanding that this should be discussed in executive session to look into the matter.

The roll call vote was: YEAS: Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis. NAYS: Mr. Cumston, Mrs. Pinnick, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED COUNCIL IN EXECUTIVE SESSION.

Executive Session begins at 8:14 p.m.

Mrs. Davis moved to end the executive session with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED COUNCIL BACK IN REGULAR SESSION.

Executive Session ends at 8:27 p.m.

Committee Dates –

May 7, 2001

5:30 p.m. Jobs & Economic Development

5:45 p.m. Airport, Lands & Buildings

6:00 p.m. Traffic Commission

6:15 p.m. Streets & Sewers

6:30 p.m. Finance Committee

7:00 p.m. Legislation, Codes & Regulations

7:15 p.m. Public Utilities

With no further business to come before council, President Kochheiser adjourned the meeting.



Cathy A. Chaffin
CLERK OF COUNCIL



Mr. Keith A. Kochheiser
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16148

Held Harding High School – Multi Purpose at 7:30 p.m. on May 14, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – Reverend Tim Delehanty – Four Square Gospel

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR APRIL 23, 2001

Mr. Cumston moved to accept the Summary of Proceedings for April 23, 2001 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR APRIL 23, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-52

AN ORDINANCE TO MODIFY THE TRAFFIC CONTROL MAP SPECIFICALLY IN REGARD TO CENTER STREET WITHIN THE DOWNTOWN, TO PROVIDE FOR DIAGONAL PARKING AND OTHER MODIFICATIONS AS DIRECTED BY THE CITY ENGINEER.

The legislation title was read into the record. Dr. Gilsdorf moved to remove the tabled legislation with Mrs. Davis seconding.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE LEGISLATION ADDED TO THE AGENDA.

There was a 7-0 vote from the Traffic Commission to place the item on the agenda. Mr. Thomas advised that since the introduction of the legislation he has received several comments against the legislation and therefore he would be voting against the Ordinance. Mr. Cumston inquired as to the off street delivery zones and if they have been addressed. Mr. Osborn advised that with respect to double parking there is already an Ordinance on the books for enforcement. Mr. Carlyle advised that at this time there are no drop zones designated but that there will be locations marked for loading and unloading.

Mr. Hatch moved to end the debate with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE CLOSED FOR DEBATE.

Mr. Thomas moved to adopt with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Thomas.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-58

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE NORTH/SOUTH ALLEY SITUATED SOUTH OF CHURCH STREET, NORTH OF KENNEDY COURT, EAST OF WINDSOR STREET AND WEST OF ORCHARD STREET, IN THE CITY OF MARION, OHIO, APPLICANT, THE SALVATION ARMY.

The legislation title received its second reading. There was a 2-0 vote from the Streets & Sewers Committee to place on the agenda with No Recommendation and a Public hearing to be held May 29, 2001.

Mr. Thomas inquired as to whether or not there was a meeting set with the residents on the issue. Mayor Kellogg advised that there was and that the architect for the Salvation Army is working on the issues.

Held Harding High School – Multi Purpose at 7:30 p.m. on May 14, 2001, Page Two

(YEAR)

Mrs. Blevins inquired as to when the architect has made the adjustments if the residents would be notified of the new meeting date and time. Mayor Kellogg advised that the residents would be notified.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

ORDINANCE NO. 2001-59

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED SOUTH OF FLEETWOOD AVENUE, NORTH OF MICHIGAN AVENUE, EAST OF JEFFERSON STREET AND BEING THE WESTERN ONE HALF PORTION OF SAID ALLEY, IN THE FLEETWOOD ADDITION TO THE CITY OF MARION, OHIO.

The legislations title received its second reading. There was a 2-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas advised the members that there would be a public hearing held on May 29, 2001.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

ORDINANCE NO. 2001-60

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.

The legislations title received its second reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mrs. Blevins advised the members that the City has received notification of additional funds from the CDBG. Mr. Ken Lengieza advised that the total funds are now \$209,000.00 and that they funds were divided between the three selected projects of council.

PUBLIC HEARING: There being no persons to speak in favor or in opposition, President Kochheiser closed the public hearing.

Mrs. Blevins moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Blevins moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mr. Hatch, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-63

ORDINANCE DIRECTING AND AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A SETTLEMENT AGREEMENT, FURTHER DIRECTING AND AUTHORIZING THE AUDITOR TO PAY THAT AMOUNT DISCUSSED FUNDING SAME NECESSARY IN ORDER TO RESOLVE OUTSTANDING LIABILITY AGAINST THE CITY OF MARION AND DECLARING AN EMERGENCY.

The legislations title received its second reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mrs. Davis.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Harding High School – Multi Purpose at 7:30 p.m. on May 14, 2001, Page Three

Held

(YEAR)

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mrs. Davis.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

New Business:

RESOLUTION NO. 2001-14

RESOLUTION AMENDING RESOLUTION 2001-10, IN PART, TO SPECIFICALLY MODIFY THE DATE FOR THE MARION CITY COUNCIL MEETING TO BE HELD AT THE MARION CORRECTIONAL FACILITY.

The legislation's title received its first reading. There was a 2-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

Mr. Schertzer moved to suspend the rules of council with Mrs. Pinnick seconding.

Discussion: Mr. Cumston advised the members that with the last meeting there were issues raised concerning holding a council meeting at the prison and further that if there are further issues he would be happy to address those. Mr. Cumston stated that he does not wish to offend anyone but felt this would be a great opportunity to tour the facility. Mr. Cumston further advised that in the last five years approximately 800 people have been released back into the community and that if there are strong opinions against this meeting he would be willing to remove it. Mr. Cumston further stated that he was not aware of the letter in which was referred to earlier. Mrs. Davis advised that she had received the letter and she was sure that it was directed to the wrong Amy and felt that an apology was deserved.

Dr. Gilsdorf asked for a clarification as to whether or not there was a new motion pending. President Kochheiser advised that there were no motions pending other than the first and second being received under suspension. Mr. Cumston advised that this ordinance is merely changing the date for the meeting and not the location. He further stated for those in the community and members of council who have not toured the facility, they are missing a great opportunity. Mr. Cumston commended Warden Money for the excellent work she has done to promote the prison as a part of the community.

Dr. Gilsdorf stated that he had two questions: 1. What is the rate of residency and 2. that it was his impression that a convicted felon still could not vote. President Kochheiser advised that they do obtain the right to vote after they have been released from paper. Mr. Schertzer advised that he is all for debate but that whether council should or should not go to the prison should have been discussed in committee. He stated further that the only item to be voted upon is the date change. Mr. Cumston advised Dr. Gilsdorf that he could find out what the answers were to his questions but that he did not have the statistical information at this time. Mrs. Davis stated that she is not sure whether or not council should or should not go to the prison but that she felt that the person who wrote the letter owes two people an apology. Mrs. Davis further stated that she did not find the letter to be threatening. Mr. Osborn inquired as to whether or not anyone under the age of eighteen would be admitted. The Clerk advised Mr. Osborn that Warden Money has assured her that no one regardless of age would be refused.

Mrs. Pinnick stated that the letter that is being referred to is one that she felt was meant for her and that she did not feel it was a threat. Mrs. Pinnick also stated that she did not feel that an apology was necessary. Chief Bell also advised that he checked into the matter and felt that there was no threat to anyone. He stated that the person who wrote the letter was upset over a vote on the living wage ordinance.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mr. Schertzer. NAYS: Dr. Gilsdorf, Mrs. Davis.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mr. Chapman, Mrs. Pinnick, Mr. Schertzer. NAYS: Mrs. Blevins, Dr. Gilsdorf, Mrs. Davis.

Held Harding High School – Multi Purpose at 7:30 p.m. on May 14, 2001, Page Four

(YEAR)

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-15

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$10,000.00 IN CASH ADVANCES TO THE DRIP PARK FUND FROM THE GENERAL FUND, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this would be the funds used to advance until the reimbursement can be made from ODNR.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-16

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF BRIAN R. NEWELL TO AN UNEXPIRED TERM TO SERVE AS A MEMBER OF THE MARION ENTERPRISE ZONE-COUNTY TAX INCENTIVE REVIEW COUNCIL, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. Mayor Kellogg added the item to the agenda. Mayor Kellogg advised that Mr. Newell would make a good member of the board and recommended his appointment.

Mr. Cumston moved to suspend committee consideration with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Davis moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

ORDINANCE NO. 2001-67

ORDINANCE ENACTED BY THE COUNCIL OF THE CITY OF MARION, MARION COUNTY, OHIO IN THE MATTER OF RESURFACING IN THE CITY OF MARION, APPROXIMATELY 0.95 MILES OF PAVING ON STATE ROUTE 95 AND 0.39 MILES OF PAVING ON STATE ROUTE 309, REQUESTING COOPERATION BY THE OHIO DEPARTMENT OF TRANSPORTATION, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

**RECORD OF PROCEEDINGS
MARION CITY COUNCIL**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Harding High School – Multi Purpose at 7:30 p.m. on May 14, 2001, Page Five

Held _____

(YEAR)

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-68

ORDINANCE ENACTING A MUNICIPAL NOISE CONTROL ORDINANCE BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CURRENT CODIFIED ORDINANCE BY THE CREATION AND ADOPTION OF SECTION 634, ENTITLED NOISE CONTROL, INCLUDING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE, REPEALING ORDINANCE 1998-126 AND REPLACING SAME HEREWITH.

The legislations title received its first reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda. Mr. Schertzer advised the members that this legislation is cleaning up the current noise ordinance.

Mr. Schertzer moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-69

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 2001 STREET RESURFACING PROGRAM, PROJECT 01-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-70

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY FOR THE PURCHASE OF ONE ¾ TON PICKUP TRUCK FOR THE SANITATION DEPARTMENT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Held Harding High School – Multi Purpose at 7:30 p.m. on May 14, 2001, Page Six

(YEAR)

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-71

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY FOR THE PURCHASE OF ONE CARGO VAN FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-72

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY FOR THE PURCHASE OF ONE ¾ TON PICKUP TRUCK FOR THE SANITATION/RECYCLING DEPARTMENT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-73

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR A PERIOD OF ONE (1) YEAR WITH OPTION YEAR WITH HOLLY'S PROCLEAN FOR JANITORIAL SERVICES AT CITY HALL AND THE YOUTH CENTER, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that during the last meeting of Finance there were questions directed to the Law Director's Office in regards to Holly's Proclean and that Mr. Russell did investigate and found no choice but to enter into contract with this bidder.

Harding High School – Multi Purpose at 7:30 p.m. on May 14, 2001. Page Seven
Held _____, (YEAR)

Mr. Cumston advised that no matter how much the members would like to use a local company the Ohio Revised Code is clear.

Ms. Debbie Baker, Baker Maintenance advised the members that the lowest is not always the best bidder. She stated that she has been doing the services for 15 years and that the city is like family to her. She further stated that she know that Holly's Proclean will not do the job; that there would be stealing and that she is trying to protect the city and that when they do get caught she would ask to be considered. Mr. Cumston thanked Ms. Baker for coming to council and for expressing her opinion.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Hatch, Dr. Gilsdorf, Mrs. Davis.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-74

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-75

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE SIDING FROM MANNS SEAMLESS SIDING FOR THE LINCOLN POOL BUILDING AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

Matters not on the Agenda – Jay McDonald, President FOP thanked the administration for lowering the Flag in honor of those who died in the line of duty. Mr. McDonald stated that Thursday at 12 noon there will be a ceremony at the Marion Cemetery honoring those who died and invited all members to come.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1514H

Held Harding High School – Multi Purpose at 7:30 p.m. on May 14, 2001, Page Eight

(YEAR)

Mr. Bob Bender, Downtown Manager, thanked the various City Departments for cleaning the street lamps and for opening the skateboard park. Mr. Bender thanked the Parks Department for planting flowers and reminded everyone that Saturday is Discover Downtown Day and stated that Downtown is for everyone.

Mr. Chapman stated that he would like to publicly thank Electa Foster for all of her hard work and efforts for the Domestic Violence Protocol Signing that was held. He stated that this was a positive way to unite all agencies and makes it easier for the victims of domestic violence.

Dr. Gilsdorf inquired: 1. How many are here tonight for the first time because of the location and 2. Council requested information from Ohio Health regarding MGH Hospital and that there will be a committee meeting called to discuss the information and 3. Discussion of the 3 downtown properties what is the status.

The audience replied that there was one new person in attendance tonight but not due to location. Mr. Russell advised that each member should have a copy of the packet of information from Ohio Health regarding MGH and that he would provide a report on the three downtown properties.

Mr. Chapman also thanked Ms. Brewer for the skateboard park and all of her efforts. Ms. Brewer advised that she has received positive comments and that the kids of course want more. She stated that they are getting along well and she thanked the Mayor and Council for making this a reality.

Committee Dates –

May 22, 2001
5:30 p.m. Traffic Commission
6:00 p.m. Municipal Services, Parks & Recreation
6:30 p.m. Finance Committee
7:00 p.m. Legislation, Codes & Regulations
7:15 p.m. Streets & Sewers

With no further business to come before council, President Kochheiser adjourned the meeting.


Cathy A. Chaffin
CLERK OF COUNCIL


Mr. Keith A. Kochheiser
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on May 29, 2001, _____ (YEAR)

ROLL CALL – Eight Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer.

Mr. Cumston moved to excuse Mrs. Pinnick with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MRS. PINNICK EXCUSED.

PRAYER – Sister Virginia Bruen, St. Mary's Church

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR MAY 14, 2001

Mr. Cumston moved to accept the Summary of Proceedings for May 14, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR MAY 14, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-58

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE NORTH/SOUTH ALLEY SITUATED SOUTH OF CHURCH STREET, NORTH OF KENNEDY COURT, EAST OF WINDSOR STREET AND WEST OF ORCHARD STREET, IN THE CITY OF MARION, OHIO, APPLICANT, THE SALVATION ARMY.

The legislation's title received its third reading. There was 2-0 vote from the Streets & Sewers Committee to place on the agenda with No Recommendation.

PUBLIC HEARING - President Kochheiser opened the hearing.

IN FAVOR: Mr. Bradley Hall, 781 E. Church Street stated to the members that he was concerned with the street flooding and that the vehicles go too fast. Captain Phil Tamayo, Salvation Army spoke in favor of the alley vacation. He stated that the Salvation Army has been active for 47 years and that they believe in being a good neighbor. Captain Tamayo stated that his main reasons for the closure is the safety. He asked each member to support the vacation.

Mr. Duane Behne, Behne & Burriss Architects, 140 Fairfax Road, illustrated a portion of the alley he would like to see vacated. He stated that the facility is currently licensed for 65 kindergarten children and that there were several factors to consider. Mr. Behne stated that a meeting was held with the residents approximately two to two and one half weeks ago and that the options were reviewed. The three main options that came out of the meeting were: 1) A gate with pins; 2) speed bumps; 3) move the alley and 4) pave an additional area. Mr. Carlyle advised that of all the options he would prefer the gate option if any. The drawing showed by Mr. Behne illustrated a 40 foot bus turning the corner of the alley.

OPPOSED: Mr. Ernie McGlothlin, 430 Girard, stated that he is opposed to all alley closures. He stated that closing the alley would create problems because of usage. He acknowledged that the Salvation Army is doing good but he advocated to keep the alley open.

Mr. David Granlee, 220 Windsor, stated that if you have a trailer on the back of a truck it is too tight to maneuver the turn and is opposed to the alley vacation. Mr. Granlee further stated that he loved what the Salvation Army does for everyone but stated that he could see a school crossing not the closure.

Held City Hall – Council Chambers at 7:30 p.m. on May 29, 2001, Page Four

(YEAR)

The Clerk read the Ordinance as Amended.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-77

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR DEMOLITION OF 363 SOUTH PROSPECT STREET, 454 GRANT STREET, 224 SHORT STREET, 218 EDWARDS STREET, AND WITH FRAYER FARMS FOR 667 NORTH STATE STREET AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston advised the members that the funding for the 224 Short Street is not available at this time and that prior to commencing work on the project this would need to come before council again.

Mr. Cramer advised the members that there is an amendment that would need to be made and that is for the property located at 363 South Prospect Street would be paid from the Insurance Proceeds Fund.

Mr. Cumston moved to amend section 2 to add also excepting 363 South Prospect Street which shall be paid from the insurance proceeds fund. Mr. Thomas seconded.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

The Clerk read the Ordinance as amended.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-78

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Cramer advised that in a memo he forwarded to the members there is request for an additional appropriation in the amount of \$1,000 to pay for the ad on the Marion Williamsport Road Project.

Mr. Cumston moved to amend to add the appropriation. Mr. Hatch seconded.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

The Clerk read the Ordinance as amended.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

City Hall -- Council Chambers at 7:30 p.m. on May 29, 2001, Page Five

Held _____

(YEAR)

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-79

ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY BILLS FROM VARIOUS CITY DEPARTMENTS PURSUANT TO OHIO REVISED CODE § 5705.041 (D), AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-80

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD L-M TO PURCHASE (1) 2002 FORD EXCURSION FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

Matters not on the Agenda – Mr. John Simmermon, 940 Cambridge advised the members that he represents about 28 residents of Cambridge and Forest Lawn who will be affected by the QuQua Ditch Cleaning and expansion of the ditch. He stated that the expansion is not necessary and asked the City to intervene. Mr. Simmermon advised that he would like to see the ditch enclosed while the work is being performed now. Mr. Osborn advised that he has met with Susan Bruder, Assistant County Prosecutor and that there can be a petition filed and council would need to authorize the funds. President Kochheiser suggested that the Law Director, County Prosecutor and Mr. Osborn meet to see what can be done. Mr. Osborn advised that he would advise on the 19th. Dr. Gilsdorf stated that what used to be 20 feet wide is now 50 feet wide and additional land is wanted. He asked for some action to be taken.

Mr. Thomas stated clearly that if there is action taken to enclose the QuQua Ditch we need to do it on the other side of town also.

Held

City Hall – Council Chambers at 7:30 p.m. on May 29, 2001, Page Six

(YEAR)

Mr. Cumston advised that there are ditch problems all over the city and if the ditch has widened by 20 plus feet how can they arbitrarily take the additional land. Mr. Cumston also advised that with the representative of the city on the ditch commission that is not permitted under the Ohio Revised Code. He stated that it was previously discussed in finance.

Mr. Simmermon advised that there is a 35' utility easement – 15' on Cambridge and 15' on Forest Lawn along with clean cut. He stated that the mentality is to take the land by eminent domain. He stated that he pays \$3,800 a year in taxes and that he wants only the 15' wide strip cleaned and left alone.

Mr. Cumston stated that the city has looked at capping ditches. He stated that there are several issues to consider in this project. If you take the \$532,000 for the cleaning plus another \$600,000 in capping, this takes away from other scheduled projects. He advised that the city has a long range master plan to care for the ditches but at this time he would request the intervention of the Law Director's Office to review the issue further. Dr. Gilsdorf inquired as to whether or not the City could withdraw from the project. Mr. Russell advised that it is probably too late but that he will look into the problem and if necessary he will file action.

Mr. Phil Leedom, 800 Cambridge, stated that he felt it may be too late to back out of the contract, but he did not feel that anyone knew the plan prior to starting the work.

Mr. Bradley Hall, 781 West Church Street, advised that he would like to have the Church Street flooding reviewed. Mr. Thomas advised that he would have the city Engineer look into the matter. Mr. Hall also stated that he did not like the traffic pattern downtown with the diagonal parking.

Barbara Simmermon, 940 Cambridge, stated that there are ditches in other parts of the City and since the company is already doing the QuQua it would more cost effective to have it covered now. Mrs. Simmermon also stated that she is concerned with the children coming from the Lakes property and playing in the ditch.

Committee Dates –

June 4, 2001

6:00 p.m. Traffic Commission

6:30 p.m. Finance Committee

7:00 p.m. Legislation, Codes & Regulations

June 19, 2001

7:00 p.m. Municipal Services, Parks & Recreation

7:30 p.m. Airport, Lands & Buildings

With no further business to come before council, President Kochheiser adjourned the meeting.

 Mr. Mike Thomas
 PRESIDENT OF COUNCIL PRO
 TEMPORE

Cathy A. Chaffin

Cathy A. Chaffin
 CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on June 11, 2001

(YEAR)

ROLL CALL – Eight Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer.

Mr. Cumston moved to excuse Mrs. Pinnick with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED MRS. PINNICK EXCUSED.

PRAYER – Mr. Ralph Cumston.

PLEDGE OF ALLEGIANCE – President Pro Tempore Thomas led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR MAY 29, 2001

Mrs. Blevins moved to accept the Summary of Proceedings for May 29, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT PRO TEMPORE THOMAS DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR MAY 29, 2001 APPROVED.

New Business:

RESOLUTION 2001-17

RESOLUTION AUTHORIZING THE CITY AUDITOR TO ADVANCE UP TO \$50,000.00 TO THE AIRPORT INDUSTRIAL PARK FUND FROM THE GENERAL FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-18

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$79,000.00 IN ADVANCES TO THE FORMULA GRANT FUND FROM THE GENERAL FUND, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas commended the administration for the nice job on the Sugar Street Project.

Mr. Cumston moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RESOLUTION APPROVED.

Held City Hall – Council Chambers at 7:30 p.m. on June 11, 2001, Page Two

(YEAR)

ORDINANCE NO. 2001-81

ORDINANCE AMENDING SECTIONS 351.16 BACKING FOR LOADING LIMITED; 351.17 LOADING HOURS RESTRICTED IN BUSINESS DISTRICT; AND 351.05 MANNER OF ANGLE PARKING OF THE MARION CITY CODE IN ORDER TO REFINE THE EXISTING CODE AND ENSURE THE FREE FLOW OF TRAFFIC WITHIN THE DOWNTOWN AREA.

The legislation's title received its first reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the Agenda. Mr. Schertzer requested a first reading.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-82

ORDINANCE AMENDING SECTION 750.11 TITLED "HOURS: BUSINESS ON SUNDAY PROHIBITED" CONTAINED WITHIN THE EXISTING PEDDLERS, CANVASSERS AND SOLICITORS REQUIREMENTS OF THE MARION CITY CODE IN ORDER TO BRING SAID SECTION INTO COMPLIANCE WITH FEDERALLY DICTATED CONSTITUTIONAL STANDARDS.

The legislation's title received its first reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the Agenda. Mr. Schertzer requested a first reading.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-82

ORDINANCE AMENDING SECTIONS 660.07 (A)(1)(4) AND 660.07 (B)(1) OF THE JUNK VEHICLE STORAGE/JUNK YARD AND SCRAP METAL PROCESSING FACILITY REQUIREMENTS CONTAINED WITHIN THE MARION CITY CODE.

The legislation's title received its first reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the Agenda. Mr. Schertzer requested a first reading.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-84

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR PAVEMENT REHABILITATION, STRIPING, SECURITY FENCING AND SIGNAGE AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-85

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH URS CORPORATION FOR ENGINEERING SERVICES IN CONNECTION WITH THE DEVELOPMENT AND EXTENSION OF INNOVATION DRIVE AT THE AIRPORT INDUSTRIAL PARK AND DECLARING AN EMERGENCY.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

000215

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on June 11, 2001, Page Three

Held _____

(YEAR)

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-86

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE AIRPORT INDUSTRIAL PARK FUND FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-87

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CONTINGENCIES FOR THE PURCHASE OF SIX LOTS WITHIN DWYER'S FIFTH ADDITION TO THE CITY OF MARION FOR MUNICIPAL PURPOSES THROUGH THE COMMUNITY IMPROVEMENT CORPORATION, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT PRO TEMPORE THOMAS DECLARED THE ORDINANCE APPROVED.

Matters not on the Agenda – Mr. Pat Carr, 1031 Richmond Avenue, stated that he lives on a curve on Richmond and that there have been several accidents. He stated that he has previously talked to Dale on placing the speed machine at the location. Mr. Carr advised that when it was near the curve, there were cars going 47 mph and suggested that possibly if the speed monitor could take pictures of the drivers and license plates and send them a warning letter to slow down it may help. He further stated that people do not stop for the stop sign and would like more patrol in the area.

Held City Hall – Council Chambers at 7:30 p.m. on June 11, 2001, Page Four

(YEAR)

Mr. Thomas inquired as to whether or not the city has been there lately. Mr. Osborn advised that he sat with Mr. Carr not too long ago and it is a problem, the speed is too quick. Chief Bell advised that he would send a patrol. Mr. Schertzer inquired as to the speed reader and if it has the capability of taking pictures and a legal opinion on the ticketing from pictures. Chief Bell advised it did not. Mr. Chaffin advised that at this time he would need to research the issue but that it may not hold up in Court as there needs to be an officer witnessing the offense. He also stated that with the pictures it may be an invasion of privacy to do so. There was a discussion of the Columbus area taking pictures of vehicles and sending them either tickets or warning letters. Mr. Hatch stated that currently that is being challenged in the courts and that depending on the ruling it could place the City in the same predicament as it did with canvassing.

Committee Dates –

June 19, 2001

5:30 p.m. Public Utilities

6:30 p.m. Finance

7:00 p.m. Legislation, Codes & Regulations

7:30 p.m. Airport, Lands & Buildings

With no further business to come before council, President Pro Tempore Thomas adjourned the meeting.

Cathy A. Chaffin
CLERK OF COUNCILMr. Keith Kochheiser
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on June 25, 2001

(YEAR)

ROLL CALL – Eight Members Answered – Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

Mr. Hatch moved to excuse Mr. Cumston with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MR. CUMSTON EXCUSED.

PRAYER – CHAPLAIN HOWARD STROBLE, ARMS

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR JUNE 11, 2001

Mr. Hatch moved to accept the Summary of Proceedings for June 11, 2001 with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR JUNE 11, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-81

ORDINANCE AMENDING SECTIONS 351.16 BACKING FOR LOADING LIMITED; 351.17 LOADING HOURS RESTRICTED IN BUSINESS DISTRICT; AND 351.05 MANNER OF ANGLE PARKING OF THE MARION CITY CODE IN ORDER TO REFINE THE EXISTING CODE AND ENSURE THE FREE FLOW OF TRAFFIC WITHIN THE DOWNTOWN AREA.

The legislation's title received its second reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

Mr. Schertzer moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to adopt with Mrs. Davis seconding.

Discussion: Mr. Schertzer advised that this would prevent traffic from stopping in the lanes of travel. Mr. Schertzer also asked the Engineers office to look at the traffic light timing to allow easier flow of the traffic and report back. Mr. Roush advised they would look into the matter.

The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-82

ORDINANCE AMENDING SECTION 750.11 TITLED "HOURS: BUSINESS ON SUNDAY PROHIBITED" CONTAINED WITHIN THE EXISTING PEDDLERS, CANVASSERS AND SOLICITORS REQUIREMENTS OF THE MARION CITY CODE IN ORDER TO BRING SAID SECTION INTO COMPLIANCE WITH FEDERALLY DICTATED CONSTITUTIONAL STANDARDS.

The legislation's title received its second reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

Mr. Schertzer stated that this Ordinance is a sour pill but that the council has been forced into it by the Federal Courts.

Mr. Schertzer moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mrs. Davis.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on June 25, 2001, Page Two

(YEAR)

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to adopt with Mr. Hatch seconding.

Discussion: Mr. Schertzer advised that this ordinance would bring the code into compliance with the courts decision. Mrs. Davis advised that she would be voting no even though the Court decision has found the legislation to be unconstitutional, she does not feel she can vote for the legislation when the citizen do not want this. Mrs. Davis further said that once the group had received their money she has not heard anything from them. Dr. Gilsdorf said that he has a constituent in the audience that would like to speak to the matter and has some information to present on the issue.

Mrs. Davis moved to open discussion with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE OPEN FOR DISCUSSION.

Mr. Dan Lehner, 851 Vernon Heights Blvd. spoke to the members. Mr. Lehner stated that as he understands this, \$5,000 of this money is coming from the General Fund and that we do not know what this money is being used for and what the Ohio Citizens Action is going to do with this money and what its purpose's are. He stated that in doing some research, the Ohio Citizens Action is listed on the Ohio Democratic Party's web page as a Political Action Committee for the Ohio Democratic Party. The Ohio Citizens Action Group as a Political Action Committee for a major political party. Is this the message that this council wants to send, that this political action committee can come and sue the residents of this town, only to put unsubstantiated profit in the hands of a political action committee for a political party. Mr. Lehner stated that this is wrong.

Mr. Thomas asked Mr. Russell to explain the dealings of the settlement, wasn't it explained what the \$25,000 was going for. Mr. Russell stated that is correct and that tonight is the first time this political candidate has raised this issue of a web site. He stated that the settlement had to deal with prior legislation to settle a federal lawsuit and had nothing to do with politics. Mr. Russell stated that if we need to look into this then we will but that other communities had faced this same issue and that there is no reason to believe that this was political. He further advised that the documents filed with the court, showed how much of the funds were lost because they could not solicit in the area and that the number much higher. Mr. Thomas stated that wasn't it correct that the insurance company also stated that if we did not go along with the recommendation then the City would have to bear a much larger expense. Mr. Russell stated that is correct, the insurance carrier had stated that if the city did not settle and chose to litigate the city would bear all the costs and they easily would have been much higher and that is the reason to recommend settlement. Mr. Hatch stated that as a person who has been involved with matters such as this, it was good advise to pay and move on.

Mr. Schertzer stated that it was a sad commentary that this issue has become a political issue and that if there were objections to be raised on settling the lawsuit it should have been done earlier. He advised that this ordinance brings the City in compliance with the Court decision and attempt to protect the citizens of the city. Mr. Schertzer stated that he does not like it either, but that the Federal Courts supercede the local ordinance. He further stated that nobody wants someone knocking on their door at 8:59 p.m. and that he will work with anyone to help strengthen the Ordinance to protect the citizens. Mr. Schertzer stated that it is unfortunate that it had to be made political tonight.

The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mr. Schertzer. NAYS: Dr. Gilsdorf, Mrs. Davis.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16146

Held City Hall – Council Chambers at 7:30 p.m. on June 25, 2001, Page Three

(YEAR)

ORDINANCE NO. 2001-83

ORDINANCE AMENDING SECTIONS 660.07 (A)(1)(4) AND 660.07 (B)(1) OF THE JUNK VEHICLE STORAGE/JUNK YARD AND SCRAP METAL PROCESSING FACILITY REQUIREMENTS CONTAINED WITHIN THE MARION CITY CODE.

The legislation's title received its second reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

Mr. Schertzer moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Hatch.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

New Business:

RESOLUTION 2001-19

RESOLUTION ESTABLISHING THE COMMUNITY CORRECTIONS FUND.

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-20

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$25,000.00 IN CASH ADVANCES TO THE COMMUNITY CORRECTIONS FUND FROM THE GENERAL FUND, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-21

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF DOUGLAS R. HOLBROOK TO A THREE YEAR TERM AS A MEMBER OF THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mayor Kellogg added the item to the agenda. Mayor Kellogg stated that Mr. Holbrook has served on the board and that he represent the Chamber. He also stated that he recommended Mr. Holbrook for another term.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on June 25, 2001, Page Four

(YEAR)

Mr. Thomas moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-22

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF THOMAS BRIAN CLARK TO A THREE YEAR TERM AS A MEMBER OF THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mayor Kellogg added the item to the agenda. Mayor Kellogg stated that Mr. Clark is here this evening and that he represents the associated or employed with a non fixed base operation. Mayor Kellogg recommended Mr. Clark for another term.

Mr. Schertzer moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

ORDINANCE NO. 2001-88

ORDINANCE ADOPTING CHANGES TO THE EXISTING SUBDIVISION REGULATIONS FOR THE CITY OF MARION, OHIO REPEALING ALL PREVIOUS REGULATIONS WHICH CONFLICT WITH THE CHANGES HEREIN ADOPTED.

The legislation's title received its first reading. There was a 2-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda. Mr. Schertzer requested a first reading only with a public hearing to be held July 23, 2001.

Mr. Lengieza advised that this Ordinance would upgrade the standards for sidewalks, septic systems in the County and roadways throughout the city and county for new development. Mr. Thomas asked if the lot size would change. Mr. Lengieza advised it did not and that the zoning requirements dictate lot size. Mr. Thomas asked about the conformance to the neighborhoods. Mr. Lengieza stated that it would be conforming to the neighborhoods and provided the example of Fairparks newest addition.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-89

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

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on June 25, 2001, Page five, _____

(YEAR)

Mr. Thomas moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-90

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF MARION AND THE STATE OF OHIO TO FACILITATE THE RECEIPT OF AN ECONOMIC COMPETITIVE COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT THE FUNDING TO BE UTILIZED FOR THE AIRPORT INDUSTRIAL PARK PHASE II PROJECT – SILVER LINE BUILDING PRODUCTS CORP. AND DECLARING AN EMERGENCY.

Mrs. Pinnick moved to add the item to the agenda, with Mr. Chapman seconding and Mr. Schertzer providing the third.

The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION ADDED TO THE AGENDA.

The legislations title received its first reading. There was a 3-0 vote from the Airport, Lands & Buildings Committee to place the item on the agenda.

Mrs. Pinnick moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Pinnick moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-91

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO FACILITATE SILVER LINE BUILDING PRODUCTS CORP. REQUEST FOR A REAL ESTATE IMPROVEMENT TAX ABATEMENT WITHIN THE CITY'S AIRPORT INDUSTRIAL PARK.

Mrs. Pinnick moved to add the item to the agenda, with Mr. Chapman seconding and Mrs. Davis providing the third.

The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION ADDED TO THE AGENDA.

The legislations title received its first reading. There was a 2-1 vote from the Airport, Lands & Buildings Committee to place the item on the agenda. Mrs. Pinnick requested a first reading.

Mrs. Davis asked if having a first reading would harm the time line. Mr. Lengieza advised that no, the agreement would not need to be signed until July. Mr. Kochheiser stated that it was his understanding that the Commissioners would table the legislation until after the River Valley School Board had met and approved the tax abatement.

Mr. Thomas advised that when Council addressed the Living Wage members were told that passing the legislation would place a red circle around Marion and that each tax abatement request would need to be addressed individually. Mr. Thomas thanked Mr. Lengieza for the information provided and stated that this is the first time the information has been made available to the members prior to. Mr. Thomas stated that he understands that the city needs to development the roadway which is now costing 1.5 million dollars with \$490,000 coming from the general fund. He stated that with the budget already 2.6 million out of balance he cannot vote yes to the abatement for jobs that will pay \$7.75 per hour.

City Hall – Council Chambers at 7:30 p.m. on June 25, 2001, Page Six

Held

(YEAR)

He stated that these are not good wages for people and that in comparison of the benefits packages, the people will pay most of the cost for health insurance. Mr. Thomas stated that he does not believe that he could in good conscience, pass this Ordinance and that each time a tax abatement comes up it will be a tough vote every time. Mr. Thomas further stated that he cannot and will not vote for this ordinance.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-92

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR THE LEASE OF CERTAIN FARM LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-93

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

A typographical error was noticed on the agenda and corrected for this legislation.

Mr. Thomas moved to adopt with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-94

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE AVONDALE AVENUE SANITARY AND STORM SEWER REPLACEMENT AND CATALINA DRIVE STORM SEWER, PROJECT 00-1S, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. The expected completion date for the project is October 12, 2001.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on June 25, 2001, Page Seven

(YEAR)

Mr. Thomas moved to adopt with Mr. Blevins seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-95

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD ASPHALT PAVING COMPANY FOR THE MARION WILLIAMSPORT ROAD IMPROVEMENT, PROJECT 00-1P, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

Matters not on the Agenda – Mr. Osborn advised the members that with respect to 224 Short Street he did view the property today and that the property is still out of compliance with 1360 of the code and that he will be bringing the item before Finance. Mr. Schertzer inquired as to the vacant lot on Main and Church what will be done to bring the lot up to grade. Mr. Russell advised that the owner will be filling in the lot and leveling out the low spots. Mr. Russell further advised that there is still ongoing action with the three downtown properties to have those taken care of. Mrs. Davis inquired as to how long to give the owners. Mr. Russell advised that there is no deadline at this point but if progress is not made then he will issue citations.

Committee Dates –

July 2, 2001

- 5:30 p.m. Traffic Commission
- 6:00 p.m. Legislation, Codes & Regulations
- 6:15 p.m. Airport, Lands & Buildings
- 6:30 p.m. Finance
- 7:00 p.m. Municipal Services, Parks & Recreation
- 7:30 p.m. Public Utilities
- 7:45 p.m. Zoning & Annexation

With no further business to come before council, President Kochheiser adjourned the meeting.



Mr. Keith Kochheiser
PRESIDENT OF COUNCIL



Cathy A. Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Marion Correctional Institute at 7:30 p.m. on July 9, 2001, (YEAR)

ROLL CALL – Seven Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer.

Mr. Cumston moved to excuse Mrs. Pinnick and Dr. Gilsdorf with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MRS. PINNICK AND DR. GILSDORF EXCUSED.

PRAYER – REVEREND DAVID COTTRILL, OAKLAND UNITED METHODIST CHURCH

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR JUNE 25, 2001

Mr. Cumston moved to accept the Summary of Proceedings for June 25, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR JUNE 25, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-88

ORDINANCE ADOPTING CHANGES TO THE EXISTING SUBDIVISION REGULATIONS FOR THE CITY OF MARION, OHIO REPEALING ALL PREVIOUS REGULATIONS WHICH CONFLICT WITH THE CHANGES HEREIN ADOPTED.

The legislation's title received its second reading. There was a 2-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

Mr. Schertzer requested a second reading with a public hearing July 23, 2001.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

ORDINANCE NO. 2001-91

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO FACILITATE SILVER LINE BUILDING PRODUCTS CORP. REQUEST FOR A REAL ESTATE IMPROVEMENT TAX ABATEMENT WITHIN THE CITY'S AIRPORT INDUSTRIAL PARK.

The legislation's title received its second reading. There was a 2-1 vote from the Airport, Lands & Buildings Committee to place on the Agenda.

Mr. Thomas moved to open the legislation for debate with Mr. Hatch seconding. By a verbal vote all members voted in approval.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION OPEN FOR DEBATE.

Mr. Thomas read portions of two letters he had received during the debate over the living wage. The letters were from Marion Computer Center dated January 22, 2001 and one from St. Paul's Episcopal Church dated January 26, 2001. (Said letters are attached hereto)

Mr. Thomas stated that in the letters the inference was that if we attract quality employers they would pay the higher rates. Mr. Thomas said that with this company there are 362 jobs below the \$9.02 per hour and that he could not vote for the legislation. He stated that by paying low wages, this would place a strain on the social services in the community. He advised the members of the emergency meeting regarding the budgets and with cost reductions this places additional burdens on social services. He advised that when the welfare reform took place that was during good economic times and that this would be very poor policy to pay \$7.75 per hour and provide a large tax abatement.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Marion Correctional Institute at 7:30 p.m. on July 9, 2001, Page Three

(YEAR)

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-24

RESOLUTION ESTABLISHING THE SENIOR CITIZENS III-E GRANT FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-25

RESOLUTION STATING THE COUNCIL'S INTENT TO CONSIDER ENTERING INTO A LEASE AGREEMENT WITH TURNING POINT WITH CERTAIN CONTINGENCIES BEING COMPLETED PRIOR THERETO FOR A CERTAIN TRACT LOCATED ALONG WHITE OAKS ROAD AT THE NORTHEAST CORNER OF THE SAWYER LUDWIG PARK.

The legislation's title received its first reading. There was a 3-0 vote from the Airport, Lands & Buildings Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-26

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2002, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RECORD OF PROCEEDINGS
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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Marion Correctional Institute at 7:30 p.m. on July 9, 2001, Page Two

(YEAR)

Mr. Thomas also stated that at this point taxpayer dollars are going into the airport park for the road and utilities at a cost of 1.5 million along with the 18 million dollar tax abatement, it would not be good policy to pass this legislation and that he would vote no.

Mrs. Blevins inquired further on the cost of the road and utilities. Mr. Stover advised that the worst case scenario is being provided at a cost of 1.5 million with 1.2 to 1.3 of that from outside sources. He further stated that the roadway will cost one million; 200,000 to 300,000 for the airfield improvements and 500,000 for the utilities. He further stated that this would be offset with the lease purchase option of \$400,000 for five years or less, a park service fee of \$75,000 per year with \$70,000 in local income tax. Mr. Schertzer asked if the city would be receiving the development monies if the company did not relocate in Marion. Mr. Stover stated that with this Silverline will anchor the park and that if the company does not come the project funds will not be there. He said that it is assumed that 275 of the total jobs would be filled with people taking a pay cut and that with the economic downturn this would benefit families. Mr. Stover stated that this was a policy issue.

Mr. Thomas advised that there is no assumption that anyone would take a pay cut to work there and that he did agree the roadway would need to be opened for development to take place. He stated that he still does not see the rationale that the workplace will create the higher paying jobs. If there is a tax abatement of this size given to this company what is the next company going to ask for.

Mr. Hatch stated that he is concerned with the level of abatement and the duration and that the last thing he would like to see is this being passed. Mrs. Davis inquired as to the areas of tax abatement involved. Mr. Lengieza advised that it is similar to the Community Reinvestment Abatement in which there is 100% on the new building for 15 years and the personal property would be 1.8 and 1.5 million over 15 years. He stated that this would be the same abatement as a 50% over ten years on everything. He stated that this is no special deal and that it is similar to Mid Ohio Packaging. Mr. Lengieza further stated that if this council does not feel that this is a good thing to do he would rather see the debate here versus the County Commissioners Meeting or the School Board Meeting.

Mr. Thomas asked Mr. Lengieza to explain the last 5 or 6 years of the abatement. Mr. Lengieza stated that the real estate would increase and the personal property would decrease and that is one reason for the school's involvement. Mr. Schertzer stated that he agreed with both sides and that he was not as familiar with the history, but that this was the largest project for the Dept. of Development and that with the states competing with each other he would rather bring the money home to Marion. Mr. Cumston inquired as to how the revenue sharing would work. Mr. Lengieza advised that this would be different than the LTV TIFF as there would be no TIFF involved. Mr. Cumston asked if the schools would still receive their money. Mr. Lengieza stated that the agreement is similar to the Whirlpool tax abatement and Elgin Schools. Mr. Stover advised that no one is going to take a pay cut and that there are 275 underemployed in Marion.

There being no further discussion, President Kochheiser closed the legislation for debate.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

New Business:

RESOLUTION 2001-23

RESOLUTION ESTABLISHING THE CENTRAL GARAGE FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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(YEAR)

Mrs. Blevins advised that she agrees with everyone and questioned where is the harm to have the issue on the ballot.

Mrs. Davis said that one person has said it should be on the ballot. She advised that the home is losing patients and that there are many more homes for the elderly. She stated that there was a time and need for East Lawn and that if it were still there the home would be open and that she believed that is the reasons the county chose to close the home.

Mr. Hatch advised that in the 1970's and 1980's he was on the board and at that time they were self supporting and turning money back into the general fund. He further stated that if we can give a New Jersey Company a tax abatement, then we can give to our East Lawn Manor. He further stated that he has received a number of calls from his ward as he represents more elderly.

Mr. Schertzer stated that a majority of council is not happy to see the 129 year tradition closed and that if this is submitted to the ballot it may alleviate the strain. Mr. Schertzer further stated that the last time he checked the City was in the County and that the Resolution states a majority expression to place the item on the ballot and that it what the people want, he would never stand it their way.

Mr. Chapman stated that he agrees that the people should have the right to put this on the ballot but that it is not the right forum and that if anyone wants to encourage the County Commissioners to place this on the ballot, to call them.

Mr. Thomas advised that he was at the Courthouse and that there were about 100 people in favor of keeping the home and only one spoke to close the home. He further advised that you cannot referendum a resolution passed by the Commissioners and that he is only asking to place the legislation on the ballot.

Mr. Josh Daniels stated that he would hope that East Lawn Manor would not divide the party lines and that this is not a Democrat or Republican issue – this is a people issue. He stated that this is not anything new. The Council has previously passed resolutions recommending one thing or another to the state. Mr. Daniels stated that since the transition has been made there have been eight patients pass away.

Mrs. Davis advised that her grandmother was there and received excellent care and that there has never been a time in her eight years that she has ever been asked to vote Republican Party Lines. Mr. Chapman stated that he refuses to vote party lines, he votes as he believes. He stated that this is not an issue of not caring and that he believes this issue is with the County.

There being no further discussion, President Kochheiser closed the legislation for debate.

Mr. Hatch moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Schertzer. NAYS: Mr. Chapman, Mrs. Davis.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUSPENSION OF THE RULES NOT APPROVED AND THAT THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-96

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED CONVEYING IMPROVED PORTIONS OF AN ALLEY LOCATED ON SILVER STREET SCHOOL GROUNDS NORTH OF SILVER STREET AND WEST OF SCRANTON AVENUE AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Airport, Lands & Buildings Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Marion Correctional Institute at 7:30 p.m. on July 9, 2001, Page Four

Held

(YEAR)

RESOLUTION NO. 2001-27

RESOLUTION STATING THE COUNCIL FOR THE CITY OF MARION'S OPPOSITION TO THE ACTION RECENTLY TAKEN BY THE MARION COUNTY COMMISSIONERS RELATED TO THE CLOSING OF THE COUNTY'S NURSING HOME, BETTER KNOWN AS EAST LAWN MANOR AND REQUESTING THE COMMISSIONERS RECONSIDER THEIR DECISION AND AT A MINIMUM TAKE ALL NECESSARY ACTIONS TO HAVE THE ISSUE PRESENTED TO THE RESIDENTS OF THE COUNTY FOR A VOTE AT THIS UPCOMING GENERAL ELECTION.

Mr. Hatch moved to add with Mr. Cumston seconding and Mr. Thomas providing the third. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mr. Schertzer. NAYS: Mrs. Davis.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADDED TO THE AGENDA.

The Legislations title received its first reading.

Mr. Thomas moved to suspend the Committee Consideration under Rule 56 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Schertzer. NAYS: Mr. Chapman, Mrs. Davis.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

There was comments that not all members had received a copy of the legislation. Mr. Thomas requested that the Clerk read the Resolution in its entirety. The Clerk read the entire Ordinance in the record.

Mr. Thomas moved to open the legislation for debate with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mr. Schertzer. NAYS: Mrs. Davis.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION OPEN FOR DEBATE.

DISCUSSION:

Mr. Thomas stated that the reasons given by the County Commissioners for closing the home is financial restraints and that it places a financial burden on the County. He stated that when the closing was proposed, he would ask that the County let the people decide in the 2002 election if they would like the home closed or not. He stated that there would be no financial burden to do this and that the people have a right to decide.

Mr. Chapman advised that he had thought about the issue and that he bases his decisions on his constituents calls and concerns and that so far he has not heard from anyone on the issue. Mr. Chapman advised that it is unfortunate to see residents displaced but that he could not pass this at this time. He also stated that this is a county matter and that this would be the wrong arena and he would be voting no.

Mrs. Davis stated that she objects very strongly to this resolution and that any other time a resolution would be proposed, all members of council would receive a copy and that this makes her very suspicious. She stated that she is upset for the County Home Closing and that she is sorry to see it close, but that the City does not want the county sticking their nose into City business and the City should keep its nose out of County business.

Mr. Cumston stated that the City is a part of the County and that he has received some calls on the issue. He advised that this issue is no different and that to support the right causes has no harm. He stated that this is the truest form of Democracy. The communities greatness is measured by its willingness to take the voter test. He further stated that there should be a forum to debate and both sides can present their case.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Marion Correctional Institute at 7:30 p.m. on July 9, 2001, Page Seven, _____ (YEAR)

Mr. Hatch moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-100

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES, MORE SPECIFICALLY PROFESSIONAL MANAGEMENT OF THE CITY'S NATURAL GAS AGGREGATION PROGRAM IN ORDER TO ENSURE AS NEAR AS POSSIBLE THE SUCCESS THAT OF THE CITY'S ELECTRIC AGGREGATION PROGRAM HAS REALIZED, WITH CONTINGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Public Utilities Committee to place on the agenda.

Mr. Russell advised that this was contingent upon the passage of the ballot questions in November and that at that time it would appropriate the necessary funds to pay for the services.

Mr. Hatch to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Hatch moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-101

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY LOCATED NORTHWEST OF THE VILLAS OF HAMPTON WOODS, EAST OF FOREST HILL DRIVE, AND SOUTH OF THE CHATEAU RIDGE EIGHTH ADDITION TO THE CITY OF MARION, CONTAINING 13.971 ACRES MORE OR LESS. SUBJECT PROPERTY ALSO KNOWN AS HENSEL/ZACHMAN SUBDIVISION TO THE CITY OF MARION.

The legislations title received its first reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested a first reading with a public hearing on August 13, 2001.

Matters not on the Agenda – Mr. Terry Litteral, 725 Michigan Avenue advised the members that he was involved in the Building Code issue and placing the item on the ballot. He stated that in order to have an issue on countywide it is very difficult to do and that he agreed with Council in asking the commissioners to place the question of East Lawn Manor on the Ballot.

Mr. Cumston thanked Warden Money for hosting the meeting. He stated that he was very impressed with the media center along with new changes that the Warden has brought about with rehabilitation inside and outside the prison. Warden Money welcomed everyone to the institute and highlighted the institutes programs. Warden Money advised that currently the inmates perform community service to non-profit organizations. She advised that currently there are 1850 inmates in the institute and that some of the programs that have been implemented is "Keeping People Positive"; "LINKS"; and Circles. Circles is a program designed to assist the offender when he is released to adjust to reentering into society. Warden Money commended Officer VanMeter for being the Officer of the Year Statewide. She praised the staff for their hard work and contributions in making all of the programs a success. Warden Money also advised that MCI is home to many faith based pilot programs, one in particular takes inmates of different faiths and house them together to learn and grow together. Warden Money also extended a welcome to anyone who would like a tour of the facility.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Marion Correctional Institute at 7:30 p.m. on July 9, 2001, Page Six (YEAR)

Mr. Thomas moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-97

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR THE DEMOLITION OF 224 SHORT STREET, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Osborn advised the members that nothing had changed since the last meeting. Mr. Chapman asked about the stipulation that was placed in the Ordinance. Mr. Russell advised that the stipulation was to allow for more time but for council to reserve the right to suspend and pass the ordinance. Mr. Russell advised that he recommended a first reading. Mr. Chapman advised that he would hate to see anyone's home torn down, but that there was a safety issue with the property.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-98

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-99

ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO CREATE A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO THE AUTHORITY CONFERRED BY THE OHIO REVISED CODE AND DIRECTING THE MARION COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF THE CITY OF MARION, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Public Utilities Committee to place on the agenda.

Mr. Hatch advised that this is similar to the Electric Aggregation Program. Mr. Russell stated that Mr. Charles Fullen was here tonight to answer any questions and that this is a repeat of the same items that took place in developing the Electric Aggregation Program to where a ballot question is submitted to the voters for approval. Mr. Hatch further advised that if this appears to not be a fruitful venture the plan can be dropped at anytime.

Mr. Hatch to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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DAYTON LEGAL BLANK, INC., FORM NO. 16148

Held Marion Correctional Institute at 7:30 p.m. on July 9, 2001, Page Eight

(YEAR)

Brochures and packets of information were provided. Members present received a copy of a photo taken and processed at the institution.

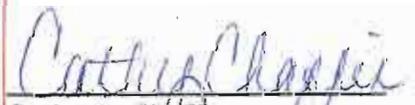
Committee Dates -

July 17, 2001

- 5:30 p.m. Jobs & Economic Development
- 5:45 p.m. Zoning & Annexation
- 6:15 p.m. Airport, Lands & Buildings
- 6:30 p.m. Finance
- 7:00 p.m. Joint Municipal Services, Parks & Recreation
& Airport, Lands & Buildings

With no further business to come before council, President Kochheiser adjourned the meeting.


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL


Cathy A. Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on July 23, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – REVEREND CINDY PEEL, FIRST CHURCH OF THE BRETHREN

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR JULY 9, 2001

Mr. Cumston moved to accept the Summary of Proceedings for July 9, 2001 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR JULY 9, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-88

ORDINANCE ADOPTING CHANGES TO THE EXISTING SUBDIVISION REGULATIONS FOR THE CITY OF MARION, OHIO REPEALING ALL PREVIOUS REGULATIONS WHICH CONFLICT WITH THE CHANGES HEREIN ADOPTED.

The legislation's title received its third reading. There was a 2-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

PUBLIC HEARING:

President Kochheiser opened the public hearing.

Mr. Ken Lengieza advised that this would update the subdivision regulations and highlighted the changes for the materials used and standard grading of curbs, gutters, and roadways. Mr. Lengieza stated that these were mainly policy changes. Mr. Terry Litteral, 725 Michigan Avenue asked if these regulations would affect new or old development or both. Mr. Lengieza stated that it would only affect new subdivisions or re-dividing of current subdivisions. Mr. Litteral asked if under an old subdivision with a paper street, if the street would fall under these regulations. Mr. Lengieza advised it would. He stated that anything currently in a subdivision such as an already existing road does not need to meet these standards. Mr. Schertzer encouraged the members to vote for the new regulations.

There being no further discussion President Kochheiser closed the public hearing.

Mr. Schertzer moved to approve with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-91

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO FACILITATE SILVER LINE BUILDING PRODUCTS CORP. REQUEST FOR A REAL ESTATE IMPROVEMENT TAX ABATEMENT WITHIN THE CITY'S AIRPORT INDUSTRIAL PARK.

The legislation's title received its third reading. There was a 2-1 vote from the Airport, Lands & Buildings Committee to place on the agenda.

Mrs. Pinnick moved to approve with Mr. Chapman seconding.

Discussion: Mr. Thomas advised the members that he has received further information this evening and that he is still under the assumption that they should pay what is considered a living wage.

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Held City Hall – Council Chambers at 7:30 p.m. on July 23, 2001, Page Two

(YEAR)

Mr. Thomas further stated that he understands that the Commissioners have the final say the company is still at the \$7.75 per hour. He stated that he has heard that the company may be targeting ethnic groups and that in the communication from Mr. Lengieza on page two exhibit A, the second paragraph states that this is to encourage development, growth and the quality of life. Mr. Thomas stated that \$7.75 was not promoting a quality of life. Mr. Cumston stated that the information received tonight came from a call he made to the Clerk asking for additional information. He stated that with the benefits package this does bring the wages up. He stated that Silverline placed a blind ad and received 125 calls and that he hopes that the workforce will drive the economics up and that wages need to be more.

Mr. Cumston further stated that Mr. Schertzer made a good point that he started at \$7.75 per hour ten years ago and even with labor negotiations a lot our residents are at or below poverty.

Mrs. Davis advised that \$7.75 per hour is low wages and that a family could not be raised on the money but that she does have a responsibility to bring jobs to Marion. She further stated that something from something is better than nothing from nothing.

Dr. Gilsdorf advised that Verizon has a starting wage of \$6.64 per hour and that it is hard to get employees for that wage but that if they can get 300 jobs here they can negotiate better with them here than without. He also stated that to lose the 1.2 million in taxes to gain 1.9 million it is better than nothing.

Mr. Thomas stated that there are jobs at Verizon starting at \$6.64 but that these same jobs top out at \$15.00 per hour with a benefits package of \$6.50 per hour. He advised that council is drawing a line in the sand and where is your line in the sane.

Mrs. Blevins stated that she is having a problem with this and that she did feel it was worth it and would be voting no.

Mr. Hatch advised that he has already made up his mind with the living wage debate and will stay with his position.

Mr. Cumston inquired as to the Claridon Township living wage and whether or not they supported the tax abatement. Mr. Lengieza advised that Claridon currently has a \$9.00 per hour living wage and that they voted to support Silverline coming. Mr. Lengieza further stated that if the city had passed the living wage ordinance, the company would not have been affected as they are outside the city. Mr. Cumston and Mr. Thomas inquired as to the benefit package. Mr. Stover advised that it does include the dental, vision, health and life at \$3.60 per hour. Mr. Stover further advised that the 401K plan is not included as a part of the \$3.60 per hour.

Mr. Cumston asked what the reasons were that Claridon Township supported this abatement. Mr. Stover and Mr. Lengieza advised that it was due to the benefits package offered.

The roll call vote was: YEAS: Mr. Cumston, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Hatch, Mr. Thomas, Mrs. Blevins.
WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

Held

City Hall – Council Chambers at 7:30 p.m. on July 23, 2001, Page Three

(YEAR)

RESOLUTION NO. 2001-27

RESOLUTION STATING THE COUNCIL FOR THE CITY OF MARION'S OPPOSITION TO THE ACTION RECENTLY TAKEN BY THE MARION COUNTY COMMISSIONERS RELATED TO THE CLOSING OF THE COUNTY'S NURSING HOME, BETTER KNOWN AS EAST LAWN MANOR AND REQUESTING THE COMMISSIONERS RECONSIDER THEIR DECISION AND AT A MINIMUM TAKE ALL NECESSARY ACTIONS TO HAVE THE ISSUE PRESENTED TO THE RESIDENTS OF THE COUNTY FOR A VOTE AT THIS UPCOMING GENERAL ELECTION.

The legislation's title received its second reading.

Mr. Hatch moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman, Mrs. Davis.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Hatch moved to approve with Mr. Thomas seconding.

Mr. Thomas advised that all the resolution says is to place the issue on the ballot and let the voters decide whether or not to keep East Lawn. He further advised that this is the only way to do this because there is no referendum process on a Resolution passed by the County.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Schertzer. NAYS: Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

ORDINANCE NO. 2001-97

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR THE DEMOLITION OF 224 SHORT STREET, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.

The legislation's title received its second reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to open the matter for discussion with Mr. Chapman seconding. By a verbal vote all members voted in approval.

Discussion:

Mr. Cumston stated that he visited the property and that the rear stairway is open and that the owner of the property is not meeting the requirements discussed. He advised that he wants to be fair but that the building must be secured. Mr. Cumston advised that he would ask for a time parameter of 24 hours to have the property secured. Mrs. Davis advised that she felt that there has been ample time given and that she would like to see the legislation voted on.

Mr. Jeff Gibson, 509 Park Street, stated that the owner has been given plenty of time to rehab and secure the property and he has not done this. He advised that the location is in worse shape than before the property worked on and submitted a petition from approximately 40 neighbors requesting the property come down. Mr. Gibson further stated that every time it rains the odor of burned wood is strong. Ms. Hope Decker, Park Street, stated that she lives across the street from the property and that she keeps her home in good condition. Mr. Bob Pearson, 531 Park Street, stated that he owns the brand new home next to the property and that he had two years to rehab the property and has done nothing and would like to see the property torn down. Mr. Osborn advised that it would take a couple of weeks to enter into contract and that this is the same type of structures that were talked about in 1994 that raised controversy.

Dr. Gilsdorf asked that a letter or communication be given to the owner so that he could retrieve his valuables out of the structure prior to tearing down. Mr. Cumston agreed with the notification but stated that it has been long enough and council has been more than fair. He stated that it is time to act.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

GAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on July 23, 2001, Page Four

Held

(YEAR)

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Davis moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-101

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY LOCATED NORTHWEST OF THE VILLAS OF HAMPTON WOODS, EAST OF FOREST HILL DRIVE, AND SOUTH OF THE CHATEAU RIDGE EIGHTH ADDITION TO THE CITY OF MARION, CONTAINING 13.971 ACRES MORE OR LESS. SUBJECT PROPERTY ALSO KNOWN AS HENSEL/ZACHMAN SUBDIVISION TO THE CITY OF MARION.

The legislation's title received its second reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda.

Mr. Schertzer advised that there would be a public hearing on August 13, 2001 and requested a second reading.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

New Business:

ORDINANCE NO. 2001-102

ORDINANCE AMENDING SECTIONS 1143.012 (A) (2) AND 1129.01 (A) AND ADDING 1143.013 (A)(8) TO THE PLANNING AND ZONING CODE AS CONTAINED WITHIN THE MARION CITY CODE.

The legislation's title received its first reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested a second reading.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

ORDINANCE NO. 2001-103

ORDINANCE CREATING AND DESIGNATING MARION'S RECREATION PARK.

The legislation's title received its first reading. There was a 6-0 vote from the Joint Committee of Municipal Services, Parks & Recreation and Airport, Lands & Buildings Committee to place on the agenda. Mr. Cumston stated that this would establish the park area.

Mrs. Davis moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-104

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF THREE AUTOMOBILES PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

GAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on July 23, 2001, Page Five

(YEAR)

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-105

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-106

AN ORDINANCE REPEALING ORDINANCE NO. 1999-127 AND IMPLEMENTING SECTIONS 3735.65 THROUGH 3537.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF COMMUNITY REINVESTMENT AREA #3 IN THE CITY OF MARION AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Lengieza advised that this would correct the Community Reinvestment Area on the West Side and would include the old Marion Power Shovel Building. Mrs. Blevins questions the creation of the housing officer and review councils. Mr. Lengieza stated that each district has one in place and that this particular district has one.

Mrs. Blevins moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Blevins moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

Correspondence: Ms. Amber Davis provided the Clerk with a letter that she asked to be read into the record. The letter was read in its entirety. Ms. Davis expressed her concern over not being admitted to the last council meeting held at Marion Correctional Institute for wearing shorts. The letter stated that upon further research, there is a law that states that no shorts will be allowed in the institution.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on July 23, 2001, Page Six

(YEAR)

Mrs. Blevins stated that she felt it was an obscure rule and questioned why they were not allowed to wear shorts. Mr. Hatch said that wherever the meetings are held, they should not be able to make rules for the council meetings. Mr. Kochheiser advised that had been taken care of.

Mr. Cumston stated that he was not aware of the problem and advised that he would call Warden Money to resolve the problem. Mr. Cumston asked if Ms. Davis would be willing to be a part of the circle group and volunteer for the panel or to have a private tour given. Mr. Cumston further stated that this was not acceptable and apologized to Ms. Davis.

Matters not on the Agenda – Mr. Schertzer congratulated the Marion City Fire Department on a job well done.

Mrs. Davis inquired as to the property on the corner of Church and Main with the weeds. Mr. Osborn stated that he spoke with the property owner and manager of the property and they are looking to sell the lot. He stated that this may be an opportunity for the city to improve the area by purchasing the land. He stated that this may come back in a couple of weeks.

Dr. Gilsdorf asked about the North West Corner. Mr. Russell advised that the property owner has the masonry under contract and work should begin again soon.

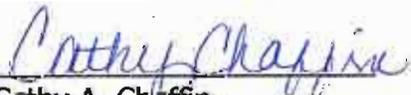
Mrs. Pinnick thanked council, the president of council and the residents for their understanding for her missed meetings, while she participated in Oliver. She said that it was a fabulous show that was demanding and now its over.

Committee Dates –

August 6, 2001

- 5:30 p.m. Airport, Lands & Buildings
- 6:00 p.m. Traffic Commission
- 6:30 p.m. Finance
- 6:45 p.m. Municipal Services, Parks & Recreation
- 7:00 p.m. Legislation, Codes & Regulations
- 7:15 pm. Streets & Sewers

With no further business to come before council, President Kochheiser adjourned the meeting.


Cathy A. Chaffin
CLERK OF COUNCIL


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on August 13, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – CHAPLAIN DOUG FORD, ABUNDANT LIFE ASSEMBLY OF GOD

PLEDGE OF ALLEGIANCE – President Kochheiser led the pledge to the United States Flag.

SUMMARY OF COUNCIL PROCEEDINGS FOR JULY 23, 2001

Mr. Cumston moved to accept the Summary of Proceedings for July 23, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF COUNCIL PROCEEDINGS FOR JULY 23, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-101

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY LOCATED NORTHWEST OF THE VILLAS OF HAMPTON WOODS, EAST OF FOREST HILL DRIVE, AND SOUTH OF THE CHATEAU RIDGE EIGHTH ADDITION TO THE CITY OF MARION, CONTAINING 13.971 ACRES MORE OR LESS. SUBJECT PROPERTY ALSO KNOWN AS HENSEL/ZACHMAN SUBDIVISION TO THE CITY OF MARION.

The legislation's title received its third reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda.

President Kochheiser opened the matter for Public Hearing.

Mr. Ted McKinniss, Attorney for the Applicant advised that he was available to answer any questions that the members may have. Mr. Ken Lengieza advised that the City Planning Commission had met and that the Ordinance was incorrect and should read 16 acres of land being rezoned. The Clerk of Council advised that the City Planning Commission did meet and approved the application to rezone the 13.971 acres but did not approve the second application to rezone the additional 4.689 acres.

There being no further comments President Kochheiser closed the public hearing.

Mr. Schertzer advised that for the record in the committee meeting held, the traffic concerns were discussed along with the increased concern with Police and Fire Protection for the area.

Mr. Schertzer moved to approve with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-102

ORDINANCE AMENDING SECTIONS 1143.012 (A) (2) AND 1129.01 (A) AND ADDING 1143.013 (A)(8) TO THE PLANNING AND ZONING CODE AS CONTAINED WITHIN THE MARION CITY CODE.

The legislation's title received its second reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda.

Mr. Schertzer advised that this legislation tightens the zoning for adult entertainment.

Mr. Schertzer moved to suspend the rules of council with Mr. Chapman seconding.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0311

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on August 13, 2001, Page Two

Held _____

(YEAR)

Mr. Chapman stated that this ordinance reflects an opportunity to dictate the standard for these types of establishments and for this council to make a statement. Mr. Thomas asked that with this ordinance where does this allow businesses of this nature to locate. Mr. Lengieza advised that based on the changes this will allow a few locations on the south end of town in the Barks Road area. Mr. Thomas stated if they wanted they can open these establishments on Barks Road or Delaware Avenue and that under the prior regulations of 1000 feet where would they be allowed to locate. He further stated that this would place these types of businesses in the most heavily traveled area of the City. Mr. Lengieza stated that council picked the 1500 feet ten years ago when planning recommended 1500 feet. He stated that with video stores there are no changes and that the only changes are for other adult related material and if the principal use is over 50% video they would fall under the definition.

Mr. Thomas stated that if the business was not more than 50% it would not prohibit this type of business anywhere. Mr. Lengieza stated that the principal use would need to be more than 50% and asked the Law Director to expand. Mr. Russell advised that it would not affect current businesses but that the ordinance does expand the definitions to include materials and prohibits locations.

Mr. Cumston advised that he thought that this legislation was to receive three readings and that he would like to know what impact would it have with the new Harding High School and the establishment that has indicated locating near the school and if any possible attempt to locate south of town. Mr. Schertzer advised that this would not prohibit existing business and as the community has developed there has been pocket zoning of industrial and to tighten the zoning code this was brought forward. Mr. Hatch asked Mr. Russell if this is not the same issue that is being challenged in the Franklin County Court system. Mr. Russell advised that it was. Mr. Hatch further stated that it would be foolish to pass this ordinance have it challenged and the city lose. He also stated that you cannot zone businesses out. Mrs. Davis stated that she objects to the inference that it would place businesses in a heavily traveled area as traffic is heavy in all parts of the city.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Thomas.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to approve with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Hatch, Mr. Thomas.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

New Business:

RESOLUTION NO. 2001-28

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2002 GRANTS, THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Municipal Services, Parks and Recreation Committee to place on the agenda.

Mr. Cumston advised that this was for the 2002 funding for transit. He further stated that in committee there was a discussion that the County has dropped the funding for transit and asked if there had been an official response as to why.

Held City Hall – Council Chambers at 7:30 p.m. on August 13, 2001, Page Three

(YEAR)

Mr. Sigler advised that he did receive a response and that the County stated they are looking for funds to balance the budget and dropped transit funding. He stated that transit will lose funding. Mr. Osborn advised that the city will continue to serve the area up to a six mile radius outside the city. He further advised that MARCA has agreed to pickup riders that need served outside the area.

Mr. Cumston moved suspend the rules of council with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-29

RESOLUTION STATING THE COUNCIL FOR THE CITY OF MARION'S OPPOSITION TO THE IMPENDING RATE INCREASE AS PROPOSED BY THE OHIO AMERICAN WATER COMPANY IN ITS' RECENT REQUEST FOR AN INCREASE IN RATES, FILED ON OR ABOUT THE 4TH DAY OF MAY, 2001 AND REQUESTING THE PUBLIC UTILITIES COMMISSION OF OHIO CONDUCT ITS' HEARING UPON SAID APPLICATION WITHIN THE CITY OF MARION, OHIO, DIRECTING THE LAW DIRECTOR INTERVENE IN THE MATTER AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Public Utilities Committee to place on the agenda.

Mr. Hatch advised that this would authorize the Law Director to intervene in the rate increase case with the PUCO. Mr. Cumston advised that he has received calls and stated that this was not a city utility and that the public will need to appear and voice their concerns at the hearing. He advised that during the last water rate increase he did appear at the hearing and public input was slim. He encouraged all citizens to participate in the hearing. He further stated that he has asked Mr. Russell to research the possibility of purchasing the water company as the rate increases that have been applied for and granted have not been advantageous to the private citizen especially those on a fixed income that cannot afford an increase of any kind.

Mr. Hatch moved suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-30

RESOLUTION ESTABLISHING THE HELP ME GROW FUND.

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on August 13, 2001, Page Four
Held _____ (YEAR)

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-31

RESOLUTION STATING THE COUNCIL FOR THE CITY OF MARION'S SUPPORT FOR PENDING HOUSE BILL 290 IN THE STATE LEGISLATURE WHICH WOULD PROVIDE FOR A PRESCRIPTION DRUG PROGRAM IN THE OHIO DEPARTMENT OF JOBS AND FAMILY SERVICES.

Mr. Hatch moved to add the legislation to the agenda with Mr. Cumston seconding and Mrs. Davis providing the third. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADDED TO THE AGENDA.

The legislations title received its first reading.

Mr. Cumston moved to suspend Rule 56, Committee Consideration, with Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to open the legislation for discussion with Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: Mrs. Pinnick.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION OPEN FOR DISCUSSION.

Discussion: Mr. Hatch advised that the program being proposed is similar to the Maine Program and that this would be a statewide program to provide drugs at a reduced cost for those without health insurance or a prescription plan. He stated that there will be limited drugs available but that it should cover most needs. Mr. Hatch further advised that he does expect this to pass the state legislature sometime next month.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2001-107

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE INNOVATION DRIVE EXTENSION, PROJECT 00-2P AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Airport, Lands and Buildings Committee to place on the agenda.

Mrs. Pinnick moved suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Pinnick moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-108

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

City Hall – Council Chambers at 7:30 p.m. on August 13, 2001, Page Five

Held

(YEAR)

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-109

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BUCKEYE READY MIX FOR THE PURCHASE OF CONTROLLED DENSITY FILL (CDF) TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-110

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH P.S. CONSTRUCTION FABRICS INC. FOR PAVEMENT REHABILITATION AND P.M.C. FOR STRIPING SUBSEQUENT TO FEDERAL AVIATION ASSOCIATION GRANT OFFER AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-111

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LIMITED AGREEMENT WITH SPECIAL COUNSEL FOR SPECIFIC SERVICES RELATED TO THE CITY'S LEASE AGREEMENT WITH MARION GENERAL HOSPITAL BOARD, INC. APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.

Mrs. Davis moved to add the Ordinance with Mr. Chapman seconding and Dr. Gilsdorf providing the third.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0303

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on August 13, 2001, Page Six

Held _____

(YEAR)

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: Mrs. Pinnick.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADDED TO THE AGENDA.

The legislations title received its first reading.

Mr. Cumston moved to suspend Rule 56, Committee Consideration, with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to open the legislation for discussion with Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: Mrs. Pinnick.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION OPEN FOR DISCUSSION.

Discussion: Mr. Cumston stated that this is an old issue that has been brought forward. He advised that he respects the right of all council members to have all of their questions answered. He stated that some of the same questions were addressed and were discussed such as the right to ownership and the right of ownership with respect to the land and contents. He stated that he would like to see the board invited to council in order to provide the forum for each member to ask questions and have them answered. He stated that when this issue was previously discussed, attorneys began to get involved and everything turned muddy. He stated that he would like to see the questions compiled and asked. He encouraged working with the Law Director but again he supports every members right to ask all the questions and get answers.

Dr. Gilsdorf advised that the basic question that is being asked is when OhioHealth received sole ownership it gave OhioHealth total control to sell transfer and dispose of any and all assets. He advised that when council formed MGH Inc. to run the hospital, when they gave control to OhioHealth they violated the lease agreement and that until council says something this will stand. He stated that he would like to regain control and regain ownership of the hospital and to hire an expert to find out what exactly is going on. Dr. Gilsdorf asked for the support of council.

Mr. Thomas stated that those questions have been asked and answered by Mr. Semnitore when he asked the same question of Mr. Emerson he said they can't sell. He advised that that issue has been answered and Mr. Emerson said that he agreed with Mr. Semnitore's opinion. Mr. Semnitore advised at that time to sue but council chose to negotiate. He advised that at the time there was not enough support to sue. He stated that even with a lawsuit this could be in court for a long time, but that if the members would like to take this two more readings and debate the issue he would be willing to do that too.

Mrs. Davis stated that council was told by Mr. Semnitore that the lease was breached and OhioHealth continues to breach the lease by taking all of the for profit services out of the hospital. She asked when we are going to stop it.

Mr. Schertzer stated that there are some good points made but that he will not support this issue. He advised that the City is in a tight budget now and that the State and County are facing cuts. He stated that the City needs to be fiscally responsible and that we would be kidding ourselves if anyone feels that it will only cost \$25,000. He stated that the costs could go as high as a million dollars and that court battle could last 2, 4, or 6 years or more and that this would not be the fiscally responsible thing to do. He stated that Mr. Emerson is a qualified attorney that specializes in merging hospitals and now we are asking him to separate our hospital. He stated that Mr. Emerson is a hired gun looking for a paycheck.

Held City Hall – Council Chambers at 7:30 p.m. on August 13, 2001, Page Seven

(YEAR)

Mr. Schertzer advised that ideally, he would like to go back to the pre 1986 lease but that may not be possible. He stated that the Ohio Attorney Generals Office look at the merger and approved it and that he would not support this. Mr. Schertzer stated that in the merger the Ohio Attorney General reserved the right to review the matter again and he would like to see them involved as there would be no out of pocket expense to the City.

Mr. Cumston stated that he does not like the merger but requested that the Board be invited to answer the questions of council. He stated that again he support the right of each member to ask questions and have them answered. Dr. Gilsdorf stated that if the lease has been violated then the city should file the lawsuit. He further stated that local control is a figment of our imagination and that if they want true local control then council would approve a majority of the members. Dr. Gilsdorf stated that he would agree that there has been lost revenue of 100 million dollars is services that were given away. He advised that MGH is paying MAHC for these services. He advised that he is looking to gain control of the 100 million dollars and that we need a list of questions to give to Mr. Emerson to ask on behalf of council.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

Matters not on the Agenda – Mr. Toni Marconi read a four page statement into the record. Said statement is attached hereto and made a part of the record.

Ms. Helen Pemberton, 744 N. Main Street advised that the city drilled holes through the water lines and they took a section of the line out. She stated that now she is getting muddy water. Mr. Osborn advised that he would get in contact with the Water Company and try to resolve the matter.

Jo Gilsdorf asked that if the board of MGH was brought in to council would they be willing to speak. Mr. Cumston advised that all we can do is ask.

Chaplain Doug Ford, 640 Irey Avenue, congratulated the members of council and advised that he did appreciate the legislation regulating the adult material. He advised that you can use zoning to regulate and that you can stand for family values. He stated that he will try to keep those businesses empty and that he did encourage everyone to contact the Supreme Court. He stated that recently the issue of pornographic material was posed to the Court by John Ashcroft. He advised that it was upheld.

Martha Philippic, 460 Brightwood Drive, told the story of when she was attending high school there was a classmate who was gay and that he did not make to the 5 year reunion. She inquired as to why and she was told he committed suicide because of the ridicule and bigotry he faced. She asked the City to consider the statements made by Mr. Marconi.

Mr. Cumston asked Mr. Cramer if there is any information regarding the interest for the QuQua Ditch monies paid to the County. Mr. Cramer advised that currently the fund is not earning interest and that all interest is being paid into the general fund of the county. Mr. Cramer also advised that Mr. Sheskey stated that he would place the interest earned into the fund.

Mrs. Blevins inquired as to the last Streets & Sewers meeting there was discussions of a water leak near Mr. Davis' home and if that has been corrected. Mr. Osborn advised that the line has been repaired and that it is drying up.

Mrs. Davis advised that the properties on Main and Church Street look good and asked for an update. Mr. Osborn advised that they are still working to possibly purchase the property.

My name is Tony Marconi. I am a teacher, a husband, a father, an active member of my church, and an occasional author of a letter to the editor in my local newspaper. I am in most ways no different from you or any other person living in this community or this state or in this country.

Like you, I believe in justice and fair play. Like you, I am offended by prejudice and bigotry. And like you, I am outraged when I witness acts of psychological and physical violence being directed at our children. It is for this reason that I am speaking now.

Our children—all of our children—are being assaulted on a daily basis, and this community is helping to make that possible by encouraging the assailants. It is not something most of us do wittingly, but that does little to alleviate the damage being inflicted on our kids when we allow others to teach them to hate.

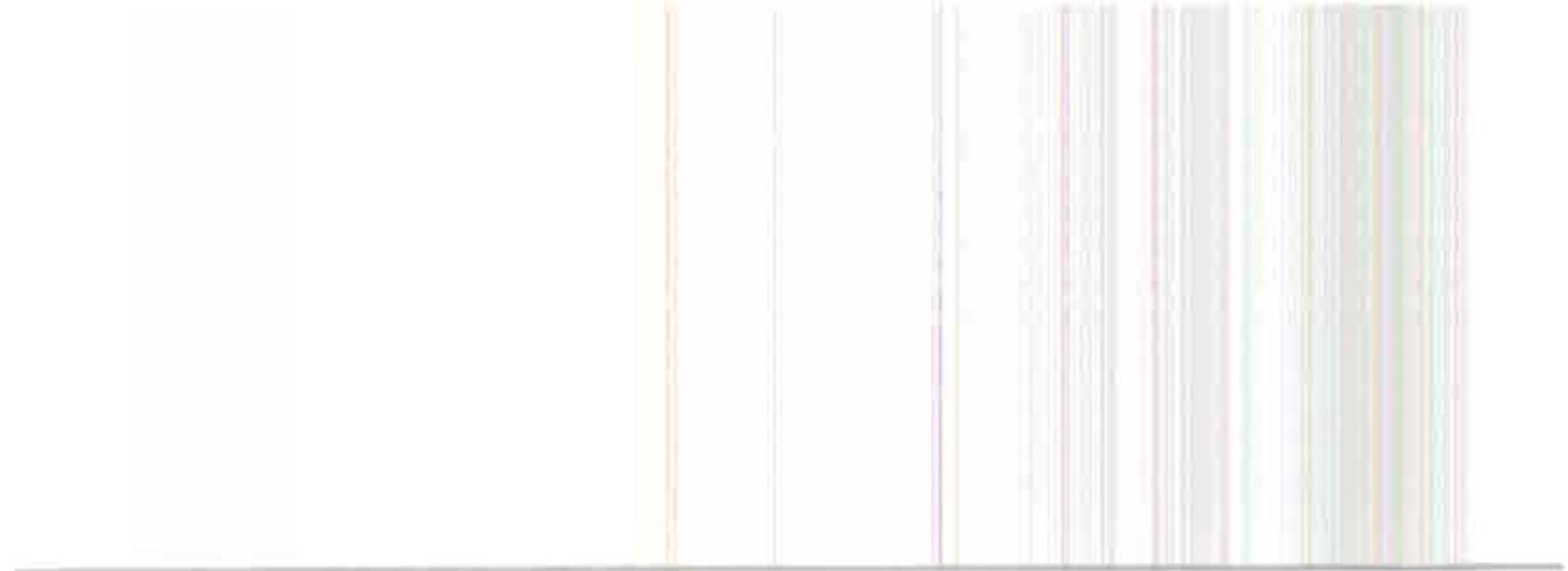
This council and our city government has, in the past, cooperated with the United Way of Marion County during that organization's annual drives. By doing so, the city of Marion, in essence, has made taxpayer paid buildings and personnel available to a private entity for the purpose of collecting funds. This is not, in and of itself, a problem. Certainly, the United Way is an extremely effective organization that has a long record of commitment and service to the people of this county.

Unfortunately, that otherwise excellent record of community service is being undermined by the UW's continued commitment to carry the Heart of Ohio Boy Scout Council as one of its client recipients. The reason I say this is unfortunate is that the Boy Scouts of America has enacted a policy of discrimination against homosexuals that is helping to create and perpetuate a climate of hatred that is as harmful to the youth of this country as it is ugly to anyone with a social conscience.

When the BSA declares that homosexual adolescents are not fit for association with the members of their organization, they send a clear-cut message to everyone that gays and lesbians are throw-away people. In essence, the Scouts help establish an environment of bigotry and hatred that manifests itself daily in the form of verbal and physical assaults against homosexuals that often culminate in horrible violence. The Matthew Shepard incident—where a young gay man was crucified on a fence and beaten to death—did not happen in a social vacuum.

I am a teacher at Harding High, and I can tell you that there isn't a day that I don't hear anti-gay comments from kids as they pass through the halls. So I was not surprised to learn that 97% of public high school students report hearing homophobic remarks and anti-gay slurs from their peers on an average of about 25 times a day. In addition, 80% of gay and lesbian youth report verbal abuse, 44% report threats of attack, 33% report having objects thrown at them, and 30% report being chased or harassed by being followed.

And this is not just something that happens somewhere else. Just a few months ago, the Star carried the story of three young local men arrested for trying to break into someone's



house in order to "beat up a gay guy." We might, as a community, claim to abhor such behavior, but what else should we have expected? The American Psychological Association reports that most anti-gay hate crimes are committed by otherwise law-abiding young people who see little wrong with their actions and who often believe that they have societal permission to engage in such violence.

The question we should be asking ourselves is this: Are they getting the message wrong? Do they perceive any serious kind of collective outrage on the part of this community when law-abiding, hard-working members of Marion are targeted by people who think they have a green light to engage in such behaviors?

Or do we just shrug and continue to embrace the attitude of exclusion made manifest through the institutional bigotry of organizations like the Boy Scouts?

I know, I know: This is the Boy Scouts. This is about as an American institution as you can find anywhere. They do so much good for so many boys that surely any criticism leveled at them must automatically be rejected as the ravings of the lunatic fringe.

But that's a huge part of the problem in dealing with an -ism—whether it's racism, sexism, ageism, classism, or heterosexism. An -ism is discrimination backed by social power, and it can become so institutionalized that it is very difficult to distinguish it from common custom or to distinguish its purveyors from our ordinary friends and neighbors. Which is understandable because these spokespersons for prejudice **are** our ordinary friends and neighbors. They are people like you and people like me who are so used to the status quo that we never question what seems to be the regular way of doing business. We don't intend to be unfair. We have no desire to do anyone an injustice. But we never question the system, either.

Yet, as people entrusted with the welfare of all the citizens of this community—especially its children and young adults—we must force ourselves to question it—even when our questions lead us to uncomfortable conclusions that we'd just as soon avoid. And this is certainly one of those times. Because, after everything good is said about the all wonderful things that Scouting does for so many kids, we must face the reality that those positives are offset by the harm done to the boys who are excluded because of their differences and the damage done to the young Scouts themselves as they are trained to accept bigotry as an American way of life.

So, how does this impact on you, the members of our city council? I think the answer to that is somewhat obvious. By continuing to allow the United Way to collect funds in our public buildings—a portion of which go to the Boy Scouts—without issuing even so much as a disclaimer against its discrimination, this council is engaging in an enabling behavior that allows the BSA to continue damaging children.

Estimates vary as to what percentage of our population is gay or lesbian, but most authorities put the figure at about one in ten. That means for a high school the size of Harding, more than a hundred of those kids are homosexuals. For the most part, none of

us know who they are. Nor is it likely that their parents or friends do. But they're there. They are somebody's son or daughter; somebody's brother or sister. And every day they receive messages that tell them that they are not wanted, that they are disgusting, that they do not belong in normal society, in their community, in their churches, in their schools.

What a terrible burden that is to place on any young person's shoulders.

I have asked the United Way of Marion County to help stop this kind of child abuse by refusing to fund the Boy Scouts or any other organization that continues to practice discrimination. Up to now they have declined to do so even though nationally many United Way chapters have already pulled their money from Scouting, and the movement to do so is growing. In addition, numerous counties, cities, and school districts across the nation, as well as business such as CVS, Levi Strauss, Knight Ridder, and Textron have decided to withdraw their association and financial support of the BSA until the Scouts cease their exclusionary practices.

I am told that Marion City Council has a policy of non-discrimination based on sexual orientation. If this is true, then that policy should engender zero-tolerance for the practice of discrimination by any organization—or that organization's agents or clients—seeking the support and/or endorsement of this body. If I am mistaken, and there is no such policy in effect, I would ask this council to enact one immediately.

Over the years, I have learned that the best way to deal with discrimination is to confront it head on. And this is exactly what I am asking this council to do now. I am asking you to make a simple affirmation of your commitment to the rights of all of our citizens to live in dignity. I am asking you to insist that, if the United Way is allowed to collect for its clients in municipal offices and buildings, its solicitation materials be accompanied by a notification to individual donors of the nature of the discrimination being practiced by the BSA and by an explanation of the contributor's right to withhold funding from that organization if he or she wishes to oppose its bigotry. In addition, United Way materials should be accompanied by a disclaimer indicating that the BSA's policy of discrimination based on sexual orientation runs contrary to established city council policy. I have attached a couple of examples of what such notification might look like to a copy of these remarks that I have brought for each of you so that you may have the opportunity to consider my request and discuss it at your next meeting.

What I am asking you to do is to simply stand behind this city's commitment to tolerance and open-mindedness. I do realize, that if you do, there will be those who will vociferously object. They will appeal to tradition and religion. They will sound off with sociological non-sequiturs and otherwise mount their high horses of indignation because you would dare to defy their intolerance and prejudice. They will even threaten you politically. But you should not let this sway you from taking responsibility in promoting social justice for all the people of Marion. The bigots will get over it. Sooner or later they always do, or else they eventually come to a realization that their intolerance is not

acceptable to people of good conscience. You have an opportunity and the obligation to help get that message out to the citizens of this city.

I will point out for those who will want to respond to my words with religious arguments, that it is never the right or the responsibility of government to establish or endorse religious doctrine. The Supreme Court has granted the legal privilege to the BSA to continue its discrimination based on Scouting's status as a private organization. This privilege is not in dispute. When the United Way accepts the BSA as a client and then uses the personnel of taxpayer-supported institutions to oversee and/or administrate the collection of charitable donations, it is, in effect, using government-paid employees to labor on behalf of an organization that violates municipal policy.

The question of whether or not contributors can choose where their donations are going is not an issue. What is at stake is whether or not taxpayer monies are being used, to any degree whatsoever, to pay for the employment of people who are engaged during their hours of employment in collecting revenues that promote bigotry.

The BSA can't have it both ways. If it is entitled to practice discrimination against homosexuals based on its status as a private organization, then it should not be allowed to use government-paid personnel to labor on its behalf, whether that labor is the dissemination of literature, the administration of programs, or the collection of money. Nor should taxpayer monies be used to pay for the labors of the BSA's agents—in this case, The United Way—regardless of how many other clients those agents may also represent.

Yet, none of us want to see the United Way's efforts on behalf of its other clients hurt, and I want to make it clear that I am not advocating—at this point—that the UW be prohibited from conducting this year's campaign in our schools and public offices. But, the city council does have a responsibility to all of our citizens, gay and straight alike, to help foster a community environment that is safe and welcoming to all law-abiding, taxpaying citizens. You cannot do this by endorsing, either directly or indirectly, an organization that is opposed to that very principle. Your repudiation of any form of bigotry must be made clear and absolute.

We are at the beginning of a new century. At the turn of the last one, our social attitudes were in bad need of an overhaul. Immigrants, African-Americans, and women were all routinely relegated to second and third class status and were expected to stay in their places. A hundred years of struggle—a hundred years of changes—have given us a different perspective on the social contract. Isn't it time we take stock of what we've learned and complete the process of enfranchising all of our neighbors and fellow citizens?

I hope you and I can work together to find the will and the courage to do just that.

Thank you.

Notification to United Way Donors

Marion City's non-discrimination policy prohibits actions taken against any individual or organization based on sexual orientation.

The Boy Scouts of America has instituted a policy of open discrimination against homosexuals. The Supreme Court has upheld its right to do so based on the BSA's status as a private organization. The United Way of Marion County, also a private organization, carries the Heart of Ohio Boy Scouts Council, an affiliate of the BSA, as one of its clients.

The collection of funds by the United Way in Marion City's buildings and administrative offices should, in no way be construed as an endorsement, either by the City of Marion or its officials, of BSA policy regarding homosexuals.

Marion City employees may designate that their contribution be withheld from the BSA and its affiliates by writing "No money to the Boy Scouts" on the front of their pledge cards or by signing the form below and attaching it to their donation.

-
- I request that no part of my United Way contribution be given to the Boy Scouts of America or any of its affiliates, including the Heart of Ohio Boy Scouts Council, until they cease to practice discrimination against homosexuals.

Signature _____

Teaching children to hate won't make them morally straight.

The Boy Scouts of America and its affiliates have instituted a policy of discrimination against homosexuals. The Supreme Court has upheld their right to do so based on the BSA's status as a private organization. But that does not mean that our community must support this intolerance.

The BSA's policy of exclusion does more than simply ban homosexuals from participating in Scouting. It teaches children and young adults to stereotype and to pass judgment on people who are different without first knowing them as individuals. By insisting that its members treat gays and lesbians as lesser persons, the BSA perpetuates harmful myths that help create an environment in which fear and hate can thrive. This makes our community physically unsafe and emotionally unhealthy for everyone.

Not all Scouts agree with the BSA's policies, and individual members, leaders, and even entire troops have voiced their opposition to their national leadership's bigotry. Unfortunately, the concerns of these dissenters have, to date, been met with reprisals that have ranged from religious persecution to outright expulsion from Scouting.

The Boy Scouts' policies have drawn sharp criticism from hundreds of businesses, financial institutions, school boards, and local governments, which have withdrawn their monetary and social support from the BSA until it discontinues its discriminatory practices. Every day, the voices opposing intolerance are growing louder, and the message is clear: Teaching our children to hate won't make them morally straight.

Now, as a United Way contributor, you have an opportunity to also be heard. By writing on your donor card that you wish to withhold your money from the Heart of Ohio Boy Scouts Council, you will help deliver the word to the BSA leadership that the Marion community will not support bigotry. Or, if you prefer, you can simply sign the form below and attach it to your pledge.

It's a simple message: No money to the Boy Scouts. But when sounded by hundreds of people throughout this county, it can have a profound impact.

Standing up to discrimination is never easy, but it is always the right thing to do. Speak out now, and make it clear that you will no longer lend your support to organizations that harm our children by teaching them to disregard the humanity of others.

-
- I request that no part of my United Way contribution be given to the Boy Scouts of America or any of its affiliates, including the Heart of Ohio Boy Scouts Council, until they cease to practice discrimination against homosexuals.

Signature _____

If you are interested in seeing Marion become a the kind of community that welcomes and celebrates diversity, contact:

M.A.A.D.G. (Marion Area Anti-Discrimination Group)

PO Box 201

Marion, OH 43302

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0305

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 19148

City Hall – Council Chambers at 7:30 p.m. on August 13, 2001, Page Eight
Held _____, _____

(YEAR)

Committee Dates –

August 21, 2001

6:00 p.m. Streets & Sewers

6:15 p.m. Municipal Services, Parks & Recreation

6:30 p.m. Finance

With no further business to come before council, President Kochheiser adjourned the meeting.

Keith A. Kochheiser

Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy A. Chaffin

Cathy A. Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Fairpark Elementary School at 7:30 p.m. on August 27, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – REVEREND KEN DURTSCHKE, FAIRPARK COMMUNITY BAPTIST CHURCH

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – August 13, 2001.

Mr. Cumston moved to accept the summary of proceedings for August 13, 2001 with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR AUGUST 13, 2001 APPROVED.

Old Business:

RESOLUTION NO. 2001-31

RESOLUTION STATING THE COUNCIL FOR THE CITY OF MARION'S SUPPORT FOR PENDING HOUSE BILL 290 IN THE STATE LEGISLATURE WHICH WOULD PROVIDE FOR A PRESCRIPTION DRUG PROGRAM IN THE OHIO DEPARTMENT OF JOBS AND FAMILY SERVICES.

The legislations title received its second reading. Mr. Hatch requested the legislation receive a second reading.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

ORDINANCE NO. 2001-111

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LIMITED AGREEMENT WITH SPECIAL COUNSEL FOR SPECIFIC SERVICES RELATED TO THE CITY'S LEASE AGREEMENT WITH MARION GENERAL HOSPITAL BOARD, INC. APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.

The legislations title received its second reading. Dr. Gilsdorf moved to suspend the rules of council with Mr. Cumston seconding.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Mrs. Davis advised that council should hire the attorney to find out what is really going on at the hospital. Mrs. Davis further stated that she felt very strongly that there are continued violations of the lease and that hiring Mr. Emerson would be in the city's best interest and that she would be voting for the legislation. Mr. Chapman complimented council for the research that has been done on the issue. He stated that some have been under the understanding that by passing this legislation it means that they are willing to go to all the way but that it would not be. He stated that this is just a first step.

Dr. Gilsdorf moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Chapman, Dr. Gilsdorf, Mrs. Davis. NAYS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION FAILED.

New Business:

RESOLUTION NO. 2001-32

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$18,800.00 TO THE LTV TIF FUND FROM THE GENERAL FUND.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston advised that this would be used to pay the TIF until the tax monies are received.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Fairpark Elementary School at 7:30 p.m. on August 27, 2001, Page Two

Held _____

(YEAR)

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

RESOLUTION NO. 2001-33

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$50,000.00 TO THE WIC FUND FROM THE HEALTH FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

ORDINANCE NO. 2001-112

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BURRIS AND BEHNE ARCHITECTS FOR ARCHITECTURAL SERVICES NEEDED FOR THE CENTRALIZED GARAGE PROJECT, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

ORDINANCE NO. 2001-113

ORDINANCE APPROVING THE PURCHASE OF ONE (1) LEAF VACUUM FOR USE BY THE PARKS DEPARTMENT.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1514H

Held Fairpark Elementary School at 7:30 p.m. on August 27, 2001, Page Three

(YEAR)

Mr. Cumston moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

ORDINANCE NO. 2001-114

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

ORDINANCE NO. 2001-115

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE ALLEY SOUTH OF WEST CHURCH STREET AND WEST OF SOUTH PROSPECT STREET TO THE FIRST NORTH/SOUTH ALLEY BETWEEN PROSPECT AND PEARL STREET, APPLICANT PROSPECT STREET UNITED METHODIST CHURCH.

The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas requested a first reading with a public hearing to be held on September 24, 2001.

Matters not on the Agenda – Mr. Toni Marconi advised the members that the last time he was before council he requested that a disclaimer be given to all employees regarding the discrimination of the Boy Scouts against the gay and lesbian communities. Mr. Marconi state that he read in the Marion Star where council feels that it is the Mayors responsibility to address the issue and the Mayor felt that it was the council's responsibility. He asked who was the right person to speak to on the issue. He suggested that a committee be assigned to discuss the issue further.

Mr. Hatch stated that he does not support he Boy Scouts opinions and policies and that the City has a policy of non discrimination. He further stated that he would donate to the United Way but would make it clear that he does not support the discrimination at any level.

Mr. Kochheiser stated that the City does not support any isms whether it is race or otherwise. He stated that the Supreme Court recently ruled on the very issue and ruled that the Boy Scouts could continue as they have but that the employees would be made aware with the publicity the issue has received.

Mr. Paul Geissler, 1054 Fairwood Avenue spoke to the members regarding the speeding on Richmond, Robinson and Fairwood Avenue. He stated that he came to council approximately a year ago with the same issue and at that time there was increased enforcement but that it has not helped. He stated that he would like to have speed bumps.

Mr. Pat Carr. 1031 Richmond advised that he has the speed meter at his house and that he watched the cars come at 52 mph. He stated that he has seen three accidents in this same location and that one man was killed in the accident. Mr. Carr stated that enough is enough.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Fairpark Elementary School at 7:30 p.m. on August 27, 2001, Page Four

(YEAR)

Ms. Rosalee Marvin inquired as to whether or not a camera could be installed to take pictures and ticket the vehicle owners. Mr. Russell advised that at this time they could not.

Mr. Cumston advised that he did receive the letter regarding how the interest is not being applied to the QuQua Ditch Maintenance Fund and that it is currently going to the general fund. Mr. Cumston asked Mr. Russell if there was anything further that could be done. Mr. Russell advised that he would look into the issue further.

Mr. Cumston advised that with respect to the Kresge building he feels the City has a fiduciary duty to get something moving on the building. He advised that there is no guarantee as to the safety of the wall and asked the Mayor for the history of the building. Mayor Kellogg advised that for many years the building was in the Trust and that K-Mart had a 100 year lease. He stated that the terms of the lease were that if K-Mart was to ever leave they would need to put the building back to its pre 1922 state. He advised that they felt that it was too costly to make the necessary changes and so they continued to pay the lease on the building. Mayor Kellogg stated that there was a deal negotiated but the Commissioners insisted on the having the building which now leads to present day.

Mr. Russell advised that he has researched some options for the members and they are to shore up the building and place the costs on the tax duplicate or to condemn the building and tear it down. He advised that there have been a number of letters exchanged between the city and the county on this issue and one of those letters recommended shoring the building while they think about what to do.

Dr. Gilsdorf stated that he had a personal conversation with one of the commissioners and that he is aware they are working on the problem and that he would like to give the county another couple of weeks. Mr. Russell explained in detail the process of condemning the building, shoring the building and how to collect the monies spent. Mr. Hatch stated that the County should not be treated any differently than a private owner. The consensus of the members was to have Mr. Russell send a letter to the Commissioners to shore the building prior to the Popcorn Festival. Mayor Kellogg advised that he would also make a call to the commissioners.

Committee Dates -

September 4, 2001

5:30 p.m. Jobs & Economic Development

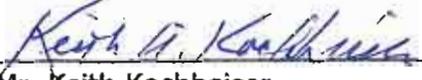
6:00 p.m. Streets & Sewers

6:30 p.m. Finance

7:15 p.m. Airport, Lands & Buildings

With no further business to come before council, President Kochheiser adjourned the meeting.


Cathy A. Chaffin
CLERK OF COUNCIL


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

Glenwood Elementary School at 7:30 p.m. on September 10, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – JOHN CHAPMAN, FIFTH WARD COUNCIL

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – August 27, 2001.

Mr. Cumston moved to accept the summary of proceedings for August 27, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR AUGUST 27, 2001 APPROVED.

Old Business:

RESOLUTION NO. 2001-31

RESOLUTION STATING THE COUNCIL FOR THE CITY OF MARION'S SUPPORT FOR PENDING HOUSE BILL 290 IN THE STATE LEGISLATURE WHICH WOULD PROVIDE FOR A PRESCRIPTION DRUG PROGRAM IN THE OHIO DEPARTMENT OF JOBS AND FAMILY SERVICES.

The legislations title received its third reading.

Mr. Hatch moved to approve with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

ORDINANCE NO. 2001-115

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE ALLEY SOUTH OF WEST CHURCH STREET AND WEST OF SOUTH PROSPECT STREET TO THE FIRST NORTH/SOUTH ALLEY BETWEEN PROSPECT AND PEARL STREET, APPLICANT PROSPECT STREET UNITED METHODIST CHURCH.

The legislations title received its second reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas requested a second reading with a public hearing to be held on September 24, 2001.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

New Business:

RESOLUTION NO. 2001-34

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

Glenwood Elementary School at 7:30 p.m. on September 10, 2001, Page Two
Held _____ (YEAR)

ORDINANCE NO. 2001-116

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

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

ORDINANCE NO. 2001-117

ORDINANCE AMENDING APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

ORDINANCE NO. 2001-118

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH S.E. PARK ENTERPRISE INC. FOR DEMOLITION OF 182 PATTEN STREET, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised the members that this was the house that fell off the foundation.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

ORDINANCE NO. 2001-119

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PETE MILLER INCORPORATED FOR THE REPLACEMENT OF STATION 3'S ROOF HAVING FOUND A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SAFETY PURSUANT TO O.R.C. 735.051, AND DECLARING SAME AN EMERGENCY.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Glenwood Elementary School at 7:30 p.m. on September 10, 2001, Page Three

(YEAR)

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

ORDINANCE NO. 2001-120

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A CONTRACT FOR THE LEASE OF CERTAIN FARM LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Airport, Lands & Buildings Committee to place on the agenda.

Mrs. Pinnick moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Pinnick moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

ORDINANCE NO. 2001-121

ORDINANCE AUTHORIZING THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF OF THE CITY OF MARION TO EXECUTE A LEASE/PURCHASE OPTION OF REAL PROPERTY TO SILVER LINE OHIO, LLC AND ITS AFFILIATES AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-1 vote from the Airport Lands & Buildings Committee to place on the agenda.

Mrs. Pinnick moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Thomas, Mrs. Blevins.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Pinnick moved to approve with Mrs. Davis seconding.

Discussion:

Mr. Thomas stated that everyone knows his position on this matter and that when he became aware that the Park Fee was a deal breaker and that the jobs are only paying \$7.75 per hour this would be giving the farm away and he would be voting no. Mr. Schertzer stated that the current unemployment rate is 4.9% and that Marion is creating jobs when others are laying off. He stated that he hopes the market will dictate a higher rate of pay and that this is good for the community. Dr. Gilsdorf stated that it is councils job to encourage companies to come to Marion and that with the road coming in under budget that is a plus.

The roll call vote was: YEAS: Mr. Cumston, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Hatch, Mr. Thomas, Mrs. Blevins.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Glenwood Elementary School at 7:30 p.m. on September 10, 2001, Page Four

Field

(YEAR)

Matters not on the Agenda – Steve Chaffin, Assistant City Law Director advised that the City is moving forward with intervening in the Ohio American Water Companies rate case. He stated that the staff report is being prepared and that they have asked for a list of complaints from the community. Mr. Chaffin requested that the complaints be given to his office for forwarding to the commission before the end of the week. Mr. Cumston stated that he has several concerns with the main ones being the water tower appearance, elimination of the call center and that closing of the center while attempting to increase the rates. Mr. Chaffin advised that there would be a hearing held in Marion and encouraged everyone to attend.

Ms. Rosalee Marvin, 490 Toledo Avenue stated that she has a concern over the overpass and emergency access to the Northwest side of the city. She stated that with the increased train traffic, emergency vehicles are unable to get to the area. She requested that an emergency road access be opened on Holland Road or in the area. She stated that this is the second time in three weeks there has been a train problems. She stated that she was informed that a child was hit on Lee Street and that it took 40 minutes for the EMS to arrive because of the trains blocking the tracks. She asked which committee would address the problem. Mr. Kochheiser advised that it would be the Streets & Sewers Committee.

President Kochheiser advised that there are two matters to come before council and they are Resolution No. 2001-35 and Resolution No. 2001-36. He stated that the reasons for the items not appearing on the agenda is that they did not comply with the time requirements pursuant to Council Rules.

RESOLUTION NO. 2001-35

A RESOLUTION RECOMMENDING THAT THE MARION COUNTY BOARD OF COMMISSIONERS ENTER INTO AN AGREEMENT WITH INTEGRATION TECHNOLOGIES, INC. FOR THE PURPOSE OF ABATEMENT OF A PORTION OF TANGIBLE PERSONAL PROPERTY TAX AT A MANUFACTURING FACILITY ON DAVIDS ST. AND COLUMBIA ST. MARION, OHIO, TO ENCOURAGE THEM TO ESTABLISH A FACILITY AT THAT SITE, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda.

Mrs. Blevins moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Blevins moved to approve with Mr. Chapman seconding.

Discussion:

Mr. Thomas asked what the wage schedule would be for the employees. Mr. Dave Troutman advised that the General Labor would be \$11.00 to \$13.00 per hour with the Technical Labor at \$13.00 to \$16.00 per hour. Mr. Troutman further advised that at this time there is no retirement offered but that they will be putting something in place similar to a 401K Plan in the near future along with some medical benefits.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014H

Held Glenwood Elementary School at 7:30 p.m. on September 10, 2001, Page Five

(YEAR)

RESOLUTION NO. 2001-36

A RESOLUTION RECOMMENDING THAT THE MARION COUNTY BOARD OF COMMISSIONERS ENTER INTO AN AGREEMENT WITH OHIO GALVANIZING CORP. FOR THE PURPOSE OF A PORTION OF TANGIBLE PERSONAL PROPERTY TAX AT AN EXISTING MANUFACTURING FACILITY AT 467 WEST FAIRGROUND ST. TO ENCOURAGE THEM TO RETAIN AND EXPAND OHIO GALVANIZING CORP. AT THAT SITE.

The legislation's title received its first reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda.

Mr. Chapman moved to suspend the rules of council with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Chapman moved to approve with Mrs. Blevins seconding.

Discussion:

Mr. Thomas thanked Mr. Lengieza for the information provided. He stated that the wages start in the general labor at \$7.50 up to \$13.11 per hour and that the other classifications start at \$10.31 and \$14.98 per hour. Mr. Thomas again thanked Mr. Lengieza for the information. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION APPROVED.

Mr. Cumston thanked the administration for their efforts in having the Kresge Building made safe. Mrs. Pinnick thanked everyone for the work with the Popcorn Festival and in keeping the Downtown clean. Mr. Schertzer asked Mr. Carlyle about the traffic light at Grand and Center Street. Mr. Carlyle advised that the pole severed and that this light was due to come out with the ODOT agreement. He stated that that new light will be placed at the intersection of Jefferson and Center. Mr. Schertzer stated that his main concern is traffic. He advised that he has received numerous complaints about the traffic problems and that he would like to get everyone together collectively and address the issue. Mr. Schertzer stated that he would like to see funds appropriated each year for speed bumps and that Fairpark needs to be looked at closely. Mr. Schertzer encouraged everyone to slow down.

Mrs. Davis asked Mr. Carlyle about the light at Orchard and Church Street. Mr. Carlyle advised that this light is due to come out under the agreements with ODOT. Mr. Carlyle advised that the light at Center and Oak would remain and the city will pay for this light. Mrs. Davis stated that she would like to see this light looked at also.

Mrs. Davis asked Mr. Thomas if he would call a Traffic Commission meeting to address Elgin Court and installation of speed bumps. Mr. Thomas advised that he would call at Traffic Commission Meeting to address the issue.

Mrs. Pinnick stated that she agrees with Mr. Schertzer that there is a traffic problem, however, she is not sure that speed bumps are the answer and that maybe more officers for traffic control may be the way to go. Mrs. Pinnick further stated that the revenue generated from the traffic tickets should be enough to pay for the additional officers.

Dr. Gilsdorf asked how many persons were at the school because of the C to C Program. No one responded. Mr. Schertzer stated that regardless of how many come or do not come, he still supports the idea of going into the community. He suggested that maybe one time per month would be more suitable.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK INC., FORM NO. 10148

Glenwood Elementary School at 7:30 p.m. on September 10, 2001, Page Six
Held _____

(YEAR)

Committee Dates -

September 18, 2001

- 5:30 p.m. Streets & Sewers
- 6:00 p.m. Traffic Commission
- 6:15 p.m. Municipal Services, Parks & Recreation
- 6:30 p.m. Finance
- 7:00 p.m. Legislation, Codes & Regulations
- 7:15 p.m. Jobs & Economic Development

With no further business to come before council, President Kochheiser adjourned the meeting.



Mr. Keith Kochheiser
PRESIDENT OF COUNCIL



Cathy A. Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on September 24, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – Reverend David Lippert

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – September 10, 2001.

Mr. Chapman moved to accept the summary of proceedings for September 10, 2001 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR SEPTEMBER 27, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-115

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE ALLEY SOUTH OF WEST CHURCH STREET AND WEST OF SOUTH PROSPECT STREET TO THE FIRST NORTH/SOUTH ALLEY BETWEEN PROSPECT AND PEARL STREET, APPLICANT PROSPECT STREET UNITED METHODIST CHURCH.

The legislation's title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Public Hearing: President Kochheiser opened the public hearing. There being no persons to speak in favor of or against the matter, President Kochheiser closed the Public Hearing.

Mr. Thomas moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

New Business:

RESOLUTION NO. 2001-37

RESOLUTION STATING THE COUNCIL'S INTENT TO ENTER INTO A CONTRACTUAL RELATIONSHIP WITH THE MARION COUNTY HUMANE SOCIETY FOR SERVICE RELATED TO AN ANIMAL CONTROL OFFICER/HUMANE AGENT.

The legislation's title received its first reading. There was a 3-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda.

Mr. Cumston advised the members that the intent of the Resolution is to weight the support of the members and to provide the opportunity to look for grant funding. Mayor Kellogg advised that he is unaware of any grants available but will continue to look. There were questions as to the position and funding for 2002. Dr. Yancey advised that the funds would pay for the office, transportation and training for the Humane Agent. Mrs. Davis asked if this would be a city position. Mr. Russell advised that the position would not be a city position and that the city would contract with the Humane Society.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on September 24, 2001, Page Two

Held _____

(YEAR)

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-38

RESOLUTION OF THE COUNCIL FOR THE CITY OF MARION CREATING A SELECT COMMITTEE FOR INVESTIGATING AND RECOMMENDING A PLAN OF RE-SUBDIVIDING AND NAMING THE MEMBERS TO SERVE THEREON.

Mr. Thomas moved to add the resolution to the agenda with Mr. Hatch seconding and Mr. Cumston providing the third as required.

The legislations title received its first reading.

Mr. Thomas moved to amend the Resolution to remove section 2. He advised that one reason for amending is that the Pro-Tempore appoints the members to serve and if there was a problem about who was selected the entire Resolution would need to be turned down.

Mr. Schertzer seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION AMENDED.

Mr. Thomas moved to suspend the rules of council for committee consideration with Mrs. Blevins seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE COMMITTEE CONSIDERATION SUSPENDED.

Mr. Thomas moved to suspend the rules of council with Mrs. Blevins seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to approve with Mrs. Davis seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

RESOLUTION NO. 2001-39

RESOLUTION STATING THE COUNCIL FOR THE CITY OF MARION'S OUTRAGE, CONTEMPT AND DISDAIN FOR THE ACTIONS OF A SELECT FEW BUSINESSES WHO PUT THEIR PROFIT MARGINS AND BOTTOM LINES ABOVE THEIR PATRIOTIC DUTY TO OUR COUNTRY AND WITHOUT APPARENT HESITATION DID SET ASIDE OUR NATION'S BEST INTERESTS IN THE WAKE OF THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

Mr. Thomas moved to add the resolution to the agenda with Mrs. Davis seconding and Mr. Cumston providing the third as required.

The legislations title received its first reading.

Mr. Thomas moved to suspend the rules of council for committee consideration with Mrs. Pinnick seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE COMMITTEE CONSIDERATION SUSPENDED.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Thomas moved to approve with Mr. Cumston seconding.

Held City Hall – Council Chambers at 7:30 p.m. on September 24, 2001, Page Three

(YEAR)

Mr. Thomas advised the members that he had received two or three phone calls complaining about the Marathon Station on Delaware avenue raising the price of gas by 40 to 50 cents per gallon which created long lines at the gas stations and a concern for gas. Mr. Thomas stated that the parent company was contacted and they advised they had nothing to do with the price and that it was the individual at the station owner that took advantage of the tragedy. Mr. Cumston advised that there were several stations that were over the 30 cent cap set by the State and that it is clearly wrong.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION APPROVED.

ORDINANCE NO. 2001-122

ORDINANCE CREATING AND ENACTING SECTION 750.12 WITHIN THE EXISTING PEDDLERS, CANVASSERS AND SOLICITORS REQUIREMENTS OF CHAPTER 750, PART SEVEN – BUSINESS REGULATION CODE OF THE MARION CITY CODE.

The legislation's title received its first reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

Mr. Schertzer advised the members that this legislation would modify the Solicitors section of the code to allow for compliance with the earlier lawsuit. Mr. Schertzer further stated that this does not eliminate the door to door solicitation but allows for a list to be created through the Safety/Service Office for no solicitation.

Whereupon, President Kochheiser declared the legislation received its first reading.

ORDINANCE NO. 2001-123

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LANNIS FENCE SYSTEMS FOR SECURITY FENCING SUBSEQUENT TO FEDERAL AVIATION ASSOCIATION GRANT OFFER AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-124

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLEMING CONSTRUCTION CO., FOR THE NORTHSIDE SIDEWALKS AND DELAWARE AVENUE SIDEWALKS, PROJECT 00-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to amend to select Option E with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on September 24, 2001, Page Four

Held

(YEAR)

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-125

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF FIVE VEHICLES PREVIOUSLY UTILIZED BY THE STREETS/SANITATION & RECYCLING DEPARTMENTS, DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-126

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to amend to the appropriation for the sidewalk project to the amount of \$16,113.56 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

ORDINANCE NO. 2001-127

ORDINANCE ESTABLISHING A FAIR AND JUST WAGE AND COMPENSATION PACKAGE FOR ALL CITY EMPLOYEES, OTHER THAN SEASONAL, AND ADJUSTING CERTAIN EXISTING PROGRESSION SCHEDULES.

The legislation's title received its first reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda.

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DAYTON LEGAL BLANK INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on September 24, 2001. Page Five

(YEAR)

Mr. Osborn advised that there are a couple of details to be looked at and requested a first reading.

Whereupon, President Kochheiser declared the legislation received its first reading.

ORDINANCE NO. 2001-128

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PETE MILLER, INC., TO INSTALL AIR CONDITIONING IN THE GYMNASIUM OF THE YOUTH CENTER FOR THE RECREATION DEPARTMENT AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 2-1 vote from the Finance Committee to place on the agenda. Mr. Russell advised the members that Section 3 would need to be deleted and that this can be done without amending the Ordinance by directing the Clerk to strike Paragraph 3.

Mr. Cumston moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to approve with Mr. Thomas seconding.

Mrs. Schertzer advised that he would be voting no on the ordinance and that his opposition to the legislation is in no way a reflection on Mrs. Brewer. He stated that with the budget as it stands and from a fiscal point of view he would be voting no. Mr. Thomas stated that each year there are capital improvements budgeted throughout the city and that by statute they are required to set aside a portion of the budget that must be spent on capital items only. Mr. Osborn advised that 5% of the budget must go for capital improvements. Mr. Cumston stated that while this is a hard part of the budgeting process to understand, it would not save the city any monies by not using the funds.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis. NAYS: Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

Matters not on the Agenda – Ms. Rosalee Marvin, 490 Toledo Avenue thanked everyone for their unity and participation after the tragedy of September 12, 2001. Mr. Chapman thanked the firefighters and police for the fine jobs they do everyday. President Kochheiser suggested that the members read the letter to the editor by Mr. Marconi concerning the threat to Mr. Babich.

Mrs. Blevins advised that she worked the phone banks that helped raise money for the victims and that they received over one million calls. Mrs. Blevins thanked everyone for contributing. She further advised that there would be a park board meeting on Wednesday, September 26, 2001 at 7:00 p.m. to discuss the handicapped park. Mrs. Davis thanked the business owners for playing the radios over the loud speakers to help keep everyone informed.

Mr. Thomas, President Pro Tempore appointed Mr. Cumston, Mr. Hatch and Mrs. Davis to serve on the select committee. Mr. Hatch moved to accept with Mrs. Blevins seconding. By a verbal vote all members voted in approval.

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16148

City Hall – Council Chambers at 7:30 p.m. on September 24, 2001, Page Six
Held _____ (YEAR)

Committee Dates –

October 1, 2001

- 5:30 p.m. Jobs & Economic Development
- 5:45 p.m. Traffic Commission
- 6:15 p.m. Streets & Sewers
- 6:30 p.m. Finance
- 7:00 p.m. Legislation, Codes & Regulations
- 7:15 p.m. Select Committee

With no further business to come before council, President Kochheiser adjourned the meeting.


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL


Cathy A. Chaffin
CLERK OF COUNCIL

Held Edison Middle School – Cafeteria at 7:30 p.m. on October 8, 2001, Page Three (YEAR)

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.
Whereupon, President Kochheiser declared the Resolution adopted.

ORDINANCE NO. 2001-131

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

ORDINANCE NO. 2001-132

ORDINANCE AMENDING THE FY 2000 CDBG FORMULA GRANT, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda.

PUBLIC HEARING:

President Kochheiser opened the public hearing. There be no persons to speak in favor of or against the legislation, President Kochheiser declared the public hearing closed.

Mrs. Blevins moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mrs. Blevins moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

ORDINANCE NO. 2001-133

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FINDLEY FIRE TO PURCHASE RESCUE EQUIPMENT FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY, AS AMENDED.

Mr. Cumston moved to add the legislation to the agenda with Mr. Thomas seconding and Mr. Schertzer providing the third. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance added to the agenda.

Mr. Cumston moved to amend to remove all vendors except Findley Fire and to modify the amount necessary with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance Amended.

The legislation's title was read into the record as amended. There was a 3-0 vote from the Finance Committee to place on the agenda.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 36148

Edison Middle School – Cafeteria at 7:30 p.m. on October 8, 2001, Page Four

Held

(YEAR)

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

Matters not on the Agenda – Mr. Thomas inquired as to the security badges and how that would affect council. Mr. Osborn advised that the members could stop and get an employee pass or if they come into the building during the day and forget their pass they will be issued a visitors pass. Mr. Schertzer thanked the group of Pakistani Doctors who banded together and raise money for the families of the victims in New York.

Committee Dates –

October 8, 2001

6:00 p.m. Traffic Commission

6:15 p.m. Legislation, Codes & Regulations

6:30 p.m. Finance

7:00 p.m. Joint Committee of Municipal Services and Airport, Lands & Buildings.

7:15 p.m. Select Committee

With no further business to come before council, President Kochheiser adjourned the meeting.



Mr. Keith Kochheiser
PRESIDENT OF COUNCIL



Cathy A. Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Baker Middle School – Cafeteria at 7:30 p.m. on October 22, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – Reverend David Carlyle, Fite Memorial Baptist Church

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – October 8, 2001.

Mr. Cumston moved to accept the summary of proceedings for October 8, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR OCTOBER 8, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-122

ORDINANCE CREATING AND ENACTING SECTION 750.12 WITHIN THE EXISTING PEDDLERS, CANVASSERS AND SOLICITORS REQUIREMENTS OF CHAPTER 750, PART SEVEN – BUSINESS REGULATION CODE OF THE MARION CITY CODE.

The legislation's title received its third reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda. Mr. Schertzer stated that this legislation will strengthen the current code.

Mr. Schertzer moved to adopt with Mrs. Pinnick seconding. Mrs. Davis inquired as to the form to sign up. Mr. Osborn advised that he will be asking for the form to be published in the newspaper. Mr. Cumston stated that he would like to see some of the members not sign up on the list so that they can help to monitor the solicitors and that if the person has no proper identification that the police department is contacted.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

New Business:

RESOLUTION NO. 2001-42

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$51,000.00 TO THE WIC FUND FROM THE HEALTH FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

RESOLUTION NO. 2001-43

A 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 AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Baker Middle School – Cafeteria at 7:30 p.m. on October 22, 2001, Page Two

Filed _____

(YEAR)

Mr. Thomas move to add the Resolution be added to the agenda. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared that legislation added to the agenda.

The legislations title received its first reading. There was a 2-0 vote from the Streets & Sewers Committee to place on the agenda.

Mr. Thomas moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared rules of council suspended.

Mr. Thomas moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-134

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE AUTOMOBILE PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, DECLARING IT TO BE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE.

This item was added to the agenda by Mayor Kellogg. Mayor Kellogg requested that the legislation be removed from the agenda as it was not needed.

Whereupon, President Kochheiser advised that the item was removed from the agenda.

ORDINANCE NO. 2001-135

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE AUTOMOBILE PREVIOUSLY UTILIZED BY THE FIRE DEPARTMENT, DECLARING IT TO BE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-136

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Baker Middle School – Cafeteria at 7:30 p.m. on October 22, 2001, Page Three

(YEAR)

ORDINANCE NO. 2001-137

ORDINANCE APPROVING THE PURCHASE OF A USED PICKUP TRUCK FOR USE BY THE PARKS DEPARTMENT.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-138

ORDINANCE APPROVING THE PURCHASE OF ONE TELEPHONE SYSTEM FROM MACKAY TELEPHONE FOR USE AT THE SENIOR CENTER.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-139

ORDINANCE APPROVING THE QUARRY PARK IMPROVEMENT PLAN SUBJECT TO FURTHER CHANGES AND AMENDMENTS THERETO, AUTHORIZING THE PREPARATION OF SPECIFICATIONS AND GOING OUT FOR BID ON THOSE ITEMS CONTAINED WITHIN PHASE I, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 6-0 vote from the Joint Municipal Services, Parks & Recreation and Airport, Lands & Buildings Committee. Mr. Cumston advised that there would be a public hearing held on November 26, 2001 and encouraged public input for the park.

Matters not on the Agenda – Mrs. Pat Jacobs, 1024 Virginia Avenue advised that she was very upset with the QuQua Ditch cleaning. She stated that she is disgusted and discouraged with the process and that her property has lost value of \$15,000 to \$20,000 with the trees being removed. Mrs. Jacobs stated that her driveway is being partially torn out and that with she inquired about the cleaning she was told it would be trolled out, then she was told that there would be a few trees removed and now she is told they can only keep two trees. Mrs. Jacobs said that the county told her that the City decided it was time to clean the ditch and that they had no control over the cleaning. She further stated that this cleaning will upset the ecology and now the woodpeckers are pecking her home. She stated that she has spoke to two attorneys who say that she has a good case against the city. She had also said that she has lived on Virginia Avenue for 22 years with no flooding and she is seeking compensation for her loss. She asked who was going to take care of her driveway that she and her husband put in with over 60 ton of stone to the meet the requirements. She asked how the members would feel if it were them and stated that the citizens deserve answers. Mrs. Jacobs further stated that Mr. Frayer and Mr. Applefeller were the only ones who came out.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Baker Middle School – Cafeteria at 7:30 p.m. on October 22, 2001, Page Four

Field

(YEAR)

Mayor Kellogg asked if Mrs. Jacobs lived in the County. She stated she did and that she was told the city controls this issue. Mr. Russell advised that the City did petition for the cleaning of the ditch and that several people have met to examine the ditch including himself and Mr. Carlyle and Mr. Osborn. Mr. Russell stated that the property body for the issue is the Ditch Commission which consists of Mr. John Thiel, Mr. Andy Applefeller and Mr. Ken Frayer. Mr. Russell further stated that they are the members of the entity that do make the decisions on the ditch and that the residents do have certain appeals that they can pursue.

Mr. Kochheiser stated that the City did try to have representation on the commission but that was not possible because of the statute. Dr. Gilsdorf stated that the city has done all it can but that he did question why on Forest Lawn Blvd., the sanitary sewer line goes thru the storm water line. Dr. Gilsdorf stated he agrees with Mrs. Jacobs and that no one specified how the ditch was going to be cleaned.

Mr. Cumston stated that twice the city had tried to withhold the funding for the project and that this same matter was on the agenda three or four years ago. He stated that at that time he asked for a representative of the city to be on the committee but to avail. Mr. John Simmermon, 940 Cambridge, spoke to the members and stated that he thought the ditch cleaning was being done in good faith until he received a letter from Mr. Russell which stated the Ohio Revised Code placed the ditch cleaning in the hands of the Commissioners and that the commissioners say the cleaning is a city decision and not theirs. Mr. Simmermon also stated that with the cleaning it was to be bank to bank and not taking his property. Mr. Thomas stated that the Ditch Commission has the authority and not city council. Mr. Russell stated that the letter Mr. Simmermon is referring to resulted from a site visit and that his letter was recommendations to the commission and that he asked the commission to adopt some policies. Mr. Russell stated that the commission did not adopt these policies and no formal action was taken by the Commission.

Mrs. Davis stated that she understands bank to bank to mean just that and not the 15 feet on each side or more. She stated that what she has seen of the ditch cleaning is different and that she is sorry for what has happened. Mrs. Davis suggested that there is a meeting with the commissioners to address the matter. Mrs. Jacobs stated that she is being misled by so many people and asked for the clearing to be stopped until this is worked out and that she would like to see some monetary reimbursement for her loss. She also requested that the ditch is tiled so that this will not happen in the future. Dr. Gilsdorf stated that there is a tremendous misunderstanding with Floyd Brown and that there are problems. He asked what could be done. Mr. Kochheiser stated that the discussions seem to be going in circles and advised that the residents should go to the commissioners meetings to address the problems. Dr. Gilsdorf asked when the line was put in on Forest Lawn Drive. Mr. Carlyle advised that it was done 30 to 35 years ago and the costs of replacing and correcting the area would be about two to three million dollars. He stated that there is very little or no erosion of the ditch and that the clearing of debris is what is taking place. Mr. Carlyle advised that the ditch will not need this type of clearing in the future as there is a maintenance fund for the ditch. Mr. Schertzer asked that Mr. Russell and Mr. Carlyle attend the County Commissioners meeting with the residents. Mr. Russell and Mr. Carlyle advised they would. Mr. Phil Leedom, 800 Cambridge Drive expressed his displeasure with the ditch clearing and stated that his home value is decreasing with this type of clearing.

Mrs. Simmermon stated that she felt the council and city has looked the other way with the problems and was very upset with the clearing. Mrs. Blevins stated that this council tried to have representation and tried to stop the payment of the funds but could not do so with the state statute the way it is. Mrs. Blevins further stated the city has gone out it their way to protect the residents. Mr. Thomas advised that the contract for the ditch cleaning was not approved by city council it was approved and entered into by the County.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Baker Middle School – Cafeteria at 7:30 p.m. on October 22, 2001, Page Five

(YEAR)

Committee Dates –

October 22, 2001

6:15 p.m. Legislation, Codes & Regulations

6:30 p.m. Finance

7:15 p.m. Select Committee

With no further business to come before council, President Kochheiser adjourned the meeting.



Mr. Keith Kochheiser
PRESIDENT OF COUNCIL



Cathy A. Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Taft Middle School – Gym at 7:30 p.m. on November 12, 2001

(YEAR)

ROLL CALL – Eight Members Answered – Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

Mr. Cumston moved to excuse Mr. Hatch with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared Mr. Hatch excused.

PRAYER – Reverend Vicar Brett Cornelius – Gethsemane Lutheran Church

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – October 22, 2001.

Mr. Cumston moved to accept the summary of proceedings for October 22, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR OCTOBER 22, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-139

ORDINANCE APPROVING THE QUARRY PARK IMPROVEMENT PLAN SUBJECT TO FURTHER CHANGES AND AMENDMENTS THERETO, AUTHORIZING THE PREPARATION OF SPECIFICATIONS AND GOING OUT FOR BID ON THOSE ITEMS CONTAINED WITHIN PHASE I, AND DECLARING AN EMERGENCY.

The legislations title received its second reading. There was a 6-0 vote from the Joint Municipal Services, Parks & Recreation and Airport, Lands & Buildings Committee. Mr. Cumston advised that there would be a public hearing held on November 26, 2001.

New Business:

RESOLUTION NO. 2001-44

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$5,000.00 IN CASH ADVANCES TO THE DROP-IN PROGRAM FUND FROM THE GENERAL FUND.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2001-45

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$10,000.00 IN ADVANCES TO THE CHIP GRANT FUND FROM THE GENERAL FUND.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK INC., FORM NO. 10148

Held

Taft Middle School – Gym at 7:30 p.m. on November 12, 2001, Page Two

(YEAR)

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2001-46

RESOLUTION WHEREBY THE CITY OF MARION AGREES TO PROVIDE FIRE PROTECTION, POLICE PROTECTION, STREET MAINTENANCE AND ALL OTHER ORDINARY CITY SERVICES PROVIDED WITHIN THE BOUNDARIES OF THE CITY OF MARION, TO THE PROPOSED TERRITORY FOR ANNEXATION TO THE CITY, LOCATED SOUTH OF THE CITY OF MARION, CONTAINING 26.877 ACRES, MORE OR LESS AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer advised that this resolution merely asks if the city can provide services to the territory and that this would state the answer is yes. Mr. Schertzer asked if the development would include the city sewer. Mr. Ted McKinniss, agent for the owner, stated that the city sewer is closer than the county but that there has been no final determinations made at this time. Mr. Thomas stated that it was his understanding that once the land is annexed they owner must tap in under an Ordinance that was passed three or four years ago. Mayor Kellogg advised that was correct. Mr. Schertzer stated that one of the questions that someone had asked is if the land was contiguous to the city and that the answer again was yes it is contiguous. Mr. Schertzer asked what the developers plan to do with the land. Mr. McKinniss advised that at this time there are no plans and that the current zoning is not commercial zoning in which they may address at a later date. Mr. Schertzer asked Mr. Russell why these types of Ordinances have the emergency clause included. Mr. Russell stated that there are no statutory requirements however, the main reason for adding the emergency clause is that there would be no time left if the Ordinance received three readings and then had to wait an additional thirty days to become effective. Mr. Schertzer advised that with the new state law taking effect there have been no rush on annexation petitions and that this is the only one that came forward.

Mr. Joe Dawson, Marion Township Trustee asked to speak before the council. Mr. Thomas moved to allow Mr. Dawson to speak with Mr. Cumston seconding. By a verbal vote all members voted in approval.

Mr. Dawson asked what constitutes an emergency resolution with the hearing in January. Mr. Russell advised that council determines what is and is not an emergency and in this case the hearing is set for January there would not be enough time for the Resolution to become effective prior to the hearing. Mr. Dawson asked what would create an island and would this parcel create such an island. Mayor Kellogg advised that this parcel would not create an island. There was a discussion on the exact location of the parcel being south of Barks Road, west of the QuQua and east of the Kroger property on Delaware Avenue.

Mr. Schertzer moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

ORDINANCE NO. 2001-140

ORDINANCE AMENDING MARION CODIFIED ORDINANCE SECTION 105 RESUBDIVIDING THE CITY INTO WARDS PURSUANT TO OHIO REVISED CODE 731.06, AND DECLARING AN EMERGENCY.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Taft Middle School – Gym at 7:30 p.m. on November 12, 2001, Page Three
Held _____, _____ (YEAR)

The legislations title received its first reading. There was a 2-1 vote from the Select Committee to place on the agenda. Mrs. Davis asked why the emergency clause is included on the Ordinance. Mr. Cumston stated that it is intended that the Ordinance would receive three readings. Dr. Gilsdorf asked Mr. Russell to provide an opinion on the seven ward proposal and asked why the copies have not been provided. Mr. Russell advised that he would submit a written opinion on the seven ward proposal but stated that there is not enough population to warrant a seventh ward. President Kochheiser advised that the colors did not come through on the maps but that they would be completed tomorrow.

Matters not on the Agenda – Mrs. Davis thanked everyone who took advantage of the no solicitors list and in signing up.

Committee Dates –

November 20, 2001

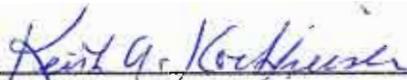
5:30 p.m. Jobs & Economic Development

5:45 p.m. Streets & Sewers

6:00 p.m. Legislation, Codes & Regulations

6:30 p.m. Finance

With no further business to come before council, President Kochheiser adjourned the meeting.


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL


Cathy A. Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on November 26, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – Reverend David Cottrell, Oakland United Methodist Church

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – November 12, 2001.

Mr. Cumston moved to accept the summary of proceedings for November 12, 2001 with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR November 12, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-139

ORDINANCE APPROVING THE QUARRY PARK IMPROVEMENT PLAN SUBJECT TO FURTHER CHANGES AND AMENDMENTS THERETO, AUTHORIZING THE PREPARATION OF SPECIFICATIONS AND GOING OUT FOR BID ON THOSE ITEMS CONTAINED WITHIN PHASE I, AND DECLARING AN EMERGENCY.

The legislation's title received its third reading. There was a 6-0 vote from the Joint Municipal Services, Parks & Recreation and Airport, Lands & Buildings Committee.

President Kochheiser opened the matter for public hearing. There being no persons to speak, President Kochheiser closed the public hearing.

Mr. Cumston thanked the administration and everyone who worked on the project. Mr. Chapman advised that if there are any persons wishing to donate any items they should contact the Mayor or Safety/Service.

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-140

ORDINANCE AMENDING MARION CODIFIED ORDINANCE SECTION 105 RESUBDIVIDING THE CITY INTO WARDS PURSUANT TO OHIO REVISED CODE 731.06, AND DECLARING AN EMERGENCY.

The legislation's title received its second reading. There was a 2-1 vote from the Select Committee to place on the agenda. Mr. Cumston requested a seconding reading.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS SECOND READING.

New Business:

ORDINANCE NO. 2001-141

ORDINANCE ACCEPTING THE PLAT OF HENSEL/ZACHMAN DEVELOPMENT COMPANY, FOR THE EXTENSION OF VILLANDRY DRIVE TO THE CITY OF MARION, OHIO BEING A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, IN THE CITY OF MARION, COUNTY OF MARION, STATE OF OHIO AND CONFIRMING THE DEDICATION OF THE STREET THEREIN, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 19146

City Hall - Council Chambers at 7:30 p.m. on November 26, 2001, Page Two

Held _____,

(YEAR)

Mr. Thomas moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mrs. Blevins moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-142

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE ORIGINAL MATTRESS FACTORY TO PURCHASE 58 MATTRESSES FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Russell advised the members that with this Ordinance Mr. Cramer has advised that the account numbers are incorrect and that there is a clerical correction necessary. With the correction made, Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-143

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THACKER'S CUSTOM METALWORKS, INC. TO PURCHASE AND INSTALL A BACK STAIRWAY FOR STATION #1 FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Russell advised the members that with this Ordinance Mr. Cramer has advised that the account numbers are incorrect and that there is a clerical correction necessary. With the correction made, Mr. Cumston moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-144

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on November 26, 2001, Page Three

(YEAR)

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2001-145

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

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

Matters not on the Agenda – Dr. Gilsdorf stated that he has had some residents of the 6th ward contact him to ask why the council meetings have not been on the TV and that he spoke with Mr. Johnston at the school which stated that he has not received any tapes since September 18th. The Clerk of Council advised that there was a computer crash on her home system that she was producing the tapes from and that it should be up and running soon. She further advised that the last date was the November meetings and that she would contact Mr. Johnston. Mrs. Davis asked why they were not notified that this was happening and that she does not get Adelphia but that she has asked about the meetings and people have not been able to find them. Mr. Kochheiser stated that there were a few things that happened with the taping and getting them aired and some of the problems were: the computer problems; when the tapes are taken directly to the school and sometimes they would be on break or have other items scheduled; the school felt that some additional editing was needed and that these problems should be corrected soon and apologized for any inconvenience to the members and community.

Committee Dates –

- December 3, 2001
- 5:30 p.m. Public Utilities
- 5:45 p.m. Jobs & Economic Development
- 6:00 p.m. Streets & Sewers
- 6:15 p.m. Legislation, Codes & Regulations
- 6:30 p.m. Finance
- 6:45 p.m. Municipal Services, Parks & Recreation

With no further business to come before council, President Kochheiser adjourned the meeting.


Cathy A. Chaffin
CLERK OF COUNCIL


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held City Hall – Council Chambers at 7:30 p.m. on December 10, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – Reverend Tim Delehanty

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – November 26, 2001.

Mr. Cumston moved to accept the summary of proceedings for November 26, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR NOVEMBER 26, 2001 APPROVED.

Old Business:

ORDINANCE NO. 2001-140

ORDINANCE AMENDING MARION CODIFIED ORDINANCE SECTION 105 RESUBDIVIDING THE CITY INTO WARDS PURSUANT TO OHIO REVISED CODE 731.06, AND DECLARING AN EMERGENCY.

The legislations title received its third reading. There was a 2-1 vote from the Select Committee to place on the agenda.

Mr. Cumston moved to approve with Mrs. Pinnick seconding. The roll call vote was: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman, Dr. Gilsdorf, Mrs. Davis.

Whereupon, President Kochheiser declared the Ordinance adopted.

Mr. Chapman asked to discuss the Ordinance. President Kochheiser advised that this was third reading with no further discussion.

New Business:

RESOLUTION NO. 2001-47

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF LINDA WILLIAMS TO SERVE AS A MEMBER OF THE MARION CITY HEALTH BOARD, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. Mayor Kellogg added this item to the Agenda. Mayor Kellogg advised the members that Ms. Williams is an RN and an outstanding member of the board.

Mr. Cumston moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

RESOLUTION NO. 2001-48

RESOLUTION AUTHORIZING THE CITY AUDITOR TO ADVANCE UP TO \$50,000.00 TO THE COPS FAST FUND FROM THE GENERAL FUND.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Held City Hall – Council Chambers at 7:30 p.m. on December 10, 2001, Page Two

(YEAR)

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

RESOLUTION NO. 2001-49

RESOLUTION AUTHORIZING THE CITY AUDITOR TO ADVANCE UP TO \$600,000.00 TO THE AIRPORT INDUSTRIAL PARK FUND FROM THE GENERAL FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

RESOLUTION NO. 2001-50

RESOLUTION APPOINTING THE CHAIRPERSON OF THE JOBS AND ECONOMIC DEVELOPMENT COMMITTEE TO SERVE AS A STANDING MEMBER OF THE "COMMUNITY REINVESTMENT AREA HOUSING COUNCIL".

The legislation's title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda.

Mrs. Blevins moved to amend the Resolution to add "or their designee" with Mr. Thomas seconding. Mrs. Davis asked if this was to be a member of the committee. Mrs. Blevins advised that it was.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution amended. The legislation's title was read as amended.

Dr. Gilsdorf moved to amend to the Resolution to include "or their designee of the committee" with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution amended. The legislation's title was read as amended.

Mr. Thomas moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mrs. Blevins moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted as amended.

RESOLUTION NO. 2001-51

RESOLUTION APPOINTING JOHN DEVORE TO SERVE AS A MEMBER OF THE "COMMUNITY REINVESTMENT AREA HOUSING COUNCIL".

The legislation's title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda.

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Held _____ (YEAR)

Mrs. Blevins moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mrs. Blevins moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

ORDINANCE NO. 2001-146

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF THREE (3) POLICE VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that this will allow for the spec and bid for the 2002 capital improvements.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-147

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A USED 25 YARD PACKER FOR THE SANITATION DEPARTMENT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-148

ORDINANCE ACCEPTING THE PROPOSAL OF CSXT FOR THE CLOSURE OF A CERTAIN GRADE CROSSING IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas asked for a first reading. Mr. Thomas moved to open the matter for discussion with Mrs. Blevins seconding.

Whereupon, President Kochheiser declared the legislation open for discussion.

Mr. Thomas asked Mr. Carlyle to explain the exact location of the crossing that is to be removed. Mr. Thomas stated that he visited the area and that his map shows that the crossing is beside the sporting goods store on North Main with the crossing running north to south between the two sets of tracks. Mr. Carlyle stated that the location described is the location and that the area that appears to be an alley is the Railroads right of way. However, he stated that the railroad has agreed to pave the area which is 12 to 15 feet wide.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on December 10, 2001, Page Four

(YEAR)

Mr. Thomas stated that it does appear that this crossing is the only access point to the rear of the buildings. Mr. Carlyle stated that is correct and that is why the railroad is willing to pave the area to allow for access.

Mr. Richard Simpkins, 282 Parkview stated that he is the owner of the building located at 174 North Main Street. He said that the alley runs north to south and east to west is the railroad right of way. He said that it appears as if they are trying to take this away. Mr. Carlyle stated that most of all the east/west alleys are owned by the railroad. Mr. Simpkins advocated strongly against the closing of the crossing as it would prohibit access to the rear of his property for fuel and delivery. Mr. Simpkins said that UPS uses this along with the bait trucks that supply his store. He said it is hard enough to business in Marion and does not want the area closed and that he does not want any changes. Dr. Gilsdorf stated that he heard in committee that if the city does not approve this they would close it anyway. Mr. Carlyle stated that is correct and that railroad has targeted the area for closure. He stated that if the city does not agree they will close the area and that the city would bear the costs of the crossing gates on Kellogg Parkway. He further stated that there is access and the turning radius is enough for deliveries in the alley.

There being no further discussion, President Kochheiser declared the Ordinance received its first reading.

ORDINANCE NO. 2001-149

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT FOR THE INSTALLATION OF CROSSING GATES CONCURRENT WITH THE CLOSURE OF RAILROAD CROSSING (518-420P), AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas asked for a first reading.

Whereupon, President Kochheiser declared the Ordinance received its first reading.

ORDINANCE NO. 2001-150

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CITY TELECOMMUNICATIONS CONSULTANTS, LTD.

The legislation's title received its first reading. There was a 3-0 vote from the Public Utilities Committee to place on the agenda. Mr. Hatch asked for a first reading.

Mr. Hatch moved to open the legislation for discussion with Mr. Thomas seconding.

Whereupon, President Kochheiser declared the Ordinance open for discussion.

Mr. Russell advised the Mr. Haney with City Telecommunications Consultants was here this evening to speak to the members. Mr. Haney stated that he was the managing principal of the company and that the firm is six years old. He stated that they represent communities in negotiations for the cable franchise agreements. Currently Adelphia is owned by the Regis Family who have recently acquired quite a few cable companies. He stated that the largest cable provider is Time Warner and that they will be a player in Ohio. He said that the current agreement expires in November of 2004 with a 3 year window of negotiations with the first six months being the most critical. He said that most important things should be asked such as: will there be high speed data transfer; when; will there be 750 megahertz and when; what amount will the city receive of the subscriber base. He stated that the first thing to do is a needs assessment. Mr. Cumston asked what is the cost. Mr. Haney said \$19,900 for the total package including the needs assessment. Mr. Russell advised that he does have the contract and would make it available to the members. Mr. Cumston asked what the return on the investment would be. Mr. Haney provided an example for the city of Newark they received an additional \$50,000 grant and increased percentage of franchise. Mr. Hatch asked that if through this process the city can have an impact on the rates. Mr. Haney advised that the city can but that they cannot regulate rates.

There being no further discussion, President Kochheiser declared the legislation received its first reading.

City Hall – Council Chambers at 7:30 p.m. on December 10, 2001, Page Five

Held _____

(YEAR)

ORDINANCE NO. 2001-151

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

The legislations title received its first reading. There was a 3-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-152

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-153

ORDINANCE VACATING CERTAIN UNIMPROVED PORTIONS OF CLINTON STREET WITHIN THE CITY OF MARION, OHIO BY COUNCIL PURSUANT TO OHIO REVISED CODE.

The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mr. Russell advised that at this time he would request a first reading as the legal description is not completed at this time. Mr. Thomas requested that the legislation receive its first reading.

Whereupon, President Kochheiser declared the legislation received its first reading.

Matters not on the Agenda – Mr. Schertzer asked Mr. Osborn about the manhole covers on Center Street if they are at the level they should be or if there would be more adjustments. Mr. Osborn advised they are completed and if there are some that needed looked at they will check. Mr. Schertzer asked on the Delaware Avenue sidewalks he had received many positive comments but that in the island at Vernon Heights and Delaware if this would be receiving a sidewalk. Mr. Osborn advised it would not. Mr. Schertzer asked if the light at the intersection of Fairground and Lincoln Park if after dark when the park is closed if the light could be turned to a flashing light. Mr. Osborn advised that he would look at the signal to see if this could be accomplished.

Mr. Russell advised that the PUCO will be holding a public hearing in Marion on the Water Companies rate increase request on December 13, 2001 7:00 p.m. in council chambers. Mr. Russell encouraged everyone to attend.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held City Hall – Council Chambers at 7:30 p.m. on December 10, 2001, Page Six

(YEAR)

Committee Dates –

December 18, 2001
5:30 p.m. Jobs & Economic Development
5:45 p.m. Traffic Commission
6:00 p.m. Legislation, Codes & Regulations
6:30 p.m. Finance

With no further business to come before council, President Kochheiser adjourned the meeting.



Mr. Keith Kochheiser
PRESIDENT OF COUNCIL



Cathy A. Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS

0367

Minutes of **MARION CITY COUNCIL, SPECIAL MEETING**

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10748

Held City Hall – Council Chambers at 5:30 p.m. on December 21, 2001

(YEAR)

ROLL CALL – Six Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer.

Mr. Cumston moved to excuse Mr. Chapman, Dr. Gilsdorf and Mrs. Davis with Mr. Hatch seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MR. CHAPMAN, DR. GISLDORF AND MRS. DAVIS EXCUSED.

Mr. Schertzer made a Motion to move the regularly scheduled meeting from December 24, 2001 until December 26, 2001 at 7:30 p.m. as the regular meeting. Mr. Thomas seconded.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE REGULARLY SCHEDULED MEETING MOVED UNTIL DECEMBER 26, 2001 AT 7:30 P.M. AS THE REGULAR MEETING.

With no further business, President Kochheiser adjourned the meeting.

Keith A. Kochheiser

Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy A. Chaffin

Cathy A. Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0357

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on December 26, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – The invocation was led by Irene Sprague.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – December 10, 2001.

Mr. Cumston moved to accept the summary of proceedings for November 10, 2001 with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR DECEMBER 10, 2001 APPROVED.

Old Business:

COMMUNICATION FROM MAYOR KELLOGG TO COUNCIL REGARDING HIS VETO OF THE FOLLOWING ORDINANCE: ORDINANCE NO. 2001-140 ORDINANCE AMENDING MARION CODIFIED ORDINANCE SECTION 105 RESUBDIVIDING THE CITY INTO WARDS PURSUANT TO OHIO REVISED CODE 731.06, AND DECLARING AN EMERGENCY.

Mayor Kellogg read his veto to the members of council. Said veto is attached hereto and made a part hereof.

Mr. Thomas moved to hold a special meeting in Council Chambers on December 27, 2001 at 7:45 p.m. for reconsideration of Ordinance 2001-140 and/or override of the Mayor's Veto. Mr. Schertzer seconded with Mr. Hatch providing the third.

Mrs. Davis requested a point of order on the notice requirements of 24 hours for the special meeting. Personal notification was served upon the members by the Clerk at 7:37 p.m.

ORDINANCE NO. 2001-148

ORDINANCE ACCEPTING THE PROPOSAL OF CSXT FOR THE CLOSURE OF A CERTAIN GRADE CROSSING IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

The legislation's title received its second reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mr. Thomas advised the members that he met with several individuals in the area and that the only way for delivery to the businesses is across the tracks. He said that the area proposed to be paved is the railroad right of way and that he would encourage the members to vote no. Mr. Schertzer stated that he agreed with Mr. Thomas and that he spent time on the issue and that he would like to see the rail crossing remain open. Mayor Kellogg advised that he does agree with the turning down of the ordinance. Mrs. Davis asked if the council has the final say and if not would council still have a say. Mr. Carlyle advised that the rail commission could petition the PUICO to close the crossing and that the city would be notified of the proceedings.

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Thomas moved to adopt with Mrs. Pinnick seconding. The roll call vote was: YEAS: None. NAYS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

Whereupon, President Kochheiser declared the Ordinance defeated.

ORDINANCE NO. 2001-149

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT FOR THE INSTALLATION OF CROSSING GATES CONCURRENT WITH THE CLOSURE OF RAILROAD CROSSING (518-420P), AND DECLARING AN EMERGENCY.

Held City Hall – Council Chambers at 7:30 p.m. on December 26, 2001, Page Two

(YEAR)

The legislations title received its second reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

Mr. Cumston asked that since this is a concurrent Ordinance with Ordinance No. 2001-148, if this should be voted down also. Mayor Kellogg said yes. Mr. Thomas advised that if anything needs to be done at this crossing, crossbars should be sufficient and that he is not sure there is a need for anything at this time.

Mr. Thomas moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Thomas moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: None. NAYS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

Whereupon, President Kochheiser declared the Ordinance defeated.

ORDINANCE NO. 2001-150

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CITY TELECOMMUNICATIONS CONSULTANTS, LTD.

The legislations title received its second reading. There was a 3-0 vote from the Public Utilities Committee to place on the agenda. Mr. Cumston moved to open the matter for discussion with Dr. Gilsdorf seconding. By a verbal vote all members voted in approval.

Mr. Cumston advised that Karen Gaspard from Adelpia Cable was here to speak with the members. She touched on a few main points: 1) Whatever the city wants they can negotiate; 2) Adelpia has already designed the facility upgrades and whether the franchise agreement is extended or not they plan to upgrade; 3) they are not using the rebuild to get the franchise; 4) they will be offering cable modems; 5) two way capable with fiber optic and 6) Adelpia does not build institutional networks for free or pay consultant fees.

Dr. Gilsdorf said that he agrees with hiring consultant but he is not sure with the only person presented to council. Mr. Cumston asked Ms. Gaspard to define institutional network. Ms. Gaspard said that it was tying all the city departments and buildings together but that the company could not do it for free. Mr. Hatch asked how the new system compares to the present digital cable. Ms. Gaspard advised that with the rebuild the cable will be at 750 mhz and that they will offer both digital and analog channels. However, they will not be the same but that they would be expanding the channel line up. Mr. Cumston asked if the company would still be wiring the boxes to other equipment in the homes. Ms. Gaspard advised they would.

There being no further discussion, President Kochheiser declared the legislation received its second reading.

ORDINANCE NO. 2001-153

ORDINANCE VACATING CERTAIN UNIMPROVED PORTIONS OF CLINTON STREET WITHIN THE CITY OF MARION, OHIO BY COUNCIL PURSUANT TO OHIO REVISED CODE.

The legislations title received its second reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas requested a second reading.

Whereupon, President Kochheiser declared the legislation received its second reading.

New Business:

RESOLUTION NO. 2001-53

RESOLUTION CONFIRMING THE RE-APPOINTMENT , BY THE MAYOR, OF MELANIE PAYNE TO SERVE AS A MEMBER OF THE MARION CITY RECREATION BOARD, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. Mayor Kellogg added this item to the agenda. He advised that Melanie Payne has served last year to fill an unexpired term and now that term is expired and he would ask that she be reappointed to the board.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

0359

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on December 26, 2001, Page Three

Mr. Cumston moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

RESOLUTION NO. 2001-54

RESOLUTION RECOMMENDING THAT THE MARION COUNTY BOARD OF COMMISSIONERS ASSIGN ALL PREVIOUS TAX ABATEMENTS IN EFFECT EXECUTED BY DRYPERS CORPORATION AT 333 JOSEPH STREET TO ASSOCIATED HYGENIC PRODUCTS LLC (HEREINAFTER AHP), TO ALSO AMEND AGREEMENT #6, SIGNED MARCH 9, 2000, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Lengieza advised that Mr. Wheat from AHP is present tonight if there are any questions. Mr. Thomas asked if the figures on the sheet are starting wages and what the top pay would be. Mr. Wheat advised they were and that top pay ranges from \$2.00 to \$4.00. Mr. Thomas asked about the amount of time it takes to reach top pay. Mr. Wheat advised that they are reviewed and on average six months to one year they are increased. Mr. Thomas asked about the temporary employees and if they will be used now. Mr. Wheat advised that there are a few temporary employees used at this time and that it is used as a screening process. Mr. Thomas asked what the benefits are for the employees. Mr. Wheat advised that they receive paid health, with a co-pay; paid holidays; vacations; and a 401K plan. Mr. Hatch inquired as to the outlook on receiving the additional two lines from Georgia. Mr. Wheat said that each facility is lobbying and they will do what they can to bring the additional lines.

Mrs. Blevins moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mrs. Blevins moved to adopt with Mr. Chapman seconding.

Mr. Thomas thanked AHP and Mr. Lengieza for the information provided.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

RESOLUTION NO. 2001-55

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$122,000.00 IN ADVANCES TO THE FORMULA GRANT FUND FROM THE GENERAL FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that the funds did arrive and that he would ask the members to vote down the resolution.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: None NAYS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

Whereupon, President Kochheiser declared the Resolution defeated.

Held City Hall – Council Chambers at 7:30 p.m. on December 26, 2001, Page Four, (YEAR)

RESOLUTION NO. 2001-56

RESOLUTION AUTHORIZING THE CITY AUDITOR TO ADVANCE UP TO \$210,000.00 TO THE AIRPORT INDUSTRIAL PARK FUND FROM THE GENERAL FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

ORDINANCE NO. 2001-154

ORDINANCE AMENDING SECTION 905.01 PLANTING TREES IN THE STREET LAWN AS CONTAINED WITHIN PART NINE OF THE MARION CITY CODE.

The legislation's title received its first reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda. Mr. Schertzer advised the members that there will be a modest fee charged to make sure the city is okay with the tree lawn planting. Mrs. Davis asked how do we get this out to the public that this is taking effect. Mr. Osborn advised that it is difficult to get the message to everyone, but there are mailers that are sent out and inspectors notify his office when this is taking place.

Mr. Schertzer moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Hatch.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Hatch.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-155

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2001.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-156

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

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0365

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16148

City Hall – Council Chambers at 7:30 p.m. on December 26, 2001, Page Five

(YEAR)

Mr. Cumston moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-157

ORDINANCE AMENDING SECTION 1360.09 FIRE DAMAGED STRUCTURES; INSURANCE PROCEEDS WITHIN THE MARION CITY CODE TO MAKE SAME COMPATIBLE WITH PREVIOUS MODIFICATIONS.

The legislation's title received its first reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

Mr. Schertzer advised the members that three years ago council strengthened the Ordinance and this does the same. Mr. Cumston requested that the legislation receive a first reading to make sure that there is adequate public input.

Whereupon, President Kochheiser declared the legislation received its first reading.

ORDINANCE NO. 2001-158

ORDINANCE CONSENTING TO AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ALLOW CONSTRUCTION OF A NEW, APPROXIMATELY 1,300 SQUARE FOOT STRUCTURE, TO BE ATTACHED TO THE EXISTING MARION GENERAL HOSPITAL AND FURTHER CONSENTING TO THE SUBLEASE OF THE STRUCTURE AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Airport, Lands & Buildings Committee to place on the agenda. Mrs. Pinnick advised the members that this new structure would be built to accommodate the new MRI.

Mrs. Pinnick moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mr. Schertzer. NAYS: Dr. Gilsdorf, Mrs. Davis.

Whereupon, President Kochheiser declared the rules of council suspended.

Mrs. Pinnick moved to adopt with Mr. Thomas seconding.

Mr. Thomas advised that this was only a movement of the location and council gave permission once the structure is built and that he saw no big problem with the Ordinance. Mr. Hatch advised that he has some concerns about the terms of lease and ownership. He asked Mr. Russell if there are protections. Mr. Thomas said that it is his understanding that any monies for the building now becomes part of the lease and back to the city. Mr. Russell said that to clarify the structure will become a fixture and it will remain with Marion General Hospital. Dr. Gilsdorf said that in April of this year, at that time, the minutes said that the Hospital will do it anyway without council approval and that he does not think the issue is settled.

Mrs. Davis said that she is concerned about it along with the monies spent. She said that she would like to see it in writing that this is part of the hospital and that the city has control. President Kochheiser said that he would assume that Mr. Russell has reviewed the document. Mr. Russell advised that with this passing, the council needs to have faith in the Mayor and Mr. Russell to execute the document with the concerns in mind. Mr. Hatch advised that his intent was to allow for coverage and not to oppose the MRI.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mr. Schertzer. NAYS: Dr. Gilsdorf, Mrs. Davis.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2001-159

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, TO ACCOUNT FOR AND ESTABLISH VARIOUS POSITIONS WITHIN THE RECREATION DEPARTMENT, MARION AREA TRANSIT AND THE SENIOR CENTER, AND TO PROVIDE JOB DESCRIPTIONS THEREFORE FOR THE CITY OF MARION.

The legislation's title received its first reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda. Mr. Schertzer advised the members that Mr. Pyles had revised the descriptions pursuant to the prior Ordinance.

Held City Hall – Council Chambers at 7:30 p.m. on December 26, 2001, Page Six

(YEAR)

Mr. Schertzer moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

Matters not on the Agenda – Mr. Richard Meadows spoke to the members. He said his concern is with the water and sewer bill rates. He said that the sewer in front of his property has standing water and the water is poor. Mr. Osborn asked Mr. Meadows to contact his office about the sewer. Mr. Meadows advised that he did contact Mr. Osborn two years ago and he would like to have the problem fixed. Mr. Osborn advised that he would get personally involved and have the problem rectified.

Mayor Kellogg thanked Mr. Hatch for his years of service and said that it was a pleasure working with Mr. Hatch. A round of applause was given. Mayor Kellogg also advised that he would like to call a special meeting on January 1, 2002 at 11:00 a.m. for the swearing in ceremony with the council meeting at 11:30 a.m. The purpose of the meeting is to address the appropriations for 2002, the Clerk of Council, the Clerk Pro Tempore, President Pro Tempore and to set committees if needed.

Mr. Thomas moved to waive the notice requirements with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

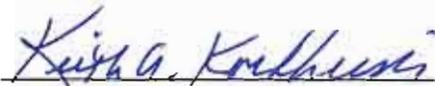
Whereupon, President Kochheiser declared the notice requirements pursuant to Rule 4 waived.

Committee Dates –

None.

With no further business to come before council, President Kochheiser adjourned the meeting.


 Cathy A. Chaffin
 CLERK OF COUNCIL


 Mr. Keith Kochheiser
 PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS

0369

Minutes of **MARION CITY COUNCIL, SPECIAL MEETING**

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:45 p.m. on December 27, 2001

(YEAR)

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

President Kochheiser advised that the agenda is the reconsideration of Ordinance No. 2001-140 and/or override of the Mayor's veto.

Mrs. Davis asked for a point of order and questioned that there was no prayer or pledge. President Kochheiser advised that these items do not take place at a special meeting.

Mrs. Davis advised that she had another point of order and wanted to ask Mr. Russell some questions she has pertaining to us being here. She said that she had read a letter that Mr. Russell had provided pursuant to the time frame for this meeting to take place. State statute rules that it should be after ten days and our rule 60 states within ten days. Mrs. Davis asked why, where and when we started changing state statutes. Mr. Russell advised that he has an easy response for this and that in his letter he wanted to give the authority for his opinion and that the home rule constitutional provisions, we can essential govern ourselves within our borders and there is no problem with this meeting. Mrs. Davis asked does the home rule not apply in charter cities and not in statutory cities. Every rule that we question is by state statute and every word in our Rule 60 is word for word except after ten days. She said that may be a typo or it may be some other reason why we did that when we recodified. Mr. Russell advised that it was pointed out earlier and that it is not a typo and that there is precedent for this and provided examples in 1991 and 1992 and it was the intent to have council rules to read within as opposed. Mr. Russell further advised that whatever challenges she wanted to pursue is fine, but this body is meeting properly.

Mr. Cumston moved to reconsider with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman, Dr. Gilsdorf, Mrs. Davis.

Mr. Chapman advised that he would like to take this opportunity to express his sincere concern for what is happening tonight. It is quite disheartening to see that this council has gotten this far on this issue and that the constituents of Marion should also be a little concerned that we have come to a special meeting to override the veto regarding the redrawing and redistricting of the wards in the city. He stated that what is happening due to partisan objective the constituents and citizens of this community are being harmed indirectly. He said when you take a look at the amount of displaced constituents being 2500 residents and that in his ward 40 to 45% of ward is being changed. He said that if every council member can say that is not a problem then so be it. Mr. Chapman did not think every member could say that. He said that he thinks it is very disheartening that the detriment of these citizens of our community, certain council members will vote in favor of overriding the Mayor's Veto will put our constituents at a disadvantage. He said he takes a look at what happened at the select committee and took a look at three maps that were developed by Regional Planning and disregarded. He said that this committee had drawn their own map which was not discussed with or approved by Regional Planning. He said the committee neglected the opinion of the expert. He said that they had looked past the opinion of the Mayor, who has given a lot to this community and he is disgusted that certain members have turned this issue into a partisan issue and have in the process caused harm to the constituents. Mr. Chapman asked the members to consider is this the best thing for the community. He said that a few of the members voting to override the veto will tell you there were three objectives: 1) open borders; 2) equal distribution; 3) split the prisons. He said that he came up with a map that met those objectives and was not considered. He said that he will vote with the Mayor and against the override.

Mr. Schertzer apologized that Mr. Chapman has a heavy heart on this issue and said that he agrees it should not be a political issue. These ward boundaries do not make any difference to Mr. Schertzer as he runs in the entire city. Mr. Schertzer said that this was the 11th hour and now Mr. Chapman has chosen to voice his objections. Mr. Schertzer said there has been three readings in front of this council and did not hear any objections to this ordinance. The last time that this was voted on there was nothing said. He said that council is the specialist here and that is the legislatures job and not Regional Planning's. The Clerk obtained a program for free from the Secretary of States

Held City Hall – Council Chambers at 7:45 p.m. on December 27, 2001, Page Two

(YEAR)

office versus the costs for Regional Planning expenditures for their program. Mr. Schertzer said that lets not forget its one man one vote whether you vote or not. We got the prison because we wanted it. We all agreed to not keep the prisons in one ward and split them between the first and second ward. With the prisons being located at the most northern section of Marion it caused a ripple effect. Lets not forget that the sixth ward is the fastest growing ward and that is why adjustments had to be made. The points that were brought up we did agree to split the prisons and to not land lock any wards. Mr. Schertzer further stated that if you will notice not one of the members sitting or elect were not drawn out of their ward compared to the State Legislature. The differences of population between each ward is .03%. This is the best proposal that was brought forward. Mr. Schertzer stated that Mr. Chapman's plan did not bring forward to the council for discussion. Mr. Schertzer further stated that he went to the Mayor and asked if there was any compromise and that if the Mayor had a proposal he would take it to the caucus, but no map was forthcoming. Mr. Schertzer advised that the other map that was brought forward suggested as seven ward council. He said that there is no perfect solution or map but this is the best and he would be voting for the override.

Mrs. Davis asked to allow the Mayor to speak next.

President Kochheiser advised that we have gotten out of order and that we need to dispense with that motion.

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman, Dr. Gilsdorf, Mrs. Davis.

Whereupon, President Kochheiser declared the Motion for Reconsideration approved.

Mr. Thomas moved to override the veto with Mr. Cumston seconding.

Mayor Kellogg said that Mr. Schertzer did not ask the Mayor for another drawing. Mayor Kellogg asked Mr. Russell when the boundaries changed and the Ordinance drafted why did the council not have to amend. He said that what was voted out of committee was not the same that council passed. Mr. Russell advised that he inquired of the Clerk and that she had said that no property was moved from one ward to another. Mayor Kellogg said that it was different. He said the map that came out of the committee is different. Mr. Russell advised that there were several different maps and that they were used for illustrative purposes and that the Ordinance itself is the only thing of material which describes the land and there were technical corrections but no properties were changed from the fifth to the first or vice versa. Mayor Kellogg said that Map 3 was the map agreed to and that the color map three comes to Seffner and was not illustrated in the non colored map 3.

Mr. Chapman asked Mr. Schertzer if he has ever drawn a map before. Mr. Schertzer said he had not. Mr. Chapman further said that according to Mr. Lengieza said that in the past this has been a routine process. He said that he understood that the prisons needed to be moved but to say that this is a ripple effect, it is an earthquake to displace 2500 people in the fifth ward.

Mr. Thomas said that when we first started this, with the population of the prisons at four to five thousand we would have to move people. To say that the fifth ward was moved by 2500 each other ward was moved and there were 2000 other people that were moved. All the wards changed. We had to include the prisoners and this did open the boundaries for all the wards. Mr. Thomas said that the select committee with obtaining the disk and making these decisions they did a good job, but that there were several thousand residents moved there was no choice. Mr. Thomas said that there are places of the second ward that are now in the third ward but it had to be done.

Mr. Hatch said that he was a member of the committee and we did want to make sure that none of the wards that were land locked with a minimum adverse affect to any of the wards and his part of the discussions were not political particularly with the development. Mr. Hatch said that the intent was also to balance the number of residents per ward and felt that the committee did an exceptional job.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:45 p.m. on December 27, 2001, Page Three

(YEAR)

Mr. Osborn asked that if it was plan 3 that came out of the committee and it is not what was passed what is the remedy. Mr. Russell said that the issue is not to convince myself or anyone else what the facts are so if arguments are to be made then it needs to be determined by this body and allow each member to decide.

Mrs. Davis said that we are not discussing where people were displaced between five and one but the properties displaced between five and six. Mrs. Davis said that she objected several times and that one issue that was discussed is the fairgrounds were it put the track on one side of the line and the rest of the fairgrounds on the other side. She said we knew that would change because it was discussed in committee. Mrs. Davis said that what she is talking about is that the line changed from Spencer to Hane. Mr. Russell said that this Ordinance were three readings with this Ordinance and questioned if Mrs. Davis did not read the Ordinance until now. Mrs. Davis said that she read the Ordinance and did not realize the differences.

Mrs. Davis said that she did not like the shape of ward 5 and that it should be called exactly what it is and that is gerrymandering. She said that today's map has no one land locked and that 2500 voters are changed. She said that her concern is the people that will be voting in a totally different precinct and felt that it displaced too many voters. Mrs. Davis said that she felt this was the map drawn to give an advantage. She said that she spoke to several attorney's today who have said that they should not be voting on this tonight.

Mr. Schertzer asked if the physical map or the legal description was the controlling factor. Mr. Russell said that the legal description is the controlling document.

Mrs. Davis asked why this was different than what was passed out of committee. Mr. Russell said that the Clerk is the keeper of the records and should be asked the question as to whether or not the matter that went for the first reading was what was passed by the committee. The Clerk advised it was. Mrs. Davis said that it was not and asked to approach the bench to illustrate to the President of Council the maps in her possession. The Clerk advised that the original map was a large map and that what Mrs. Davis had was a reduced copy and not the original.

Mrs. Davis asked Mr. Kochheiser if there was a difference. Mrs. Davis said that she understands that we go by description but we had no description in committee. President Kochheiser advised that he assumed that Mr. Russell drafted this at the direction of the committee. Mr. Russell advised that the legal description was put together from the map recommendation of the committee.

Mr. Chapman said that this is saddening that we had a chance to hit a home run to work together to put partisan politics aside, but instead turned it into a partisan divisive ordinance. Mr. Chapman asked if he could make a motion. President Kochheiser said that there is currently a motion on the floor and there can only be one motion at a time.

Mr. Osborn asked the Clerk to research the minutes from that special committee that passed it on to council and that he distinctly remembers the committee passing plan three and if so this would not be the same as what was passed by council and to look at the minutes to clarify.

Mr. Chapman asked if there was a way to allow members of the audience to speak. President Kochheiser advised that there was but at this time there is a motion on the floor.

Mr. Cumston advised that with plan three there was also a 3a and 3b and when we sent this out to have the legal description done, he was not aware that any residents were moved. When the three plans came forth they were done by Regional Planning without any input from the committee. He said that he asked for a copy of the disk to work with the data and was told that they spent \$3,800 on the disk and that it was proprietary and that is when we made the call to the Secretary of States office to get a copy of the data for free.

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(YEAR)

Mrs. Davis said that she only received the three original maps and the one she proposed. She asked why wasn't that disk and the information from that disk brought to the committee for us all to do. Why was all of the committee or all of the members not informed of the disk until after the first or second reading.

Mr. Hatch called for the question.

~~The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman, Dr. Gilsdorf, Mr. Schertzer. Whereupon, President Kochheiser declared the override of the veto passed.~~

AS AMENDED:

The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman, Dr. Gilsdorf, Mrs. Davis. Whereupon, President Kochheiser declared the override of the veto passed.

Mr. Thomas asked for a point of order that the vote was on the ending of the debate and that the Motion to override was to be voted upon. President Kochheiser declared Mr. Thomas correct and apologized.

Whereupon, President Kochheiser declared the question closed for debate.

~~One the Motion to Override the Veto: The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman, Dr. Gilsdorf, Mr. Schertzer.~~

~~Whereupon, President Kochheiser declared the override of the veto passed.~~

AS AMENDED:

One the Motion to Override the Veto: The roll call vote was: YEAS: Mr. Cumston, Mr. Hatch, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman, Dr. Gilsdorf, Mrs. Davis.

Whereupon, President Kochheiser declared the override of the veto passed.

With no further business, President Kochheiser adjourned the meeting.

Mr. Keith Kochheiser
PRESIDENT OF COUNCIL


Cathy A. Chaffin
CLERK OF COUNCIL